



## **5710.1: STUDENT RECORDS**

## **I. General Statement.**

**A. Academic and Disciplinary Matters.** All student records shall be maintained in a manner which separates academic and disciplinary matters. Disciplinary materials shall be removed and destroyed after a student's continuous absence from the District for a period of three (3) years unless otherwise provided for by applicable law. Nothing in this Rule shall prohibit the District from including appropriate information in the disciplinary record of any student concerning disciplinary action against such student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community, or from disclosing such information to teachers and school officials of the District or to teachers and school officials in other schools who have legitimate educational interests in the behavior of the student.

**B. Access Control.** The District will use reasonable physical and/or technological access control methods to ensure that school officials obtain access to only those student records in which they have legitimate educational interests.

**C. Authentication of Identity.** The District will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other party to whom the District releases student records or files or discloses personally identifiable information from student records or files.

**D. Right of Access.** All District students and their parents, guardians, teachers, counselors, and school administrators shall have access to the files or records maintained by the District concerning such student, including the right to inspect, review, and obtain copies of such files or records. No other persons, unless otherwise authorized by this Rule, applicable law, or written consent, shall have access to such files or records, and the contents of such files or records shall not be divulged in any manner to any unauthorized person. Either parent shall have full rights under this Rule, unless the District has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes such rights.

**E. Forwarding of Records on Student Transfer.** A copy of the student's files or records, including academic material and any disciplinary material relating to any suspension or expulsion, shall be provided at no charge, upon request, to any public or private school to which the student transfers.

**F. Student Attaining Age Eighteen or Postsecondary Enrollment.** Once a student has attained eighteen (18) years of age or is attending an institution of postsecondary education, the permission and/or consent required of and the rights accorded to the student's parents or guardian shall be accorded to the student. If the student is disabled, the type and severity of the disability shall be taken into consideration before these rights are granted to the student.

## **II. Access to Student Records.**

**A. Procedure.** To obtain access to a student's records, the following procedure shall apply to persons with a right of access to District files, other than District personnel:

- 1. A written request for access shall be submitted to the building principal or designee.**
- 2. The requested records shall be made available within forty-five (45) days of receipt of the request unless the request is denied.**
- 3. Within five (5) school days of receipt of the request, the principal or designee shall notify the person making the request of the time and place for compliance with the request.**
- 4. Access shall be provided during the regular business hours of the school day.**
- 5. The principal or designee shall respond to reasonable requests for explanations and interpretations of the records.**
- 6. If circumstances effectively prevent the parent or eligible student from reviewing the student's records, then copies of the requested records shall be provided, or the principal or designee shall make other arrangements for the parent or eligible student to review the requested records.**
- 7. A record of access shall be maintained and kept with the student's records and made available only to the student's parents and the eligible student, to the school official, and the school official's assistants who are responsible for the custody of such records, or other persons authorized by applicable law. Such record shall identify the party requesting or obtaining access to the student's records, and the legitimate or lawful interest that each person, agency, or organization has in obtaining this information. Access by District personnel who have a legitimate educational interest in the record need not be recorded.**

**B. Information on More than One Student.** If any material or document in the student record includes information on more than one student, the parents of each student shall have the right to inspect and review only the part of the record that relates to their child or to be informed of the specific information contained in that part of the record.

## **III. Written Consent for Release of Information.**

Consent for inspection by or for the releasing of records to persons or institutions not specifically authorized by law or this Rule must be in writing, signed and dated by the person giving consent, reasonably identify the records to be released, state the reason for the release, and provide the names of parties to whom the records are to be released. If requested, a copy of the records shall be released to the student's parents and the student. Personal information released pursuant to a written consent shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student. A signed and dated written consent may include a record and signature in electronic format that identifies a particular person as the source of the electronic consent, and indicates such person's approval of the information contained in the electronic consent.

#### **IV. Release of Student Records Not Requiring a Consent.**

**A. Student records or files maintained by the District may be released without written consent to the following:**

**1. Other school officials, including District teachers, who have been determined by the District to have legitimate or lawful educational interests, including the educational interests of the student for whom consent would otherwise be required.**

**2. Officials of other public or private schools, school systems, or institutions of postsecondary education, to which the student seeks or intends to enroll, or where the student is already enrolled, upon condition that the records are for purposes related to the student's enrollment or transfer, and the student's parents are notified of the transfer, receive a copy of the records if desired, and have an opportunity for a hearing to challenge the content of the records. Nothing in this Rule shall prohibit the District from disclosing to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student, appropriate information in the student's education records concerning disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.**

**3. Authorized representatives of:**

**a. The Comptroller General of the United States;**

**b. The Attorney General of the United States;**

**c. Secretary of Education; or**

**d. Authorized state or local educational authorities.**

**4. Officials in connection with a student's application for, or receipt of, financial aid.**

**5. State and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:**

**a. Before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released; or**

**b. After November 19, 1974, if:**

**i. The allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve, prior to adjudication, the student whose records are released, and**

**ii. The officials and authorities to whom such information is disclosed certify in writing to the District that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the student.**

**6. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if there is a written agreement with the organization in accordance with applicable law, and such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations that have legitimate interests in the information and such information will be destroyed when no longer needed for the purpose for which the study was conducted, unless an organization is barred from access to personally identifiable information by determination of the Office of the Secretary of Education.**

**7. Other Nebraska school districts, educational service units, learning community, and/or the Nebraska Department of Education in accordance with Title 92, Nebraska Administrative Code, Chapter 6.**

- 8. Accrediting organizations in order to carry out their accrediting functions.**
- 9. Parents of a dependent student, as defined in 26 U.S.C. § 152.**
- 10. Appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. In making such a determination the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other persons.**
- 11. Teachers and school officials in other schools who the District has determined have legitimate educational interests in the behavior of the student, may be provided with information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of the student, other students, or other members of the school community.**
- 12. Entities or persons designated in a Federal grand jury subpoena, in which case the court, or other issuing agency, shall order, for good cause shown, the District (and any officer, director, employee, agent, or attorney for the District) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished to the grand jury in response to the subpoena.**
- 13. Entities or persons designated in any subpoena issued for a law enforcement purpose, in which case the court or other issuing authority may order, for good cause shown, the District (and any officer, director, employee, agent or attorney for the District) on which the subpoena is served, not to disclose to any person the existence or contents of the subpoena or any information furnished in response to the subpoena.**
- 14. Entities or persons designated in any judicial order, or pursuant to any lawfully issued subpoena, upon condition that the parents are notified of all such orders in advance of the compliance by the District, except such notice is not required when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters and the judicial order or subpoena is issued in such proceeding.**
- 15. The United States Attorney General or designee not lower than an Assistant Attorney General pursuant to an ex parte court order concerning investigations or prosecutions of offenses under 18 U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism under 18 U.S.C. § 2331.**
- 16. The Secretary of Agriculture or authorized representatives from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measures, in accordance with applicable law.**
- 17. An agency caseworker or other representative of a state or local child welfare agency who has the right to access a student's case plan, as defined and determined by the state, when such agency is legally**

responsible in accordance with state law for the care and protection of the student.

**18. A court in any legal action by the District against a parent or student, or by a parent or student against the District, when relevant for the District to either proceed with the legal action as plaintiff or to defend itself.**

**B. Military recruiters and institutions of higher education shall be provided on request, with access to secondary school students' names, addresses, and telephone numbers as required by 10 U.S.C. §503 (c) and 20 U.S.C. §7908. A secondary school student's name, address, and telephone number shall not be released to such military recruiters or institutions of higher education, if the student or the parent of the student informs the District in accordance with the District's student handbook, not to release such information without their prior written consent.**

**C. The District may release student records and information without written consent after the removal of all personally identifiable information, and when determined that a student's identity is not personally identifiable whether through single or multiple releases and taking into account other reasonably available information.**

**D. Student records or files released without written consent shall not be disclosed to any other party without the prior consent of the parent or eligible student, unless otherwise allowed by applicable law, and may only be used for the purposes for which the release was made.**

## **V. Directory Information**

**A. The District may publish in only the manners hereinafter provided, or may make available to the public in response to a request therefor, the categories of personally identifiable information which the District has specifically designated as directory information pursuant to 20 U.S.C. §§ 1232g(a) (5)(A) and (B), without the prior written consent of parents. Such directory information is not generally considered harmful or an invasion of privacy if disclosed, but such directory information for a student shall not be published and shall not be made available to the public in response to a request therefor, if the student's parents inform the District in accordance with the District's student handbook, not to publish or not to make available to the public in response to a request therefor, such directory information without the parent's prior consent.**

**B. The directory information which, pursuant to 20 U.S.C. §§ 1232g(a)(5)(A) and (B) the District designates for the purpose of making available to the public in response to a request therefor, only includes students' names, which shall only be provided in total, and which shall not be categorized via building level, school building, grade, or in any other manner.**

**C. The directory information which, pursuant to 20 U.S.C. §§ 1232g(a)(5)(A) and (B) the District designates for the purpose of publishing in only the manners hereinafter provided, includes the parent's and student's**

**name, address, e-mail address, telephone number, date and place of birth, major field of study, current grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance but not including specific daily records of attendance, schools attended, degrees, honors and awards received, graduation, the most recent previous educational agency or institution attended by the student, photographs, and other similar information.**

**D. The directory information designated in the immediately preceding paragraph may be published by the District in only the following manners:**

**1. In accordance with the immediately preceding Section IV of this Rule.**

**2. In District publications and materials, which are associated with District and/or student activities and events, including, but not limited to, yearbooks, annuals, newsletters, newspapers, activity and event programs, community communications, parent communications, student communications, and notices.**

**3. In District press or media releases.**

**4. In accordance with District Rule 7305.1 (IV) (D) regarding web publishing and directory information.**

**5. To District agents or contractors, or to District-affiliated organizations the purpose of which is to enrich or supplement the educational, instructional, curriculum, or administration programs of the District.**

**6. To government agencies and other educational institutions.**

## **VI. Photocopies.**

**The District may charge a fee for copies of student records except that the imposition of a fee shall not prevent parents of students from exercising their right to inspect and review the student records or files and no fee shall be charged to such for retrieving any student's files or records. The charge, if any, shall be fifty (50) cents per page provided, however, that any charges for transcripts for students seeking or intending to enroll in a postsecondary facility or making application for financial aid shall be determined by the building principal. A copy of the student's records shall be provided at no charge, upon request, to any public or private school to which the student transfers or where the student is already enrolled, in accordance with the requirements of Section IV(A)(2) of this Rule.**

## **VII. Right to Challenge Content of Student Records.**



Parents or eligible students may request a hearing to challenge the content of the student's records in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein and to insert into such records a written explanation by the parents or eligible student regarding the contents of such records. The following procedure shall be followed.

A. The proposed correction or deletion shall first be presented in writing, to the principal or designee. The principal or designee shall meet with all parties concerned within five (5) school days of the receipt of the request. Within three (3) school days of the meeting, the parties involved shall be notified in writing of the principal's decision, and of the right to a hearing if they disagree.

B. If the parties involved are dissatisfied with the decision rendered by the principal, they can, within ten (10) school days of receipt of the written decision of the principal, present the challenge to the Superintendent or designee. The Superintendent or designee shall hold a hearing with all parties concerned within five (5) school days of the receipt of the request. The parents or eligible student shall be notified two (2) days prior to the hearing of the date, time, and place of the hearing. The hearing will be conducted by any individual who does not have a direct interest in the outcome of the hearing. All persons attending the hearing will keep confidential the information contained in the student records. The hearing shall afford a full and fair opportunity to present information relevant to the issues raised. The parent or eligible student may, at their own expense, be assisted or represented by one (1) or more individuals of their own choice, including an attorney.

C. Within three (3) school days following the hearing, the Superintendent or designee shall render a decision and send notice thereof in writing to the parties involved which will comply with the following:

1. The decision shall be made in writing within a reasonable time after the hearing, shall be based solely on the information presented at the hearing, and will include a summary of the information and the reasons for the decision.

2. If it is determined that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the record will be amended accordingly and the parents or eligible student shall be provided with a copy of the written amendment.

3. If it is determined that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the parents or eligible student shall be informed of their right to place a statement in the record commenting on the contested information and/or stating why there is disagreement with the Superintendent's decision. The statement will be maintained with the contested part of the record for as long as the record is maintained. The statement will be disclosed whenever the portion of the record to which it relates is disclosed.

## **VIII. Annual Notification.**

Parents or eligible students shall be annually notified of their rights under this Rule via the District's student handbooks.

## **IX. Contacting Law Enforcement.**

Nothing in this Rule prohibits the District from contacting its school resource officers or other law enforcement agencies, orally or in writing, for the purpose of requesting such to investigate a possible student violation of, or to enforce any local, state, or federal law.

## **X. Definitions.**

A. "Legitimate educational interests" shall mean either a direct involvement whether for reasons of testing, analyzing, teaching, disciplining, evaluating or similar involvement in the education of the student or that a school official has to review an educational record in order to fulfill his or her duties.

B. "Parent" shall mean the natural parent, adoptive parent, guardian, or an individual acting as a parent in the absence of a parent or guardian.

C. "Record" shall mean any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche, which directly relates to a student and which is maintained by the District or a party acting for the District. This definition does not include any records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record, or any other record excluded by applicable law.

D. "School officials" shall include the student's teachers, counselors, school psychologists, principal, Superintendent, and any persons to whom the above are responsible to or to whom the above may delegate their duties. "School officials" shall also include District officers, employees, contractors, consultants, agents, volunteers, and other parties to whom the District has outsourced institutional services or functions, provided that the outside party performs an institutional service or function for which the District would otherwise use employees, is under the direct control of the District with respect to the use and maintenance of student records, and is subject to the redisclosure requirements of applicable law.

**Date of Adoption**

July 19, 1988

**Date of Revision**

**April 21, 1997**

**November 6, 2000**

**July 16, 2001**

**May 3, 2004**

**August, 16, 2010**

**September 2, 2014**

**October 5, 2015**

**January 18, 2021**

## **Related Policies and Rules**

**[5710: Access to Student Records](#)**

## **Legal Reference**

**10 U.S.C. § 503(c)**

**20 U.S.C. § 1232g**

**20 U.S.C. § 7908**

**34 C.F.R. § 99.1 et seq.**

**Neb. Rev. Stat. § 79-2,104**

**Neb. Rev. Stat. § 79-2,105**

**Neb. Rev. Stat. § 79-539**

**Title 92, Nebraska Administrative Code, Chapter 6**