

LEGISLATIVE BILL 575

Approved by the Governor March 21, 2019

Introduced by Brewer, 43; Gragert, 40; Erdman, 47.

A BILL FOR AN ACT relating to school districts; to require policies relating to the provision of routine directory information and access to students by military recruiters as prescribed.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) The school board of each school district shall adopt a policy to provide, except as provided in subdivision (2)(a) of this section, access to routine directory information for each student in a high school grade upon a request made by a military recruiter.

(2)(a) Except as provided in subsection (5) of this section, a parent or guardian of a student in a high school grade may submit a written request to the school district that routine directory information for such student shall not be released for purposes of subsection (1) of this section without prior written consent of the parent or guardian. Upon receiving such request, a school district shall not release the routine directory information of such student for such purposes without the prior written consent of the parent or guardian.

(b) Within thirty days prior to or following the commencement of each school year and, for a new student who enrolls after the commencement of a school year, within thirty days following such enrollment, each school district shall notify the parents and guardians of each student in a high school grade enrolled in the school district of the option, except as provided in subsection (5) of this section, to make a request pursuant to subdivision (2)(a) of this section.

(3) The school board of each school district shall adopt a policy to provide military recruiters the same access to a student in a high school grade as is provided to postsecondary educational institutions or to prospective employers of such students.

(4) Nothing in this section shall be construed to allow a school board to adopt a policy to withhold access to routine directory information from a military recruiter by implementing any process that differs from the written consent request process under subdivision (2)(a) of this section.

(5) For purposes of this section, when a student reaches eighteen years of age, the permission or consent required of and the rights accorded to the parents or guardians of such student under this section shall only be required of and accorded to such student. Within thirty days prior to or following the commencement of each school year and, for a new student who enrolls after the commencement of a school year, within thirty days following such enrollment, each school district shall notify each student who is at least eighteen years of age or who will reach eighteen years of age during such school year of the option to make a request pursuant to subdivision (2)(a) of this section and that any such request made previously by a parent or guardian for such student expires upon the student reaching eighteen years of age.

(6) For purposes of this section, routine directory information means a student's name, address, and telephone number.

(7) Except as otherwise provided by federal law, nothing in this section shall be construed to limit the applicability of the federal Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. 1232g, as such act existed on January 1, 2019.