



NEBRASKA DEPARTMENT OF EDUCATION

TO: Scott Swisher, Ed.D.
Deputy Commissioner of Education

FROM: Margaret Worth

SUBJECT: POLICY REVIEW INFORMATION ITEM

Proposed Board Action:

STATE BOARD POLICY, G22, "Data Access and Use."

Background Information:

Pursuant to the four-year review schedule implemented by the State Board Policy Committee, State Board Policy G22 is submitted for review.
Pursuant to Bylaws B8 and B5, this policy may be revised, rescinded or referred to the State Board Policy Committee for review. If the Committee, the Board President or any Board member believes that action is necessary in connection with this Policy, an appropriate motion may be placed on the Agenda for a future Board meeting.
G22 expires 11/03/2014.

Estimated Cost:

N/A

Supporting Documentation Included:

State Board Policy Statement G22, "Data Access and Use."

For Additional Information on this item:

Contact Margaret Worth, (402) 471-0312 or margaret.worth@nebraska.gov

State Board Policy on Data Access and Use

Pursuant to the Nebraska public records laws, the Nebraska Department of Education (NDE) will provide access to or copies of NDE records upon written request, unless the records are specifically required to be kept confidential or the records are permitted to be kept confidential and the NDE chooses to withhold them. [Neb. Rev. Stat. 84-712 through 84-712.09]

Pursuant to the federal Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, the NDE will provide access to education records it maintains relating to an individual student to the student's parents or to the student if he or she qualifies as an "eligible student" under the Act. Access to such records will not be provided to others without the consent of the student's parents or of the eligible student.

The NDE may disclose information from students' education records if the information is not personally identifiable; for example, if the information is in aggregate form and appropriately masked. The NDE may disclose personally identifiable information from student records as permitted by FERPA subject to all other applicable privacy laws. [20 U.S.C. 1232g and 34 C.F.R. 99.]

Pursuant to Neb. Rev. Stat. 79-776 and the Memorandum of Understanding approved by the State Board on July 8, 2010, between the Nebraska Department of Education, the University of Nebraska, the Nebraska State Colleges, and the Nebraska Community Colleges; the NDE will share individual student data with these entities for the purposes of evaluation of and research related to public prekindergarten, elementary, secondary and postsecondary education to improve education in Nebraska to the extent and in the manner permitted by FERPA, subject to all other applicable privacy laws.

When publicly disclosing aggregate data, the NDE will protect the confidentiality of all individuals' information by, at a minimum, masking data cells containing fewer than 10 individuals or 100% of individuals.

Individuals' social security numbers will be collected and maintained only as permitted by Section 7 of the federal Privacy Act. [5 U.S.C. 552a (note)]

Information on students with disabilities will be maintained and protected as required by the Individuals with Disabilities Education Act and implementing regulations. [20 U.S.C. 1412(a) (8) and 1417(c), and 34 C.F.R. 300.123 and 34 C.F.R. 300.610 to 300.627]

Information on eligibility for free and reduced price meals or free milk (poverty information) will be maintained and protected as required by the federal National School Lunch Act and implementing regulations. [42 U.S.C. 1758 and 7 C.F.R. 245.8]

Board Action History

- New Policy

Cross-References

- Neb. Rev. Stat. 84-712 through 84-712.09
- 20 U.S.C. 1232g
- 34 C.F.R. 99
- Neb. Rev. Stat. 79-776
- 5 U.S.C. 552a
- 20 U.S.C. 1412(a) (8) and 1417(c)
- 34 C.F.R. 300.123
- 34 C.F.R. 300.610 to 300.627
- 42 U.S.C. 1758
- 7 C.F.R. 245.8