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# EDUCATION REPORTER

THE NEVADAN PUBLICATION RIGHTS

## Parent and Pupil Rights Law Signed in Nevada

CARSON CITY, NV—State Senator Ann O'Connell announced victory for parents rights when Governor Bob Miller signed S.B. 168 into law on July 10, 1997. "It was a long and difficult battle for parents rights," Senator O'Connell said. "This struggle began nationally with the Protection of Pupil Rights Amendment, which was passed by Congress in 1978. Our Nevada Parents Rights Bill, S.B. 341, which passed the Legislature last session, was vetoed by Governor Miller."

The Nevada State Senate voted unanimously to pass S.B. 168, with the State Assembly voting for passage by 32 to 9. The Senate had failed by just two votes to override Governor Miller's veto of S.B. 341 in the previous session.

The key to passage in this legislative session was the fact that S.B. 168 mirrors federal legislation, including the Family Education Rights and Privacy Act (FERPA) and the Grassley Amendment (a 1994 update of the 1978 Protection of Pupil Rights Amendment). In response to teachers' and counselors' objections to S.B. 168, State Senator Ray Rawson, who chaired the Senate hearings, stated, "... this is existing federal law, not a new statute. ... A lot of people are objecting to something they evidently do not understand and were expected to comply with to this point in their teaching and in their counseling."

Senator Rawson emphatically stated that federal law is not limited to federal programs, explaining that the application of the law includes any district which accepts federal money for federal programs. "If the state of Nevada accepts one dollar of federal money for education, then the state of Nevada is obligated to abide by that law." In response to the question of why it is important for Nevada to put existing federal mandates into state law, Senator Maurice Washington, co-sponsor of S.B. 168, noted, "If it is not in Nevada's statutes, then any breaches of this policy must be litigated on the federal level. The enforcing agency is the FBI or the federal marshals."

FERPA provides parents with access to their children's school records and limits who may have access to those records without parental consent. Jeanne Simons, a longtime parents' rights activist, who filed a federal complaint under FERPA, said, "The impact of putting the Grassley Amendment and FERPA into state law takes on added significance for parents' rights when one is aware that LeRoy Rooker, Director of the Family Policy and Compliance Office for the U.S. Department of Education, stated on April 16, 1996, that no state has ever been disciplined under FERPA by having federal monies removed from a school district."

"It's been a tough road to victory," said Janine Hansen, State President of Nevada Eagle Forum. "Persistence is the key to winning. Nevada started on the road to protecting parents' rights in 1988 when Lyon County adopted a pupil rights protection policy by a five-to-one vote after much debate. Several other attempts to pass parents rights

legislation were made, including the passage of S.B. 341, which Governor Miller vetoed. Because we stuck to the language in FERPA and Grassley, the Nevada State Education Association and the Greater Nevada School Counselors Association found themselves isolated in opposing S.B. 168. For the first time, the Nevada State PTA and the Nevada Association of School Boards testified in favor of Parent and Pupil Rights. Using the federal language marginalized or eliminated most of the opposition."

Kris Jensen, chairman of Nevada Concerned Citizens, was one of many parents whose rights have been violated by the schools. She attended a workshop on FERPA for teachers and counselors, conducted by LeRoy Hooker of the U.S. Department of Education, and later testified at the S.B. 168 hearings about remarks by teachers and counselors at the workshop such as, "We destroy those records all the time."

Similar complaints were repeated in testimony in both Senate and Assembly hearings. Jeanne Simons' son's counselor records were destroyed by school officials after she complied with a school district requirement that she obtain permission from her son for access to the records.

Mrs. Simons shared examples of other recent violations of parents' rights to gain access to student records, such as the parent in Nye County who was told she could not have copies of her daughter's records because "all student records are copyrighted." In Washoe County, a parent was told by a teacher who clutched the student's special education folder to her chest as the principal stood next to her, "you can't have these, they're confidential."

One parent gave copies of a survey used in a Washoe County High School for ten years to members of the legislative committees. The questions included, "Who lives in my house with me? Who provides my emotional support? My financial support? Medical concerns? I receive services from what agencies?" (Choices were given.)

Many of these questions violate the Grassley Amendment, Protection of Pupil Rights, 20 U.S. Code § 1232h, which states, "No student shall be required . . . to submit to a survey, analysis, or evaluation, that reveals information concerning: political affiliations; mental and psychological problems potentially embarrassing to the student or his family; sex behavior and attitudes; illegal, anti-social, self-incriminating and demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or income . . . without the prior consent of the . . . parent." Grassley also provides the right for parents to review all curricula.

S.B. 168 went into effect immediately upon passage. Legislators and parents will be monitoring the results to assure that parents and students rights are no longer routinely violated.

"While everyone recognizes that parental involvement in a child's education is key to the student's success," says Senator O'Connell, "there is no way you can involve parents when school officials prohibit them from having access to their own child's records. This bill will encourage parents to get involved with their children. It will require prior

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approval before intrusive personal questions can be asked on questionnaires." Senator O'Connell concluded, "Parents and children deserve to have their privacy protected."

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