School Board Executive Summary

Topic: Board Policy for Review: #5220

Date: November 16, 2026

Presented by: Nick Lesiak, In-House Legal Counsel

Recommended Action:

- ☐ Information Only
- ☐ Presentation/Discussion
- ☐ Discussion/Action by Board of Education
- ☑ Presentation/Action Next Meeting

Recommendation: None at this time. Presenting revisions to one existing policy for board discussion and consideration. Policy will be presented again for approval on December 7, 2026.

Background: The Board of Education and the District adhere to a regular policy review process to ensure: timely and appropriate updates to existing policies; the implementation of new policies as warranted; the elimination of outdated / conflicting policies; and grammatical / language revisions as needed. Revisions to both policies reflect minor revisions to standardized terms.

#5220 - Education Records *(Students)* - revisions to terms and clarifying language

Attachment(s): Policy #5220

STUDENTS **5220**

EDUCATION RECORDS

The Board ~~of Education~~ delegates to the Superintendent or designee the responsibility for the maintenance of education records for each student enrolled in the ~~Westside Community Schools~~District. Education records shall be maintained for each student in the ~~Westside Community Schools~~District.

In general "education records" shall not include transitory communications such as email, text messages, handwritten communication between school and home, and the like, and these items will not generally be maintained by the District. "Education records" also shall not include any records created and maintained by the District's law enforcement unit for a law enforcement purpose. For purposes of the District's compliance with state and federal law, and subject to the limitations in this paragraph, the District "maintains" education records which are printed and kept in the student's physical file or which District staff have intentionally saved within the official District digital student information system that specifically identifies the student for whom those records are maintained. The District may also use learning management systems, which deliver and manage instructional content. The District maintains education records within its student information system but not in its learning management system.

Confidentiality of personally identifiable information in education records shall be maintained in accordance with the Family Educational Rights and Privacy Act ("FERPA"), state law, and ~~d~~District policies and regulations.

Right to Inspect and Review and to Consent to Release
Parents, legal guardians, and individuals acting as a parent or guardian in the absence of the student's parent/guardian of students under the age of eighteen have the right to access their child's education records and to authorize the disclosure of personally identifiable information contained in education records to any third party. Students who have turned 18 years of age, or who are attending a post-secondary institution and are no longer ~~a~~ students in the District, are "eligible students" and have the right to authorize disclosure of that information to any third party. If a student currently enrolled in the District has reached 18 years of age but is still claimed as a "dependent" under the Internal Revenue Code, 26 U.S.C. 152, by the parents, the parents or guardian continue to have the right to inspect and review their student's records, but they no longer have the authority to authorize release of such records.

When Consent is Not Needed For the District to Disclose Information.
A student's education records may be disclosed by the District without consent of a parent/eligible student whenever permitted or required by law, such as, but not limited to:

1. **School Officials.** To "School Officials" when there is a legitimate educational interest. A School Official is:
   a) Any administrator, certified staff member, or support staff member (including health, medical, safety and security staff) employed by the District;
   b) A ~~school~~ member of the ~~b~~Board ~~member~~;

c) An agent, contractor, consultant, volunteer, or other party to whom the District has outsourced services or functions, such as, but not limited to, an attorney, auditor, cloud storage provider, consultant, expert witness, hearing officer, investigator, insurer/insurance company adjuster, investigator, or any other claims representative, medical providers or consultants, or counselors/therapists, provided that the person is performing a 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 education records, and is subject to FERPA requirements governing the use and re-disclosure of personally identifiable information from education records.

d) A third-party website operator who has contracted with the District or its agent to offer online programs for the benefit of students and/or the District.

e) A person serving on a committee appointed by the Board or by the administration, such as a disciplinary or grievance committee or other review committee, or other volunteer assisting another school official in performing his or her tasks.

A School Official has a "legitimate educational interest" when the official needs to such information in order to fulfill his or her professional, contractual, statutory, regulatory, or other responsibilities for the District.

Reasonable methods shall be in place to ensure that School Officials obtain access to only those education records in which they have legitimate educational interests. Employees who access, or allow others to access, education records that they do not have a legitimate interest in accessing, shall be subject to disciplinary action.

2. **Other Schools.** To officials of other public or private schools or post-secondary institutions in which a student seeks/intends to enroll, or is already enrolled, upon request of that school. Educational records provided to any private or public elementary school or secondary school shall include disciplinary records involving any suspension or expulsion and may include discipline records 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.

Copies shall be provided at no charge. The parent/eligible student shall upon request be provided a copy of the records disclosed and shall also have the right to a hearing to contest the content by following the procedures contained in the "Amendment of Education Records" contained in the regulation to this Policy.

3. **Subpoenas and Court Orders.** In compliance with a judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the District. However, when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the District is not required. In addition, notice will not be given to parent in situations where the District is directed by the issuing authority not to disclose the existence or contents of the subpoena.

4. **Foster Care.** To an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan when such agency or organization is legally responsible for the care and protection of the student.

5. **Litigation Between District and Student/Parent.** To the court in any legal action by a parent or student against the District, or by the District against a parent or student, when necessary to either defend itself or proceed with a legal action as plaintiff.

6. **Health or Safety Emergency.** To appropriate parties when knowledge of the information is necessary in the judgment of the District to protect the health or safety of the student or any other person.

7. **Studies.** To organizations conducting studies for, or on behalf, of, the District for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if there is a written agreement and such studies are conducted in such a manner that each meet the requirements of applicable law.

8. **Audit or Evaluation.** To certain federal and state officials when needed in order to audit or enforce legal conditions related to federally or state-supported education program or to enforce or to comply with the federal legal requirements that relate to those programs.

9. **Accrediting Organizations.** To accrediting organizations in order to carry out their accrediting function.

10. **Parents and Students.** To any "parent", as defined by FERPA of a student who has not reached age 18, or to the student. For students who have turned 18, disclosure may be made to a parent without the consent of the student if the student remains a "dependent" of the parent as defined under the Internal Revenue Code.

11. **When Allowed or Required by State Law.** To state and local officials or authorities to whom such information is specifically allowed or required to be reported pursuant to state law and concerns the juvenile justice system and its ability to effectively serve the student whose records are released and, where required, written certification is provided by the officials or authorities that the information will not be disclosed to any other party except as provided under state law.

12. **Audit or Evaluation of Educational Program.** To permitted state and federal officials to audit or evaluate educational programs or for enforcement of or compliance with federal legal requirements which relate to those educational programs.

13. **When the Disclosure by the District is "Directory Information** "Directory Information" is information from a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed by the District.

The following is the information designated by Westside Community Schools to be Directory Information and therefore may be disclosed by the District (unless a parent has opted-out). For any item where disclosure is limited to specific parties or for specific purposes, the information

is Directory Information only if disclosure is requested by such parties and for such purposes. Parents may opt-out of disclosure of Directory Information by the District as discussed in the next section.

a) Student name;
b) Mailing address of first-listed parent and designated "Home" telephone number in PowerSchool to military recruiters (11th and 12th grade only);
c) Mailing and email address[es] of parents to the Westside Foundation for mailing purposes only (not for publication);
d) A student's District-issued email address to the Westside Foundation (strictly for registrations and communications related to scholarships; not for publication);
e) Photograph and video/film of a student for inclusion in any school-sponsored publication or production, on the District's social media sites and websites, or in response to a request by news media for copy of a yearbook photo;
f) Photograph and video/film of a student permitted by the District to be taken by news media on school grounds;
g) Date student enrolled/dis-enrolled in District, enrollment status, and grade level;
h) Participation in officially recognized activities and sports;
i) Weight and height of members of athletic teams;
j) Degrees, honors, and awards received;
k) The most recent school/school district attended prior to ~~Westside Community Schools~~enrolling in the District.

Notwithstanding inclusion as "directory information" above, the District does not designate as "Directory Information", and the District will not disclose, any item listed above when:

- The District determines, in its sole discretion, that disclosure of such information could pose a risk to student safety or well-being or has the potential to be considered harmful or an invasion of privacy by the parent or student if disclosure was allowed;
- The request for information is for marketing, sales, or other commercial purposes;
- The request is by or on behalf of a political candidate or elected office holder, a political party, or any person or organization involved with a political issue or issue related to the qualification, passage, or defeat of a ballot question; or
- Release of such information would have the effect of disclosing non-directory information.

Examples of Ways That Directory Information May Be Disclosed

If an item is "Directory Information" (and a parent has not otherwise opted-out) it may be disclosed by the District in ways such as, but not limited to:

- District publications, such as newsletters, calendars, newspapers, event programs, communications, announcements, and news releases
- The Westside Foundation, as described above
- District's websites, digital publications and social media (Facebook, Twitter, etc.)
- Print, television and broadcast media

- Honor roll and other school achievements, awards and recognitions
- Programs/playbills showing a student's role in a school activity or production
- Yearbooks and class photos
- Graduation programs/school programs
- Sports activity sheets and publications, including weight and height of team members
- Information to military recruiters and institutions of higher education for 11th and 12th grade students to the extent required by law

Right to Prevent of Disclosure of Directory Information (Opt-Out)
Parents and eligible students have the right to opt-out of disclosure of Directory Information, subject to the requirements and limitations of FERPA, state law, and the procedures contained in any regulation(s) to this policy.

Opt-Out forms are effective for the school year in which they are submitted. Directory Information will not be disclosed prior to the return date indicated on the Opt-Out form.

Opting-out of disclosure cannot be used to impede routine classroom communications and interactions. For instance, opting-out does not prevent the District from disclosing or requiring a student to disclose the student's name, school e-mail address, or electronic identifier on school grounds, in class, or at a school-sponsored activity, and does not prevent the District from requiring a student to maintain and present upon request a student ID card.

Opting-out of disclosure/use by the District of photography or video in ~~school~~District-sponsored publications, social media, etc. cannot be used to impede the District in provision of educational services, and does not prevent the ~~school~~ District from photographing and/or videoing a student for educational purposes when conducted by school officials in the course and scope of their employment and where viewing is limited to other school officials.

Opting out does not preclude photography or video of a student by the District or by parents, members of the public or the media when the student has voluntarily chosen or has been allowed by his or her parents to participate in or be a spectator at a ~~school~~District-sponsored activity that is open to the public (e.g. an athletic event, concert, play, talent show, etc.) or has accepted a school honor (e.g. being a member of prom or homecoming court) or is participating in a public recognition event, such as graduation.

Former Students

The District may disclose Directory Information about students no longer enrolled in ~~Westside Community Schools~~the District without providing notice as otherwise required and without providing an additional opt-out opportunity. However, if an opt-out request was in place as of the last day of the student's enrollment, the opt-out request will continue in effect and the Directory Information will not be disclosed.

Copies of Education Records
Parents have the right to inspect and review their child's education records. Inspection and review means in-person review, or, if circumstances prevent an in-person review, photocopies

may be provided. The District may charge a fee for copies of education records, unless that fee prevents the parent or eligible student from exercising their right to inspect and review the education records. The superintendent or designee may establish a schedule of fees representing a reasonable cost for reproduction. No fee shall be charged to search for or retrieve any student's records.

Amendment of Education Records
Parents may request a change to their child's education records subject to the requirements and limitations of FERPA, state law, and the procedures contained in any regulation(s) to this policy.

Verification of Identity and Right to Access Records
Reasonable methods and safeguards shall be used to identify and authenticate the identity of parents, eligible students, school officials, and any other persons who request access to educational record information.

Record of Requests for Access
The District shall maintain accurate records of requests for disclosure of information from or access to a student's records as required by law.

Annual Notification of FERPA Rights
Parents and eligible students shall be notified annually as required by law of their rights under FERPA.

Education Record Information of Deceased Students
Directory Information may be disclosed by the District regarded a student who is deceased, unless an opt-out request was in place as of the last day of the student's enrollment, in which case the opt-out request will continue in effect. The District will disclose education record information other than Directory Information of a deceased student only if consent is given in writing by the personal representative or other legally authorized representative of the deceased student's estate, or if some other exception in FERPA permits or requires disclosure. If a personal representative or other legally authorized representative has not yet been appointed or is no longer functioning in that capacity, consent must be given by the student's parent, or, if married at the time of death, by the deceased student's widow/widower or by a child of the student provided the child is age 18 or older.

Legal References: Neb. Rev. Stat. 79-2,104, 79-2,105, 79-539, 84-712.05
20 U.S.C. 1232g (FERPA)

POLICY ADOPTED: April 3, 1973

POLICY REVIEWED AND ADOPTED: June 1, 1987
POLICY AMENDED: June 19, 1995
POLICY AMENDED: April 14, 2003
POLICY AMENDED: August 14, 2006
POLICY AMENDED: February 2, 2015
POLICY AMENDED: June 12, 2017
POLICY AMENDED: December __, 2026