

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

619B0787

## HOUSE BILL NO. 1310

Introduced by: Representatives Windhorst, Brooks, Collier, Davis, de Hueck, Hassard,  
Kooistra, and Monroe and Senators Rounds, Benson, and Stagers

1 FOR AN ACT ENTITLED, An Act to provide for compliance with certain federal law  
2 governing access and confidentiality of education records and elicitation of information  
3 concerning pupils, and to require written notice of rights to parents and guardians.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. If a parent or legal guardian of a public school pupil requests the education  
6 records of that pupil, the public school shall comply with the provisions of 20 U.S.C. § 1232g(a),  
7 as amended to January 1, 1998, and 34 C.F.R. Part 99.

8 Section 2. If a parent or legal guardian of a public school pupil reviews the education records  
9 of the pupil and requests an amendment or other change to the education records, the public  
10 school shall comply with the provisions of 20 U.S.C. § 1232g(a), as amended to January 1, 1998,  
11 and 34 C.F.R. Part 99.

12 Section 3. No public school may release the education records of a pupil to any person,  
13 agency, or organization without the written consent of the parent or legal guardian of the pupil  
14 except as specifically provided in 20 U.S.C. § 1232g(b), as amended to January 1, 1998.

15 Section 4. If a public school administers a program which includes a survey, analysis, or

1 evaluation that is designed to elicit the information described in 20 U.S.C. § 1232h, as amended  
2 to January 1, 1998, the school shall comply with the provisions of that section.

3 Section 5. Any rights accorded to a parent or legal guardian of a public school pupil pursuant  
4 to the provisions of this Act devolve upon the pupil on the date on which the pupil attains the  
5 age of eighteen years.

6 Section 6. Each public school shall annually provide to each pupil who is at least eighteen  
7 years of age and to a parent or legal guardian of each pupil who is not at least eighteen years of  
8 age, written notice of the pupil's rights pursuant to this Act.

9 Section 7. The provisions of this Act:

- 10 (1) Are intended to ensure that each school in this state complies with the provisions of  
11 20 U.S.C. §§ 1232g and 1232h, as amended to January 1, 1998;
- 12 (2) Shall be construed in a manner that is consistent with 20 U.S.C. §§ 1232g and 1232h,  
13 as amended to January 1, 1998, and the regulations adopted pursuant thereto;
- 14 (3) Apply to each public school in this state regardless of whether the school receives  
15 money from the federal government; and
- 16 (4) Do not impair any right, obligation, or prohibition established to state law to protect  
17 any child against abuse or neglect.

18 Section 8. The secretary of the Department of Education and Cultural Affairs may  
19 promulgate any rules that may be necessary to ensure that all public schools comply with the  
20 provisions of this Act.

21 Section 9. The provisions of this Act do not apply to any private schools in this state.