

# Senate Bill 221

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides civil and criminal immunity to public school or school district that makes good faith disclosure of information in education record of student.

Declares emergency, effective July 1, 2009.

## A BILL FOR AN ACT

1  
2 Relating to student records; creating new provisions; amending ORS 336.187; repealing ORS 30.864;  
3 and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 336.187 is amended to read:

6 336.187. (1) A public school or school district shall disclose personally identifiable information  
7 or other information allowed to be disclosed by the federal Family Educational Rights and Privacy  
8 Act from an education record of a student to:

9 (a) Law enforcement, child protective services and health care professionals in connection with  
10 a health or safety emergency if knowledge of the information is necessary to protect the health and  
11 safety of the student or other individuals[; *and*]. **As used in this paragraph, a "health or safety  
12 emergency" includes, but is not limited to, law enforcement efforts to locate a child who  
13 may be a victim of kidnap, abduction or custodial interference and law enforcement or child  
14 protective services efforts to respond to a report of child abuse or neglect pursuant to ORS  
15 419B.005 to 419B.050.**

16 (b) Courts and state and local juvenile justice agencies including, but not limited to, law  
17 enforcement agencies, juvenile departments and child protective service agencies. Disclosure under  
18 this paragraph must relate to the court's or juvenile justice agency's ability to serve the needs of  
19 a student prior to the student's adjudication under ORS chapter 419C. A person to whom personally  
20 identifiable information is disclosed under this paragraph shall certify, in writing, that the person  
21 will not disclose the information to a third party other than another court or juvenile justice agency  
22 or a person or organization providing direct services to the student on behalf of a juvenile justice  
23 agency.

24 *[(2) As used in this section, a "health or safety emergency" includes, but is not limited to, law  
25 enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference  
26 and law enforcement or child protective services efforts to respond to a report of child abuse or neglect  
27 pursuant to ORS 419B.005 to 419B.050.]*

28 *[(3) A person who receives information under this section is not liable civilly or criminally for  
29 failing to disclose the information.]*

30 **(2) A public school or school district is not liable civilly or criminally for:**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1       **(a) Failing to disclose information under this section.**
  - 2       **(b) Disclosing information under this section if the information was disclosed in a good**
  - 3 **faith belief that disclosure was required by this section.**
  - 4       **SECTION 2.** **ORS 30.864 is repealed.**
  - 5       **SECTION 3.** **The amendments to ORS 336.187 by section 1 of this 2009 Act and the repeal**
  - 6 **of ORS 30.864 by section 2 of this 2009 Act apply only to disclosures made on or after the**
  - 7 **effective date of this 2009 Act.**
  - 8       **SECTION 4.** **This 2009 Act being necessary for the immediate preservation of the public**
  - 9 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
  - 10 **July 1, 2009.**
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