

**A-Engrossed**  
**Senate Bill 512**

Ordered by the Senate April 3  
Including Senate Amendments dated April 3

Sponsored by COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT (at the request of Oregon Law Commission)

**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.

Requires notice to school administrator [*or superintendent of school district*] when youth is within jurisdiction of juvenile court or charged with or convicted of certain offenses. Requires notice to school when petition is set aside or dismissed or youth is adjudged not to be within jurisdiction of juvenile court, and removal and destruction of information in youth's education records. Provides that juvenile [*court*] **department** shall provide notice when juvenile [*court*] **department** has agreed to do so. Specifies information to be included in notice. Modifies certain definitions.

Provides that placement procedures for appropriate counseling or education of person who is subject of notice or transfer student [*with disabilities*] **who is receiving special education and related services** must comply with federal law relating to disabilities education.

**Becomes operative July 1, 2009.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to disclosure of information about students involved in justice system; creating new pro-  
3 visions; amending ORS 339.317, 339.319, 339.321, 339.323, 419A.015, 420.048 and 420A.122 and  
4 sections 2 and 3, chapter 50, Oregon Laws 2008; and declaring an emergency.

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

6 **SECTION 1.** Section 2, chapter 50, Oregon Laws 2008, is amended to read:

7 **Sec. 2.** [(1)(a) *When a youth makes a first appearance before the juvenile court on a petition de-*  
8 *scribed in subsection (4) of this section alleging that the youth is within the jurisdiction of the juvenile*  
9 *court under ORS 419C.005, the district attorney or other person filing the petition under ORS 419C.250*  
10 *shall notify:*]

11 [(A) *The superintendent of the school district in which the youth resides or the superintendent's*  
12 *designee; or]*

13 [(B) *If the person filing the petition has information that the youth is enrolled in a private school*  
14 *or charter school, the principal of the school in which the youth is enrolled.]*

15 [(b) *If the juvenile court sets aside or dismisses a petition as provided in ORS 419C.261 for which*  
16 *notice was given under subsection (1)(a) of this section, or if the juvenile court determines that the*  
17 *youth is not within the jurisdiction of the juvenile court, the district attorney or other person prose-*  
18 *cuting the case shall notify:*]

19 [(A) *The superintendent of the school district in which the youth resides or the superintendent's*  
20 *designee; or]*

21 [(B) *If the person prosecuting the case has information that the youth is enrolled in a private school*  
22 *or charter school, the principal of the school in which the youth is enrolled.]*

**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 (1) As used in this section:

2 (a) "Principal" means a person having general administrative control and supervision of  
3 a school.

4 (b) "School administrator" means:

5 (A) The superintendent of the school district in which a youth attends school, or the  
6 designee of the superintendent, if the youth attends a public school that is not a public  
7 charter school;

8 (B) The principal of a public charter school, if the youth attends a public charter school;

9 (C) The principal of a private school that provides education to one or more instructional  
10 levels from kindergarten through grade 12 or equivalent instructional levels, if the youth  
11 attends a private school;

12 (D) The superintendent of the school district in which the youth resides, or the designee  
13 of the superintendent, if the school that the youth attends is not known by the person giving  
14 notice;

15 (E) The director of the Oregon School for the Blind;

16 (F) The director of the Oregon School for the Deaf; or

17 (G) The Superintendent of Public Instruction if the youth is in an educational program  
18 under the Youth Corrections Education Program.

19 (c) "School district" has the meaning given that term in ORS 332.002.

20 (2) Notice shall be given to a school administrator when:

21 (a) A youth makes a first appearance before the juvenile court on a petition described in  
22 subsection (7) of this section alleging that the youth is within the jurisdiction of the juvenile  
23 court under ORS 419C.005.

24 (b) A youth admits to being within the jurisdiction of the juvenile court as provided in  
25 ORS 419C.005 on a petition described in subsection (7) of this section or is adjudicated by a  
26 juvenile court to be within its jurisdiction on a petition described in subsection (7) of this  
27 section.

28 (c) Notice had been given as provided by paragraph (a) or (b) of this subsection and the  
29 juvenile court:

30 (A) Sets aside or dismisses the petition as provided in ORS 419C.261; or

31 (B) Determines that the youth is not within the jurisdiction of the juvenile court after  
32 a hearing on the merits of the petition.

33 (3) A notice required by subsection (2) of this section shall be given by:

34 (a) The district attorney;

35 (b) In the case of a petition filed under ORS 419C.250, the person who filed the petition;

36 (c) In the case of a person prosecuting a case who is not the district attorney, the person  
37 who is prosecuting the case; or

38 (d) In the case of a juvenile department that has agreed to be responsible for providing  
39 the notices required under this section, the juvenile department.

40 [(2)] (4) [The] A notice required under subsection [(1)] (2) of this section may be communicated  
41 by mail or other [method] means of delivery, including but not limited to electronic transmission.  
42 [The] A notice must include:

43 (a) The name and date of birth of the youth;

44 (b) The names and addresses of the youth's parents or guardians;

45 (c) The alleged basis for the juvenile court's jurisdiction over the youth;

1 (d) The act alleged in the petition that, if committed by an adult, would constitute a crime;  
2 [and]

3 (e) **The name and contact information of the attorney for the youth, if known;**

4 [(e)] (f) [If notice is required under subsection (1)(b) of this section, that] **If applicable, the portion**  
5 **of the juvenile court order providing for the legal disposition of the youth[.];**

6 (g) **Any conditions of release or terms of probation; and**

7 (h) **Any other conditions required by the court.**

8 (5) **In addition to the information required by subsection (4) of this section:**

9 (a) **A notice required by subsection (2)(a) of this section shall contain substantially the**  
10 **following statement: “This notice is to inform you that a student who attends your school**  
11 **may come under the jurisdiction of the juvenile court as the result of a petition filed with**  
12 **the juvenile court. The student has not yet been determined to be within the jurisdiction of**  
13 **the juvenile court nor to have committed any violations of law. The allegation pending before**  
14 **the juvenile court must not be discussed with the student.”**

15 (b) **A notice required by subsection (2)(b) of this section shall contain substantially the**  
16 **following statement: “This notice is to inform you that a student who attends your school**  
17 **has come under the jurisdiction of the juvenile court as the result of a petition filed with the**  
18 **juvenile court. There may be pending juvenile court hearings or proceedings, and a disposi-**  
19 **tion order may not yet have been entered by the court. The allegation pending before the**  
20 **juvenile court must not be discussed with the student.”**

21 (c) **A notice required by subsection (2)(c) of this section shall contain substantially the**  
22 **following statement: “This notice is to inform you that a petition involving a student who**  
23 **attends your school about whom a previous notice was sent has been set aside or dismissed**  
24 **or the juvenile court has determined the student is not within its jurisdiction. The notice and**  
25 **any documents or information related to the notice in the student’s education records should**  
26 **be removed and destroyed upon receipt of this notice. The case should not be discussed with**  
27 **the student.”**

28 [(3)] (6) [The] **A notice required under subsection [(1)] (2) of this section must be given within**  
29 **15 days after:**

30 (a) **The youth makes a first appearance before the juvenile court on a petition;**

31 (b) **The youth admits to being within the jurisdiction of the juvenile court;**

32 (c) **The youth is adjudicated by a juvenile court to be within the jurisdiction of the court;**

33 [(b)] (d) **The petition is dismissed or set aside; or**

34 [(c)] (e) **The juvenile court determines that the youth is not within the jurisdiction of the juve-**  
35 **nile court after a hearing on the merits of the petition.**

36 [(4)] (7) **This section applies to petitions filed alleging that the youth engaged in:**

37 (a) **Conduct that, if committed by an adult, would constitute a crime [involving] that:**

38 [(a)] (A) [Harm or threatened harm] **Involves serious physical injury or threatened serious**  
39 **physical injury to another person, including criminal homicide, felony assault or any attempt to**  
40 **cause serious physical injury to another person;**

41 [(b)] (B) **Involves the sexual assault of an animal or animal abuse in any degree;**

42 [(c)] (C) **Is a felony sex offense listed in ORS 181.594 (4), except for rape in the third degree**  
43 **under ORS 163.355 or incest under ORS 163.525;**

44 [(d)] (D) **Involves a weapon, as defined in ORS 166.360, or the threatened use of a weapon;**

45 [(e)] (E) **Involves the possession or manufacture of a destructive device, as defined in ORS**

1 166.382, or possession of a hoax destructive device, as defined in ORS 166.385; or

2 **(F) Involves an offense in which an element of the crime is:**

3 **(i) Manufacture of a controlled substance;**

4 **(ii) Delivery of a controlled substance in conjunction with conduct described in subpara-**  
5 **graph (A) of this paragraph; or**

6 **(iii) Delivery of a controlled substance to a person under 18 years of age; or**

7 **(b) Conduct that is of such a nature that the court determines notice is necessary to**  
8 **safeguard the safety and security of the school, students and staff. The person or entity re-**  
9 **sponsible for giving notice under subsection (3) of this section shall request that the court**  
10 **make the determination under this paragraph when the person or entity believes notice is**  
11 **necessary to safeguard the safety and security of the school, students and staff and the**  
12 **conduct involves an offense under ORS 163.160.**

13 *[(f) An offense for which manufacture or delivery of alcohol or a controlled substance is an element*  
14 *of the crime.]*

15 *[(5)]* **(8)** Except as otherwise provided in ORS 192.490, a person who sends or receives notice  
16 under this section is not civilly or criminally liable for failing to disclose the information under this  
17 section.

18 **SECTION 2.** Section 3, chapter 50, Oregon Laws 2008, is amended to read:

19 **Sec. 3.** (1) As used in this section:

20 *[(a) “Principal” means a person having general administrative control and supervision of a*  
21 *school.]*

22 *[(b) “School” means a public or private institution of learning providing education to one or more*  
23 *instructional levels from kindergarten through grade 12 or equivalent instructional levels.]*

24 *[(c) “School administrator” means the superintendent of the school district, the superintendent’s*  
25 *designee or the principal of a private school or charter school.]*

26 **(a) “School administrator” has the meaning given that term in section 2, chapter 50,**  
27 **Oregon Laws 2008.**

28 **(b) “School personnel” means a person who is employed by or under contract with a**  
29 **school district, public charter school or private school to provide services to students, in-**  
30 **cluding but not limited to:**

31 **(A) Teachers and school staff.**

32 **(B) Transportation providers.**

33 **(C) Food service workers.**

34 **(D) Daytime building maintenance workers.**

35 **(E) Health center workers or nurses.**

36 **(F) Library personnel.**

37 **(G) Translators.**

38 *[(d) “School subcontractor” includes but is not limited to:]*

39 *[(A) Companies contracting with a school to provide services to students throughout the school day;*  
40 *and]*

41 *[(B) Employees of contracting companies that provide the contracted services, including but not*  
42 *limited to:]*

43 *[(i) Transportation providers.]*

44 *[(ii) Food service workers.]*

45 *[(iii) Daytime building maintenance workers.]*

1        *[(iv) Health center workers or nurses.]*

2        *[(v) Library personnel.]*

3        *[(vi) Translators.]*

4        *[(e) "Youth" has the meaning given that term in ORS 419A.004.]*

5        (2) Within 48 hours after receiving notice under section 2, **chapter 50, Oregon Laws 2008**, *[of*  
6 *this 2008 Act,*] a school administrator shall notify *[school employees and school subcontractors]* **school**  
7 **personnel** who the school administrator determines need the information in order to:

8            (a) Safeguard the safety and security of the school, students and *[staff]* **school personnel**;

9            (b) Arrange appropriate counseling *[and]* **or** education for the *[youth]* **person who is the sub-**  
10 **ject of the notice**; or

11            (c) If the notice *[includes any portion of the court order disposing of the petition]* **states that the**  
12 **court has set aside or dismissed the petition, or that the court has determined it does not**  
13 **have jurisdiction over the person who is the subject of the notice**, inform *[school employees and*  
14 *school subcontractors]* **school personnel** previously notified of the petition under this subsection that  
15 the court has set aside or dismissed the petition or determined that the *[youth]* **person who is the**  
16 **subject of the notice** is not within the jurisdiction of the juvenile court **and direct the appropri-**  
17 **ate school personnel to remove and destroy the notice and any documents or information**  
18 **related to the notice from the person's educational records.**

19        (3) *[If a youth]* **When a student** transfers to *[an Oregon]* **a school in this state** from a school  
20 outside the state, the school administrator of the *[Oregon school shall contact the youth's former*  
21 *school and]* **school in this state shall, when requesting the transfer student's education re-**  
22 **records as provided under ORS 326.575**, request any information that the *[youth's]* **transfer stu-**  
23 **dent's** former school may have relating to the *[youth's]* **transfer student's** history of engaging in  
24 activity that is likely to place at risk the safety of *[school employees, school subcontractors]* **school**  
25 **personnel** or *[other]* students or that requires arrangement of appropriate counseling or education  
26 for the *[youth]* **transfer student**. Upon receipt of information that the *[youth]* **transfer student** has  
27 a history of engaging in activity that is likely to place at risk the safety of *[school employees, school*  
28 *subcontractors]* **school personnel** or *[other]* students, the school administrator shall notify *[school*  
29 *employees and school subcontractors who]* **school personnel who the school administrator deter-**  
30 **mines** need the information in order to:

31            (a) Safeguard the safety and security of the school, students and *[staff]* **school personnel**; or

32            (b) Arrange appropriate counseling *[and]* **or** education for the *[youth]* **transfer student**.

33        (4) **When a school administrator receives notice under section 2, chapter 50, Oregon Laws**  
34 **2008, and determines that the youth is enrolled in a school or program referred to in this**  
35 **subsection, the school administrator shall, within 48 hours of receiving notice, send a copy**  
36 **of the notice to:**

37            (a) **The director of the Oregon School for the Deaf if the youth attends the Oregon School**  
38 **for the Deaf.**

39            (b) **The director of the Oregon School for the Blind if the youth attends the Oregon**  
40 **School for the Blind.**

41            (c) **The Superintendent of Public Instruction if the youth is in an educational program**  
42 **under the Youth Corrections Education Program.**

43            (d) **The principal of the public charter school if the youth attends a public charter school.**

44        (4) (5) A school district, **public charter school or** private school *[or charter school]* may adopt  
45 policies and procedures for providing notification to *[school employees and school subcontractors]*

1 **school personnel** under this section.

2 [(5)(a)] **(6)(a)** Except as provided in this section, information contained in a notice required un-  
3 der section 2, **chapter 50, Oregon Laws 2008**, [of this 2008 Act] or obtained from an out-of-state  
4 school under subsection (3) of this section is confidential.

5 (b) Persons receiving information contained in a notice required under section 2, **chapter 50,**  
6 **Oregon Laws 2008**, [of this 2008 Act] or obtained from an out-of-state school under subsection (3)  
7 of this section may not disclose any information [relating to a petition or discuss the information  
8 contained in a notice] **received** with anyone other than:

9 (A) The [youth] **person who is the subject of the notice or the transfer student;**

10 (B) The [youth's] parent or guardian **of the person who is the subject of the notice or the**  
11 **transfer student;**

12 [(C) The principal or school superintendent;]

13 **(C) A school administrator;**

14 (D) [School employees or school subcontractors] **School personnel** notified under subsection (2)  
15 or (3) of this section;

16 (E) Law enforcement personnel; [and]

17 (F) The [youth's] probation officer or juvenile counselor **of the person who is the subject of**  
18 **the notice or the transfer student; and**

19 **(G) The attorney for the person who is the subject of the notice or the transfer**  
20 **student.**

21 (c) [A school employee or school subcontractor is not] **School personnel are not** subject to dis-  
22 cipline for disclosing the existence of a notice under section 2, **chapter 50, Oregon Laws 2008**, [of  
23 this 2008 Act] or for disclosing the contents of the notice, unless the disclosure was made in bad  
24 faith, with malicious intent or in a manner exhibiting a willful, wanton disregard of the rights, safety  
25 or property of another.

26 [(6)(a)] **(7)(a)** Information obtained under this section or under section 2, **chapter 50, Oregon**  
27 **Laws 2008**, [of this 2008 Act] may not be used for admissions or disciplinary decisions concerning  
28 the [youth] **person who is the subject of a notice or the transfer student** unless the violation  
29 occurred[.] **in the school or classroom or at a school activity or event, whether or not the**  
30 **violation took place on school property.**

31 [(A) During a school function; or]

32 [(B) On school property.]

33 (b) Notwithstanding paragraph (a) of this subsection, information obtained under this section or  
34 under section 2, **chapter 50, Oregon Laws 2008**, [of this 2008 Act] may be used for making an ed-  
35 ucational placement for the [youth] **person who is the subject of a notice or the transfer**  
36 **student**, if necessary for arranging appropriate counseling [and] or education for the [youth] **person**  
37 **or transfer student. Placement procedures and decisions under this section regarding a per-**  
38 **son or transfer student who is receiving special education and related services must comply**  
39 **with the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.**

40 (c) The receipt of a notice under section 2, **chapter 50, Oregon Laws 2008**, [of this 2008 Act]  
41 does not deprive the school of the authority to institute or continue a disciplinary action against  
42 the [youth] **person who is the subject of the notice or the transfer student** based on the same  
43 conduct alleged in the notice if the disciplinary proceedings are based on information obtained by  
44 the school or school district that is not derived from the notice.

45 [(7)] **(8)** A person is not civilly or criminally liable for giving or failing to give the notice re-

1 quired under this section. Nothing in this section creates a new cause of action or enlarges an  
2 existing cause of action for compensation or damages.

3 **SECTION 3.** ORS 339.317, as amended by section 4, chapter 50, Oregon Laws 2008, is amended  
4 to read:

5 339.317. (1)(a) No later than five days after a person under 18 years of age is charged with a  
6 crime under ORS 137.707 or is waived under ORS 419C.349, 419C.352 or 419C.364, the district at-  
7 torney or city attorney, if the person is waived to municipal court[,] **or, in the case of a juvenile**  
8 **department that has agreed to be responsible for providing the notice required under this**  
9 **section, the juvenile department** shall give notice of the charge [*to the superintendent of the school*  
10 *district in which the person resides or the superintendent's designee.*] **to the school administrator**  
11 **of the school attended by the person or to the school administrator of the school district in**  
12 **which the person resides. For purposes of this section, "school administrator" has the**  
13 **meaning given that term in section 2, chapter 50, Oregon Laws 2008.**

14 (b) The district attorney, [*or*] city attorney **or juvenile department** shall include in the notice  
15 **the following:**

- 16 (A) The crime with which the person is charged;[.]
- 17 (B) **The name and date of birth of the person;**
- 18 (C) **The names and addresses of the person's parents or guardians;**
- 19 (D) **The name and contact information of the attorney for the person, if known;**
- 20 (E) **Any conditions of release or terms of probation; and**
- 21 (F) **Any other conditions required by the court.**

22 (2) A person who sends records under this section is not civilly or criminally liable for failing  
23 to disclose the information under this section.

24 **SECTION 4.** ORS 339.319, as amended by section 5, chapter 50, Oregon Laws 2008, is amended  
25 to read:

26 339.319. (1)(a) When a person under 18 years of age is convicted of a crime under ORS 137.707  
27 or following waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370 (1)(b), the agency super-  
28 vising the person **or, in the case of a juvenile department that has agreed to be responsible**  
29 **for providing the notice required under this section, the juvenile department** shall give notice  
30 of the conviction within five days following sentencing [*to the superintendent of the school district in*  
31 *which the person resides or the superintendent's designee.*] **to the school administrator of the**  
32 **school attended by the person or to the school administrator of the school district in which**  
33 **the person resides. For purposes of this section, "school administrator" has the meaning**  
34 **given that term in section 2, chapter 50, Oregon Laws 2008.**

35 (b) The agency supervising the person **or the juvenile department** shall include in the notice:

- 36 (A) The name and date of birth of the person;
- 37 (B) The names and addresses of the person's parents or guardians;
- 38 (C) The crime of conviction;
- 39 (D) The sentence imposed; [*and*]
- 40 (E) **The name and contact information of the attorney for the person, if known;**

41 [(E)] (F) [*If the person is released on any type of release, whether school attendance is a condition*  
42 *of the release*] **Any conditions of release or terms of probation including, but not limited to,**  
43 **whether school attendance is a condition of the release; and**

- 44 (G) **Any other conditions required by the court.**

45 (2) An agency supervising a person or anyone employed by or acting on behalf of an agency

1 supervising a person who sends records under this section is not civilly or criminally liable for  
2 failing to disclose the information under this section.

3 **SECTION 5.** ORS 339.321, as amended by section 6, chapter 50, Oregon Laws 2008, is amended  
4 to read:

5 339.321. (1) No later than 15 days before the release or discharge of a person committed to the  
6 legal custody of the Department of Corrections or the supervisory authority of a county under ORS  
7 137.707 or following waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370, the department or  
8 supervisory authority[, *as appropriate,*] **or, in the case of a juvenile department that has agreed**  
9 **to be responsible for providing the notice required under this section, the juvenile depart-**  
10 **ment shall notify the following of the release or discharge if the person is under 21 years of age**  
11 **at the time of the release:**

12 (a) Law enforcement agencies in the community in which the person is going to reside; and

13 [(b) *The school district in which the person is going to reside.*]

14 **(b) The school administrator of the school the person will attend or the school adminis-**  
15 **trator of the school district in which the person will reside.**

16 (2) The department, [or] supervisory authority **or the juvenile department** shall include in the  
17 notification:

18 (a) [*The person's name, date of birth and date of release or discharge*] **The name and date of**  
19 **birth of the person;**

20 **(b) The date of release or discharge;**

21 [(b)] **(c) The person's address;**

22 [(c)] **(d) The names and addresses of the person's parents or guardians;**

23 [(d)] **(e) [*The type of supervision under which the person is released; and*] The name and contact**  
24 **information of the attorney for the person, if known;**

25 **(f) Any conditions of release or terms of probation including, but not limited to, the type**  
26 **of supervision under which the person is released and whether school attendance is a con-**  
27 **dition of release; and**

28 **(g) Any other conditions required by the court.**

29 (3) The department, supervisory authority or anyone employed by or acting on behalf of the  
30 department or supervisory authority who sends records under this section is not civilly or criminally  
31 liable for failing to disclose the information under this section.

32 **(4) As used in this section, "school administrator" has the meaning given that term in**  
33 **section 2, chapter 50, Oregon Laws 2008.**

34 **SECTION 6.** ORS 339.323, as amended by section 7, chapter 50, Oregon Laws 2008, is amended  
35 to read:

36 339.323. (1) When a [*superintendent of a school district or the superintendent's designee*] **school**  
37 **administrator as defined in section 2, chapter 50, Oregon Laws 2008,** receives notice under ORS  
38 339.317, 339.319, 339.321, **419A.015, 420.048** or 420A.122, the [*superintendent of the school district or*  
39 *the superintendent's designee*] **school administrator** may disclose the information only to [*those*  
40 *school employees and school subcontractors*] **school personnel,** as defined in section 3, chapter 50,  
41 Oregon Laws 2008, who the [*district*] **school administrator** determines need the information in or-  
42 der to safeguard the safety and security of the school, students and staff. A person to whom per-  
43 sonally identifiable information is disclosed under this subsection may not disclose the information  
44 to another person except to carry out the provisions of this subsection.

45 (2) A [*superintendent of a school district or the superintendent's designee*] **school administrator**



1 or anyone employed by or acting on behalf of a [*superintendent or superintendent's designee*] **school**  
 2 **administrator** who receives notice under ORS 339.317, 339.319, 339.321 or 420A.122 is not civilly  
 3 or criminally liable for failing to disclose the information.

4 **SECTION 7.** ORS 419A.015, as amended by section 8, chapter 50, Oregon Laws 2008, is amended  
 5 to read:

6 419A.015. (1)(a) Once each month, a county juvenile department shall provide to [*each school*  
 7 *district*] **school administrators of schools or of school districts** in the county a list of all youth  
 8 offenders enrolled in a school in the [*school district*] **county** who are on probation by order of the  
 9 juvenile court in the county. The department shall include in the list the name and business tele-  
 10 phone number of the juvenile counselor assigned to each case.

11 (b) When a youth offender who is on probation transfers from one school **or school** district to  
 12 a different school **or school** district, the juvenile counselor assigned to the case shall notify the  
 13 [*superintendent of the school district*] **school administrator of the school or of the school district**  
 14 to which the youth offender has transferred of the youth offender's probation status. The juvenile  
 15 counselor shall make the notification no later than 72 hours after the juvenile counselor knows of  
 16 the transfer.

17 (2) Upon request by the [*superintendent of the school district or the superintendent's designee*]  
 18 **school administrator**, the juvenile department shall provide additional information, including the  
 19 offense that brought the youth offender within the jurisdiction of the juvenile court and such other  
 20 information that is subject to disclosure under ORS 419A.255 (5).

21 (3) In addition to the general notification required by subsection (1) of this section, the juvenile  
 22 department shall notify the [*superintendent of the school district or the superintendent's designee*]  
 23 **school administrator** of the specific offense bringing the youth offender within the jurisdiction of  
 24 the juvenile court and whether the act involved a firearm or delivery of a controlled substance.

25 (4) When a [*superintendent of a school district or the superintendent's designee*] **school adminis-**  
 26 **trator** receives **any** notice under this section, the school [*district*] **administrator** may disclose the  
 27 information only to [*those school employees or school subcontractors*] **school personnel**, as defined  
 28 in section 3, chapter 50, Oregon Laws 2008, who the [*superintendent or the superintendent's*  
 29 *designee*] **school administrator** determines need the information in order to safeguard the safety  
 30 and security of the school, students and staff. A person to whom personally identifiable information  
 31 is disclosed under this subsection may not disclose the information to another person except to  
 32 carry out the provisions of this subsection.

33 (5) Except as otherwise provided in ORS 192.490, a juvenile department, school district **or**  
 34 **school administrator**, or anyone employed or acting on behalf of a juvenile department, [*or*] school  
 35 district **or school administrator**, who sends or receives records under this section is not civilly  
 36 or criminally liable for failing to disclose the information under this section.

37 **(6) As used in this section, "school administrator" has the meaning given that term in**  
 38 **section 2, chapter 50, Oregon Laws 2008.**

39 **SECTION 8.** ORS 420.048 is amended to read:

40 420.048. (1)(a) When a youth offender who is in the legal custody of the Oregon Youth Authority  
 41 transfers from one **school or school** district to a different **school or school** district, the person re-  
 42 sponsible for supervising the youth offender **or, in the case of a juvenile department that has**  
 43 **agreed to be responsible for providing the notice required under this section, the juvenile**  
 44 **department** shall notify the [*superintendent*] **school administrator** of the **school or of the school**  
 45 district to which the youth offender has transferred of the youth offender's status as a youth

1 offender. The person shall make the notification no later than 72 hours after the person knows of  
2 the transfer.

3 (b) When a school *[district]* **administrator** receives notification under this section, the school  
4 *[district]* **administrator** may request the Oregon Youth Authority to provide additional information  
5 about the youth offender. The youth authority shall provide additional information, including the  
6 offense that brought the youth offender within the jurisdiction of the juvenile court and such other  
7 information that is subject to disclosure under ORS 419A.255 (5).

8 (2) *[In addition to the general notification required by subsection (1)(a) of this section, the youth*  
9 *authority:]* **The youth authority or juvenile department shall include in the notice the follow-**  
10 **ing:**

11 (a) **The name and date of birth of the youth offender;**

12 (b) **The names and addresses of the youth offender's parents or guardians;**

13 (c) **The name and contact information of the attorney for the youth offender, if known;**

14 *[(a)]* (d) *[Shall notify the school district of the specific offense if the act bringing the youth offender*  
15 *within the jurisdiction of the juvenile court involved a firearm or delivery of a controlled substance.]*

16 **The specific offense that brought the youth offender within the jurisdiction of the juvenile**  
17 **court and whether it involved a firearm or the delivery of a controlled substance, a violation**  
18 **of ORS 163.355 to 163.445 or 163.465 or any other offense if the youth authority or juvenile**  
19 **court believes the youth offender represents a risk to other students or school staff;**

20 *[(b) May notify the school district of the specific offense if the act bringing the youth offender*  
21 *within the jurisdiction of the juvenile court involved a violation of ORS 163.355 to 163.445 or 163.465*  
22 *or any other offense if the youth authority believes the youth offender represents a risk to other students*  
23 *or school staff.]*

24 (e) **Any conditions of release or terms of probation; and**

25 (f) **Any other conditions required by the court.**

26 (3) Except as otherwise provided in ORS 192.490, the youth authority, a school district **or a**  
27 **school administrator**, or anyone employed or acting on behalf of the youth authority, *[or]* school  
28 district **or school administrator**, who sends or receives records under this section is not liable  
29 civilly or criminally for failing to disclose the information under this section.

30 (4) **As used in this section:**

31 (a) **"School administrator" has the meaning given that term in section 2, chapter 50,**  
32 **Oregon Laws 2008.**

33 (b) **"School district" has the meaning given that term in ORS 332.002.**

34 **SECTION 9.** ORS 420A.122 is amended to read:

35 420A.122. (1) Prior to a youth offender's release or discharge from a youth correction facility,  
36 the Oregon Youth Authority **or, in the case of a juvenile department that has agreed to be**  
37 **responsible for providing the notice required under this section, the juvenile department** shall  
38 notify the following of the release or discharge:

39 (a) Law enforcement agencies in the community in which the youth offender is going to reside;

40 *[(b) The school district in which the youth offender is going to reside; and]*

41 (b) **The school administrator of the school the youth offender will attend or, if the school**  
42 **the youth offender will attend is unknown, the school administrator of the school district in**  
43 **which the youth offender will reside; and**

44 (c) If requested by the victim, as defined in ORS 419A.004, the victim.

45 (2) The youth authority **or juvenile department** shall include in the notification:

- 1 (a) The youth offender's name and date of *[release or discharge]* **birth;**  
2 **(b) The names and addresses of the youth offender's parents or guardians;**  
3 **(c) The name and contact information of the attorney for the youth offender, if known;**  
4 **(d) The youth offender's date of release or discharge;**

5 *[(b)] (e) The type of placement to which the youth offender is released;*

6 *[(c) Whether school attendance is a condition of release; and]*

7 *[(d) If the youth offender is a sex offender, as defined in ORS 181.594, all other conditions of re-*  
8 *lease.]*

9 **(f) The specific offense that brought the youth offender within the jurisdiction of the ju-**  
10 **venile court;**

11 **(g) Any conditions of release or terms of probation including, but not limited to, whether**  
12 **school attendance is a condition of release; and**

13 **(h) Any other conditions required by the court.**

14 (3) The youth authority, a law enforcement agency or anyone employed by or acting on behalf  
15 of the youth authority or law enforcement agency with responsibility for sending records under this  
16 section is not liable civilly or criminally for failing to disclose the information under this section.

17 (4) No later than seven days after a youth offender's release or discharge from a youth cor-  
18 rection facility, the Department of Education or its contractor shall provide the youth offender's  
19 education records to the **school administrator of the school or of the** school district in which the  
20 youth offender enrolls.

21 **(5) As used in this section, "school administrator" has the meaning given that term in**  
22 **section 2, chapter 50, Oregon Laws 2008.**

23 **SECTION 10.** (1) The amendments to ORS 339.317, 339.319, 339.321, 339.323, 419A.015,  
24 420.048 and 420A.122 and sections 2 and 3, chapter 50, Oregon Laws 2008, by sections 1 to 9  
25 of this 2009 Act become operative on July 1, 2009.

26 (2) School districts, as defined in ORS 332.002, and school administrators, as defined in  
27 section 2, chapter 50, Oregon Laws 2008, may take any action before the operative date  
28 specified in subsection (1) of this section that is necessary to enable the school districts and  
29 school administrators to develop procedures and guidelines pursuant to the amendments to  
30 ORS 339.317, 339.319, 339.321, 339.323, 419A.015, 420.048 and 420A.122 and sections 2 and 3,  
31 chapter 50, Oregon Laws 2008, by sections 1 to 9 of this 2009 Act on or after the operative  
32 date specified in subsection (1) of this section.

33 **SECTION 11.** This 2009 Act being necessary for the immediate preservation of the public  
34 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect  
35 on its passage.

36