

Senate Bill 512

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 **as introduced**.

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 shall provide notice when juvenile court 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 must comply with federal law relating to disabilities education.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to disclosure of information about students involved in justice system; amending ORS
3 339.317, 339.319, 339.321, 339.323, 419A.015, 420.048 and 420A.122 and sections 2 and 3, chapter
4 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.]*

23 **(1) As used in this section:**

24 **(a) "Principal" means a person having general administrative control and supervision of**
25 **a school.**

26 **(b) "School administrator" means:**

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) The superintendent of the school district in which a youth attends school, or the
 2 designee of the superintendent, if the youth attends a public school that is not a public
 3 charter school;

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

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

8 (D) The superintendent of the school district in which the youth resides, or the designee
 9 of the superintendent, if the school that the youth attends is not known by the person giving
 10 notice.

11 (c) "School district" has the meaning given that term in ORS 326.603.

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

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

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

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

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

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

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

26 (a) The district attorney;

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

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

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

32 [(2)] (4) [(The)] A notice required under subsection [(1)] (2) of this section may be communicated
 33 by mail or other [method] means of delivery, including but not limited to electronic transmission.
 34 [(The)] A notice must include:

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

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

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

38 (d) The act alleged in the petition that, if committed by an adult, would constitute a crime;

39 [and]

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

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

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

44 (h) Any other conditions required by the court.

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

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

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

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

20 [(3)] (6) [The] A notice required under subsection [(1)] (2) of this section must be given within
 21 15 days after:

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

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

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

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

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

28 [(4)] (7) This section applies to petitions filed alleging that the youth engaged in:

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

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

33 [(b) *Sexual assault of an animal or animal abuse in any degree;*]

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

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

37 [(e)] (D) **Involves the** possession or manufacture of a destructive device, as defined in ORS
 38 166.382, or possession of a hoax destructive device, as defined in ORS 166.385; or

39 (b) **Conduct that is of such a nature that the court determines notice is necessary to**
 40 **safeguard the safety and security of the school, students and staff.**

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

43 [(5)] (8) Except as otherwise provided in ORS 192.490, a person who sends or receives notice
 44 under this section is not civilly or criminally liable for failing to disclose the information under this
 45 section.

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

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

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

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

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

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

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

- (A) Teachers and school staff.**
- (B) Transportation providers.**
- (C) Food service workers.**
- (D) Daytime building maintenance workers.**
- (E) Health center workers or nurses.**
- (F) Library personnel.**
- (G) Translators.**

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

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

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

- [(i) Transportation providers.]
- [(ii) Food service workers.]
- [(iii) Daytime building maintenance workers.]
- [(iv) Health center workers or nurses.]
- [(v) Library personnel.]
- [(vi) Translators.]

[(e) “Youth” has the meaning given that term in ORS 419A.004.]

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

- (a) Safeguard the safety and security of the school, students and [staff] **school personnel**;
- (b) Arrange appropriate counseling [and] **or** education for the [youth] **person who is the subject of the notice**; or

(c) If the notice [includes any portion of the court order disposing of the petition] **states that the court has set aside or dismissed the petition, or that the court has determined it does not have jurisdiction over the person who is the subject of the notice**, inform [school employees and school subcontractors] **school personnel** previously notified of the petition under this subsection that the court has set aside or dismissed the petition or determined that the [youth] **person who is the subject of the notice** is not within the jurisdiction of the juvenile court **and direct the appropriate school personnel to remove and destroy the notice and any documents or information**

1 **related to the notice from the person's educational records.**

2 (3) *[If a youth]* **When a student** transfers to *[an Oregon]* **a school in this state** from a school
 3 outside the state, the school administrator of the *[Oregon school shall contact the youth's former*
 4 *school and]* **school in this state shall, when requesting the transfer student's education re-**
 5 **records as provided under ORS 326.575,** request any information that the *[youth's]* **transfer stu-**
 6 **dent's** former school may have relating to the *[youth's]* **transfer student's** history of engaging in
 7 activity that is likely to place at risk the safety of *[school employees, school subcontractors]* **school**
 8 **personnel** or *[other]* students or that requires arrangement of appropriate counseling or education
 9 for the *[youth]* **transfer student.** Upon receipt of information that the *[youth]* **transfer student** has
 10 a history of engaging in activity that is likely to place at risk the safety of *[school employees, school*
 11 *subcontractors]* **school personnel** or *[other]* students, the school administrator shall notify *[school*
 12 *employees and school subcontractors who]* **school personnel who the school administrator deter-**
 13 **mines** need the information in order to:

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

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

16 (4) A school district, **public charter school or** private school *[or charter school]* may adopt
 17 policies and procedures for providing notification to *[school employees and school subcontractors]*
 18 **school personnel** under this section.

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

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

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

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

29 (C) The principal **of the school** or *[school]* **the superintendent of the school district;**

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

32 (E) Law enforcement personnel; *[and]*

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

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

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

42 (6)(a) Information obtained under this section or under section 2, **chapter 50, Oregon Laws**
 43 **2008,** *[of this 2008 Act]* may not be used for admissions or disciplinary decisions concerning the
 44 *[youth]* **person who is the subject of a notice or the transfer student** unless the violation oc-
 45 curred:

1 (A) During a school function; or

2 (B) On school property.

3 (b) Notwithstanding paragraph (a) of this subsection, information obtained under this section or
 4 under section 2, **chapter 50, Oregon Laws 2008**, [of this 2008 Act] may be used for making an ed-
 5 ucational placement for the [youth] **person who is the subject of a notice or the transfer**
 6 **student**, if necessary for arranging appropriate counseling [and] or education for the [youth] **person**
 7 **or transfer student. Placement procedures and decisions under this section regarding a per-**
 8 **son or transfer student with disabilities must comply with the Individuals with Disabilities**
 9 **Education Act, 20 U.S.C. 1400 et seq.**

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

15 (7) A person is not civilly or criminally liable for giving or failing to give the notice required
 16 under this section. Nothing in this section creates a new cause of action or enlarges an existing
 17 cause of action for compensation or damages.

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

20 339.317. (1)(a) No later than five days after a person under 18 years of age is charged with a
 21 crime under ORS 137.707 or is waived under ORS 419C.349, 419C.352 or 419C.364, the district at-
 22 torney or city attorney, if the person is waived to municipal court[,] **or, in the case of a juvenile**
 23 **department that has agreed to be responsible for providing the notice required under this**
 24 **section, the juvenile department** shall give notice of the charge to the superintendent of the
 25 school district **as defined in ORS 326.603** in which the person resides or the superintendent’s
 26 designee.

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

29 (A) The crime with which the person is charged;[.]

30 (B) **The name and date of birth of the person;**

31 (C) **The names and addresses of the person’s parents or guardians;**

32 (D) **The name and contact information of the attorney for the person, if known;**

33 (E) **Any conditions of release or terms of probation; and**

34 (F) **Any other conditions required by the court.**

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

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

39 339.319. (1)(a) When a person under 18 years of age is convicted of a crime under ORS 137.707
 40 or following waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370 (1)(b), the agency super-
 41 vising the person **or, in the case of a juvenile department that has agreed to be responsible**
 42 **for providing the notice required under this section, the juvenile department** shall give notice
 43 of the conviction within five days following sentencing to the superintendent of the school district
 44 **as defined in ORS 326.603** in which the person resides or the superintendent’s designee.

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

1 (A) The name and date of birth of the person;

2 (B) The names and addresses of the person’s parents or guardians;

3 (C) The crime of conviction;

4 (D) The sentence imposed; *[and]*

5 **(E) The name and contact information of the attorney for the person, if known;**

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

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

10 (2) An agency supervising a person or anyone employed by or acting on behalf of an agency
 11 supervising a person who sends records under this section is not civilly or criminally liable for
 12 failing to disclose the information under this section.

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

15 339.321. (1) No later than 15 days before the release or discharge of a person committed to the
 16 legal custody of the Department of Corrections or the supervisory authority of a county under ORS
 17 137.707 or following waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370, the department or
 18 supervisory authority, *as appropriate,* **or, in the case of a juvenile department that has agreed**
 19 **to be responsible for providing the notice required under this section, the juvenile depart-**
 20 **ment** shall notify the following of the release or discharge if the person is under 21 years of age
 21 at the time of the release:

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

23 (b) The school district **as defined in ORS 326.603** in which the person is going to reside.

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

26 (a) *[The person’s name, date of birth and date of release or discharge]* **The name and date of**
 27 **birth of the person;**

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

29 *[(b)]* **(c)** The person’s address;

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

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

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

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

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

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

42 339.323. (1) When a superintendent of a school district **as defined in ORS 326.603** or the su-
 43 perintendent’s designee receives notice under ORS 339.317, 339.319, 339.321, **419A.015, 420.048** or
 44 420A.122, the superintendent of the school district or the superintendent’s designee may disclose the
 45 information only to *[those school employees and school subcontractors]* **school personnel**, as defined

1 in section 3, chapter 50, Oregon Laws 2008, who the district determines need the information in
 2 order to safeguard the safety and security of the school, students and staff. A person to whom per-
 3 sonally identifiable information is disclosed under this subsection may not disclose the information
 4 to another person except to carry out the provisions of this subsection.

5 (2) A superintendent of a school district or the superintendent's designee or anyone employed
 6 by or acting on behalf of a superintendent or superintendent's designee who receives notice under
 7 ORS 339.317, 339.319, 339.321 or 420A.122 is not civilly or criminally liable for failing to disclose the
 8 information.

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

11 419A.015. (1)(a) Once each month, a county juvenile department shall provide to each school
 12 district in the county a list of all youth offenders enrolled in a school in the school district who are
 13 on probation by order of the juvenile court in the county. The department shall include in the list
 14 the name and business telephone number of the juvenile counselor assigned to each case. **For pur-
 15 poses of this section, "school district" has the meaning given that term in ORS 326.603.**

16 (b) When a youth offender who is on probation transfers from one school district to a different
 17 school district, the juvenile counselor assigned to the case shall notify the superintendent of the
 18 school district to which the youth offender has transferred of the youth offender's probation status.
 19 The juvenile counselor shall make the notification no later than 72 hours after the juvenile coun-
 20 selor knows of the transfer.

21 (2) Upon request by the superintendent of the school district or the superintendent's designee,
 22 the juvenile department shall provide additional information, including the offense that brought the
 23 youth offender within the jurisdiction of the juvenile court and such other information that is sub-
 24 ject to disclosure under ORS 419A.255 (5).

25 (3) In addition to the general notification required by subsection (1) of this section, the juvenile
 26 department shall notify the superintendent of the school district or the superintendent's designee
 27 of the specific offense bringing the youth offender within the jurisdiction of the juvenile court and
 28 whether the act involved a firearm or delivery of a controlled substance.

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

36 (5) Except as otherwise provided in ORS 192.490, a juvenile department, school district or any-
 37 one employed or acting on behalf of a juvenile department or school district who sends or receives
 38 records under this section is not civilly or criminally liable for failing to disclose the information
 39 under this section.

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

41 420.048. (1)(a) When a youth offender who is in the legal custody of the Oregon Youth Authority
 42 transfers from one school district to a different school district, the person responsible for supervis-
 43 ing the youth offender **or, in the case of a juvenile department that has agreed to be respon-
 44 sible for providing the notice required under this section, the juvenile department** shall notify
 45 the superintendent of the school district to which the youth offender has transferred of the youth

1 offender’s status as a youth offender. The person shall make the notification no later than 72 hours
 2 after the person knows of the transfer. **For purposes of this section, “school district” has the**
 3 **meaning given that term in ORS 326.603.**

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

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

- 12 (a) **The name and date of birth of the youth offender;**
- 13 (b) **The names and addresses of the youth offender’s parents or guardians;**
- 14 (c) **The name and contact information of the attorney for the youth offender, if known;**
- 15 *[(a)]* (d) *[Shall notify the school district of the specific offense if the act bringing the youth offender*
 16 *within the jurisdiction of the juvenile court involved a firearm or delivery of a controlled substance.]*
 17 **The specific offense that brought the youth offender within the jurisdiction of the juvenile**
 18 **court and whether it involved a firearm or delivery of a controlled substance, a violation of**
 19 **ORS 163.355 to 163.445 or 163.465 or any other offense if the youth authority or juvenile court**
 20 **believes the youth offender represents a risk to other students or school staff;**
- 21 *[(b) May notify the school district of the specific offense if the act bringing the youth offender*
 22 *within the jurisdiction of the juvenile court involved a violation of ORS 163.355 to 163.445 or 163.465*
 23 *or any other offense if the youth authority believes the youth offender represents a risk to other students*
 24 *or school staff.]*
- 25 (e) **Any conditions of release or terms of probation; and**
- 26 (f) **Any other conditions required by the court.**

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

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

32 420A.122. (1) Prior to a youth offender’s release or discharge from a youth correction facility,
 33 the Oregon Youth Authority **or, in the case of a juvenile department that has agreed to be**
 34 **responsible for providing the notice required under this section, the juvenile department** shall
 35 notify the following of the release or discharge:

- 36 (a) Law enforcement agencies in the community in which the youth offender is going to reside;
- 37 (b) The school district in which the youth offender is going to reside; and
- 38 (c) If requested by the victim, as defined in ORS 419A.004, the victim.
- 39 (2) The youth authority **or juvenile department** shall include in the notification:
 - 40 (a) The youth offender’s name and date of *[release or discharge]* **birth;**
 - 41 **(b) The names and addresses of the youth offender’s parents or guardians;**
 - 42 **(c) The name and contact information of the attorney for the youth offender, if known;**
 - 43 **(d) The youth offender’s date of release or discharge;**
 - 44 *[(b)]* (e) The type of placement to which the youth offender is released;
 - 45 *[(c) Whether school attendance is a condition of release; and]*

