

## SENATE AMENDMENTS TO SENATE BILL 512

By COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT

April 3

- 1 On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions;”.
- 2 On page 2, line 7, delete “or”.
- 3 In line 10, delete the period and insert “;
- 4 “(E) The director of the Oregon School for the Blind;
- 5 “(F) The director of the Oregon School for the Deaf; or
- 6 “(G) The Superintendent of Public Instruction if the youth is in an educational program under
- 7 the Youth Corrections Education Program.”.
- 8 In line 11, delete “326.603” and insert “332.002”.
- 9 On page 3, line 33, restore the bracketed material and delete “(b)” and insert “(B) Involves
- 10 the”.
- 11 In line 34, delete “(B)” and insert “(C)”.
- 12 In line 36, delete “(C)” and insert “(D)” and delete the second “or”.
- 13 In line 37, delete “(D)” and insert “(E)”.
- 14 After line 38, insert:
- 15 “(F) Involves an offense in which an element of the crime is:
- 16 “(i) Manufacture of a controlled substance;
- 17 “(ii) Delivery of a controlled substance in conjunction with conduct described in subparagraph
- 18 (A) of this paragraph; or
- 19 “(iii) Delivery of a controlled substance to a person under 18 years of age; or”.
- 20 In line 40, after the period insert “The person or entity responsible for giving notice under
- 21 subsection (3) of this section shall request that the court make the determination under this para-
- 22 graph when the person or entity believes notice is necessary to safeguard the safety and security
- 23 of the school, students and staff and the conduct involves an offense under ORS 163.160.”.
- 24 On page 5, after line 15, insert:
- 25 “(4) When a school administrator receives notice under section 2, chapter 50, Oregon Laws 2008,
- 26 and determines that the youth is enrolled in a school or program referred to in this subsection, the
- 27 school administrator shall, within 48 hours of receiving notice, send a copy of the notice to:
- 28 “(a) The director of the Oregon School for the Deaf if the youth attends the Oregon School for
- 29 the Deaf.
- 30 “(b) The director of the Oregon School for the Blind if the youth attends the Oregon School for
- 31 the Blind.
- 32 “(c) The Superintendent of Public Instruction if the youth is in an educational program under
- 33 the Youth Corrections Education Program.
- 34 “(d) The principal of the public charter school if the youth attends a public charter school.”.
- 35 In line 16, delete “(4)” and insert “(5)”.

1 In line 19, delete “(5)(a)” and insert “(6)(a)”.

2 Delete line 29 and insert:

3 “(C) A school administrator;”.

4 In line 42, delete “(6)(a)” and insert “(7)(a)”.

5 In line 45, delete the colon and insert “in the school or classroom or at a school activity or

6 event, whether or not the violation took place on school property.”.

7 On page 6, delete lines 1 and 2.

8 In line 8, delete the first “with disabilities” and insert “who is receiving special education and

9 related services”.

10 In line 15, delete “(7)” and insert “(8)”.

11 In line 24, delete “to the superintendent of the” and delete lines 25 and 26 and insert “to the

12 school administrator of the school attended by the person or to the school administrator of the

13 school district in which the person resides. For purposes of this section, ‘school administrator’ has

14 the meaning given that term in section 2, chapter 50, Oregon Laws 2008.”.

15 In line 43, delete “to the superintendent of the school district” and delete line 44 and insert

16 “to the school administrator of the school attended by the person or to the school administrator of

17 the school district in which the person resides. For purposes of this section, ‘school administrator’

18 has the meaning given that term in section 2, chapter 50, Oregon Laws 2008.”.

19 On page 7, delete line 23 and insert:

20 “(b) The school administrator of the school the person will attend or the school administrator

21 of the school district in which the person will reside.”.

22 After line 39, insert:

23 “(4) As used in this section, ‘school administrator’ has the meaning given that term in section

24 2, chapter 50, Oregon Laws 2008.”.

25 In line 42, after the first “a” delete the rest of the line.

26 In line 43, delete “perintendent’s designee” and insert “school administrator as defined in sec-

27 tion 2, chapter 50, Oregon Laws 2008,”.

28 In line 44, delete “superintendent of the school district or the superintendent’s designee” and

29 insert “school administrator”.

30 On page 8, line 1, delete “district” and insert “school administrator”.

31 In line 5, delete “superintendent of a school district or the superintendent’s designee” and insert

32 “school administrator”.

33 In line 6, delete “superintendent or superintendent’s designee” and insert “school

34 administrator”.

35 Delete lines 9 through 45 and insert:

36 “**SECTION 7.** ORS 419A.015, as amended by section 8, chapter 50, Oregon Laws 2008, is

37 amended to read:

38 “419A.015. (1)(a) Once each month, a county juvenile department shall provide to [*each school*

39 *district*] **school administrators of schools or of school districts** in the county a list of all youth

40 offenders enrolled in a school in the [*school district*] **county** who are on probation by order of the

41 juvenile court in the county. The department shall include in the list the name and business tele-

42 phone number of the juvenile counselor assigned to each case.

43 “(b) When a youth offender who is on probation transfers from one school **or school** district to

44 a different school **or school** district, the juvenile counselor assigned to the case shall notify the

45 [*superintendent of the school district*] **school administrator of the school or of the school district**

1 to which the youth offender has transferred of the youth offender’s probation status. The juvenile  
2 counselor shall make the notification no later than 72 hours after the juvenile counselor knows of  
3 the transfer.

4 “(2) Upon request by the [*superintendent of the school district or the superintendent’s designee*]  
5 **school administrator**, the juvenile department 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 “(3) In addition to the general notification required by subsection (1) of this section, the juvenile  
9 department shall notify the [*superintendent of the school district or the superintendent’s designee*]  
10 **school administrator** of the specific offense bringing the youth offender within the jurisdiction of  
11 the juvenile court and whether the act involved a firearm or delivery of a controlled substance.

12 “(4) When a [*superintendent of a school district or the superintendent’s designee*] **school admin-  
13 istrator** receives **any** notice under this section, the school [*district*] **administrator** may disclose the  
14 information only to [*those school employees or school subcontractors*] **school personnel**, as defined  
15 in section 3, chapter 50, Oregon Laws 2008, who the [*superintendent or the superintendent’s  
16 designee*] **school administrator** determines need the information in order to safeguard the safety  
17 and security of the school, students and staff. A person to whom personally identifiable information  
18 is disclosed under this subsection may not disclose the information to another person except to  
19 carry out the provisions of this subsection.

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

24 “(6) **As used in this section, ‘school administrator’ has the meaning given that term in  
25 section 2, chapter 50, Oregon Laws 2008.**

26 “**SECTION 8.** ORS 420.048 is amended to read:

27 “420.048. (1)(a) When a youth offender who is in the legal custody of the Oregon Youth Au-  
28 thority transfers from one **school or** school district to a different **school or** school district, the  
29 person responsible for supervising the youth offender **or, in the case of a juvenile department  
30 that has agreed to be responsible for providing the notice required under this section, the  
31 juvenile department** shall notify the [*superintendent*] **school administrator** of the **school or of the  
32 school district** to which the youth offender has transferred of the youth offender’s status as a youth  
33 offender. The person shall make the notification no later than 72 hours after the person knows of  
34 the transfer.

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

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

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

44 “(b) **The names and addresses of the youth offender’s parents or guardians;**

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

1           “(a) (d) [Shall notify the school district of the specific offense if the act bringing the youth  
2 offender within the jurisdiction of the juvenile court involved a firearm or delivery of a controlled  
3 substance.] **The specific offense that brought the youth offender within the jurisdiction of the  
4 juvenile court and whether it involved a firearm or the delivery of a controlled substance, a  
5 violation of ORS 163.355 to 163.445 or 163.465 or any other offense if the youth authority or  
6 juvenile court believes the youth offender represents a risk to other students or school staff;**

7           “(b) May notify the school district of the specific offense if the act bringing the youth offender  
8 within the jurisdiction of the juvenile court involved a violation of ORS 163.355 to 163.445 or 163.465  
9 or any other offense if the youth authority believes the youth offender represents a risk to other students  
10 or school staff.]

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

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

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

17           “(4) **As used in this section:**

18           “(a) **‘School administrator’ has the meaning given that term in section 2, chapter 50,**  
19 **Oregon Laws 2008.**

20           “(b) **‘School district’ has the meaning given that term in ORS 332.002.”.**

21           On page 9, delete lines 1 through 30.

22           Delete line 37 and insert:

23           “(b) The school administrator of the school the youth offender will attend or, if the school the  
24 youth offender will attend is unknown, the school administrator of the school district in which the  
25 youth offender will reside; and”.

26           On page 10, line 13, after the first “the” insert “school administrator of the school or of the”.

27           After line 13, insert:

28           “(5) As used in this section, ‘school administrator’ has the meaning given that term in section  
29 2, chapter 50, Oregon Laws 2008.

30           “**SECTION 10. (1) The amendments to ORS 339.317, 339.319, 339.321, 339.323, 419A.015,**  
31 **420.048 and 420A.122 and sections 2 and 3, chapter 50, Oregon Laws 2008, by sections 1 to 9**  
32 **of this 2009 Act become operative on July 1, 2009.**

33           “(2) **School districts, as defined in ORS 332.002, and school administrators, as defined in**  
34 **section 2, chapter 50, Oregon Laws 2008, may take any action before the operative date**  
35 **specified in subsection (1) of this section that is necessary to enable the school districts and**  
36 **school administrators to develop procedures and guidelines pursuant to the amendments to**  
37 **ORS 339.317, 339.319, 339.321, 339.323, 419A.015, 420.048 and 420A.122 and sections 2 and 3,**  
38 **chapter 50, Oregon Laws 2008, by sections 1 to 9 of this 2009 Act on or after the operative**  
39 **date specified in subsection (1) of this section.”.**

40           In line 14, delete “10” and insert “11”.