

# House Bill 2215

Sponsored by Representative BUCKLEY (Pre-session filed.)

## 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**.

Permits public school or school district to disclose personally identifiable information to entity that is not educational institution in limited circumstances.

Declares emergency, effective July 1, 2011.

## A BILL FOR AN ACT

1  
2 Relating to personally identifiable information of students; amending ORS 336.187; and declaring an  
3 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 or*  
7 *other information allowed to be disclosed by the federal Family Educational Rights and Privacy Act*  
8 *from an education record of a student to:]*

9 *[(a) Law enforcement, child protective services and health care professionals in connection with a*  
10 *health or safety emergency if knowledge of the information is necessary to protect the health and safety*  
11 *of the student or other individuals; and]*

12 *[(b) Courts and state and local juvenile justice agencies including, but not limited to, law enforce-*  
13 *ment agencies, juvenile departments and child protective service agencies. Disclosure under this para-*  
14 *graph must relate to the court's or juvenile justice agency's ability to serve the needs of a student prior*  
15 *to the student's adjudication under ORS chapter 419C. A person to whom personally identifiable in-*  
16 *formation is disclosed under this paragraph shall certify, in writing, that the person will not disclose*  
17 *the information to a third party other than another court or juvenile justice agency or a person or or-*  
18 *ganization providing direct services to the student on behalf of a juvenile justice agency.]*

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

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

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

26 **(a) "Educational institution" means:**

27 **(A) An entity to which education records are transferred as provided by ORS 326.575 or**  
28 **326.580; or**

29 **(B) An institution of post-secondary education.**

30 **(b) "Personally identifiable information" means personally identifiable information or**  
31 **other information that is from the education record of a student or the testing materials of**

**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 student and that is:

2 (A) Allowed to be disclosed by the federal Family Educational Rights and Privacy Act of  
3 1974; or

4 (B) Required to be disclosed by the federal No Child Left Behind Act of 2001.

5 (2)(a) A public school or school district shall disclose personally identifiable information  
6 to an entity that is not an educational institution only if the requirements of this subsection  
7 are met.

8 (b) Before disclosure of personally identifiable information under this subsection, a public  
9 school or school district must receive written consent for the disclosure from:

10 (A) A parent or guardian of the student; or

11 (B) The student, if the student is emancipated pursuant to ORS 419B.550 to 419B.558 or  
12 is 18 years of age or older.

13 (c) Personally identifiable information may be provided under this subsection only to:

14 (A) An entity that is a law enforcement agency, a child protective services agency or a  
15 health care professional if the information is provided in connection with a health or safety  
16 emergency and if knowledge of the information is necessary to protect the health and safety  
17 of the student or other individuals. As used in this subparagraph, "health or safety emer-  
18 gency" includes, but is not limited to, law enforcement efforts to locate a child who may be  
19 a victim of kidnapping, abduction or custodial interference, and law enforcement or child  
20 protective services efforts to respond to a report of child abuse or neglect pursuant to ORS  
21 419B.005 to 419B.050.

22 (B) An entity that is a court or a state or local juvenile justice agency including, but not  
23 limited to, a law enforcement agency, juvenile department or child protective services  
24 agency. The provision of information under this subparagraph must relate to the court's or  
25 juvenile justice agency's ability to serve the needs of a student prior to the student's adju-  
26 dication under ORS chapter 419C. A person to whom personally identifiable information is  
27 disclosed under this subparagraph shall certify, in writing, that the person will not disclose  
28 the information to a third party other than another court or juvenile justice agency, or a  
29 person or organization providing direct services to the student on behalf of a juvenile justice  
30 agency.

31 (3) A person who receives information under subsection (2)(c) of this section is not liable  
32 civilly or criminally for failing to disclose the information for a purpose described in sub-  
33 section (2)(c) of this section.

34 SECTION 2. This 2011 Act being necessary for the immediate preservation of the public  
35 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
36 July 1, 2011.