

A-Engrossed
House Bill 2666

Ordered by the House April 24
Including House Amendments dated April 24

Sponsored by Representative FREDERICK; Representatives GELSER, WITT (Presession 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.

Directs Department of Education to provide technical expertise to assist schools, school districts and education service districts in complying with standards adopted by State Board of Education pertaining to student education records.

Directs department to issue privacy risk assessment of any data system, program or contract involving student education records.

Directs board to ensure standards pertaining to student education records comply with privacy and disclosure requirements.

Requires public body that conducts tests using student information to budget for costs of compliance with board standards.

Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

1
2 Relating to student education records; creating new provisions; amending ORS 326.565; and declar-
3 ing an emergency.

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

5 **SECTION 1.** ORS 326.565 is amended to read:

6 326.565. (1) The State Board of Education shall adopt by rule standards for the creation, use,
7 custody and disclosure, including access, of student education records that are consistent with the
8 requirements of applicable state and federal law. **The standards adopted by rule under this sub-**
9 **section must meet the requirements in section 2 of this 2013 Act.**

10 (2) The *[state]* board shall distribute the rules that are adopted to all school districts. The school
11 districts shall make those rules available to the public schools in the district and to the public.

12 (3) The *[state]* board may differentiate the standards applicable to persons 18 years of age or
13 older or enrolled in post-secondary institutions.

14 (4) The standards shall include requirements under which public and private schools and edu-
15 cation service districts transfer student education records pursuant to ORS 326.575.

16 (5) **The Department of Education shall provide technical expertise to assist schools,**
17 **school districts and education service districts in complying with the standards adopted un-**
18 **der this section.**

19 (6) **Using the standards adopted under this section as guidance, the department shall is-**
20 **sue a privacy risk assessment of any data system, program or contract involving student**
21 **education records.**

22 **SECTION 2.** (1) **The standards for student education records adopted by rule by the State**
23 **Board of Education pursuant to ORS 326.565 (1) must:**

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) Permit the parent or legal guardian of a student to view the information contained
2 in the student education record;

3 (b) Require the educational institution that has custody of the student education record
4 or that compiles and retains the student education record to disclose to the parent or legal
5 guardian of the student, upon the request of the parent or legal guardian of the student, how
6 the information in the student education record may be used and who is authorized to access
7 the student education record;

8 (c) Permit the parent or legal guardian of a student to challenge and request a correction
9 of incorrect information in the student education record;

10 (d) Permit a student or the parent or legal guardian of a student to refuse to provide
11 information not required by state or federal law for use in the student education record;

12 (e) Require that personal identifying information collected about a student and retained
13 in the student education record be used only for the educational benefit of the student;

14 (f) Prohibit the collection of student personal identifying information for general educa-
15 tional research or program evaluation purposes;

16 (g) Prohibit the disclosure of student personal identifying information to individuals who
17 are not directly responsible for the student's education program;

18 (h) Require that student information collected for general or individual student research
19 or evaluation purposes be collected and used in compliance with applicable state and federal
20 laws;

21 (i) Require that student personal identifying information be removed from the student
22 education record when the student personal identifying information is no longer needed for
23 the purposes of preparing the student's education program or the student's application for
24 employment or application to an institution of higher education; and

25 (j) Permit an educator or school administrator whose performance is evaluated using
26 student information contained in a student education record to view the information used
27 for purposes of the evaluation.

28 (2) The State Board of Education shall establish and adopt by rule criteria to permit a
29 student to view the student's education record.

30 (3) Any public body of this state that conducts a testing program that uses student in-
31 formation shall include in the budget for the testing program the costs associated with
32 compliance with subsection (1) of this section.

33 **SECTION 3.** This 2013 Act being necessary for the immediate preservation of the public
34 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
35 July 1, 2013.

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