

Senate Bill 139

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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**.

Allows Oregon Education Investment Board to authorize Secretary of State to have access to education records of students in public education system for auditing purposes under federal Family Educational Rights and Privacy Act.

A BILL FOR AN ACT

1
2 Relating to education audits; creating new provisions; and amending ORS 336.187.

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

4 **SECTION 1. For purposes of carrying out an audit or evaluation of federal or state-**
5 **supported education programs, or to enforce or comply with federal legal requirements that**
6 **relate to those programs, as described in the federal Family Educational Rights and Privacy**
7 **Act (20 U.S.C. 1232g; 34 C.F.R. part 99), the Oregon Education Investment Board may au-**
8 **thorize the Secretary of State to have access to education records of students in the public**
9 **education system.**

10 **SECTION 2.** ORS 336.187 is amended to read:

11 336.187. (1) A public school or school district shall disclose personally identifiable information
12 or other information allowed to be disclosed by the federal Family Educational Rights and Privacy
13 Act from an education record of a student to:

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

17 (b) Courts and state and local juvenile justice agencies including, but not limited to, law
18 enforcement agencies, juvenile departments and child protective service agencies. Disclosure under
19 this paragraph must relate to the court's or juvenile justice agency's ability to serve the needs of
20 a student prior to the student's adjudication under ORS chapter 419C. A person to whom personally
21 identifiable information is disclosed under this paragraph shall certify, in writing, that the person
22 will not disclose the information to a third party other than another court or juvenile justice agency
23 or a person or organization providing direct services to the student on behalf of a juvenile justice
24 agency.

25 **(c) The Secretary of State, if authorized by the Oregon Education Investment Board un-**
26 **der section 1 of this 2013 Act.**

27 (2) As used in this section, a "health or safety emergency" includes, but is not limited to, law
28 enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial inter-
29 ference and law enforcement or child protective services efforts to respond to a report of child abuse
30 or neglect pursuant to ORS 419B.005 to 419B.050.

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 (3) A person who receives information under this section is not liable civilly or criminally for
2 failing to disclose the information.
3 _____