

**LEW FREDERICK**  
**STATE REPRESENTATIVE**  
HOUSE DISTRICT 43  
NORTH/NORTHEAST PORTLAND



HOUSE OF REPRESENTATIVES

Memorandum

Date: February 12, 2014  
To: Chair Gelser, members of the House Education Committee  
From: Representative Lew Frederick  
Subject: HB 4062 amendments

This bill has involved extensive consultation and negotiation with the Oregon Department of Education, The Secretary of State's office and others.

My intent in this bill is not to overburden our school districts, the ODE or educators in general. My primary intent is to answer the question, "Who owns a child's story?" I believe, fervently, that if we don't answer that question now, if we do not now assert that we will protect the child's ownership of his or her own story, that ownership is in danger of being lost.

The -1 amendment added a prohibition against using information in a student record for sales, marketing or advertising.

The -2 amendment answered a concern from the office of the Secretary of State regarding whether the bill would impair their ability to conduct program audits. Gary Blackmer has stated that the amendment solves their concern.

The -3 amendment incorporates -1 and the majority of the ODE's objections. It narrows the definition of what entities this bill applies to, leaving out higher education. It removes the issue regarding the basis of teacher evaluation, which may be an argument for another day. It substantially reduces the claim of fiscal impact made by the ODE.

The -4 incorporates -2 and amends -3 to answer additional concerns raised by the ODE. It changes "unless otherwise required by state or federal law" to "unless otherwise allowed by state or federal law" in the provisions regarding use and disclosure of records.

ODE raised additional issues last night; amendments to address those are requested. The memo that accompanied this morning's amendment request to LC is attached.

Thank you.