

**PROPOSED AMENDMENTS TO
HOUSE BILL 4062**

1 On page 1 of the printed bill, delete lines 4 through 27 and delete page
2 2 and insert:

3 **“SECTION 1.** ORS 326.565 is amended to read:

4 **“326.565. (1) As used in this section:**

5 **“(a) ‘Audit or evaluation purposes’ means audits or evaluations of**
6 **state funded or federally funded educational programs.**

7 **“(b) ‘Educational institution’ means:**

8 **“(A) A school district, as defined in ORS 330.003;**

9 **“(B) The Oregon School for the Deaf;**

10 **“(C) An educational program under the Youth Corrections Educa-**
11 **tion Program;**

12 **“(D) A public charter school, as defined in ORS 338.005; or**

13 **“(E) An education service district, as defined in ORS 334.003.**

14 **“(2) The State Board of Education shall adopt by rule standards for the**
15 **creation, use, custody and disclosure, including access, of student education**
16 **records that are consistent with the requirements of applicable state and**
17 **federal law. [The state board shall distribute the rules that are adopted to all**
18 **school districts. The school districts shall make those rules available to the**
19 **public schools in the district and to the public. The state board may differen-**
20 **tiate the standards applicable to persons 18 years of age or older or enrolled**
21 **in post-secondary institutions. The standards shall include requirements un-**
22 **der which public and private schools and education service districts transfer**

1 *student education records pursuant to ORS 326.575.] Standards adopted*
2 **under this section apply to educational institutions.**

3 **“(3) The standards adopted under this section must:**

4 **“(a) Prohibit the use of student Social Security numbers on any**
5 **student education record or part of any student education record;**

6 **“(b) Require the use of secure individual identification numbers**
7 **that protect the privacy of individual students;**

8 **“(c) Permit the student or a parent or legal guardian of the student**
9 **to view the information contained in the school district student edu-**
10 **cation record, as allowed under state and federal law;**

11 **“(d) Permit a parent or legal guardian of the student to challenge**
12 **and request a correction of incorrect information in the student edu-**
13 **cation record;**

14 **“(e) Require the educational institution that has custody of the**
15 **personally identifiable student education record, or that compiles and**
16 **retains the personally identifiable student education record, to disclose**
17 **to a parent or legal guardian of the student, upon the request of a**
18 **parent or legal guardian of the student, how the information in the**
19 **personally identifiable student education record may be used and**
20 **which entities are authorized to access the personally identifiable**
21 **student education record;**

22 **“(f) Require that personal identifying information collected about**
23 **the student and retained in the student education record be used only**
24 **for the educational benefit of the student or for audit or evaluation**
25 **purposes, unless otherwise allowed by state or federal law;**

26 **“(g) Permit the student or a parent or legal guardian of the student**
27 **to refuse to provide personal identifying information for use in the**
28 **student education record, unless otherwise required by state or federal**
29 **law;**

30 **“(h) Prohibit the disclosure of a student’s personal identifying in-**

1 **formation to individuals or entities that do not have legitimate edu-**
2 **cation interests in the record or who are not using the information for**
3 **audit or evaluation purposes, unless otherwise allowed by state or**
4 **federal law;**

5 **“(i) Require that student information collected for general or indi-**
6 **vidual student research or evaluation purposes be collected and used**
7 **in compliance with applicable state and federal law;**

8 **“(j) Upon request of the student, after attaining the age of 18 years**
9 **or graduating from high school, whichever is later, require that the**
10 **student’s personal identifying information be removed from the stu-**
11 **dent education record;**

12 **“(k) Require that student transcripts be retained according to state**
13 **and federal law; and**

14 **“(L) Prohibit the use by any third party of personal identifying in-**
15 **formation in a student education record if the use is for sales, adver-**
16 **tising or marketing purposes.**

17 **“(4) The standards adopted under this section shall include re-**
18 **quirements under which an educational institution transfers student**
19 **education records pursuant to ORS 326.575.**

20 **“(5) The board may differentiate the standards applicable to persons**
21 **18 years of age or older.**

22 **“(6) The board shall distribute the standards that are adopted under**
23 **this section to all educational institutions. The educational insti-**
24 **tutions shall make those standards available to students and parents**
25 **or legal guardians of students.**

26 **“(7) Using the standards adopted under this section as guidance, the**
27 **Department of Education shall assess the risk to student privacy be-**
28 **fore implementing any new data system, program or contract involv-**
29 **ing student education records.**

30 **“(8) Any public body that conducts a student testing program or**

1 **student information collection program shall include in the budget for**
2 **the program the costs associated with compliance with subsection (3)**
3 **of this section.**

4 **“SECTION 2. This 2014 Act takes effect July 1, 2014.”**

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