

**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 educational institution stu-**  
10 **dent education 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 and used for general**  
6 **or individual student research or evaluation purposes be collected and**  
7 **used 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 proposes a new requirement for a student**

1 testing program or student information collection program shall in-  
2 clude in the projected costs for the proposed program the costs asso-  
3 ciated with compliance with subsection (3) of this section.

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

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