

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2712**

1 In line 2 of the printed bill, delete “and” and after “326.565” insert “; and  
2 declaring an emergency”.

3 Delete lines 4 through 22 and insert:

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

5 **“326.565. (1)** The State Board of Education shall adopt by rule standards  
6 for the creation, use, custody and disclosure, including access, of student  
7 education records that are consistent with the requirements of applicable  
8 state and federal law. **The standards adopted by rule under this sub-**  
9 **section must:**

10 **“(a) Require that personal identifying information collected about**  
11 **a student and retained in the student education record be used only**  
12 **for the benefit of the student;**

13 **“(b) Prohibit the disclosure of student personal identifying infor-**  
14 **mation to individuals who are not the student’s parent or legal**  
15 **guardian or who are not directly responsible for the student’s educa-**  
16 **tion program unless the disclosure is for the purpose of protecting the**  
17 **student’s health or safety;**

18 **“(c) Require that student information collected for general or indi-**  
19 **vidual student research or evaluation purposes be collected and used**  
20 **in compliance with applicable state and federal law;**

21 **“(d) Require that student personal identifying information be re-**  
22 **moved from the student education record when the student personal**

1 identifying information is no longer needed for the purposes of pre-  
2 paring the student's education program or the student's application  
3 for employment or application to a post-secondary institution of edu-  
4 cation;

5 “(e) Permit the student's parent or legal guardian to view the in-  
6 formation contained in the student education record;

7 “(f) Require the educational institution that has custody of the  
8 student education record or that compiles and retains the student ed-  
9 ucation record to disclose to the student's parent or legal guardian,  
10 upon the request of the student's parent or legal guardian, how the  
11 information in the student education record may be used and who is  
12 authorized to access the student education record;

13 “(g) Permit a student's parent or legal guardian to challenge and  
14 request a correction of incorrect information in the student education  
15 record; and

16 “(h) Provide to a student who is 16 years of age or older the rights  
17 described in paragraphs (e) to (g) of this subsection.

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

21 “(3) The [state] board may differentiate the standards applicable to per-  
22 sons [18] 16 years of age or older or enrolled in post-secondary institutions.

23 “(4) The standards shall include requirements under which public and  
24 private schools and education service districts transfer student education  
25 records pursuant to ORS 326.575.

26 “(5) The board shall adopt a schedule of civil penalties for violations  
27 of rules adopted under this section. Civil penalties shall be imposed  
28 by the Department of Education in the manner provided in ORS  
29 183.745.

30 **SECTION 2.** The amendments to ORS 326.565 by section 1 of this

1 2015 Act apply to violations of rules adopted under ORS 326.565 that  
2 occur on or after the effective date of this 2015 Act.

3 SECTION 3. This 2015 Act being necessary for the immediate  
4 preservation of the public peace, health and safety, an emergency is  
5 declared to exist, and this 2015 Act takes effect July 1, 2015.”

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