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 educational 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;**

17   **"(c) Require that student information collected for general or indi-**

18 **vidual student research or evaluation purposes be collected and used**

19 **in compliance with applicable state and federal law;**

20   **"(d) Require that student personal identifying information be re-**

21 **moved from the student education record when the student personal**

22 **identifying information is no longer needed for the purposes of pre-**

1 **paring the student's education program or the student's application**

2 **for employment or application to a post-secondary institution of edu-**

3 **cation;**

4 **"(e) Permit the student's parent or legal guardian to view the in-**

5 **formation contained in the student education record;**

6 **"(f) Require the educational institution that has custody of the**

7 **student education record or that compiles and retains the student ed-**

8 **ucation record to disclose to the student's parent or legal guardian,**

9 **upon the request of the student's parent or legal guardian, how the**

10 **information in the student education record may be used and who is**

11 **authorized to access the student education record;**

12 **"(g) Permit a student's parent or legal guardian to challenge and**

13 **request a correction of incorrect information in the student education**

14 **record; and**

15 **"(h) Provide to a student who is 16 years of age or older the rights**

16 **described in paragraphs (e) to (g) of this subsection.**

17 **"(2)** 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.

20 **"(3)** The [*state*] board may differentiate the standards applicable to per-

21 sons [*18*] **16** years of age or older or enrolled in post-secondary institutions.

22 **"(4)** The standards shall include requirements under which public and

23 private schools and education service districts transfer student education

24 records pursuant to ORS 326.575.

25 **"(5) Using the standards adopted under this section as guidance, the**

26 **Department of Education shall issue a privacy risk assessment of any**

27 **data system, program or contract involving student education records.**

28 **"(6)(a) The board shall adopt a schedule of civil penalties for vio-**

29 **lations of rules adopted under this section. Civil penalties shall be**

30 **imposed by the department in the manner provided in ORS 183.745.**

1   **"(b) All civil penalties recovered under this subsection shall be paid**

2   **into the State Treasury and credited to the General Fund and are**

3   **available for general governmental expenses.**

4   **"(c) Nothing in this subsection prevents a person from filing a civil**

5   **action as provided by ORS 30.864.**

6   **"<u>SECTION 2.</u> The amendments to ORS 326.565 by section 1 of this**

7   **2015 Act apply to violations of rules adopted under ORS 326.565 that**

8   **occur on or after the effective date of this 2015 Act.**

9   **"<u>SECTION 3.</u> This 2015 Act being necessary for the immediate**

10   **preservation of the public peace, health and safety, an emergency is**

11   **declared to exist, and this 2015 Act takes effect July 1, 2015.".**

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