

D R A F T

SUMMARY

Digest: Directs ODE to create and use a method for electronic student data. (Flesch Readability Score: 60.7).

Directs the Department of Education to develop and implement a standardized method to be used by school districts, education service districts and the department to electronically create, collect, use, maintain, disclose, transfer and access student data. Prescribes requirements of the method.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1

2 Relating to student data; creating new provisions; amending ORS 192.842,
3 326.565, 338.115, 343.173, 346.169 and 433.280; repealing ORS 326.580; and
4 declaring an emergency.

5 Whereas the security of student data must be a priority for the State of
6 Oregon; and

7 Whereas staff who work in state agencies, education service districts and
8 school districts and who access, analyze and report on student data are
9 stewards of the trust that Oregon families and students have placed in
10 Oregon's education system to maintain the security of that data; and

11 Whereas the student data reporting burden on Oregon's school adminis-
12 trators and staff has grown unbearable and could be significantly decreased
13 with a standardized method to share student data; and

14 Whereas a standardized method to share student data would help educa-
15 tors in this state to identify academic disparities among student groups and
16 to improve educational equity for underserved students throughout the state;
17 and

18 Whereas the neutral fact finder in the *J.N. v. Oregon Department of Ed-*

1 *ucation* lawsuit recommended the development of a universal method for
2 tracking individualized education programs; and

3 Whereas in order to best serve students' learning needs, Oregon's educa-
4 tion workforce needs timely access to information about highly mobile stu-
5 dents and about students with disabilities who move across school district
6 lines; and

7 Whereas fragmented student data and incongruent methods for sharing
8 student data can cause delays in data transfers among the school districts
9 and education service districts of this state and make it difficult for
10 policymakers and analysts to compile comprehensive information to assess
11 the needs of Oregon's students; and

12 Whereas a standardized method to share student data would improve
13 student safety and promote the continuity of school health services for stu-
14 dents; and

15 Whereas the potential for reimbursement to school districts and education
16 service districts for rendered Medicaid-eligible services increases with the
17 use of electronic health records; and

18 Whereas Oregon's education system can improve the delivery of educa-
19 tional services by unifying the currently fragmented method for sharing
20 student data; and

21 Whereas Oregon's education system will require additional resources and
22 funding to accomplish the goal of providing a standardized method to share
23 student data; and

24 Whereas the Legislative Assembly finds that the creation and required
25 use of a standardized method to share student data is in the best interest of
26 student learning, is beneficial for state and local funding decisions and is
27 necessary for the delivery of quality education in this state; now, therefore,

28 **Be It Enacted by the People of the State of Oregon:**

29 **SECTION 1. (1) The Department of Education shall develop and**
30 **implement a standardized method to be used by school districts, edu-**
31 **cation service districts and the department to electronically create,**

1 **collect, use, maintain, disclose, transfer and access student data from**
2 **multiple platforms.**

3 **(2) The method developed and implemented under this section must:**

4 **(a) Facilitate easy and fast electronic transfers of student records;**

5 **(b) Facilitate the interoperability of electronic health records that**
6 **are education records and facilitate the ability of school districts and**
7 **education service districts to effectively maximize Medicaid billing;**

8 **(c) Minimize existing and future reporting burdens for school dis-**
9 **tricts and education service districts by streamlining reporting re-**
10 **quirements when possible;**

11 **(d) Minimize the likelihood that a new record will be created for a**
12 **student when the student transfers to, or is placed in, a different ed-**
13 **ucational setting;**

14 **(e) Ensure that the department has the ability to access student**
15 **data for research purposes; and**

16 **(f) Establish student data standards to further the purposes de-**
17 **scribed in subsection (1) of this section.**

18 **(3) The method developed and implemented under this section must**
19 **allow for the collection of at least the following types of student data:**

20 **(a) Student name and state identification number;**

21 **(b) Student demographic information;**

22 **(c) Student statewide assessment data;**

23 **(d) Student course completion data;**

24 **(e) Student education records;**

25 **(f) Student individualized education programs, as defined in ORS**
26 **343.035, and student plans, as developed in accordance with section 504**
27 **of the Rehabilitation Act of 1973, 29 U.S.C. 794, and any evaluations,**
28 **reevaluations, examinations or assessments made to determine eligi-**
29 **bility for or to provide an individualized education program or a stu-**
30 **dent plan;**

31 **(g) Student daily attendance data, including data on the uses of**

1 removals of students from the classroom setting, abbreviated school
2 days and exclusionary discipline practices; and

3 (h) Student medical alerts and other health data necessary for state
4 reporting.

5 (4) The department shall provide to school districts and education
6 service districts training on the method developed and implemented
7 under this section in the manner prescribed by the State Board of
8 Education by rule.

9 (5) The State Board of Education shall adopt any rules necessary
10 for the administration of this section.

11 **SECTION 2.** For the purpose of developing the method for elec-
12 tronically creating, collecting, using, maintaining, disclosing, trans-
13 ferring and accessing student data as required under section 1 of this
14 2025 Act, the Department of Education:

15 (1) Must establish student data standards to further the purposes
16 of the method.

17 (2) Must ensure that the method is developed, which may be ac-
18 complished by entering into an intergovernmental agreement or a
19 contract with a public or private entity for the development of the
20 method.

21 (3) Shall ensure that the method reduces or eliminates redundancies
22 related to student data and that the method is compatible with local
23 methods related to student data that are in place prior to the imple-
24 mentation of the method.

25 (4) Shall ensure, during the transition to the method, that:

26 (a) The integrity and security of student data is maintained; and

27 (b) School districts and education service districts are provided with
28 technical support to transition to the method.

29 (5) Shall establish a schedule to:

30 (a) Test and implement the method.

31 (b) Adequately train school district and education service district

1 **staff in the use of the method.**

2 **(c) Ensure that school districts and education service districts are**
3 **prepared to fully implement the method at the later of:**

4 **(A) The date when the Department of Education first enters into a**
5 **contract to provide a standardized method to share student data; or**

6 **(B) The date of the expiration of a contract between a school dis-**
7 **trict or an education service district and a student information sys-**
8 **tems provider.**

9 **(6) Shall establish a technical advisory committee to assist in the**
10 **development and implementation of the method. The committee shall:**

11 **(a) Include the following members appointed by the Superintendent**
12 **of Public Instruction or the superintendent's designee:**

13 **(A) A representative of a statewide organization that represents**
14 **school administrators;**

15 **(B) A representative of a statewide organization that primarily re-**
16 **presents licensed teachers;**

17 **(C) A representative of a statewide organization that primarily re-**
18 **presents classified educators and educator staff;**

19 **(D) A representative of a statewide organization that represents**
20 **school nurses;**

21 **(E) A representative of school health providers that are not school**
22 **nurses;**

23 **(F) A special education educator who is a technical expert in indi-**
24 **vidualized education program systems;**

25 **(G) A representative of a statewide organization of school business**
26 **officials in this state;**

27 **(H) A representative of a statewide organization that represents**
28 **education service districts;**

29 **(I) A representative of a statewide organization that represents**
30 **school boards;**

31 **(J) A representative of the Oregon Youth Authority;**

1 (K) An expert on the statewide longitudinal data system;

2 (L) A representative of the office of Enterprise Information Services
3 established in the Oregon Department of Administrative Services;

4 (M) Two members who are parents, students or representatives of
5 the public; and

6 (N) Fifteen representatives of an organization that coordinates the
7 contract and implementation process for student information systems
8 in multiple school districts of this state.

9 (b) Have the following responsibilities:

10 (A) Study the Juvenile Justice Information System.

11 (B) Provide oversight and technical guidance to staff within the
12 Department of Education regarding the implementation of the
13 method.

14 (C) Make recommendations for legislation to the Legislative As-
15 sembly, recommendations for administrative rules to the State Board
16 of Education and recommendations for policy development to the De-
17 partment of Education, school districts, education service districts and
18 any other entity identified by the committee as being required or en-
19 couraged to develop policies in relation to a standardized method to
20 share student data.

21 (D) Coordinate efforts with any state-level committees or organ-
22 izations that address Medicaid billing by school districts and education
23 service districts.

24 (E) Oversee the implementation of the method and submit reports
25 no later than October 1 of each even-numbered year on the imple-
26 mentation of the method to the State Board of Education and, in the
27 manner provided in ORS 192.245, to the committees or interim com-
28 mittees of the Legislative Assembly related to education.

29 (F) Consider alignment with grant applications and intersecting
30 programs.

31 (G) Recommend attainable schedules for testing, training and im-

1 **plementation in education service districts and in school districts of**
2 **varying sizes across the state.**

3 **(H) Analyze and make recommendations regarding cybersecurity**
4 **issues that may affect student data.**

5 **(c) When fulfilling the responsibilities described in paragraph (b)**
6 **of this subsection, consult with:**

7 **(A) Early intervention and early childhood special education spe-**
8 **cialists and supervisors; and**

9 **(B) School district and education service district staff who will use**
10 **the method to share student data.**

11 **SECTION 3. All appointments to the technical advisory committee**
12 **established under section 2 (6) of this 2025 Act must be completed by**
13 **December 1, 2025.**

14 **SECTION 4. Section 2 of this 2025 Act is repealed on July 1, 2035.**

15 **SECTION 5. ORS 326.565 is amended to read:**

16 326.565. (1) The State Board of Education shall adopt by rule standards
17 for the [*creation, use, custody and disclosure, including access,*] **creation,**
18 **collection, use, maintenance, disclosure, transfer and access** of student
19 education records held by a school district or another public or private ed-
20 ucational entity that provides educational services to students in any grade
21 from kindergarten through grade 12. Consistent with the requirements of
22 applicable state and federal law, the standards:

23 **(a) Shall incorporate the method used to electronically create, col-**
24 **lect, use, maintain, disclose, transfer and access student data, as de-**
25 **veloped and implemented pursuant to section 1 of this 2025 Act.**

26 **[(a)] (b) Shall include requirements under which a school district or other**
27 **educational entity will transfer student education records pursuant to ORS**
28 **326.575.**

29 **[(b)] (c) May be applied differently to persons 18 years of age or older.**

30 **(2) The board shall distribute the rules that are adopted under subsection**
31 **(1) of this section to all school districts and education service districts**

1 and shall make the rules available on the website of the Department of Ed-
2 ucation.

3 (3) School districts shall make the rules received under subsection (2) of
4 this section available to the public schools in the district and to the public.

5 **SECTION 6.** ORS 192.842 is amended to read:

6 192.842. (1) A county clerk or other elections official shall use the actual
7 address of a program participant for voter registration purposes. Except as
8 provided in ORS 192.820 to 192.868, a county clerk or other elections official
9 may not disclose the actual address.

10 (2) A county clerk or other elections official shall use the substitute ad-
11 dress of the program participant for purposes of mailing a ballot to an elec-
12 tor under ORS 254.470.

13 (3) A school district shall use the actual address of a program participant
14 for any purpose related to admission or assignment. The school district shall
15 take such measures as necessary to protect the confidentiality of the actual
16 address of the program participant. Student records created under ORS
17 326.565 and [326.580] **section 1 of this 2025 Act** shall use the substitute ad-
18 dress of the program participant.

19 (4) A county clerk shall accept the substitute address of the program
20 participant as the address of the applicant for the purpose of issuing a mar-
21 riage license under ORS 106.041 or registering a Declaration of Domestic
22 Partnership under ORS 106.325.

23 **SECTION 7.** ORS 338.115 is amended to read:

24 338.115. (1) Statutes and rules that apply only to school district boards,
25 school districts or other public schools do not apply to public charter
26 schools. However, the following laws do apply to public charter schools:

- 27 (a) Federal law;
- 28 (b) ORS 30.260 to 30.300 (tort claims);
- 29 (c) ORS 192.311 to 192.478 (public records law);
- 30 (d) ORS 192.610 to 192.705 (public meetings law);
- 31 (e) ORS chapters 279A, 279B and 279C (Public Contracting Code);

- 1 (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- 2 (g) ORS 326.565[,] **and** 326.575 [*and* 326.580] **and section 1 of this 2025**
- 3 **Act** (student records);
- 4 (h) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);
- 5 (i) ORS 329.045 (academic content standards and instruction);
- 6 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma
- 7 and certificate of attendance);
- 8 (k) ORS 329.496 (physical education);
- 9 (L) The statewide assessment system developed by the Department of Ed-
- 10 ucation for mathematics, science and language arts under ORS 329.485 (2);
- 11 (m) ORS 336.840 (use of personal electronic devices);
- 12 (n) ORS 337.150 (textbooks);
- 13 (o) ORS 339.119 (consideration for educational services);
- 14 (p) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- 15 (q) ORS 339.250 (9) (prohibition on infliction of corporal punishment);
- 16 (r) ORS 339.326 (notice concerning students subject to juvenile court pe-
- 17 titions);
- 18 (s) ORS 339.370 to 339.400 (reporting of suspected abuse and suspected
- 19 sexual conduct);
- 20 (t) ORS 342.856 (core teaching standards);
- 21 (u) ORS chapter 657 (Employment Department Law);
- 22 (v) ORS 332.505 (2), 659.850, 659.855 and 659.860 (discrimination);
- 23 (w) Any statute or rule that establishes requirements for instructional
- 24 time provided by a school during each day or during a year;
- 25 (x) Statutes and rules that expressly apply to public charter schools;
- 26 (y) Statutes and rules that apply to a special government body, as defined
- 27 in ORS 174.117, or a public body, as defined in ORS 174.109;
- 28 (z) Health and safety statutes and rules;
- 29 (aa) Any statute or rule that is listed in the charter; and
- 30 (bb) This chapter.
- 31 (2) Notwithstanding subsection (1) of this section, a charter may specify

1 that statutes and rules that apply only to school district boards, school dis-
2 tricts and other public schools may apply to a public charter school.

3 (3) If a statute or rule applies to a public charter school, then the terms
4 “school district” and “public school” include public charter school as those
5 terms are used in that statute or rule.

6 (4) A public charter school may not violate the Establishment Clause of
7 the First Amendment to the United States Constitution or Article I, section
8 5, of the Oregon Constitution, or be religion based.

9 (5)(a) A public charter school shall maintain an active enrollment of at
10 least 25 students.

11 (b) For a public charter school that provides educational services under
12 a cooperative agreement described in ORS 338.080, the public charter school
13 is in compliance with the requirements of this subsection if the public
14 charter school provides educational services under the cooperative agreement
15 to at least 25 students, without regard to the school districts in which the
16 students are residents.

17 (6) A public charter school may sue or be sued as a separate legal entity.

18 (7) The sponsor, members of the governing board of the sponsor acting in
19 their official capacities and employees of a sponsor acting in their official
20 capacities are immune from civil liability with respect to all activities re-
21 lated to a public charter school within the scope of their duties or employ-
22 ment.

23 (8) A public charter school may enter into contracts and may lease facil-
24 ities and services from a school district, education service district, public
25 university listed in ORS 352.002, other governmental unit or any person or
26 legal entity.

27 (9) A public charter school may not levy taxes or issue bonds under which
28 the public incurs liability.

29 (10) A public charter school may receive and accept gifts, grants and do-
30 nations from any source for expenditure to carry out the lawful functions
31 of the school.

1 (11) The school district in which the public charter school is located shall
2 offer high school diplomas, modified diplomas, extended diplomas and certifi-
3 cates of attendance to any public charter school students who meet the
4 district's and state's standards for a high school diploma, a modified diploma,
5 an extended diploma or a certificate of attendance.

6 (12) A high school diploma, a modified diploma or an extended diploma
7 issued by a public charter school grants to the holder the same rights and
8 privileges as a high school diploma, a modified diploma or an extended di-
9 ploma issued by a nonchartered public school. A certificate of attendance
10 issued by a public charter school shall have the same restrictions as a cer-
11 tificate of attendance issued by a nonchartered public school.

12 (13) Prior to beginning operation, the public charter school shall show
13 proof of insurance to the sponsor as specified in the charter.

14 (14) A public charter school may receive services from an education ser-
15 vice district in the same manner as a nonchartered public school in the
16 school district in which the public charter school is located.

17 **SECTION 8.** ORS 343.173 is amended to read:

18 343.173. (1) Notwithstanding the limitation on access to records under
19 ORS 192.311 to 192.478, 326.565, 326.575 and 336.187 **and section 1 of this**
20 **2025 Act**, the parent is entitled at any reasonable time to examine all of the
21 records of the school district pertaining to the identification, evaluation and
22 educational placement of the child and the provision of a free appropriate
23 public education to the child. Records must be provided without undue delay,
24 which may not exceed 10 business days, as defined in ORS 192.311, from the
25 date of the request for the records. Records may be redacted only to the ex-
26 tent necessary to protect personally identifiable information of other chil-
27 dren unless disclosure is authorized by law or court order.

28 (2) Any parent is entitled to obtain an independent evaluation at the ex-
29 pense of the school district if the parent disagrees with an evaluation ob-
30 tained by the district.

31 (3) If the school district disagrees with the parent's request for an inde-

1 pendent educational evaluation, the district may initiate a hearing under
2 ORS 343.165 to show that the district’s evaluation is appropriate. If the final
3 decision is that the district’s evaluation is appropriate, the parent has the
4 right to an independent educational evaluation, but not at the district’s ex-
5 pense.

6 (4) If the parent requests an independent educational evaluation of the
7 child, the school district shall provide information about where an inde-
8 pendent educational evaluation may be obtained.

9 (5) If a hearing officer appointed under ORS 343.165 requests an inde-
10 pendent educational evaluation as part of a hearing, the school district shall
11 pay the cost of the evaluation.

12 (6) For purposes of this section, “independent educational evaluation”
13 means an evaluation conducted by a qualified examiner who is not employed
14 by the school district responsible for the child in question.

15 **SECTION 9.** ORS 346.169 is amended to read:

16 346.169. (1) Notwithstanding the provisions of ORS 346.165 and 346.167,
17 whenever a person who is blind or blind and deaf requests any public or
18 private agency to exchange with another agency the records of the agency
19 concerning the person making the request, the agency shall furnish the re-
20 cords to the designated agency.

21 (2) The request made under subsection (1) of this section may be made by
22 a guardian of the person who is blind or blind and deaf.

23 (3) As used in this section, “record” includes name and address of the
24 person who is blind or blind and deaf, medical and psychological records, and
25 other information designated by the person requesting the exchange of re-
26 cords.

27 (4) Where appropriate, a request for an exchange of records made under
28 the provisions of this section shall be subject to the confidentiality and ac-
29 cess provisions of ORS 179.495, 326.565, 326.575, 336.187, 341.290, 344.600,
30 411.320, 419B.035 and 419B.045 **and section 1 of this 2025 Act.**

31 **SECTION 10.** ORS 433.280 is amended to read:

1 433.280. Nothing in ORS 179.505, 192.553 to 192.581, 326.565, 326.575 or
2 336.187 or **section 1 of this 2025 Act** prevents:

3 (1) Inspection by or release to administrators by local health departments
4 of information relating to the status of a person's immunization against
5 restrictable diseases without the consent of the person, if the person has
6 been emancipated or has reached the age of majority, or the parent of a
7 child.

8 (2) Local health departments from releasing information concerning the
9 status of a person's immunization against restrictable diseases by telephone
10 to the parent, administrators and public health officials.

11 **SECTION 11. ORS 326.580 is repealed.**

12 **SECTION 12. The amendments to ORS 192.842, 338.115, 343.173,
13 346.169 and 433.280 by sections 6 to 10 of this 2025 Act and the repeal
14 of ORS 326.580 by section 11 of this 2025 Act become operative July 1,
15 2035.**

16 **SECTION 13. This 2025 Act being necessary for the immediate
17 preservation of the public peace, health and safety, an emergency is
18 declared to exist, and this 2025 Act takes effect on its passage.**

19