

House Bill 4062

Sponsored by Representatives FREDERICK, WILLIAMSON; Representatives GORSEK, KENY-GUYER, VEGA PEDERSON, Senators ROBLAN, SHIELDS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies standards that State Board of Education must adopt related to student education records.

Directs Department of Education to provide technical expertise to assist educational institutions in complying with standards.

Directs department to issue privacy risk assessment of any data system, program or contract involving student education records.

Requires public body that conducts tests using student information to budget for costs of compliance with standards.

Takes effect July 1, 2014.

A BILL FOR AN ACT

Relating to student education records; amending ORS 326.565; and prescribing an effective date.

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

SECTION 1. ORS 326.565 is amended to read:

326.565. **(1) As used in this section, "educational institution" has the meaning given that term in ORS 326.575.**

(2) The State Board of Education shall adopt by rule standards for the creation, use, custody and disclosure, including access, of student education records that are consistent with the requirements of applicable state and federal law. *[The state board shall distribute the rules that are adopted to all school districts. The school districts shall make those rules available to the public schools in the district and to the public. The state board may differentiate the standards applicable to persons 18 years of age or older or enrolled in post-secondary institutions. The standards shall include requirements under which public and private schools and education service districts transfer student education records pursuant to ORS 326.575.]*

(3) The standards adopted under this section must:

(a) Permit a student or a parent or legal guardian of the student to view the information contained in the student education record as allowed under state and federal law;

(b) Permit a parent or legal guardian of the student to challenge and request a correction of incorrect information in the student education record;

(c) Require the educational institution that has custody of the student education record, or that compiles and retains the student education record, to disclose to a parent or legal guardian of the student, upon the request of a parent or legal guardian of the student, how the information in the student education record may be used and who is authorized to access the student education record;

(d) Require that personal identifying information collected about the student and retained in the student education record be used only for the educational benefit of the student;

(e) Permit the student or a parent or legal guardian of the student to refuse to provide

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 information not required by state or federal law for use in the student education record;

2 (f) Prohibit the disclosure of student personal identifying information to individuals who
3 are not directly responsible for the student's education program;

4 (g) Prohibit the collection of student personal identifying information for general educa-
5 tional research or program evaluation purposes;

6 (h) Require that student information collected for general or individual student research
7 or evaluation purposes be collected and used in compliance with applicable state and federal
8 law;

9 (i) Require that student personal identifying information be removed from the student
10 education record when the student personal identifying information is no longer needed for
11 the purposes of preparing the student's education program, application for employment or
12 application to a post-secondary institution; and

13 (j) Permit an educator or school administrator whose performance is evaluated using
14 student information contained in a student education record to view the information used
15 for purposes of the evaluation.

16 (4) The standards shall include requirements under which an educational institution
17 transfers student education records pursuant to ORS 326.575.

18 (5) The board may differentiate the standards applicable to persons 18 years of age or
19 older or enrolled in post-secondary institutions.

20 (6) The board shall distribute the standards that are adopted as provided by this section
21 to all school districts. The school districts shall make those standards available to the public
22 schools in the district and to the public.

23 (7) The Department of Education shall provide technical expertise to assist educational
24 institutions in complying with the standards adopted under this section.

25 (8) Using the standards adopted under this section as guidance, the department shall is-
26 sue a privacy risk assessment of any data system, program or contract involving student
27 education records.

28 (9) Any public body as defined in ORS 174.109 that conducts a testing program that uses
29 student information shall include in the budget for the testing program the costs associated
30 with the use of student education records in compliance with subsection (3) of this section.

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