

# Enrolled Senate Bill 512

Sponsored by COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT (at the request of Oregon Law Commission)

CHAPTER .....

AN ACT

Relating to disclosure of information about students involved in justice system; creating new provisions; amending ORS 339.317, 339.319, 339.321, 339.323, 419A.015, 420.048 and 420A.122 and sections 2 and 3, chapter 50, Oregon Laws 2008; and declaring an emergency.

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

**SECTION 1.** Section 2, chapter 50, Oregon Laws 2008, is amended to read:

**Sec. 2.** *[(1)(a) When a youth makes a first appearance before the juvenile court on a petition described in subsection (4) of this section alleging that the youth is within the jurisdiction of the juvenile court under ORS 419C.005, the district attorney or other person filing the petition under ORS 419C.250 shall notify:]*

*[(A) The superintendent of the school district in which the youth resides or the superintendent's designee; or]*

*[(B) If the person filing the petition has information that the youth is enrolled in a private school or charter school, the principal of the school in which the youth is enrolled.]*

*[(b) If the juvenile court sets aside or dismisses a petition as provided in ORS 419C.261 for which notice was given under subsection (1)(a) of this section, or if the juvenile court determines that the youth is not within the jurisdiction of the juvenile court, the district attorney or other person prosecuting the case shall notify:]*

*[(A) The superintendent of the school district in which the youth resides or the superintendent's designee; or]*

*[(B) If the person prosecuting the case has information that the youth is enrolled in a private school or charter school, the principal of the school in which the youth is enrolled.]*

**(1) As used in this section:**

**(a) "Principal" means a person having general administrative control and supervision of a school.**

**(b) "School administrator" means:**

**(A) The superintendent of the school district in which a youth attends school, or the designee of the superintendent, if the youth attends a public school that is not a public charter school;**

**(B) The principal of a public charter school, if the youth attends a public charter school;**

**(C) The principal of a private school that provides education to one or more instructional levels from kindergarten through grade 12 or equivalent instructional levels, if the youth attends a private school;**

(D) The superintendent of the school district in which the youth resides, or the designee of the superintendent, if the school that the youth attends is not known by the person giving notice;

(E) The director of the Oregon School for the Blind;

(F) The director of the Oregon School for the Deaf; or

(G) The Superintendent of Public Instruction if the youth is in an educational program under the Youth Corrections Education Program.

(c) "School district" has the meaning given that term in ORS 332.002.

(2) Notice shall be given to a school administrator when:

(a) A youth makes a first appearance before the juvenile court on a petition described in subsection (7) of this section alleging that the youth is within the jurisdiction of the juvenile court under ORS 419C.005.

(b) A youth admits to being within the jurisdiction of the juvenile court as provided in ORS 419C.005 on a petition described in subsection (7) of this section or is adjudicated by a juvenile court to be within its jurisdiction on a petition described in subsection (7) of this section.

(c) A youth is found responsible except for insanity under ORS 419C.411.

(d) Notice had been given as provided by paragraph (a) or (b) of this subsection and the juvenile court:

(A) Sets aside or dismisses the petition as provided in ORS 419C.261; or

(B) Determines that the youth is not within the jurisdiction of the juvenile court after a hearing on the merits of the petition.

(3) A notice required by subsection (2) of this section shall be given by:

(a) The district attorney;

(b) In the case of a petition filed under ORS 419C.250, the person who filed the petition;

(c) In the case of a person prosecuting a case who is not the district attorney, the person who is prosecuting the case; or

(d) In the case of a juvenile department that has agreed to be responsible for providing the notices required under this section, the juvenile department.

[(2)] (4) [The] A notice required under subsection [(1)] (2) of this section may be communicated by mail or other [method] means of delivery, including but not limited to electronic transmission. [The] A notice must include:

(a) The name and date of birth of the youth;

(b) The names and addresses of the youth's parents or guardians;

(c) The alleged basis for the juvenile court's jurisdiction over the youth;

(d) The act alleged in the petition that, if committed by an adult, would constitute a crime;

[and]

(e) The name and contact information of the attorney for the youth, if known;

(f) The name and contact information of the individual to contact for further information about the notice;

[(e)] (g) [If notice is required under subsection (1)(b) of this section, that] If applicable, the portion of the juvenile court order providing for the legal disposition of the youth[.];

(h) Any conditions of release or terms of probation; and

(i) Any other conditions required by the court.

(5) In addition to the information required by subsection (4) of this section:

(a) A notice required by subsection (2)(a) of this section shall contain substantially the following statement: "This notice is to inform you that a student who attends your school may come under the jurisdiction of the juvenile court as the result of a petition filed with the juvenile court. The student has not yet been determined to be within the jurisdiction of the juvenile court nor to have committed any violations of law. The allegation pending before the juvenile court must not be discussed with the student."

(b) A notice required by subsection (2)(b) of this section shall contain substantially the following statement: "This notice is to inform you that a student who attends your school has come under the jurisdiction of the juvenile court as the result of a petition filed with the juvenile court. There may be pending juvenile court hearings or proceedings, and a disposition order may not yet have been entered by the court. The allegation pending before the juvenile court must not be discussed with the student."

(c) A notice required by subsection (2)(c) of this section shall contain substantially the following statement: "This notice is to inform you that a disposition order has been entered in a case involving a student who attends your school about whom a previous notice was sent. The disposition order finds the student to be responsible except for insanity under ORS 419C.411 for the act alleged in the petition filed with the juvenile court. The case should not be discussed with the student."

(d) A notice required by subsection (2)(d) of this section shall contain substantially the following statement: "This notice is to inform you that a petition involving a student who attends your school about whom a previous notice was sent has been set aside or dismissed or the juvenile court has determined the student is not within its jurisdiction. The notice and any documents or information related to the notice in the student's education records should be removed and destroyed upon receipt of this notice. The case should not be discussed with the student."

[3] (6) [The] A notice required under subsection [(1)] (2) of this section must be given within 15 days after:

(a) The youth makes a first appearance before the juvenile court on a petition;

(b) **The youth admits to being within the jurisdiction of the juvenile court;**

(c) **The youth is adjudicated by a juvenile court to be within the jurisdiction of the court;**

[(b)] (d) The petition is dismissed or set aside; [or]

[(c)] (e) The juvenile court determines that the youth is not within the jurisdiction of the juvenile court after a hearing on the merits of the petition[.]; **or**

(f) **The juvenile court enters a disposition order finding the youth responsible except for insanity under ORS 419C.411.**

[(4)] (7) This section applies to petitions filed alleging that the youth engaged in:

(a) Conduct that, if committed by an adult, would constitute a crime [involving] **that:**

[(a)] (A) [Harm or threatened harm] **Involves serious physical injury or threatened serious physical injury** to another person, including criminal homicide, felony assault or any attempt to cause serious physical injury to another person;

[(b)] (B) **Involves the** sexual assault of an animal or animal abuse in any degree;

[(c)] (C) **Is a felony** sex offense listed in ORS 181.594 (4), except for rape in the third degree under ORS 163.355 **or incest under ORS 163.525;**

[(d)] (D) **Involves** a weapon, as defined in ORS 166.360, or the threatened use of a weapon;

[(e)] (E) **Involves the** possession or manufacture of a destructive device, as defined in ORS 166.382, or possession of a hoax destructive device, as defined in ORS 166.385; or

(F) **Involves an offense in which an element of the crime is:**

(i) **Manufacture of a controlled substance;**

(ii) **Delivery of a controlled substance in conjunction with conduct described in subparagraph (A) of this paragraph; or**

(iii) **Delivery of a controlled substance to a person under 18 years of age; or**

(b) **Conduct that is of such a nature that the court determines notice is necessary to safeguard the safety and security of the school, students and staff. The person or entity responsible for giving notice under subsection (3) of this section shall request that the court make the determination under this paragraph when the person or entity believes notice is necessary to safeguard the safety and security of the school, students and staff and the conduct involves an offense under ORS 163.160.**

*[(f) An offense for which manufacture or delivery of alcohol or a controlled substance is an element of the crime.]*

*[(5)]* **(8)** Except as otherwise provided in ORS 192.490, a person who sends or receives notice under this section is not civilly or criminally liable for failing to disclose the information under this section.

**SECTION 2.** Section 3, chapter 50, Oregon Laws 2008, is amended to read:

**Sec. 3.** (1) As used in this section:

*[(a) “Principal” means a person having general administrative control and supervision of a school.]*

*[(b) “School” means a public or private institution of learning providing education to one or more instructional levels from kindergarten through grade 12 or equivalent instructional levels.]*

*[(c) “School administrator” means the superintendent of the school district, the superintendent’s designee or the principal of a private school or charter school.]*

**(a) “School administrator” has the meaning given that term in section 2, chapter 50, Oregon Laws 2008.**

**(b) “School personnel” means a person who is employed by or under contract with a school district, public charter school or private school to provide services to students, including but not limited to:**

- (A) Teachers and school staff.**
- (B) Transportation providers.**
- (C) Food service workers.**
- (D) Daytime building maintenance workers.**
- (E) Health center workers or nurses.**
- (F) Library personnel.**
- (G) Translators.**

*[(d) “School subcontractor” includes but is not limited to:]*

*[(A) Companies contracting with a school to provide services to students throughout the school day; and]*

*[(B) Employees of contracting companies that provide the contracted services, including but not limited to:]*

*[(i) Transportation providers.]*

*[(ii) Food service workers.]*

*[(iii) Daytime building maintenance workers.]*

*[(iv) Health center workers or nurses.]*

*[(v) Library personnel.]*

*[(vi) Translators.]*

*[(e) “Youth” has the meaning given that term in ORS 419A.004.]*

**(2)** Within 48 hours after receiving notice under section 2, **chapter 50, Oregon Laws 2008**, *[of this 2008 Act,]* a school administrator shall notify *[school employees and school subcontractors]* **school personnel** who the school administrator determines need the information in order to:

**(a)** Safeguard the safety and security of the school, students and *[staff]* **school personnel**;

**(b)** Arrange appropriate counseling *[and]* **or** education for the *[youth]* **person who is the subject of the notice**; or

**(c)** If the notice *[includes any portion of the court order disposing of the petition]* **states that the court has set aside or dismissed the petition, or that the court has determined it does not have jurisdiction over the person who is the subject of the notice**, inform *[school employees and school subcontractors]* **school personnel** previously notified of the petition under this subsection that the court has set aside or dismissed the petition or determined that the *[youth]* **person who is the subject of the notice** is not within the jurisdiction of the juvenile court **and direct the appropriate school personnel to remove and destroy the notice and any documents or information related to the notice from the person’s educational records.**

(3) *[If a youth]* **When a student** transfers to *[an Oregon]* a school in this state from a school outside the state, the school administrator of the *[Oregon school shall contact the youth's former school and]* **school in this state shall, when requesting the transfer student's education records as provided under ORS 326.575,** request any information that the *[youth's]* **transfer student's** former school may have relating to the *[youth's]* **transfer student's** history of engaging in activity that is likely to place at risk the safety of *[school employees, school subcontractors]* **school personnel** or *[other]* students or that requires arrangement of appropriate counseling or education for the *[youth]* **transfer student**. Upon receipt of information that the *[youth]* **transfer student** has a history of engaging in activity that is likely to place at risk the safety of *[school employees, school subcontractors]* **school personnel** or *[other]* students, the school administrator shall notify *[school employees and school subcontractors who]* **school personnel who the school administrator determines** need the information in order to:

- (a) Safeguard the safety and security of the school, students and *[staff]* **school personnel;** or
- (b) Arrange appropriate counseling *[and]* **or** education for the *[youth]* **transfer student.**

(4) **When a school administrator receives notice under section 2, chapter 50, Oregon Laws 2008, and determines that the youth is not enrolled in the school administrator's school but is enrolled in a school or program referred to in this subsection, the school administrator shall, within 48 hours of receiving notice, send a copy of the notice to:**

- (a) **The director of the Oregon School for the Deaf if the youth attends the Oregon School for the Deaf.**
- (b) **The director of the Oregon School for the Blind if the youth attends the Oregon School for the Blind.**
- (c) **The Superintendent of Public Instruction if the youth is in an educational program under the Youth Corrections Education Program.**
- (d) **The principal of the public charter school if the youth attends a public charter school.**
- (e) **The principal of the private school if the youth attends a private school.**
- (f) **The appropriate school administrator if the youth attends a school in another school district.**

*[(4)]* (5) A school district, **public charter school or private school** *[or charter school]* may adopt policies and procedures for providing notification to *[school employees and school subcontractors]* **school personnel** under this section.

*[(5)(a)]* (6)(a) Except as provided in this section, information contained in a notice required under section 2, **chapter 50, Oregon Laws 2008,** *[of this 2008 Act]* or obtained from an out-of-state school under subsection (3) of this section is confidential.

(b) Persons receiving information contained in a notice required under section 2, **chapter 50, Oregon Laws 2008,** *[of this 2008 Act]* or obtained from an out-of-state school under subsection (3) of this section may not disclose any information *[relating to a petition or discuss the information contained in a notice]* **received** with anyone other than:

- (A) The *[youth]* **person who is the subject of the notice or the transfer student;**
- (B) The *[youth's]* parent or guardian **of the person who is the subject of the notice or the transfer student;**
- [(C)]* *The principal or school superintendent;*
- (C) **A school administrator;**
- (D) *[School employees or school subcontractors]* **School personnel** notified under subsection (2) or (3) of this section;
- (E) Law enforcement personnel; *[and]*
- (F) The *[youth's]* probation officer or juvenile counselor **of the person who is the subject of the notice or the transfer student; and**
- (G) **The attorney for the person who is the subject of the notice or the transfer student.**

(c) *[A school employee or school subcontractor is not]* **School personnel are not** subject to discipline for disclosing the existence of a notice under section 2, **chapter 50, Oregon Laws 2008,**

[of this 2008 Act] or for disclosing the contents of the notice, unless the disclosure was made in bad faith, with malicious intent or in a manner exhibiting a willful, wanton disregard of the rights, safety or property of another.

[(6)(a)] **(7)(a)** Information obtained under this section or under section 2, **chapter 50, Oregon Laws 2008**, [of this 2008 Act] may not be used for admissions or disciplinary decisions concerning the [youth] **person who is the subject of a notice or the transfer student** unless the violation occurred[:] **in the school or classroom or at a school activity or event, whether or not the violation took place on school property.**

[(A) During a school function; or]

[(B) On school property.]

(b) Notwithstanding paragraph (a) of this subsection, information obtained under this section or under section 2, **chapter 50, Oregon Laws 2008**, [of this 2008 Act] may be used for making an educational placement for the [youth] **person who is the subject of a notice or the transfer student**, if necessary for arranging appropriate counseling [and] or education for the [youth] **person or transfer student. Placement procedures and decisions under this section regarding a person or transfer student who is receiving special education and related services must comply with the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.**

(c) The receipt of a notice under section 2, **chapter 50, Oregon Laws 2008**, [of this 2008 Act] does not deprive the school of the authority to institute or continue a disciplinary action against the [youth] **person who is the subject of the notice or the transfer student** based on the same conduct alleged in the notice if the disciplinary proceedings are based on information obtained by the school or school district that is not derived from the notice.

[(7)] **(8)** A person is not civilly or criminally liable for giving or failing to give the notice required under this section. Nothing in this section creates a new cause of action or enlarges an existing cause of action for compensation or damages.

**SECTION 3.** ORS 339.317, as amended by section 4, chapter 50, Oregon Laws 2008, is amended to read:

339.317. (1)(a) No later than five days after a person under 18 years of age is charged with a crime under ORS 137.707 or is waived under ORS 419C.349, 419C.352 or 419C.364, the district attorney or city attorney, if the person is waived to municipal court[,] **or, in the case of a juvenile department that has agreed to be responsible for providing the notice required under this section, the juvenile department** shall give notice of the charge [to the superintendent of the school district in which the person resides or the superintendent's designee.] **to the school administrator of the school attended by the person or to the school administrator of the school district in which the person resides. For purposes of this section, "school administrator" has the meaning given that term in section 2, chapter 50, Oregon Laws 2008.**

(b) The district attorney, [or] city attorney **or juvenile department** shall include in the notice **the following:**

(A) The crime with which the person is charged;[.]

(B) **The name and date of birth of the person;**

(C) **The names and addresses of the person's parents or guardians;**

(D) **The name and contact information of the attorney for the person, if known;**

(E) **The name and contact information of the individual to contact for further information about the notice;**

(F) **Any conditions of release or terms of probation; and**

(G) **Any other conditions required by the court.**

(2) A person who sends records under this section is not civilly or criminally liable for failing to disclose the information under this section.

**SECTION 4.** ORS 339.319, as amended by section 5, chapter 50, Oregon Laws 2008, is amended to read:

339.319. (1)(a) When a person under 18 years of age is convicted of a crime under ORS 137.707 or following waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370 (1)(b), the agency super-

vising the person **or, in the case of a juvenile department that has agreed to be responsible for providing the notice required under this section, the juvenile department** shall give notice of the conviction within five days following sentencing *[to the superintendent of the school district in which the person resides or the superintendent's designee.]* **to the school administrator of the school attended by the person or to the school administrator of the school district in which the person resides. For purposes of this section, "school administrator" has the meaning given that term in section 2, chapter 50, Oregon Laws 2008.**

(b) The agency supervising the person **or the juvenile department** shall include in the notice:

(A) The name and date of birth of the person;

(B) The names and addresses of the person's parents or guardians;

(C) The crime of conviction;

(D) The sentence imposed; *[and]*

**(E) The name and contact information of the attorney for the person, if known;**

**(F) The name and contact information of the individual to contact for further information about the notice;**

*[(E)]* **(G) [If the person is released on any type of release, whether school attendance is a condition of the release] Any conditions of release or terms of probation including, but not limited to, whether school attendance is a condition of the release; and**

**(H) Any other conditions required by the court.**

(2) An agency supervising a person or anyone employed by or acting on behalf of an agency supervising a person who sends records under this section is not civilly or criminally liable for failing to disclose the information under this section.

**SECTION 5.** ORS 339.321, as amended by section 6, chapter 50, Oregon Laws 2008, is amended to read:

339.321. (1) No later than 15 days before the release or discharge of a person committed to the legal custody of the Department of Corrections or the supervisory authority of a county under ORS 137.707 or following waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370, the department or supervisory authority<sup>[, as appropriate,]</sup> **or, in the case of a juvenile department that has agreed to be responsible for providing the notice required under this section, the juvenile department** shall notify the following of the release or discharge if the person is under 21 years of age at the time of the release:

(a) Law enforcement agencies in the community in which the person is going to reside; and

*[(b) The school district in which the person is going to reside.]*

**(b) The school administrator of the school the person will attend or the school administrator of the school district in which the person will reside.**

(2) The department, *[or]* supervisory authority **or the juvenile department** shall include in the notification:

(a) *[The person's name, date of birth and date of release or discharge]* **The name and date of birth of the person;**

**(b) The date of release or discharge;**

*[(b)]* (c) The person's address;

*[(c)]* (d) The names and addresses of the person's parents or guardians;

*[(d)]* (e) *[The type of supervision under which the person is released; and]* **The name and contact information of the attorney for the person, if known;**

*[(e) Whether school attendance is a condition of release.]*

**(f) The name and contact information of the individual to contact for further information about the notice;**

**(g) Any conditions of release or terms of probation including, but not limited to, the type of supervision under which the person is released and whether school attendance is a condition of release; and**

**(h) Any other conditions required by the court.**

(3) The department, supervisory authority or anyone employed by or acting on behalf of the department or supervisory authority who sends records under this section is not civilly or criminally liable for failing to disclose the information under this section.

(4) **As used in this section, "school administrator" has the meaning given that term in section 2, chapter 50, Oregon Laws 2008.**

**SECTION 6.** ORS 339.323, as amended by section 7, chapter 50, Oregon Laws 2008, is amended to read:

339.323. (1) When a [*superintendent of a school district or the superintendent's designee*] **school administrator as defined in section 2, chapter 50, Oregon Laws 2008**, receives notice under ORS 339.317, 339.319, 339.321, **419A.015, 420.048** or 420A.122, the [*superintendent of the school district or the superintendent's designee*] **school administrator** may disclose the information only to [*those school employees and school subcontractors*] **school personnel**, as defined in section 3, chapter 50, Oregon Laws 2008, who the [*district*] **school administrator** determines need the information in order to safeguard the safety and security of the school, students and staff. A person to whom personally identifiable information is disclosed under this subsection may not disclose the information to another person except to carry out the provisions of this subsection.

(2) A [*superintendent of a school district or the superintendent's designee*] **school administrator** or anyone employed by or acting on behalf of a [*superintendent or superintendent's designee*] **school administrator** who receives notice under ORS 339.317, 339.319, 339.321 or 420A.122 is not civilly or criminally liable for failing to disclose the information.

**SECTION 7.** ORS 419A.015, as amended by section 8, chapter 50, Oregon Laws 2008, is amended to read:

419A.015. (1)(a) Once each month, a county juvenile department shall provide to [*each school district*] **school administrators of schools or of school districts** in the county a list of all youth offenders enrolled in a school in the [*school district*] **county** who are on probation by order of the juvenile court in the county. The department shall include in the list the name and business telephone number of the juvenile counselor assigned to each case.

(b) When a youth offender who is on probation transfers from one school **or school** district to a different school **or school** district, the juvenile counselor assigned to the case shall notify the [*superintendent of the school district*] **school administrator of the school or of the school district** to which the youth offender has transferred of the youth offender's probation status. The juvenile counselor shall make the notification no later than 72 hours after the juvenile counselor knows of the transfer.

(2) Upon request by the [*superintendent of the school district or the superintendent's designee*] **school administrator**, the juvenile department shall provide additional information, including the offense that brought the youth offender within the jurisdiction of the juvenile court and such other information that is subject to disclosure under ORS 419A.255 (5).

(3) In addition to the general notification required by subsection (1) of this section, the juvenile department shall notify the [*superintendent of the school district or the superintendent's designee*] **school administrator** of the specific offense **if the act** bringing the youth offender within the jurisdiction of the juvenile court [*and whether the act*] involved a firearm or delivery of a controlled substance.

(4) When a [*superintendent of a school district or the superintendent's designee*] **school administrator** receives **any** notice under this section, the school [*district*] **administrator** may disclose the information only to [*those school employees or school subcontractors*] **school personnel**, as defined in section 3, chapter 50, Oregon Laws 2008, who the [*superintendent or the superintendent's designee*] **school administrator** determines need the information in order to safeguard the safety and security of the school, students and staff. A person to whom personally identifiable information is disclosed under this subsection may not disclose the information to another person except to carry out the provisions of this subsection.

(5) Except as otherwise provided in ORS 192.490, a juvenile department, school district **or school administrator**, or anyone employed or acting on behalf of a juvenile department, [*or*] school

district **or school administrator**, who sends or receives records under this section is not civilly or criminally liable for failing to disclose the information under this section.

**(6) As used in this section, “school administrator” has the meaning given that term in section 2, chapter 50, Oregon Laws 2008.**

**SECTION 8.** ORS 420.048 is amended to read:

420.048. (1)(a) When a youth offender who is in the legal custody of the Oregon Youth Authority transfers from one **school or** school district to a different **school or** school district, the person responsible for supervising the youth offender shall notify the [*superintendent*] **school administrator** of the **school or of the** school district to which the youth offender has transferred of the youth offender’s status as a youth offender. The person shall make the notification no later than 72 hours after the person knows of the transfer.

(b) When a school [*district*] **administrator** receives notification under this section, the school [*district*] **administrator** may request the Oregon Youth Authority to provide additional information about the youth offender. The youth authority shall provide additional information, including the offense that brought the youth offender within the jurisdiction of the juvenile court and such other information that is subject to disclosure under ORS 419A.255 (5).

(2) [*In addition to the general notification required by subsection (1)(a) of this section, the youth authority:*] **The youth authority shall include in the notice the following:**

**(a) The name and date of birth of the youth offender;**

**(b) The names and addresses of the youth offender’s parents or guardians;**

**(c) The name and contact information of the attorney for the youth offender, if known;**

**(d) The name and contact information of the person giving notice under subsection (1) of this section or the person’s designated representative to contact for further information about the notice;**

[(a)] **(e) [Shall notify the school district of the specific offense if the act bringing the youth offender within the jurisdiction of the juvenile court involved a firearm or delivery of a controlled substance.] The specific offense that brought the youth offender within the jurisdiction of the juvenile court and whether it involved a firearm or the delivery of a controlled substance, a violation of ORS 163.355 to 163.445 or 163.465 or any other offense if the youth authority or juvenile court believes the youth offender represents a risk to other students or school staff; and**

[(b) *May notify the school district of the specific offense if the act bringing the youth offender within the jurisdiction of the juvenile court involved a violation of ORS 163.355 to 163.445 or 163.465 or any other offense if the youth authority believes the youth offender represents a risk to other students or school staff.*]

**(f) Any terms of probation.**

(3) Except as otherwise provided in ORS 192.490, the youth authority, a school district **or a school administrator**, or anyone employed or acting on behalf of the youth authority, [*or*] school district **or school administrator**, who sends or receives records under this section is not liable civilly or criminally for failing to disclose the information under this section.

**(4) As used in this section:**

**(a) “School administrator” has the meaning given that term in section 2, chapter 50, Oregon Laws 2008.**

**(b) “School district” has the meaning given that term in ORS 332.002.**

**SECTION 9.** ORS 420A.122 is amended to read:

420A.122. (1) Prior to a youth offender’s release or discharge from a youth correction facility, the Oregon Youth Authority shall notify the following of the release or discharge:

(a) Law enforcement agencies in the community in which the youth offender is going to reside;

[(b) *The school district in which the youth offender is going to reside; and*]

**(b) The school administrator of the school the youth offender will attend or, if the school the youth offender will attend is unknown, the school administrator of the school district in which the youth offender will reside; and**

(c) If requested by the victim, as defined in ORS 419A.004, the victim.

- (2) The youth authority shall include in the notification:
- (a) The youth offender's name and date of *[release or discharge]* **birth;**
  - (b) **The names and addresses of the youth offender's parents or guardians;**
  - (c) **The name and contact information of the attorney for the youth offender, if known;**
  - (d) **The name and contact information of the individual to contact for further information about the notification;**
  - (e) **The youth offender's date of release or discharge;**
- [(b)] (f) The type of placement to which the youth offender is released;*  
*[(c) Whether school attendance is a condition of release; and]*  
*[(d) If the youth offender is a sex offender, as defined in ORS 181.594, all other conditions of release.]*
- (g) **The specific offense that brought the youth offender within the jurisdiction of the juvenile court;**
  - (h) **Any terms of parole including, but not limited to, whether school attendance is a condition of release; and**
  - (i) **Any other conditions required by the court.**

(3) The youth authority, a law enforcement agency or anyone employed by or acting on behalf of the youth authority or law enforcement agency with responsibility for sending records under this section is not liable civilly or criminally for failing to disclose the information under this section.

(4) No later than seven days after a youth offender's release or discharge from a youth correction facility, the Department of Education or its contractor shall provide the youth offender's education records to the **school administrator of the school or of the school district** in which the youth offender enrolls.

(5) **As used in this section, "school administrator" has the meaning given that term in section 2, chapter 50, Oregon Laws 2008.**

**SECTION 10.** (1) The amendments to ORS 339.317, 339.319, 339.321, 339.323, 419A.015, 420.048 and 420A.122 and sections 2 and 3, chapter 50, Oregon Laws 2008, by sections 1 to 9 of this 2009 Act become operative on July 1, 2009.

(2) School districts, as defined in ORS 332.002, and school administrators, as defined in section 2, chapter 50, Oregon Laws 2008, may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the school districts and school administrators to develop procedures and guidelines pursuant to the amendments to ORS 339.317, 339.319, 339.321, 339.323, 419A.015, 420.048 and 420A.122 and sections 2 and 3, chapter 50, Oregon Laws 2008, by sections 1 to 9 of this 2009 Act on or after the operative date specified in subsection (1) of this section.

**SECTION 11.** This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

**Passed by Senate April 7, 2009**

**Repassed by Senate June 5, 2009**

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Secretary of Senate

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President of Senate

**Passed by House June 3, 2009**

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Speaker of House

**Received by Governor:**

.....M,....., 2009

**Approved:**

.....M,....., 2009

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2009

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Secretary of State