

Senate Bill 312

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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**. The statement includes a measure digest written in compliance with applicable readability standards.

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, 326.565, 338.115, 343.173,
3 346.169 and 433.280; repealing ORS 326.580; and declaring an emergency.

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

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

8 Whereas the student data reporting burden on Oregon's school administrators and staff has
9 grown unbearable and could be significantly decreased with a standardized method to share student
10 data; and

11 Whereas a standardized method to share student data would help educators in this state to
12 identify academic disparities among student groups and to improve educational equity for under-
13 served students throughout the state; and

14 Whereas the neutral fact finder in the *J.N. v. Oregon Department of Education* lawsuit recom-
15 mended the development of a universal method for tracking individualized education programs; and

16 Whereas in order to best serve students' learning needs, Oregon's education workforce needs
17 timely access to information about highly mobile students and about students with disabilities who
18 move across school district lines; and

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

23 Whereas a standardized method to share student data would improve student safety and promote
24 the continuity of school health services for students; and

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

27 Whereas Oregon's education system can improve the delivery of educational services by unifying

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 the currently fragmented method for sharing student data; and

2 Whereas Oregon’s education system will require additional resources and funding to accomplish
 3 the goal of providing a standardized method to share student data; and

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

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

9 **SECTION 1. (1) The Department of Education shall develop and implement a standardized**
 10 **method to be used by school districts, education service districts and the department to**
 11 **electronically create, collect, use, maintain, disclose, transfer and access student data from**
 12 **multiple platforms.**

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

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

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

18 **(c) Minimize existing and future reporting burdens for school districts and education**
 19 **service districts by streamlining reporting requirements when possible;**

20 **(d) Minimize the likelihood that a new record will be created for a student when the**
 21 **student transfers to, or is placed in, a different educational setting;**

22 **(e) Ensure that the department has the ability to access student data for research pur-**
 23 **poses; and**

24 **(f) Establish student data standards to further the purposes described in subsection (1)**
 25 **of this section.**

26 **(3) The method developed and implemented under this section must allow for the col-**
 27 **lection of at least the following types of student data:**

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

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

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

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

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

33 **(f) Student individualized education programs, as defined in ORS 343.035, and student**
 34 **plans, as developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C.**
 35 **794, and any evaluations, reevaluations, examinations or assessments made to determine el-**
 36 **igibility for or to provide an individualized education program or a student plan;**

37 **(g) Student daily attendance data, including data on the uses of removals of students**
 38 **from the classroom setting, abbreviated school days and exclusionary discipline practices;**
 39 **and**

40 **(h) Student medical alerts and other health data necessary for state reporting.**

41 **(4) The department shall provide to school districts and education service districts**
 42 **training on the method developed and implemented under this section in the manner pre-**
 43 **scribed by the State Board of Education by rule.**

44 **(5) The State Board of Education shall adopt any rules necessary for the administration**
 45 **of this section.**

1 **SECTION 2.** For the purpose of developing the method for electronically creating, col-
 2 lecting, using, maintaining, disclosing, transferring and accessing student data as required
 3 under section 1 of this 2025 Act, the Department of Education:

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

5 (2) Must ensure that the method is developed, which may be accomplished by entering
 6 into an intergovernmental agreement or a contract with a public or private entity for the
 7 development of the method.

8 (3) Shall ensure that the method reduces or eliminates redundancies related to student
 9 data and that the method is compatible with local methods related to student data that are
 10 in place prior to the implementation of the method.

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

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

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

15 (5) Shall establish a schedule to:

16 (a) Test and implement the method.

17 (b) Adequately train school district and education service district staff in the use of the
 18 method.

19 (c) Ensure that school districts and education service districts are prepared to fully im-
 20 plement the method at the later of:

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

23 (B) The date of the expiration of a contract between a school district or an education
 24 service district and a student information systems provider.

25 (6) Shall establish a technical advisory committee to assist in the development and im-
 26 plementation of the method. The committee shall:

27 (a) Include the following members appointed by the Superintendent of Public Instruction
 28 or the superintendent's designee:

29 (A) A representative of a statewide organization that represents school administrators;

30 (B) A representative of a statewide organization that primarily represents licensed
 31 teachers;

32 (C) A representative of a statewide organization that primarily represents classified ed-
 33 ucators and educator staff;

34 (D) A representative of a statewide organization that represents school nurses;

35 (E) A representative of school health providers that are not school nurses;

36 (F) A special education educator who is a technical expert in individualized education
 37 program systems;

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

39 (H) A representative of a statewide organization that represents education service dis-
 40 tricts;

41 (I) A representative of a statewide organization that represents school boards;

42 (J) A representative of the Oregon Youth Authority;

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

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

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

2 (N) Fifteen representatives of an organization that coordinates the contract and imple-
3 mentation process for student information systems in multiple school districts of this state.

4 (b) Have the following responsibilities:

5 (A) Study the Juvenile Justice Information System.

6 (B) Provide oversight and technical guidance to staff within the Department of Education
7 regarding the implementation of the method.

8 (C) Make recommendations for legislation to the Legislative Assembly, recommendations
9 for administrative rules to the State Board of Education and recommendations for policy
10 development to the Department of Education, school districts, education service districts and
11 any other entity identified by the committee as being required or encouraged to develop
12 policies in relation to a standardized method to share student data.

13 (D) Coordinate efforts with any state-level committees or organizations that address
14 Medicaid billing by school districts and education service districts.

15 (E) Oversee the implementation of the method and submit reports no later than October
16 1 of each even-numbered year on the implementation of the method to the State Board of
17 Education and, in the manner provided in ORS 192.245, to the committees or interim com-
18 mittees of the Legislative Assembly related to education.

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

20 (G) Recommend attainable schedules for testing, training and implementation in educa-
21 tion service districts and in school districts of varying sizes across the state.

22 (H) Analyze and make recommendations regarding cybersecurity issues that may affect
23 student data.

24 (c) When fulfilling the responsibilities described in paragraph (b) of this subsection, con-
25 sult with:

26 (A) Early intervention and early childhood special education specialists and supervisors;
27 and

28 (B) School district and education service district staff who will use the method to share
29 student data.

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

32 **SECTION 4.** Section 2 of this 2025 Act is repealed on July 1, 2027.

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

34 326.565. (1) The State Board of Education shall adopt by rule standards for the [*creation, use,*
35 *custody and disclosure, including access,*] **creation, collection, use, maintenance, disclosure,**
36 **transfer and access** of student education records held by a school district or another public or
37 private educational entity that provides educational services to students in any grade from
38 kindergarten through grade 12. Consistent with the requirements of applicable state and federal law,
39 the standards:

40 (a) Shall incorporate the method used to electronically create, collect, use, maintain,
41 disclose, transfer and access student data, as developed and implemented pursuant to section
42 1 of this 2025 Act.

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

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

1 (2) The board shall distribute the rules that are adopted under subsection (1) of this section to
2 all school districts **and education service districts** and shall make the rules available on the
3 website of the Department of Education.

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

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

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

10 (2) A county clerk or other elections official shall use the substitute address of the program
11 participant for purposes of mailing a ballot to an elector under ORS 254.470.

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

17 (4) A county clerk shall accept the substitute address of the program participant as the address
18 of the applicant for the purpose of issuing a marriage license under ORS 106.041 or registering a
19 Declaration of Domestic Partnership under ORS 106.325.

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

21 338.115. (1) Statutes and rules that apply only to school district boards, school districts or other
22 public schools do not apply to public charter schools. However, the following laws do apply to public
23 charter schools:

24 (a) Federal law;

25 (b) ORS 30.260 to 30.300 (tort claims);

26 (c) ORS 192.311 to 192.478 (public records law);

27 (d) ORS 192.610 to 192.705 (public meetings law);

28 (e) ORS chapters 279A, 279B and 279C (Public Contracting Code);

29 (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

30 (g) ORS 326.565[,] **and** 326.575 [*and* 326.580] **and section 1 of this 2025 Act** (student records);

31 (h) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);

32 (i) ORS 329.045 (academic content standards and instruction);

33 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma and certificate of at-
34 tendance);

35 (k) ORS 329.496 (physical education);

36 (L) The statewide assessment system developed by the Department of Education for mathemat-
37 ics, science and language arts under ORS 329.485 (2);

38 (m) ORS 336.840 (use of personal electronic devices);

39 (n) ORS 337.150 (textbooks);

40 (o) ORS 339.119 (consideration for educational services);

41 (p) ORS 339.141, 339.147 and 339.155 (tuition and fees);

42 (q) ORS 339.250 (9) (prohibition on infliction of corporal punishment);

43 (r) ORS 339.326 (notice concerning students subject to juvenile court petitions);

44 (s) ORS 339.370 to 339.400 (reporting of suspected abuse and suspected sexual conduct);

45 (t) ORS 342.856 (core teaching standards);

- 1 (u) ORS chapter 657 (Employment Department Law);
2 (v) ORS 332.505 (2), 659.850, 659.855 and 659.860 (discrimination);
3 (w) Any statute or rule that establishes requirements for instructional time provided by a school
4 during each day or during a year;
5 (x) Statutes and rules that expressly apply to public charter schools;
6 (y) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or a
7 public body, as defined in ORS 174.109;
8 (z) Health and safety statutes and rules;
9 (aa) Any statute or rule that is listed in the charter; and
10 (bb) This chapter.
- 11 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
12 that apply only to school district boards, school districts and other public schools may apply to a
13 public charter school.
- 14 (3) If a statute or rule applies to a public charter school, then the terms “school district” and
15 “public school” include public charter school as those terms are used in that statute or rule.
- 16 (4) A public charter school may not violate the Establishment Clause of the First Amendment
17 to the United States Constitution or Article I, section 5, of the Oregon Constitution, or be religion
18 based.
- 19 (5)(a) A public charter school shall maintain an active enrollment of at least 25 students.
- 20 (b) For a public charter school that provides educational services under a cooperative agree-
21 ment described in ORS 338.080, the public charter school is in compliance with the requirements of
22 this subsection if the public charter school provides educational services under the cooperative
23 agreement to at least 25 students, without regard to the school districts in which the students are
24 residents.
- 25 (6) A public charter school may sue or be sued as a separate legal entity.
- 26 (7) The sponsor, members of the governing board of the sponsor acting in their official capacities
27 and employees of a sponsor acting in their official capacities are immune from civil liability with
28 respect to all activities related to a public charter school within the scope of their duties or em-
29 ployment.
- 30 (8) A public charter school may enter into contracts and may lease facilities and services from
31 a school district, education service district, public university listed in ORS 352.002, other govern-
32 mental unit or any person or legal entity.
- 33 (9) A public charter school may not levy taxes or issue bonds under which the public incurs li-
34 ability.
- 35 (10) A public charter school may receive and accept gifts, grants and donations from any source
36 for expenditure to carry out the lawful functions of the school.
- 37 (11) The school district in which the public charter school is located shall offer high school di-
38 plomas, modified diplomas, extended diplomas and certificates of attendance to any public charter
39 school students who meet the district’s and state’s standards for a high school diploma, a modified
40 diploma, an extended diploma or a certificate of attendance.
- 41 (12) A high school diploma, a modified diploma or an extended diploma issued by a public
42 charter school grants to the holder the same rights and privileges as a high school diploma, a
43 modified diploma or an extended diploma issued by a nonchartered public school. A certificate of
44 attendance issued by a public charter school shall have the same restrictions as a certificate of at-
45 tendance issued by a nonchartered public school.

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

3 (14) A public charter school may receive services from an education service district in the same
4 manner as a nonchartered public school in the school district in which the public charter school is
5 located.

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

7 343.173. (1) Notwithstanding the limitation on access to records under ORS 192.311 to 192.478,
8 326.565, 326.575 and 336.187 **and section 1 of this 2025 Act**, the parent is entitled at any reasonable
9 time to examine all of the records of the school district pertaining to the identification, evaluation
10 and educational placement of the child and the provision of a free appropriate public education to
11 the child. Records must be provided without undue delay, which may not exceed 10 business days,
12 as defined in ORS 192.311, from the date of the request for the records. Records may be redacted
13 only to the extent necessary to protect personally identifiable information of other children unless
14 disclosure is authorized by law or court order.

15 (2) Any parent is entitled to obtain an independent evaluation at the expense of the school dis-
16 trict if the parent disagrees with an evaluation obtained by the district.

17 (3) If the school district disagrees with the parent's request for an independent educational
18 evaluation, the district may initiate a hearing under ORS 343.165 to show that the district's evalu-
19 ation is appropriate. If the final decision is that the district's evaluation is appropriate, the parent
20 has the right to an independent educational evaluation, but not at the district's expense.

21 (4) If the parent requests an independent educational evaluation of the child, the school district
22 shall provide information about where an independent educational evaluation may be obtained.

23 (5) If a hearing officer appointed under ORS 343.165 requests an independent educational eval-
24 uation as part of a hearing, the school district shall pay the cost of the evaluation.

25 (6) For purposes of this section, "independent educational evaluation" means an evaluation
26 conducted by a qualified examiner who is not employed by the school district responsible for the
27 child in question.

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

29 346.169. (1) Notwithstanding the provisions of ORS 346.165 and 346.167, whenever a person who
30 is blind or blind and deaf requests any public or private agency to exchange with another agency
31 the records of the agency concerning the person making the request, the agency shall furnish the
32 records to the designated agency.

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

35 (3) As used in this section, "record" includes name and address of the person who is blind or
36 blind and deaf, medical and psychological records, and other information designated by the person
37 requesting the exchange of records.

38 (4) Where appropriate, a request for an exchange of records made under the provisions of this
39 section shall be subject to the confidentiality and access provisions of ORS 179.495, 326.565, 326.575,
40 336.187, 341.290, 344.600, 411.320, 419B.035 and 419B.045 **and section 1 of this 2025 Act**.

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

42 433.280. Nothing in ORS 179.505, 192.553 to 192.581, 326.565, 326.575 or 336.187 **or section 1 of**
43 **this 2025 Act** prevents:

44 (1) Inspection by or release to administrators by local health departments of information relating
45 to the status of a person's immunization against restrictable diseases without the consent of the

1 person, if the person has been emancipated or has reached the age of majority, or the parent of a
2 child.

3 (2) Local health departments from releasing information concerning the status of a person's im-
4 munization against restrictable diseases by telephone to the parent, administrators and public health
5 officials.

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

7 **SECTION 12. The amendments to ORS 192.842, 338.115, 343.173, 346.169 and 433.280 by
8 sections 6 to 10 of this 2025 Act and the repeal of ORS 326.580 by section 11 of this 2025 Act
9 become operative July 1, 2027.**

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

13 _____