

1 **SENATE FLOOR VERSION**

2 March 23, 2021

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 1875

6 By: West (Tammy), Fugate and
7 Provenzano of the House

8 and

9 Stanley of the Senate

10 An Act relating to open records; amending 51 O.S.
11 2011, Section 24A.16, which relates to educational
12 records; allowing educational institutions to
13 designate information as directory information;
14 prohibiting the release or sale of student directory
15 information unless disclosure is authorized by
16 federal or state law; and **declaring an emergency.**

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.16, is
19 amended to read as follows:

20 Section 24A.16 A. Except as set forth in subsection B of this
21 section, public educational institutions and their employees may
22 keep confidential:

- 23 1. Individual student records;
- 24 2. Teacher lesson plans, tests and other teaching material; and
3. Personal communications concerning individual students.

1 B. If kept, statistical information not identified with a
2 particular student and directory information shall be open for
3 inspection and copying. "Directory Except as provided in subsection
4 C of this section, each educational institution may choose to
5 designate specific information which shall be classified as
6 directory information for students attending the educational
7 institution. In accordance with the Family Education Rights and
8 Privacy Act, Section 1232g of Title 20 of the United States Code and
9 Part 99 of Title 34 of the Code of Federal Regulations, "directory
10 information" includes a student's name, address, telephone listing,
11 date and place of birth, major field of study, participation in
12 officially recognized activities and sports, weight and height of
13 members of athletic teams, dates of attendance, degrees and awards
14 received, and the most recent previous educational institution
15 attended by the student. Any educational agency or institution
16 making public directory information shall give public notice of the
17 categories of information which it has designated as directory
18 information with respect to each student attending the institution
19 or agency and shall allow a reasonable period of time after the
20 notice has been given for a parent to inform the institution or
21 agency that any or all of the information designated should not be
22 released without prior consent of the parent or guardian or the
23 student if the student is eighteen (18) years of age or older.

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1 C. All educational agencies or institutions which are not the
2 primary custodians of student directory information of students
3 attending the educational institution, but which are allowed to
4 access the information for educational purposes, shall be prohibited
5 from releasing or selling any or all student directory information
6 unless disclosure is authorized by the Family Educational Rights and
7 Privacy Act, Section 1232g of Title 20 of the United States Code and
8 Part 99 of Title 34 of the Code of Federal Regulations, or Section
9 3-168 of Title 70 of the Oklahoma Statutes.

10 D. A public school district may release individual student
11 records for the current or previous school year to a school district
12 at which the student was previously enrolled for purposes of
13 evaluating educational programs and school effectiveness.

14 **SECTION 2. It being immediately necessary for the preservation**
15 **of the public peace, health or safety, an emergency is hereby**
16 **declared to exist, by reason whereof this act shall take effect and**
17 **be in full force from and after its passage and approval.**

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
19 March 23, 2021 - DO PASS AS AMENDED
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