

# An Act

ENROLLED HOUSE  
BILL NO. 1875

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

and

Stanley of the Senate

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

SUBJECT: Open records

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

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

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

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

B. If kept, statistical information not identified with a particular student and directory information shall be open for inspection and copying. "Directory Except as provided in subsection C of this section, each educational institution may choose to

designate specific information which shall be classified as directory information for students attending the educational institution. In accordance with the Family Educational Rights and Privacy Act, Section 1232g of Title 20 of the United States Code and Part 99 of Title 34 of the Code of Federal Regulations, "directory information" includes a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational institution attended by the student. Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as directory information with respect to each student attending the institution or agency and shall allow a reasonable period of time after the notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without prior consent of the parent or guardian or the student if the student is eighteen (18) years of age or older.

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

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

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

Passed the House of Representatives the 4th day of May, 2021.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 12th day of April, 2021.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_