

ENROLLED HOUSE
BILL NO. 1646

By: Ferguson of the House

and

Wilcoxson and Williams of
the Senate

An Act relating to school records; amending 51 O.S. 2001, Section 24A.16, which relates to confidentiality of educational records and material; updating statutory language; allowing the release of certain individual student records to certain school districts; requiring the State Department of Education to include certain elements and comply with certain standards for a state student record system; stating elements and standards; requiring student information systems and instructional management systems to comply with certain standards by a certain date; amending 70 O.S. 2001, Section 6-115, which relates to information concerning pupils; clarifying statutory language; authorizing the release of certain information by a teacher if required by law; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 51 O.S. 2001, 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 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 ~~such~~ directory information

with respect to each student attending the institution or agency and shall allow a reasonable period of time after ~~such~~ 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 ~~the parent's or guardian's~~ of the parent or guardian or the ~~student's himself if he~~ student if the student is eighteen (18) years of age or older.

C. 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. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-160 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. In developing and implementing a state student record system, as required in Subsection E of Section 18-200.1 of Title 70 of the Oklahoma Statutes, and as needed to comply with the tracking and reporting requirements of the Elementary and Secondary Education Act of 2001 (ESEA), P.L. No. 107-110, also known as the "No Child Left Behind Act of 2001", the State Department of Education shall construct the system to contain the following elements and comply with the following standards and compliance capabilities:

1. Extensible Markup Language (XML), which defines common data formats used during communication between disparate systems;

2. Web services protocol developed by the World Wide Web Consortium, which enables systems that are physically separated but connected to the Internet to be combined to permit complex operations;

3. Schools Interoperability Framework (SIF) version 1.5 specifications, or any updated versions of the specifications, which enable school district software management systems to communicate with each other. The student record system shall include, but not be limited to, the specifications for course identifiers, state standard formatting, content formatting, and assessment formatting specification;

4. United States Department of Education Performance-Based Data Management Initiative (PBDMI) data exchange guidelines with data elements capable of providing reporting on federal educational programs; and

5. Defined state data codes to ensure consistent reporting from school districts including, but not limited to, data codes for course identifiers, entries, gains, and losses. Current data codes for teacher certification and the Oklahoma Cost Accounting System shall be extended to match other defined data codes.

B. By the 2005-2006 school year, any student information system and any instructional management system used by school districts in the state shall comply with the Extensible Markup Language (XML) standards and the Schools Interoperability Framework (SIF) version 1.5 specifications, or any updated versions of the specifications.

SECTION 3. AMENDATORY 70 O.S. 2001, Section 6-115, is amended to read as follows:

Section 6-115. It shall be unlawful ~~and a misdemeanor~~ for any teacher to reveal any information concerning ~~any child~~ a student obtained by ~~him~~ the teacher in ~~his~~ their capacity as a teacher except as may be required in the performance of ~~his~~ the contractual duties, ~~except said~~ of the teacher or as otherwise required by law. The information may be furnished provided to the parent or guardian of ~~said child~~ the student upon request or as otherwise required by law. Any violation of this section shall upon conviction be considered a misdemeanor.

SECTION 4. This act shall become effective July 1, 2003.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and 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 21st day of May, 2003.

Presiding Officer of the House of
Representatives

Passed the Senate the 23rd day of May, 2003.

Presiding Officer of the Senate