

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 53rd Legislature (2011)

4   COMMITTEE SUBSTITUTE  
5   FOR  
6   HOUSE BILL NO. 1930

                                  By: McPeak

7  
8                                   COMMITTEE SUBSTITUTE

9           An Act relating to public records; amending 51 O.S.  
10           2001, Section 24A.16, as amended by Section 1,  
11           Chapter 430, O.S.L. 2003 (51 O.S. Supp. 2010, Section  
12           24A.16), which relates to education records and  
13           material; clarifying language; limiting release of  
14           directory information by certain institutions and  
15           schools for certain purpose; defining term; providing  
16           an effective date; and declaring an emergency.

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

17           SECTION 1.           AMENDATORY           51 O.S. 2001, Section 24A.16, as  
18           amended by Section 1, Chapter 430, O.S.L. 2003 (51 O.S. Supp. 2010,  
19           Section 24A.16), is 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 of  
22           public educational institutions may keep confidential:

- 23           1. Individual student records;

1 2. Teacher lesson plans, tests and other teaching material; and

2 3. Personal communications concerning individual students.

3 B. If kept, statistical information not identified with a  
4 particular student and directory information shall be open for  
5 inspection and copying. "Directory information" includes a  
6 student's name, address, telephone listing, date and place of birth,  
7 major field of study, participation in officially recognized  
8 activities and sports, weight and height of members of athletic  
9 teams, dates of attendance, degrees and awards received, and the  
10 most recent previous educational institution attended by the  
11 student. Any educational agency or institution making public  
12 directory information shall give public notice of the categories of  
13 information which it has designated as directory information with  
14 respect to each student attending the institution or agency and  
15 shall allow a reasonable period of time after the notice has been  
16 given for a parent to inform the institution or agency that any or  
17 all of the information designated should not be released without  
18 prior consent of the parent or guardian or the student if the  
19 student is eighteen (18) years of age or older.

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

1        D. An institution within The Oklahoma State System of Higher  
2 Education or a technology center school shall not be required to  
3 respond to an open records request to copy or mechanically reproduce  
4 student directory information as defined in subsection B of this  
5 section if the purpose of the open records request is for the  
6 commercial solicitation of the students. As used in this  
7 subsection, "commercial solicitation" means any verbal, written, or  
8 electronic communication for the purpose of inducing a person to  
9 purchase or invest in goods, services, or property.

10        SECTION 2. This act shall become effective July 1, 2011.

11        SECTION 3. It being immediately necessary for the preservation  
12 of the public peace, health and safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

15

16        COMMITTEE REPORT BY: COMMITTEE ON HIGHER EDUCATION AND CAREER TECH,  
17 dated 03-02-2011 - DO PASS, As Amended.

18

19

20

21

22

23

24

25