

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 3460

By: West (Tammy)

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8 COMMITTEE SUBSTITUTE

9 An Act relating to open records; amending 51 O.S.  
10 2011, Section 24A.16, which relates to educational  
11 records; allowing educational institutions to  
12 designate information as directory information;  
13 requiring written consent of local school board and  
14 primary custodian of student directory information  
15 prior to release of information by educational  
16 agencies or institutions; prohibiting the State  
17 Department of Education and the State Board of  
18 Education from classifying personally identifiable  
19 information as directory information; requiring that  
20 the State Department of Education and State Board of  
21 Education keep personally identifiable information  
22 confidential unless disclosure is authorized by  
23 federal law; and providing an effective date.

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

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

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

1        1. Individual student records;

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

3        3. Personal communications concerning individual students.

4        B. If kept, statistical information not identified with a  
5 particular student and directory information shall be open for  
6 inspection and copying. "Directory Except as provided in subsection  
7 D of this section, each educational institution may choose to  
8 designate specific information which shall be classified as  
9 directory information for students attending the educational  
10 institution. In accordance with the Family Educational Rights and  
11 Privacy Act, Section 1232g of Title 20 of the United States Code and  
12 Part 99 of Title 34 of the Code of Federal Regulations, "directory  
13 information" includes a student's name, address, telephone listing,  
14 date and place of birth, major field of study, participation in  
15 officially recognized activities and sports, weight and height of  
16 members of athletic teams, dates of attendance, degrees and awards  
17 received, and the most recent previous educational institution  
18 attended by the student. Any educational agency or institution  
19 making public directory information shall give public notice of the  
20 categories of information which it has designated as directory  
21 information with respect to each student attending the institution  
22 or agency and shall allow a reasonable period of time after the  
23 notice has been given for a parent to inform the institution or  
24 agency that any or all of the information designated should not be

1 released without prior consent of the parent or guardian or the  
2 student if the student is eighteen (18) years of age or older.

3 C. Except as provided in subsection D of this section, all  
4 educational agencies or institutions which are not the primary  
5 custodians of student directory information of students attending  
6 the educational institution, but are allowed to access the  
7 information for educational purposes, shall be prohibited from  
8 releasing or selling any or all student directory information  
9 without the written consent of the local school board and primary  
10 custodian of student directory information designated and collected  
11 by the local educational institution.

12 D. The State Department of Education and the State Board of  
13 Education shall not classify any personally identifiable student  
14 information as directory information, as defined in subsection B of  
15 this section, and shall keep personally identifiable student  
16 information confidential unless disclosure is authorized by the  
17 Family Educational Rights and Privacy Act, Section 1232g of Title 20  
18 of the United States Code and Part 99 of Title 34 of the Code of  
19 Federal Regulations.

20 E. 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.  
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SECTION 2. This act shall become effective November 1, 2020.

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