

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3460

By: West (Tammy), **May,**  
**Provenzano** and **Osburn** of  
the House

7                                               and

8                                               **Stanley** of the Senate

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11                               COMMITTEE SUBSTITUTE

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

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:

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

4       1. Individual student records;

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

6       3. Personal communications concerning individual students.

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

1 or agency and shall allow a reasonable period of time after the  
2 notice has been given for a parent to inform the institution or  
3 agency that any or all of the information designated should not be  
4 released without prior consent of the parent or guardian or the  
5 student if the student is eighteen (18) years of age or older.

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

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

23 E. A public school district may release individual student  
24 records for the current or previous school year to a school district

1 at which the student was previously enrolled for purposes of  
2 evaluating educational programs and school effectiveness.

3 SECTION 2. This act shall become effective November 1, 2020.  
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5 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT EFFICIENCY, dated  
6 02/26/2020 - DO PASS, As Amended and Coauthored.  
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