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February 20, 2024

SENATE BILL NO. 1787

By: Thompson (Kristen) of the  
Senate

and

Kannady and Deck of the House

An Act relating to the Oklahoma Open Records Act; amending 51 O.S. 2021, Section 24A.16, which relates to educational records and materials; providing for confidentiality of certain contracts; and declaring an emergency.

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

SECTION 1. AMENDATORY 51 O.S. 2021, 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; and

1        4. Any contract for use of a student athlete's name, image, or  
2        likeness disclosed to a postsecondary institution pursuant to the  
3        Student Athlete Name, Image and Likeness Rights Act.

4        B. If kept, statistical information not identified with a  
5        particular student and directory information shall be open for  
6        inspection and copying. Except as provided in subsection C of this  
7        section, each educational institution may choose to designate  
8        specific information which shall be classified as directory  
9        information for students attending the educational institution. In  
10       accordance with the Family Educational Rights and Privacy Act,  
11       Section 1232g of Title 20 of the United States Code and Part 99 of  
12       Title 34 of the Code of Federal Regulations, "directory information"  
13       includes a student's name, address, telephone listing, date and  
14       place of birth, major field of study, participation in officially  
15       recognized activities and sports, weight and height of members of  
16       athletic teams, dates of attendance, degrees and awards received,  
17       and the most recent previous educational institution attended by the  
18       student. Any educational agency or institution making public  
19       directory information shall give public notice of the categories of  
20       information which it has designated as directory information with  
21       respect to each student attending the institution or agency and  
22       shall allow a reasonable period of time after the notice has been  
23       given for a parent to inform the institution or agency that any or  
24       all of the information designated should not be released without

1 prior consent of the parent or guardian or the student if the  
2 student is eighteen (18) years of age or older.

3 C. All educational agencies or institutions which are not the  
4 primary custodians of student directory information of students  
5 attending the educational institution, but which are allowed to  
6 access the information for educational purposes, shall be prohibited  
7 from releasing or selling any or all student directory information  
8 unless disclosure is authorized by the Family Educational Rights and  
9 Privacy Act, Section 1232g of Title 20 of the United States Code and  
10 Part 99 of Title 34 of the Code of Federal Regulations, or Section  
11 3-168 of Title 70 of the Oklahoma Statutes.

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
21 February 20, 2024 - DO PASS  
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