

1 ENGROSSED HOUSE  
2 BILL NO. 3460

By: West (Tammy), May,  
Provenzano, Osburn, Dills,  
Mize and Davis of the House

3  
4 and

5 Stanley of the Senate  
6

7 An Act relating to open records; amending 51 O.S.  
8 2011, Section 24A.16, which relates to educational  
9 records; allowing educational institutions to  
10 designate information as directory information;  
11 prohibiting the release or sale of student directory  
12 information unless disclosure is authorized by  
13 federal or state law; and providing an effective  
14 date.

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

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

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

- 21 1. Individual student records;
- 22 2. Teacher lesson plans, tests and other teaching material; and
- 23 3. Personal communications concerning individual students.

24 B. If kept, statistical information not identified with a  
particular student and directory information shall be open for  
inspection and copying. "Directory Except as provided in subsection

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

21 C. All educational agencies or institutions which are not the  
22 primary custodians of student directory information of students  
23 attending the educational institution, but are allowed to access the  
24 information for educational purposes, shall be prohibited from

1 releasing or selling any or all student directory information unless  
2 disclosure is authorized by the Family Educational Rights and  
3 Privacy Act, Section 1232g of Title 20 of the United States Code and  
4 Part 99 of Title 34 of the Code of Federal Regulations, or Section  
5 3-168 of Title 70 of the Oklahoma Statutes.

6 D. A public school district may release individual student  
7 records for the current or previous school year to a school district  
8 at which the student was previously enrolled for purposes of  
9 evaluating educational programs and school effectiveness.

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

11 Passed the House of Representatives the 5th day of March, 2020.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2020.

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Presiding Officer of the Senate

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