

1 ENGROSSED HOUSE  
2 BILL NO. 2377

By: Culver of the House  
and  
Haste of the Senate

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7 An Act relating to the Oklahoma Open Records Act;  
8 amending 51 O.S. 2021, Section 24A.16, which relates  
9 to educational records; modifying provisions related  
10 to confidential records; authorizing certain student  
11 athlete records to be kept confidential; and  
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.16, is  
15 amended to read as follows:

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

- 19 1. Individual student records;  
20 2. Teacher lesson plans, tests and other teaching material; ~~and~~  
21 3. Personal communications concerning individual students; and  
22 4. Contracts for use of a student athlete's name, image or  
23 likeness disclosed to a postsecondary institution.  
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1 B. If kept, statistical information not identified with a  
2 particular student and directory information shall be open for  
3 inspection and copying. Except as provided in subsection C of this  
4 section, each educational institution may choose to designate  
5 specific information which shall be classified as directory  
6 information for students attending the educational institution. In  
7 accordance with the Family Educational Rights and Privacy Act,  
8 Section 1232g of Title 20 of the United States Code and Part 99 of  
9 Title 34 of the Code of Federal Regulations, "directory information"  
10 includes a student's name, address, telephone listing, date and  
11 place of birth, major field of study, participation in officially  
12 recognized activities and sports, weight and height of members of  
13 athletic teams, dates of attendance, degrees and awards received,  
14 and the most recent previous educational institution attended by the  
15 student. Any educational agency or institution making public  
16 directory information shall give public notice of the categories of  
17 information which it has designated as directory information with  
18 respect to each student attending the institution or agency and  
19 shall allow a reasonable period of time after the notice has been  
20 given for a parent to inform the institution or agency that any or  
21 all of the information designated should not be released without  
22 prior consent of the parent or guardian or the student if the  
23 student is eighteen (18) years of age or older.

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

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

14 SECTION 2. This act shall become effective November 1, 2023.

15 Passed the House of Representatives the 14th day of March, 2023.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2023.

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Presiding Officer of the Senate

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