

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 HOUSE BILL 2377

By: Culver

7 AS INTRODUCED

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

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

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

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

- 20 1. Individual student records;
- 21 2. Teacher lesson plans, tests and other teaching material; ~~and~~
- 22 3. Personal communications concerning individual students; and
- 23 4. Contracts for use of a student athlete's name, image or
24 likeness disclosed to a postsecondary institution.

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.

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.
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16 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
17 02/23/2023 - DO PASS.
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