

As Introduced

134th General Assembly

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H. B. No. 633

Representative Koehler

Cosponsors: Representatives Click, Davis, Schmidt, Seitz, Stewart

A BILL

To amend sections 149.381 and 3319.321 of the
Revised Code to prohibit the sharing of public
school student directory information without
written consent.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 149.381 and 3319.321 of the
Revised Code be amended to read as follows:

Sec. 149.381. (A) As used in this section, "records
commission" means a records commission created under section
149.39 of the Revised Code, a school district records commission
and an educational service center records commission created
under section 149.41 of the Revised Code, a library records
commission created under section 149.411 of the Revised Code, a
special taxing district records commission created under section
149.412 of the Revised Code, and a township records commission
created under section 149.42 of the Revised Code.

(B) When a records commission has approved an application
for one-time disposal of obsolete records or any schedule of
records retention and disposition, the records commission shall

send that application or schedule to the Ohio history connection 19
for its review. The Ohio history connection shall review the 20
application or schedule within a period of not more than sixty 21
days after its receipt of it. During the sixty-day review 22
period, the Ohio history connection may select for its custody 23
from the application for one-time disposal of obsolete records 24
any records it considers to be of continuing historical value, 25
and shall denote upon any schedule of records retention and 26
disposition the records for which the Ohio history connection 27
will require a certificate of records disposal prior to their 28
disposal. 29

(C) Upon completion of its review, the Ohio history 30
connection shall forward the application for one-time disposal 31
of obsolete records or the schedule of records retention and 32
disposition to the auditor of state for the auditor of state's 33
approval or disapproval. The auditor of state shall approve or 34
disapprove the application or schedule within a period of not 35
more than sixty days after receipt of it. 36

(D) Before public records are to be disposed of pursuant 37
to an approved schedule of records retention and disposition, 38
the records commission shall inform the Ohio history connection 39
of the disposal through the submission of a certificate of 40
records disposal for only the records required by the schedule 41
to be disposed of, and shall give the Ohio history connection 42
the opportunity for a period of fifteen business days to select 43
for its custody those public records, from the certificate 44
submitted, that it considers to be of continuing historical 45
value. 46

(E) The Ohio history connection may not review or select 47
for its custody any of the following: 48

(1) Records the release of which is prohibited by section 49
149.432 of the Revised Code. 50

(2) Records containing personally identifiable information 51
concerning any pupil attending a public school ~~other than~~ 52
~~directory information, as defined in section 3319.321 of the~~ 53
~~Revised Code,~~ without the written consent of the parent, 54
guardian, or custodian of each such pupil who is less than 55
eighteen years of age, or without the written consent of each 56
such pupil who is eighteen years of age or older. 57

(3) Records the release of which would, according to the 58
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 59
571, 20 U.S.C. 1232g, disqualify a school or other educational 60
institution from receiving federal funds. 61

Sec. 3319.321. (A) No person shall release, or permit 62
access to, the directory information concerning any students 63
attending a public school to any person or group for use in a 64
profit-making plan or activity. Notwithstanding division (B) (4) 65
of section 149.43 of the Revised Code, a person may require 66
disclosure of the requestor's identity or the intended use of 67
the directory information concerning any students attending a 68
public school to ascertain whether the directory information is 69
for use in a profit-making plan or activity. 70

(B) No person shall release, or permit access to, 71
~~personally identifiable information other than~~ directory 72
information concerning any student attending a public school, 73
for purposes other than those identified in division (C), (E), 74
(G), or (H) of this section, without the written consent of the 75
parent, guardian, or custodian of each such student who is less 76
than eighteen years of age, or without the written consent of 77
each such student who is eighteen years of age or older. 78

(1) For purposes of this section, "directory information" 79
includes a student's name, address, telephone listing, date and 80
place of birth, major field of study, participation in 81
officially recognized activities and sports, weight and height 82
of members of athletic teams, dates of attendance, date of 83
graduation, and awards received. 84

~~(2) (a) Except as provided in division (B) (2) (b) of this 85
section, no school district board of education shall impose any 86
restriction on the presentation of directory information that it 87
has designated as subject to release in accordance with the 88
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 89
571, 20 U.S.C. 1232g, as amended, to representatives of the 90
armed forces, business, industry, charitable institutions, other 91
employers, and institutions of higher education unless such 92
restriction is uniformly imposed on each of these types of 93
representatives, except that if a student eighteen years of age 94
or older or a student's parent, guardian, or custodian has 95
informed the board that any or all such information should not 96
be released without such person's prior written consent, the 97
board shall not release that information without such person's 98
prior written consent. 99~~

~~(b) The names and addresses of students in grades ten 100
through twelve shall be released to a recruiting officer for any 101
branch of the United States armed forces who requests such 102
information, except that such data shall not be released if the 103
student or student's parent, guardian, or custodian submits to 104
the board a written request not to release such data. (2) Any 105
data directory information received by a recruiting officer for 106
any branch of the United States armed forces shall be used 107
solely for the purpose of providing information to students 108
regarding military service and shall not be released to any 109~~

person other than individuals within the recruiting services of 110
the armed forces. 111

(3) Except ~~for directory information and except as~~ 112
provided in division (E), (G), or (H) of this section, 113
information covered by this section that is released shall only 114
be transferred to a third or subsequent party on the condition 115
that such party will not permit any other party to have access 116
to such information without written consent of the parent, 117
guardian, or custodian, or of the student who is eighteen years 118
of age or older. 119

(4) Except as otherwise provided in this section, any 120
parent of a student may give the written parental consent 121
required under this section. Where parents are separated or 122
divorced, the written parental consent required under this 123
section may be obtained from either parent, subject to any 124
agreement between such parents or court order governing the 125
rights of such parents. In the case of a student whose legal 126
guardian is in an institution, a person independent of the 127
institution who has no other conflicting interests in the case 128
shall be appointed by the board of education of the school 129
district in which the institution is located to give the written 130
parental consent required under this section. 131

(5) (a) A parent of a student who is not the student's 132
residential parent, upon request, shall be permitted access to 133
any records or information concerning the student under the same 134
terms and conditions under which access to the records or 135
information is available to the residential parent of that 136
student, provided that the access of the parent who is not the 137
residential parent is subject to any agreement between the 138
parents, to division (F) of this section, and, to the extent 139

described in division (B) (5) (b) of this section, is subject to 140
any court order issued pursuant to section 3109.051 of the 141
Revised Code and any other court order governing the rights of 142
the parents. 143

(b) If the residential parent of a student has presented 144
the keeper of a record or information that is related to the 145
student with a copy of an order issued under division (H) (1) of 146
section 3109.051 of the Revised Code that limits the terms and 147
conditions under which the parent who is not the residential 148
parent of the student is to have access to records and 149
information pertaining to the student or with a copy of any 150
other court order governing the rights of the parents that so 151
limits those terms and conditions, and if the order pertains to 152
the record or information in question, the keeper of the record 153
or information shall provide access to the parent who is not the 154
residential parent only to the extent authorized in the order. 155
If the residential parent has presented the keeper of the record 156
or information with such an order, the keeper of the record 157
shall permit the parent who is not the residential parent to 158
have access to the record or information only in accordance with 159
the most recent such order that has been presented to the keeper 160
by the residential parent or the parent who is not the 161
residential parent. 162

(C) Nothing in this section shall limit the administrative 163
use of public school records by a person acting exclusively in 164
the person's capacity as an employee of a board of education or 165
of the state or any of its political subdivisions, any court, or 166
the federal government, and nothing in this section shall 167
prevent the transfer of a student's record to an educational 168
institution for a legitimate educational purpose. However, 169
except as provided in this section, public school records shall 170

not be released or made available for any other purpose. 171
Fingerprints, photographs, or records obtained pursuant to 172
section 3313.96 or 3319.322 of the Revised Code, or pursuant to 173
division (E) of this section, or any medical, psychological, 174
guidance, counseling, or other information that is derived from 175
the use of the fingerprints, photographs, or records, shall not 176
be admissible as evidence against the minor who is the subject 177
of the fingerprints, photographs, or records in any proceeding 178
in any court. The provisions of this division regarding the 179
administrative use of records by an employee of the state or any 180
of its political subdivisions or of a court or the federal 181
government shall be applicable only when the use of the 182
information is required by a state statute adopted before 183
November 19, 1974, or by federal law. 184

(D) A board of education may require, subject to division 185
(E) of this section, a person seeking to obtain copies of public 186
school records to pay the cost of reproduction ~~and, in the case~~ 187
~~of data released under division (B) (2) (b) of this section, to~~ 188
~~pay for any mailing costs,~~ which payment shall not exceed the 189
actual cost to the school. 190

(E) A principal or chief administrative officer of a 191
public school, or any employee of a public school who is 192
authorized to handle school records, shall provide access to a 193
student's records to a law enforcement officer who indicates 194
that the officer is conducting an investigation and that the 195
student is or may be a missing child, as defined in section 196
2901.30 of the Revised Code. Free copies of information in the 197
student's record shall be provided, upon request, to the law 198
enforcement officer, if prior approval is given by the student's 199
parent, guardian, or legal custodian. Information obtained by 200
the officer shall be used solely in the investigation of the 201

case. The information may be used by law enforcement agency 202
personnel in any manner that is appropriate in solving the case, 203
including, but not limited to, providing the information to 204
other law enforcement officers and agencies and to the bureau of 205
criminal identification and investigation for purposes of 206
computer integration pursuant to section 2901.30 of the Revised 207
Code. 208

(F) No person shall release to a parent of a student who 209
is not the student's residential parent or to any other person, 210
or permit a parent of a student who is not the student's 211
residential parent or permit any other person to have access to, 212
any information about the location of any elementary or 213
secondary school to which a student has transferred or 214
information that would enable the parent who is not the 215
student's residential parent or the other person to determine 216
the location of that elementary or secondary school, if the 217
elementary or secondary school to which the student has 218
transferred and that requested the records of the student under 219
section 3313.672 of the Revised Code informs the elementary or 220
secondary school from which the student's records are obtained 221
that the student is under the care of a shelter for victims of 222
domestic violence, as defined in section 3113.33 of the Revised 223
Code. 224

(G) A principal or chief administrative officer of a 225
public school, or any employee of a public school who is 226
authorized to handle school records, shall comply with any order 227
issued pursuant to division (D) (1) of section 2151.14 of the 228
Revised Code, any request for records that is properly made 229
pursuant to division (D) (3) (a) of section 2151.14 or division 230
(A) of section 2151.141 of the Revised Code, and any 231
determination that is made by a court pursuant to division (D) 232

(3) (b) of section 2151.14 or division (B) (1) of section 2151.141 233
of the Revised Code. 234

(H) Notwithstanding any provision of this section, a 235
principal of a public school, to the extent permitted by the 236
"Family Educational Rights and Privacy Act of 1974," shall make 237
the report required in section 3319.45 of the Revised Code that 238
a pupil committed any violation listed in division (A) of 239
section 3313.662 of the Revised Code on property owned or 240
controlled by, or at an activity held under the auspices of, the 241
board of education, regardless of whether the pupil was sixteen 242
years of age or older. The principal is not required to obtain 243
the consent of the pupil who is the subject of the report or the 244
consent of the pupil's parent, guardian, or custodian before 245
making a report pursuant to section 3319.45 of the Revised Code. 246

Section 2. That existing sections 149.381 and 3319.321 of 247
the Revised Code are hereby repealed. 248