

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 1812

By: Conley

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2021, Section 11-105.1, which relates to sex education curriculum and materials; providing a definition for abstinence; requiring parents to give permission for students to participate in sex education; prohibiting required participation for students; mandating penalty for certain noncompliance; providing for promulgation of rules; repealing 70 O.S. 2021, Section 11-103.3, which relates to AIDS prevention education; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 11-105.1, is amended to read as follows:

Section 11-105.1 A. All curriculum and materials including supplementary materials which will be used to teach or will be used for or in connection with a sex education class or program which is designed for the exclusive purpose of discussing sexual behavior or attitudes, or any test, survey, or questionnaire whose primary purpose is to elicit responses on sexual behavior or attitudes shall be available through the superintendent or a designee of the school

district for inspection by parents and guardians of the student who ~~will~~ may be involved with the class, program ~~or~~, test, survey, or questionnaire.

1. ~~Such~~ The curriculum, materials, classes, programs, tests, surveys, or questionnaires shall include information about consent and shall have as one of its primary purposes the teaching of or informing students about the practice of abstinence. For the purposes of this section,

a. "abstinence" shall mean no pre-marital sexual contact, sexual intimacy, or sexual activity of any kind, including restraint from any intimate touches or genital contact, and

b. "consent" shall have the same meaning as that provided by Section 113 of Title 21 of the Oklahoma Statutes.

2. The superintendent or a designee of the school district shall provide prior written notification to the parents or guardians of the students involved of their right to inspect the curriculum and material and of their obligation to notify the school in writing if they ~~do not~~ want their child to participate in the class, program, test, survey, or questionnaire. Each local board of education shall determine the means of providing written notification to the parents and guardian which will ensure effective notice in an efficient and appropriate manner. No student shall be required to participate in a sex education class or program which

discusses sexual behavior or attitudes ~~if~~ unless a parent or guardian of the student ~~objects~~ agrees in writing to such participation. If the type of program referred to in this section is a part of or is taught during a credit course, a student may be required to enroll in the course but shall not be required to receive instruction in or participate in the program ~~if~~ unless a parent or guardian ~~objects~~ agrees in writing.

B. The superintendent or a designee of a school district in which sex education is taught or a program is offered which is designed for the exclusive purpose of discussing sexual behavior or attitudes shall approve all curriculum and materials which will be used for such education and any test, survey, or questionnaire whose primary purpose is to elicit responses on sexual behavior or attitudes used in the school prior to their use in the classroom or school. The teacher involved in the class, program, testing, or survey shall submit the curriculum, materials, tests, or surveys to the superintendent or a designee for approval prior to their use in the classroom or school.

C. This section shall not apply to those students enrolled in classes, programs, testings, or surveys offered through an alternative education program.

D. Upon a finding of noncompliance with the provisions of subsection A of this section by the State Board of Education, the noncompliant school district or public charter school shall receive

a five percent (5%) decrease in state funding for the school district or public charter school for the fiscal year following the year of noncompliance.

E. The State Board of Education may promulgate rules in accordance with the provisions of this section.

SECTION 2. REPEALER 70 O.S. 2021, Section 11-103.3, is hereby repealed.

SECTION 3. This act shall become effective July 1, 2023.

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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