

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 1017

By: Jett

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2021, Section 11-105.1, which relates to materials used in sex education class; prohibiting certain survey or questionnaire from including certain topics; prohibiting a public school, public charter school, or school library from maintaining in its inventory or including as part of a curriculum books that make certain topics their primary subjects; defining term; prohibiting teachers from discussing or administering a survey or questionnaire on certain topics; providing certain exception; providing for promulgation of rules; providing for codification; 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

1 be available through the superintendent or a designee of the school
2 district for inspection by parents and guardians of the student who
3 will be involved with the class, program ~~or~~, test, survey, or
4 questionnaire. Such curriculum, materials, classes, programs,
5 tests, surveys, or questionnaires shall include information about
6 consent and shall have as one of its primary purposes the teaching
7 of or informing students about the practice of abstinence. For the
8 purposes of this section, "consent" shall have the same meaning as
9 that provided by Section 113 of Title 21 of the Oklahoma Statutes.
10 The superintendent or a designee of the school district shall
11 provide prior written notification to the parents or guardians of
12 the students involved of their right to inspect the curriculum and
13 material and of their obligation to notify the school in writing if
14 they do not want their child to participate in the class, program,
15 test, survey, or questionnaire. Each ~~local~~ board of education shall
16 determine the means of providing written notification to the parents
17 and guardian which will ensure effective notice in an efficient and
18 appropriate manner. No student shall be required to participate in
19 a sex education class or program which discusses sexual behavior or
20 attitudes if a parent or guardian of the student objects in writing
21 to such participation. If the type of program referred to in this
22 section is a part of or is taught during a credit course, a student
23 may be required to enroll in the course but shall not be required to
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1 receive instruction in or participate in the program if a parent or
2 guardian objects in writing.

3 B. The superintendent or a designee of a school district in
4 which sex education is taught or a program is offered which is
5 designed for the exclusive purpose of discussing sexual behavior or
6 attitudes shall approve all curriculum and materials which will be
7 used for such education and any test, survey, or questionnaire whose
8 primary purpose is to elicit responses on sexual behavior or
9 attitudes used in the school prior to their use in the classroom or
10 school. The teacher involved in the class, program, testing, or
11 survey shall submit the curriculum, materials, tests, or surveys to
12 the superintendent or a designee for approval prior to their use in
13 the classroom or school. This section shall not apply to those
14 students enrolled in classes, programs, ~~testings~~ tests, or surveys
15 offered through an alternative education program.

16 C. A survey or questionnaire administered pursuant to this
17 section shall be prohibited from including topics relating to gender
18 or sexuality.

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 11-203 of Title 70, unless there
21 is created a duplication in numbering, reads as follows:

22 A. No public school district, public charter school, or public
23 school library shall maintain in its inventory or use in its
24 curriculum books that make as their primary subject the study of
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1 lesbian, gay, bisexual, or transgender issues or recreational
2 sexualization. For the purposes of this section, "recreational
3 sexualization" means any form of non-procreative sex.

4 B. No teacher in a public school district or public charter
5 school shall discuss or administer a survey or questionnaire to
6 students about gender or sexuality.

7 C. The provisions of this section shall not apply to acquired
8 immune deficiency syndrome (AIDS) prevention education, as provided
9 for in Section 11-103.3 of Title 70 of the Oklahoma Statutes.

10 D. The State Board of Education may promulgate rules to
11 implement the provisions of this section.

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

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

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