STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1654

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; providing definition; prohibiting teachers from discussing or administering a survey or questionnaire on certain topics; providing exception for certain prevention education; 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
be available through the superintendent or a designee of the school
district for inspection by parents and guardians of the student who
will be involved with the class, program, test, survey, or
questionnaire. Such 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, "consent" shall have the same meaning as
that provided by Section 113 of Title 21 of the Oklahoma Statutes.
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 a parent or guardian of the student objects 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 a parent or
guardian objects 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. This section shall not apply to those
students enrolled in classes, programs, testings, or surveys offered
through an alternative education program.

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

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 16-125 of Title 70, unless there
is created a duplication in numbering, reads as follows:

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

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

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

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

SECTION 3. This act shall become effective July 1, 2022.

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.