

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 866

By: Bullard

AS INTRODUCED

An Act relating to schools; amending 25 O.S. 2021, Section 2003, which relates to the Parents' Bill of Rights; modifying certain rights regarding consent for sex education instruction and certain activities regarding sexuality in certain courses; amending 70 O.S. 2021, Section 11-105.1, which relates to sex education curriculum and materials; requiring curriculum and materials used in connection to certain school counselor-led course or used as part of any other class, program, or activity to be available for inspection; requiring written consent from a parent or guardian for a child to participate in certain instruction or activities; prohibiting a student from being required to participate in certain school counselor-led course or certain activities which discuss sexual orientation and gender identity; requiring a superintendent or designee to approve all curriculum and materials to be used for certain matters pertaining to sexual orientation, gender identity, or a school counselor-led course; prohibiting a school district from offering instruction or certain activities on certain matters to students in certain grade levels; requiring certain prior written notification to include a list of curriculum and materials to be used in certain activities; providing contents of notification; providing certain construction; defining terms; directing certain reduction in state funding of a noncompliant school district in certain fiscal year; providing an effective date; and declaring an emergency.

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

3 SECTION 1. AMENDATORY 25 O.S. 2021, Section 2003, is
4 amended to read as follows:

5 Section 2003. A. The board of education of a school district,
6 in consultation with parents, teachers, and administrators, shall
7 develop and adopt a policy to promote the involvement of parents and
8 guardians of children enrolled in the schools within the school
9 district, including:

10 1. A plan for parent participation in the schools which is
11 designed to improve parent and teacher cooperation in such areas as
12 homework, attendance, and discipline;

13 2. Procedures by which parents may learn about the course of
14 study for their children and review learning materials, including
15 the source of any supplemental educational materials;

16 3. Procedures by which parents who object to any learning
17 material or activity on the basis that it is harmful may withdraw
18 their children from the activity or from the class or program in
19 which the material is used. Objection to a learning material or
20 activity on the basis that it is harmful includes objection to a
21 material or activity because it questions beliefs or practices in
22 sex, morality, or religion;

23 4. If a school district offers any sex education curricula
24 pursuant to Section 11-105.1 of Title 70 of the Oklahoma Statutes or

1 pursuant to any rules adopted by the State Board of Education,
2 procedures to ~~opt out of a school district from providing~~ require
3 written consent from a parent for a child to participate in sex
4 education instruction to a child if the child's parent provides
5 ~~written objection to the child's participation in the sex education~~
6 ~~curricula;~~

7 5. Procedures by which parents will be notified in advance of
8 and given the opportunity to ~~withdraw their children from~~ provide
9 written consent for a child to participate in any instruction or
10 presentations, class, program, test, activity, survey, or
11 questionnaire regarding sexuality in courses other than formal sex
12 education curricula pursuant to Section 11-105.1 of Title 70 of the
13 Oklahoma Statutes;

14 6. Procedures by which parents may learn about the nature and
15 purpose of clubs and activities that are part of the school
16 curriculum, as well as extracurricular clubs and activities that
17 have been approved by the school; and

18 7. Procedures by which parents may learn about parental rights
19 and responsibilities under the laws of this state, including the
20 following:

- 21 a. the right to ~~opt out of~~ in to a sex education
22 curriculum if one is provided by the school district,
- 23 b. open enrollment rights,

- 1 c. the right to opt out of assignments pursuant to this
2 section,
- 3 d. the right to be exempt from the immunization laws of
4 the state pursuant to Section 1210.192 of Title 70 of
5 the Oklahoma Statutes,
- 6 e. the promotion requirements prescribed in Section
7 1210.508E of Title 70 of the Oklahoma Statutes,
- 8 f. the minimum course of study and competency
9 requirements for graduation from high school
10 prescribed in Section 11-103.6 of Title 70 of the
11 Oklahoma Statutes,
- 12 g. the right to opt out of instruction on the acquired
13 immune deficiency syndrome pursuant to Section 11-
14 103.3 of Title 70 of the Oklahoma Statutes,
- 15 h. the right to review test results,
- 16 i. the right to participate in gifted programs pursuant
17 to Sections 1210.301 through 1210.308 of Title 70 of
18 the Oklahoma Statutes,
- 19 j. the right to inspect instructional materials used in
20 connection with any research or experimentation
21 program or project pursuant to Section 11-106 of Title
22 70 of the Oklahoma Statutes,
- 23 k. the right to receive a school report card,
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- 1 l. the attendance requirements prescribed in Section 10-
2 106 of Title 70 of the Oklahoma Statutes,
3 m. the right to public review of courses of study and
4 textbooks,
5 n. the right to be excused from school attendance for
6 religious purposes,
7 o. policies related to parental involvement pursuant to
8 this section,
9 p. the right to participate in parent-teacher
10 associations and organizations that are sanctioned by
11 the board of education of a school district, and
12 q. the right to opt out of any data collection instrument
13 at the district level that would capture data for
14 inclusion in the state longitudinal student data
15 system except what is necessary and essential for
16 establishing a student's public school record.

17 B. The board of education of a school district may adopt a
18 policy to provide to parents the information required by this
19 section in an electronic form.

20 C. A parent shall submit a written request for information
21 pursuant to this section during regular business hours to either the
22 school principal at the school site or the superintendent of the
23 school district at the office of the school district. Within ten
24 (10) days of receiving the request for information, the school

1 principal or the superintendent of the school district shall either
2 deliver the requested information to the parent or submit to the
3 parent a written explanation of the reasons for the denial of the
4 requested information. If the request for information is denied or
5 the parent does not receive the requested information within fifteen
6 (15) days after submitting the request for information, the parent
7 may submit a written request for the information to the board of
8 education of a school district, which shall formally consider the
9 request at the next scheduled public meeting of the board if the
10 request can be properly noticed on the agenda. If the request
11 cannot be properly noticed on the agenda, the board of education of
12 a school district shall formally consider the request at the next
13 subsequent public meeting of the board.

14 SECTION 2. AMENDATORY 70 O.S. 2021, Section 11-105.1, is
15 amended to read as follows:

16 Section 11-105.1. A. All curriculum and materials including
17 supplementary materials which will be used to teach or will be used
18 for or in connection with a sex education class or program which is
19 designed for the exclusive purpose of discussing sexual behavior or
20 attitudes~~;~~ or any test, school counselor-led course, survey, or
21 questionnaire whose primary purpose is to elicit responses on sexual
22 behavior or attitudes; or any curriculum, materials, test, survey,
23 questionnaire, activity, or instruction of any kind related to
24 sexual orientation and gender identity, regardless of whether it is

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

1 instruction, class, program, test, activity, survey, or
2 questionnaire which discusses sexual orientation and gender identity
3 if a parent or guardian of the student ~~objects in writing to~~ does
4 not provide written consent for such participation. If the type of
5 instruction, program, test, activity, survey, or questionnaire
6 referred to in this section is a part of or is taught during a
7 credit course, a student may be required to enroll in the course but
8 shall not be required to receive instruction in or participate in
9 the program, test, activity, survey, or questionnaire if a parent or
10 guardian ~~objects in writing~~ does not provide written consent.

11 B. The superintendent or a designee of a school district in
12 which sex education or matters pertaining to sexual orientation or
13 gender identity is taught or a program is offered which is designed
14 for the exclusive purpose of discussing sexual behavior or attitudes
15 or matters pertaining to sexual orientation or gender identity shall
16 approve all curriculum and materials which will be used for such
17 education and any test, school counselor-led course, survey, or
18 questionnaire whose primary purpose is to elicit responses on sexual
19 behavior or attitudes used in the school prior to their use in the
20 classroom or school. The teacher or school counselor involved in
21 the instruction, class, program, testing test, activity, or survey
22 shall submit the curriculum, materials, tests, or surveys to the
23 superintendent or a designee for approval prior to their use in the
24 classroom or school. This section shall not apply to those students

1 enrolled in classes, programs, ~~testings~~ tests, or surveys offered
2 through an alternative education program.

3 C. A school district shall be prohibited from offering
4 instruction, a program, a test, an activity, a survey, or a
5 questionnaire on matters pertaining to sex education, sexual
6 orientation, or gender identity to students in grades pre-
7 kindergarten through five.

8 D. The prior written notification required by subsection A of
9 this section shall include a list with the audio-visual or written
10 curriculum and materials to be used in the instruction, class,
11 program, test, activity, or survey. The notification shall include:

12 1. A link to the audio-visual or written curriculum and
13 materials to be used if they are available electronically; or

14 2. Information on how and where to review a hard copy of the
15 audio-visual or written curriculum and materials.

16 E. The provisions of this section shall not be construed to
17 require written notification prior to:

18 1. A teacher responding to student questions during class
19 regarding sexual orientation and gender identity as it relates to
20 any topic of instruction;

21 2. Referring to the sexual orientation or gender identity of
22 any historic person, group, or public figure when such information
23 provides necessary context in relation to any topic of instruction;

1 3. Referring to sexual orientation and gender identity if
2 necessary to address a disciplinary matter, such as an instance of
3 bullying; or

4 4. Responding to student questions or providing assistance
5 relating to the student's physical hygiene.

6 F. The provisions of this section shall not be construed to
7 require that a public school offer instruction, a class, a program,
8 a test, an activity, or a survey on sex education, sexual behavior
9 or attitudes, sexual orientation, or gender identity.

10 G. For the purposes of this section:

11 1. "Gender identity" means one's psychological sense of their
12 gender. Gender identity may also be known as "gender dysphoria," a
13 clinically significant distress or impairment related to a strong
14 desire to be of another gender, which may include a desire to change
15 primary and/or secondary sex characteristics; and

16 2. "Sexual orientation" means an individual's actual or
17 perceived orientation as heterosexual, homosexual, or bisexual.

18 H. Upon a finding of noncompliance with the provisions of this
19 section by the State Board of Education, the noncompliant school
20 district shall receive a five percent (5%) reduction in state
21 funding for the fiscal year following the year of noncompliance.

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

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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