

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

No. 2

☐ COMMITTEE AMENDMENT

(Date)

I move to amend House Bill No. 4387, by substituting the attached floor substitute (Request #3863) for the title, enacting clause and entire body of the measure.

Submitted by:



Senator Dahm

Dahm-EB-FS-HB4387
4/25/2022 3:26 PM

(Floor Amendments Only)

Date and Time Filed: 4-25-22 3:56 pm

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE
FOR ENGROSSED

HOUSE BILL NO. 4387

By: Hilbert, Baker, and
Phillips of the House

and

Pugh and Dahm of the Senate

FLOOR SUBSTITUTE

[schools - directing adoption of certain procedures
- prohibiting instruction on certain topics in
certain grades - effective date -
emergency]

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 11-105.2 of Title 70, unless
there is created a duplication in numbering, reads as follows:

A. Each school district board of education shall adopt
procedures providing for notification of a student's parent or legal
guardian if there is a change in the student's services related to
the student's mental, emotional, or physical health or well-being
and the school's ability to provide a safe and supportive learning
environment for the student. The procedures shall reinforce the
provisions of the Parents' Bill of Rights, Section 2001 et seq. of

1 Title 25 of the Oklahoma Statutes, by requiring school district
2 personnel to encourage a student to discuss issues relating to his
3 or her well-being with his or her parent or legal guardian or to
4 facilitate discussion of the issue with the parent or legal
5 guardian.

6 B. 1. A school district board of education shall not adopt
7 procedures that prohibit school district personnel from notifying a
8 parent or legal guardian about his or her student's mental,
9 emotional, or physical health or well-being or a change in related
10 services or that encourage or have the effect of encouraging a
11 student to withhold such information from a parent or legal
12 guardian. School district personnel shall not discourage or
13 prohibit notification of a parent or legal guardian of and
14 involvement in critical decisions affecting a student's mental,
15 emotional, or physical health or well-being.

16 2. The provisions of this subsection shall not prohibit a
17 school district from adopting procedures that permit school district
18 personnel to withhold such information from a parent or legal
19 guardian if a reasonably prudent person would believe that
20 disclosure would result in abuse, abandonment, or neglect, as the
21 terms are defined in Section 1-1-105 of Title 10A of the Oklahoma
22 Statutes.

23 C. Classroom instruction provided by school district personnel
24 or third parties on sexual orientation or gender identity:

1 1. Shall not occur in grades kindergarten through five; and

2 2. Shall be provided in a manner that is age-appropriate or
3 developmentally appropriate for students in grades six through
4 twelve.

5 D. Prior to administering a student well-being questionnaire or
6 health screening form to a student in grades kindergarten through
7 five, a school district shall provide the questionnaire or health
8 screening form to the parents or legal guardians of the students and
9 shall obtain written consent from the parents or legal guardians
10 prior to administration of the questionnaire or survey.

11 E. 1. Each school district board of education shall adopt
12 procedures for a parent or legal guardian to notify the district
13 superintendent or his or her designee regarding concerns relating to
14 this section and the process for resolving those concerns within
15 seven (7) calendar days after receipt of notification from the
16 parent or legal guardian.

17 2. At a minimum, the procedures shall require that within
18 thirty (30) days after notification from a parent or legal guardian
19 that the concern remains unresolved, the school district shall
20 either resolve the concern or provide a statement of the reasons for
21 not resolving the concern.

22 3. If a concern is not resolved by the school district, a
23 parent or legal guardian may:
24

- 1 a. request the Superintendent of Public Instruction to
2 appoint an administrative law judge, who shall
3 determine facts relating to the dispute over the
4 school district procedures, consider information
5 provided by the school district, and render a
6 recommended decision for resolution to the State Board
7 of Education within thirty (30) days of receipt of the
8 request by the parent or legal guardian. The State
9 Board of Education shall approve or reject the
10 recommended decision at its next regularly scheduled
11 meeting that is more than seven (7) calendar days and
12 no more than thirty (30) days after receipt of the
13 recommended decision. The costs of the administrative
14 law judge shall be borne by the school district, or
15 b. bring an action against the school district to obtain
16 a declaratory judgment that the school district
17 procedures violate the provisions of this section and
18 seek injunctive relief. A court may award damages and
19 shall award reasonable attorney fees and court costs
20 to a parent or legal guardian who receives declaratory
21 or injunctive relief.

22 F. Each school district board of education shall adopt policies
23 to notify parents and legal guardians of the procedures adopted
24 pursuant to this section.

1 G. The State Board of Education shall promulgate rules to
2 implement the provisions of this section including but not limited
3 to school district personnel guidelines that conform to the
4 provisions of this section.

5 SECTION 2. This act shall become effective July 1, 2022.

6 SECTION 3. It being immediately necessary for the preservation
7 of the public peace, health or safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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11 58-2-3863 EB 4/25/2022 5:37:13 PM

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