

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 1020

By: Dahm

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6 AS INTRODUCED

7 An Act relating to children; creating the Oklahoma
8 Learning Pod Protection Act; providing short title;
9 providing purpose; providing definitions; exempting
10 learning pods from certain statutes, rules,
11 regulations, policies and other regulatory
12 provisions; prohibiting certain employees from
13 visiting or inspecting learning pods; prohibiting a
14 public school district from taking certain action
15 against any student or parent based on certain
16 participation; prohibiting a state agency, local
17 government or school district from requiring certain
18 registration or other report; providing certain
19 construction; providing for establishment of clear
20 and convincing evidence; providing for codification;
21 and declaring an emergency.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 4-300 of Title 70, unless there
25 is created a duplication in numbering, reads as follows:

26 A. This act shall be known and may be cited as the "Oklahoma
27 Learning Pod Protection Act".

28 B. The Oklahoma Learning Pod Protection Act is necessary to
29 ensure that Oklahoma parents or legal guardians that choose to
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1 voluntarily associate to advance the education and care of their
2 children in the state shall not be subject to regulation.

3 C. As used in this section:

4 1. "Parent" means the parent or legal guardian of any child
5 under the age of eighteen (18);

6 2. "Learning pod" means a voluntary association of parents
7 choosing to group their children together at various times or places
8 to participate in or enhance their children's education programming
9 and care; and

10 3. "Operation of a learning pod" means all the parents of the
11 children participating in the learning pod and any other individuals
12 assisting those parents while engaged in any actions taken to
13 organize, facilitate or operate the learning pod and any facility,
14 home or other structure utilized by the learning pod.

15 D. A learning pod shall be exempt from the following state,
16 local or school district statutes, rules, regulations, policies or
17 any other regulatory provisions:

18 1. All provisions of Title 70 of the Oklahoma Statutes;

19 2. All provisions related to the operation of a child care
20 facility, child care center or family child care home including the
21 Oklahoma Child Care Facilities Licensing Act in Title 10 of the
22 Oklahoma Statutes;

23 3. Any state or local building or fire codes applicable to
24 educational or child-care facilities; and

1 4. Any other state or local statute, rule or code which would
2 not be applicable to any group, building or facility but for the
3 operation of a learning pod.

4 E. No Oklahoma state, local or school district employee shall
5 visit, inspect or investigate the site of a learning pod or initiate
6 a site visit, inspection or investigation that would not have been
7 initiated or made but for the operation or presence of a learning
8 pod.

9 F. No Oklahoma state, local or school district employee shall,
10 on the basis of any federal law, rule, policy or any other federal
11 authority, visit, inspect or investigate the site of a learning pod
12 or initiate a site visit, inspection or investigation that would not
13 have been initiated or made but for the operation or presence of an
14 learning pod.

15 G. No Oklahoma school district shall take any action or in any
16 manner discriminate against or otherwise distinguish any student or
17 parent on the basis of participation in a learning pod.

18 H. No Oklahoma state agency, local government or school
19 district shall require any learning pod to register or otherwise
20 report its existence or anything related to the operation of a
21 learning pod to the government.

22 I. The provisions of this section shall not be construed to
23 alter the regulation of any child care facility, child care center
24 or family child care home that is not a learning pod.

1 J. Whether any state, local government or school district law,
2 regulation, policy or action complies with the provisions of this
3 act shall be a judicial question.

4 K. The state, local government or school district that is
5 alleged to have violated the provisions of this act shall establish
6 by clear and convincing evidence that the challenged law,
7 regulation, policy or action:

- 8 1. Does not unduly impede the freedom of parents to provide
9 care and supervision of their children;
- 10 2. Does not single out educational activities while similar
11 gatherings of children for recreational or social activities remain
12 unregulated; and
- 13 3. Is narrowly tailored to protect the public health and
14 safety.

15 SECTION 2. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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