

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1149

By: Bergstrom

AS INTRODUCED

An Act relating to schools; providing definitions; directing public school districts and public charter schools to post certain materials on their websites beginning in certain school year; providing certain construction; directing certain materials to be provided upon request; requiring materials to be posted online in accordance with certain timeline; requiring information to be posted in certain format; allowing certain school employees to request use of certain title and initial; allowing the use of certain collaborative document or software; providing exemption from certain provisions for certain school districts and charter schools; allowing submission of certain complaint to the State Department of Education; requiring online posting of complaint; requiring response to complaint within certain time period; providing penalty for noncompliance with certain direction; directing referral of certain matter to the Office of the Attorney General upon receipt of certain number of complaints; providing for filing of petition; allowing punishment for certain noncompliance with an order of a court; providing for award of fees; 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:

1           SECTION 1.           NEW LAW           A new section of law to be codified

2 in the Oklahoma Statutes as Section 11-107.2 of Title 70, unless  
3 there is created a duplication in numbering, reads as follows:

4           A. As used in this section:

5           1. "Activities" includes but is not limited to assemblies,  
6 guest lectures, or other educational events facilitated by public  
7 school district or public charter school staff including those  
8 activities conducted by outside individuals or organizations but not  
9 including student presentations;

10          2. "Learning materials" includes textbooks, supplemental  
11 instructional materials, reading materials, videos, digital  
12 materials, websites, and other online applications;

13          3. "Original materials" means learning materials owned or  
14 licensed by a public school district, a public charter school, or  
15 the staff or faculty of a public school district or public charter  
16 school that are used for student instruction; and

17          4. "Used for student instruction" means assigned, distributed,  
18 or otherwise presented to public school district or public charter  
19 school students in any course for which students receive academic  
20 credit or in any educational capacity in which participation of the  
21 student body is required by the school or in which a majority of  
22 students in a grade level participate. It includes any materials  
23 from which public school district and public charter school students  
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1 are required to select one or more if the available selection is  
2 restricted to specific titles.

3 B. Beginning in the 2022-2023 school year, each public school  
4 district and public charter school in this state shall post on its  
5 website:

6 1. The learning materials or activities used in professional  
7 development programs provided for certified teachers and  
8 administrators pursuant to the provisions of Section 6-194 of Title  
9 70 of the Oklahoma Statutes;

10 2. The learning materials or activities used for student  
11 instruction. The online posting required by this paragraph shall  
12 include at a minimum:

- 13 a. the title, author, organization, and any website  
14 associated with each material and activity,
- 15 b. a link to the learning material, if publicly available  
16 online, or a brief description of the learning  
17 material and information on how to request to review a  
18 copy of the material, and
- 19 c. if the learning material was created for non-public  
20 use, the identity of the teacher, administrator,  
21 school employee, or outside presenter who created it.  
22 The identification may be indicated by a personal  
23 title and last initial if referring to a teacher,  
24 administrator, or school employee; and

1        3. Information about the process used to review and approve  
2 learning materials or activities posted online pursuant to  
3 paragraphs 1 and 2 of this subsection.

4        C. Nothing in this section shall be construed to require the  
5 digital reproduction or posting of copies of learning materials or  
6 activities when such reproduction would infringe upon copyrighted  
7 material; provided, however, in such cases the public school  
8 district or public charter school shall offer a link to a publicly  
9 available website describing and offering access to the learning  
10 materials and activities and, upon request, provide the learning  
11 materials and activities for public inspection in accordance with  
12 the provisions of Section 11-106.1 of Title 70 of the Oklahoma  
13 Statutes and Section 2003 of Title 25 of the Oklahoma Statutes.

14        D. Each public school district and public charter school shall  
15 post on its website the information required by subsection B of this  
16 section prior to the first instance of instruction or training or,  
17 at the latest, seven (7) days after the first instance of  
18 instruction or training. The information shall be organized by  
19 school site, grade level, teacher, and subject and shall remain on  
20 the school website for a minimum of two years. The information  
21 shall be displayed in a searchable or sortable electronic format.  
22 The information shall include the date of the latest publication,  
23 modification, or update to each learning material or activity.  
24 Teachers, administrators, and school employees may request that a

1 school district or charter school use a personal title and last  
2 initial in lieu of a full name for privacy purposes.

3 E. To implement the provisions of this section, a public school  
4 district or public charter school may use a collaborative online  
5 document or spreadsheet software that allows multiple authorized  
6 users to update or make additions to information posted online, as  
7 long as a link to the listing is made publicly accessible on the  
8 school district or charter school website.

9 F. A public school district or public charter school with an  
10 average daily membership of less than two hundred fifty (250) shall  
11 be exempt from the online posting provisions of this section.  
12 Provided, however, the school district or charter school shall, upon  
13 request, provide the learning materials and activities for public  
14 inspection in accordance with the provisions of Section 11-106.1 of  
15 Title 70 of the Oklahoma Statutes and Section 2003 of Title 25 of  
16 the Oklahoma Statutes.

17 G. If a parent or legal guardian submits a request to inspect  
18 learning materials or activities pursuant to the provisions of  
19 subsection C of Section 2003 of Title 25 of the Oklahoma Statutes  
20 and the request is denied, the parent or legal guardian may submit a  
21 complaint to the State Department of Education. The complaint shall  
22 be posted on the Department's website. Within five (5) days of  
23 receiving the complaint, the Department shall either provide the  
24 parent or legal guardian a written explanation of the reasons for  
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1 the denial of the requested information or direct the public school  
2 district or public charter school to deliver the requested  
3 information. A school district or charter school that refuses to  
4 comply with the State Department of Education's direction to deliver  
5 the requested information shall receive a deficiency on its  
6 accreditation report.

7 H. If a public school district or public charter school is the  
8 subject of three complaints submitted to the State Department of  
9 Education pursuant to subsection G of this section, the Department  
10 shall refer the matter to the Office of the Attorney General, who  
11 may file a petition in the district court in which the school  
12 district or charter school is located to order the posting or  
13 production of any learning materials or activities withheld from  
14 complainants in violation of this section. In such a case, the  
15 court shall determine the matter de novo and may examine the  
16 contents of the learning materials or activities to determine  
17 whether they shall be withheld. In the event of noncompliance with  
18 the order of the court, the court may punish for contempt the  
19 responsible official or employee. The prevailing party may be  
20 awarded reasonable attorney fees.

21 I. The State Board of Education shall promulgate rules to  
22 implement the provisions of this section.

23 SECTION 2. This act shall become effective July 1, 2022.  
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1       SECTION 3. It being immediately necessary for the preservation  
2 of the public peace, health or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.  
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