

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3155

By: West (Kevin)

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6 AS INTRODUCED

7 An Act relating to schools; relating to data privacy;
8 requiring written consent from parent or legal
9 guardian before administering a survey, assessment,
10 analysis or evaluation via electronic software to the
11 student revealing certain information; defining what
12 information cannot be revealed; requiring a copy of
13 document to be available for viewing by parent or
14 legal guardian; establishing a two-week time frame;
15 authorizing the State Board of Education to determine
16 penalty; requiring that electronic information be
17 held solely by school district; and providing an
18 effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 11-107.2 of Title 70, unless
22 there is created a duplication in numbering, reads as follows:

23 A. Unless a school district receives prior written informed
24 consent from a student's parent or legal guardian and provides for a
copy of the document to be available for viewing at convenient
locations and time periods, the school district shall not administer
to a student any academic or nonacademic survey, assessment,

1 analysis or evaluation via electronic software which reveals
2 information concerning:

3 1. Mental and psychological problems that are potentially
4 embarrassing to the student or the student's family;

5 2. Sexual behavior and attitudes;

6 3. Illegal, anti-social, self-incriminating or demeaning
7 behavior;

8 4. Critical appraisals of other individuals with whom a
9 respondent has a close family relationship; or

10 5. Income, other than that required by law to determine
11 eligibility for participation in a program or for receiving
12 financial assistance under a program.

13 B. The school district shall request prior written informed
14 consent at least two (2) weeks prior to the administration of the
15 survey, assessment, analysis, or evaluation.

16 C. A student shall not participate in any survey, assessment,
17 analysis, or evaluation that concerns the issues listed in
18 subsection A of this section unless the school district has obtained
19 prior written informed consent from that student's parent or
20 guardian.

21 D. A school district that violates the provisions of this act
22 shall be subject to such monetary penalties as determined by the
23 State Board of Education.

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E. The school district shall ensure that any and all electronic information is held solely by the school district and is not accessible by the software provider.

SECTION 2. This act shall become effective November 1, 2022.

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