

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3155

By: West (Kevin)

AS INTRODUCED

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

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 11-107.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Unless a school district receives prior written informed 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.

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

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

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