## STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 3120 By: Williams

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## 7 COMMITTEE SUBSTITUTE

An Act relating to sex education; amending 25 O.S. 2021, Section 2003, which relates to the Parents' Bill of Rights; providing for parental opt in for child to participate in sex education; providing for parental notification of school choice options; providing for parental opt in for certain instruction; permitting parental appeal of certain information request denial; directing State Board of Education to establish standard appeals process; requiring accreditation deficiency if school is not in compliance; defining terms; establishing school policy prohibiting certain pronouns; providing exceptions for certain disorders; banning requirement of using certain preferred personal title or pronouns; requiring student school records to comply with certain policy; prescribing punishment for changing certain student records; directing boards of education to adopt certain parental notification procedures; prohibiting adoption of certain procedures to discourage parental notification; banning instruction on sexual orientation or sexual identity; providing exception; requiring instruction to be age-appropriate or developmentally appropriate; prescribing student support services training to adhere to certain guidelines; mandating annual notification of health care services; providing for parental option to consent or withhold consent; requiring parental permission before administering certain student questionnaire or form; establishing process to address parental concerns; authorizing parent to file civil action; providing for award of damages and other costs and fees; directing school district to publish certain policies on its website;

1 amending 70 O.S. 2021, Section 11-103.3, which relates to AIDS prevention education; prohibiting 2 student from participating in AIDS education without parental permission; amending 70 O.S. 2021, Section 11-105.1, which relates to sex education; striking 3 information to be included in curriculum; deleting definition for consent; barring student from 4 participating in sex education without parental 5 permission; directing certain curriculum and materials to be approved annually by the board of education; requiring certain concepts and ideas to be 6 taught in sex education; prohibiting inclusion of 7 certain concepts and ideas in sex education instruction; directing certain concepts in sex education to be emphasized; prescribing who can teach 8 sex education programs; disallowing other 9 organizations from providing sex education; directing certain coordination between the Department of 10 Education and State Textbook Committee; requiring State Textbook Committee to provide instructional material quidelines; directing board of education to 11 review and revise certain policies and procedures; mandating State Board of Education to consider 12 certain compliance when reviewing school 1.3 accreditation; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 25 O.S. 2021, Section 2003, is amended to read as follows:

Section 2003. A. The board of education of a school district, in consultation with parents <u>and guardians</u>, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district, including:

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1. A plan for parent <u>or guardian</u> participation in the schools which is designed to improve parent <u>or guardian</u> and teacher cooperation in <u>such</u> areas <u>such</u> as homework, attendance, and discipline;

- 2. Procedures by which parents <u>or guardians</u> may learn about the course of study for their children and review learning materials, including the source of any supplemental educational materials;
- 3. Procedures by which parents or guardians who object to any learning material or activity on the basis that it is harmful may withdraw their children from the activity or from the class or program in which the material is used. Objection to a learning material or activity on the basis that it is harmful includes objection to a material or activity because it questions beliefs or practices in sex, morality or religion;
- 4. If a school district offers any sex education curricula pursuant to Section 11-105.1 of Title 70 of the Oklahoma Statutes or pursuant to any rules adopted by the State Board of Education, procedures to opt out of in to a school district from providing district's sex education instruction to a child if the child's parent or guardian provides written objection to permission for the child's participation child to participate in the sex education curricula;
- 5. Procedures by which parents <u>or guardians</u> will be notified in advance of and given the opportunity to withdraw their children from

any instruction or presentations regarding sexuality in courses other than formal sex education curricula pursuant to Section 11-105.1 of Title 70 of the Oklahoma Statutes;

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- 6. Procedures by which parents <u>or guardians</u> may learn about the nature and purpose of clubs and activities that are part of the school curriculum, as well as extracurricular clubs and activities that have been approved by the school; and
- 7. Procedures by which parents <u>or guardians</u> may learn about parental rights and responsibilities under the laws of this state, including the following:
  - a. the right to opt <del>out of</del> <u>in to</u> a sex education curriculum if one is provided by the school district,
  - b. open enrollment rights and school choice options,
  - c. the right to opt out of assignments pursuant to this section,
  - d. the right to be exempt from the immunization laws of the state pursuant to Section 1210.192 of Title 70 of the Oklahoma Statutes,
  - e. the promotion requirements prescribed in Section 1210.508E of Title 70 of the Oklahoma Statutes,
  - f. the minimum course of study and competency requirements for graduation from high school prescribed in Section 11-103.6 of Title 70 of the Oklahoma Statutes,

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- g. the right to opt out of in to instruction on the acquired immune deficiency syndrome pursuant to Section 11-103.3 of Title 70 of the Oklahoma Statutes,
- h. the right to review test results,
- i. the right to participate in gifted programs pursuant to Sections 1210.301 through 1210.308 of Title 70 of the Oklahoma Statutes,
- j. the right to inspect instructional materials used in connection with any research or experimentation program or project pursuant to Section 11-106 of Title 70 of the Oklahoma Statutes,
- k. the right to receive a school report card,
- the attendance requirements prescribed in Section 10-106 of Title 70 of the Oklahoma Statutes,
- m. the right to public review of courses of study and textbooks,
- n. the right to be excused from school attendance for religious purposes,
- o. policies related to parental involvement pursuant to this section,
- p. the right to participate in parent-teacher associations and organizations that are sanctioned by the board of education of a school district, and

- q. the right to opt out of any data collection instrument at the district level that would capture data for inclusion in the state longitudinal student data system except what is necessary and essential for establishing a student's public school record.
- B. The board of education of a school district may adopt a policy to provide to parents <u>and guardians</u> the information required by this section in an electronic form.

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C. A parent or guardian shall submit a written request for information pursuant to this section during regular business hours to either the school principal at the school site or the superintendent of the school district at the office of the school district. Within ten (10) days of receiving the request for information, the school principal or the superintendent of the school district shall either deliver the requested information to the parent or quardian or submit to the parent or quardian a written explanation of the reasons for the denial of the requested information. If the request for information is denied or the parent or quardian does not receive the requested information within fifteen (15) days after submitting the request for information, the parent or quardian may submit a written request for the information to the board of education of a school district, which shall formally consider the request at the next scheduled public meeting of the board if the request can be properly noticed on the agenda.

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request cannot be properly noticed on the agenda, the board of
education of a school district shall formally consider the request
at the next subsequent public meeting of the board. A parent or
guardian may appeal a denial of request for information to the State
Board of Education through a standard appeals process established by
the Board. If a school is determined to be out of compliance with
this section, the school shall be given a deficiency in its
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accreditation.

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SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-126 of Title 70, unless there is created a duplication in numbering, reads as follows:

As used in Title 70 of the Oklahoma Statutes:

- 1. "Father" means the male parent of a child or children;
- 2. "Female" means a natural person whose biological reproductive system is developed to produce ova;
  - 3. "Male" means a natural person whose biological reproductive system is developed to fertilize the ova of a female;
    - 4. "Man" or "boy" means a natural person who is male;
    - 5. "Mother" means the female parent of a child or children;
  - 6. "Natural person" means a person as defined in paragraph 7 of this section, except for bodies politic or corporate;
  - 7. "Person", except when used by way of contrast, includes not only human beings, but bodies politic or corporate;

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8. "Sex" means the classification of a person as either female or male based on the organization of the body of the person for a specific reproductive role, as indicated by the person's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth. The term "gender" shall be synonymous with the term "sex" as defined in this paragraph; and

- 9. "Woman" or "girl" means a natural person who is female.
- SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-127 of Title 70, unless there is created a duplication in numbering, reads as follows:
- A. It shall be the policy of every public school or charter school that is provided or authorized by the Oklahoma Constitution and state laws that a person's sex is an immutable biological trait and that it is false to ascribe to a person a pronoun that does not correspond to the person's sex. This section shall not apply to individuals born with a genetically or biochemically verifiable disorder of sex development, including, but not limited to, 46, XX disorder of sex development; 46, XY disorder of sex development; sex chromosome disorder of sex development; XX or XY sex reversal; and ovotesticular disorder.
- B. An employee, contractor, or student of a public school or charter school shall not be required, as a condition of employment, enrollment, or participation in any program, to refer to another person using that person's preferred personal title or pronouns if

the personal title or pronouns do not correspond to that person's sex.

- C. An employee or contractor of a public school or charter school shall not provide to a student his or her preferred personal title or pronouns if the preferred personal title or pronouns do not correspond to that person's sex.
- D. A student shall not be asked by an employee or contractor of a public school or charter school to provide his or her preferred personal title or pronouns or be penalized or subjected to adverse or discriminatory treatment for not providing his or her preferred personal title or pronouns.
- E. Public school and charter school records regarding a student's sex shall always comply with subsection A of this section, and the definition of the word sex defined in paragraph 8 of Section 2 of this act. Any person who changes a student's records described under this subsection not in compliance with subsection A of this section and Section 2 of this act shall be guilty of a misdemeanor pursuant to Section 587 of Title 21 of the Oklahoma Statutes.
- SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-128 of Title 70, unless there is created a duplication in numbering, reads as follows:
- A. In accordance with the Parents' Bill of Rights enumerated in Sections 2002 and 2003 of Title 25 of the Oklahoma Statutes, school district boards of education shall adopt procedures for notifying a

student's parent or guardian if there is a change in the student's services or monitoring 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 fundamental right of parents or guardians to make decisions regarding the upbringing and control of their children by requiring school personnel to encourage a student to discuss issues related to his or her well-being with his or her parent or guardian or to facilitate discussion of the issue with the parent or guardian. The procedures shall not prohibit parents or guardians from accessing any of their student's education and health records created, maintained, or used by the school district, as required by Section 2002 of Title 25 of the Oklahoma Statutes.

B. A school district shall not adopt procedures or student support forms that prohibit school district personnel from notifying a parent or guardian about his or her student's mental, emotional, or physical health or well-being, or a change in related services or monitoring, or that encourage or have the effect of encouraging a student to withhold from a parent or guardian such information.

School district personnel shall not discourage or prohibit parental or guardian notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.

C. Classroom instruction by school personnel or third parties in schools and charter schools on sexual orientation or sexual identity shall not occur in prekindergarten through grade twelve, except when required by Section 11-103.3 of Title 70 of the Oklahoma Statutes. The instruction shall be age-appropriate or developmentally appropriate for students in accordance with state standards and statutes.

- D. Student support services training developed or provided by a school district to school district personnel shall adhere to student services guidelines, standards, and frameworks established by the State Department of Education.
- E. At the beginning of the school year, each school district shall notify parents or guardians of each health care service offered at their student's school and the option to withhold consent or decline any specific service in accordance with Section 2002 of Title 25 of the Oklahoma Statutes. Consent to a health care service shall not waive the parent's or guardian's right to access his or her student's educational or health records or to be notified about a change in his or her student's services or monitoring as provided by this section.
- F. Before administering a student well-being questionnaire or health screening form to a student in kindergarten through grade three, the school district shall provide the questionnaire or health screening form to the parent or quardian and obtain the permission

of the parent or guardian. Each school district shall adopt

procedures for a parent or guardian to notify the principal, or his

or her designee, regarding concerns under this section at his or her

student's school and the process for resolving those concerns within

seven (7) calendar days after notification by the parent or

quardian.

- 1. At a minimum, the procedures shall require that within thirty (30) days after notification by the parent or guardian that the concern remains unresolved, the school district shall either resolve the concern or provide a statement of the reasons for not resolving the concern.
- 2. If a concern is not resolved by the school district, a parent or guardian may file a civil action in court against the school district to obtain a declaratory judgment that the school district procedure or practice violates this section and seek injunctive relief. A court may award damages and shall award reasonable attorney fees and court costs to a parent who receives declaratory or injunctive relief.
- G. Each school district shall adopt and post on its website, in an obvious place on the front page, policies to notify parents or guardians of the procedures required by this section.
- SECTION 5. AMENDATORY 70 O.S. 2021, Section 11-103.3, is amended to read as follows:

Section 11-103.3 A. Acquired immune deficiency syndrome (AIDS) prevention education shall be taught in the public schools of this state. AIDS prevention education shall be limited to the discussion of the disease AIDS and its spread and prevention. Students shall receive such the education:

- 1.  $\frac{At}{At}$  the option of the local school district, a minimum of once during the period from grade five through grade six;
- 2.  $\frac{A}{A}$  minimum of once during the period from grade seven through grade nine; and
- 3.  $\frac{A}{A}$  minimum of once during the period from grade ten through grade twelve.
- B. The State Department of Education shall develop curriculum and materials for AIDS prevention education in conjunction with the State Department of Health. A school district may also develop its own AIDS prevention education curriculum and materials. Any curriculum and materials developed for use in the public schools shall be approved for medical accuracy by the State Department of Health and in compliance with Section 11-105.1 of this title. A school district may use any curriculum and materials which have been developed and approved pursuant to this subsection.
- C. School districts shall make the curriculum and materials that will be used to teach AIDS prevention education available for inspection by the parents and guardians of the students that will be involved with the curriculum and materials. Furthermore, the

1 curriculum must shall be limited in time frame to deal only with factual medical information for AIDS prevention. The school districts, at least one (1) month prior to teaching AIDS prevention 3 education in any classroom, shall conduct for the parents and 4 5 quardians of the students involved during weekend and evening hours at least one presentation concerning the curriculum and materials 6 7 that will be used for such the education. No student shall be required to participate in AIDS prevention education if a parent or guardian of the student objects in writing to such participation and 10 shall have written permission from a parent or guardian to participate. 11

- D. AIDS prevention education shall specifically teach students that:
- 1. engaging Engaging in homosexual activity, promiscuous sexual
  activity, intravenous drug use or contact with contaminated blood
  products is now known to be primarily responsible for contact with
  the AIDS virus;
  - 2. avoiding Avoiding the activities specified in paragraph 1 of this subsection is the only method of preventing the spread of the virus; and

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3. sexual Sexual intercourse, with or without condoms, with any person testing positive for human immunodeficiency virus (HIV) antibodies, or any other person infected with HIV, places that individual in a high risk category for developing AIDS.

E. The program of AIDS prevention education shall teach that abstinence from sexual activity is the only certain means for the prevention of the spread or contraction of the AIDS virus through sexual contact. It shall also teach that artificial means of birth control are not a certain means of preventing the spread of the AIDS virus and reliance on such those methods puts a person at risk for exposure to the disease.

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- F. The State Department of Health and the State Department of Education shall update AIDS education curriculum material as newly discovered medical facts make it necessary.
- SECTION 6. AMENDATORY 70 O.S. 2021, Section 11-105.1, is amended to read as follows:

Section 11-105.1 A. All curriculum and materials including supplementary materials which will be used to teach or will be used for or in connection with a sex education class or program which is designed for the exclusive purpose of discussing sexual behavior or attitudes, or any test, survey, or questionnaire whose primary purpose is to elicit responses on sexual behavior or attitudes shall be available through the superintendent or a designee of the school district for inspection by parents and guardians of the student who will be involved with the class, program or test, survey, or questionnaire. Such curriculum, materials, classes, programs, tests, surveys or questionnaires shall include information about consent and shall have as one of its primary purposes the teaching

of or informing students about the practice of abstinence. For the purposes of this section, "consent" shall have the same meaning as that provided by Section 113 of Title 21 of the Oklahoma Statutes. The superintendent or a designee of the school district shall provide prior written notification to the parents or guardians of the students involved of their right to inspect the curriculum and material and of their obligation to notify the school in writing if they do not want their child to participate in the class, program, test, survey, or questionnaire. Each local board of education shall determine the means of providing written notification to the parents and <del>guardian</del> guardians which will ensure effective notice in an efficient and appropriate manner. No student shall be required to participate in a sex education class or program which discusses sexual behavior or attitudes if unless a parent or guardian of the student <del>objects</del> provides permission in writing to <del>such</del> the participation. If the type of program referred to in this section is a part of or is taught during a credit course, a student may be required to enroll in the course but shall not be required to receive instruction in or participate in the program if unless a parent or guardian objects provides permission in writing.

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B. The superintendent or a designee of a school district in which sex education is taught or a program is offered which is designed for the exclusive purpose of discussing sexual behavior or attitudes shall approve all All curriculum and materials which will

be used for such education and any test, survey or questionnaire whose primary purpose is to elicit responses on sexual behavior or attitudes used in the school prior to their use in the classroom or school. The teacher involved in the class, program, testing or survey shall submit the curriculum, materials, tests or surveys to the superintendent or a designee for approval prior to their use in the classroom or school. This section shall not apply to those students enrolled in classes, programs, testings or surveys offered through an alternative education program to teach sex education, reproductive health, or any disease, including acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV), its symptoms, development, and treatment as part of the course referenced in this section and education referenced in Section 11-103.3 of this title, shall be annually approved by a school district board of education in a public meeting in compliance with the Oklahoma Open Meeting Act.

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- C. Throughout instruction in sex education, AIDS or HIV, sexually transmitted diseases, or health education, when the instruction and course material contain instruction in human sexuality, a school shall:
- 1. Classify males and females as provided in Section 2 of this act and teach that biological males impregnate biological females by fertilizing the female egg with male sperm; that the female then

gestates the offspring; and that these reproductive roles are
binary, stable, and unchangeable;

- 2. Teach abstinence from sexual activity outside of marriage as the expected standard for all school-age students while teaching the benefits of monogamous heterosexual marriage;
- 3. Emphasize that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases including AIDS, and other associated health problems;
- 4. Teach that each student has the power to control personal behavior and encourage students to base actions on reasoning, self-esteem, and respect for others;
- 5. Provide instruction and material that is appropriate for the grade and age of the student; and
- 6. Teach that sexual identity and sexual expression is within the binary concept of male and female, and emphasize the biological basis of sex.
  - D. Instruction concerning sex education, AIDS, sexually transmitted diseases, or health education, when the instruction and course material contain instruction in human sexuality, shall not contain:
    - 1. Advocacy of sexual activity outside of marriage;
- 22 <u>2. Advocacy of any form of sexual activity that deviates from</u>
  23 <u>the understanding of sexual norms within a traditional family</u>
  24 structure;

1 3. Information about contraceptive methods without emphasizing
2 their potential risks and failure rates;

- 4. Endorsement or promotion of non-heterosexual orientations as preferable to heterosexual orientations;
  - 5. Teaching of explicit sexual techniques;
- 6. Inclusion of materials that may be considered obscene or harmful to minors;
- 7. Teaching of gender identity and gender expression outside the binary concept of male and female;
- 8. Instruction that advocates the pursuit of sexual pleasure
  outside the context of marriage, the use of modern forms of risk
  minimization, the main purpose of sex is pleasure, or the
  exploration of which sexual techniques can be used for more
  pleasure;
  - 9. Teaching of consent and negotiation skills for sexual activity;
- 10. Normalization or trivialization of sexually transmitted

  diseases (STDs) with the effect of decreasing their perceived

  seriousness or harm;
  - 11. Instruction segmented specifically for the purpose of exploring gender identity or sexual orientation;
- 22 <u>12. Abortion presented as a safe, reproductive health care</u> 23 choice and right;

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| 1  | 13. Language or instruction that would undermine student-parent     |
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| 2  | relationships, degrade students' opinion of their parents, or       |
| 3  | degrade the importance of parental advice or help; and              |
| 4  | 14. Encouragement for students to seek other help apart from        |
| 5  | parents or guardians.   |
| 6  | E. Instruction concerning sex education, AIDS, sexually             |
| 7  | transmitted diseases, or health education, when the instruction and |
| 8  | course material contain instruction in human sexuality, shall       |
| 9  | emphasize:  |
| 10 | 1. The importance of monogamous, heterosexual relationships         |
| 11 | within the context of marriage;                                     |
| 12 | 2. The benefits of abstaining from premarital sexual activity;      |
| 13 | 3. The physical, psychological, and emotional risks and             |
| 14 | consequences of engaging in premarital sexual activity;             |
| 15 | 4. The importance of personal responsibility and self-              |
| 16 | discipline;   |
| 17 | 5. The positive aspects of healthy relationships, including         |
| 18 | communication skills, mutual respect, and emotional intimacy;       |
| 19 | 6. The development of decision-making skills and setting            |
| 20 | personal boundaries;  |
| 21 | 7. The understanding of the potential social, emotional, and        |

24 practice of abstinence from the relation until marriage;

physical consequences of early sexual activity;

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8. The biological reproductive function of sex and the healthy

9. Refusal and resistance skills for sexual avoidance;

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10. That STDs can cause serious health concerns and can and should be avoided;

- 11. Information provided and risk avoidance promoted for all students, regardless of sexual orientation or sexual identity;
- 12. That abortion is only legal in the state in cases where the life of the mother is at risk with reference to the language of the law, and that it is a practice with physical and emotional risks with alternatives, including parenting and adoption; and
- 13. That parental involvement, communication, and authority shall be upheld or promoted and that family is important whether biological or adoptive.
- F. Sex education programs shall be taught by persons who are employed by the school district where the sex education takes place and who hold a standard teaching certification issued by the State Department of Education.
- G. Other organizations, including health departments, shall not provide sex education instruction in public schools.
- SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16-125 of Title 70, unless there is created a duplication in numbering, reads as follows:
- A. The State Department of Education shall coordinate with the State Textbook Committee to ensure the proper review and approval of sex education instructional materials in accordance with this act.

- B. The State Textbook Committee shall provide guidelines for the submission of instructional materials to ensure transparency and public input.
- C. Each school district board of education shall review and revise any current policies and procedures, its sex education curriculum, parental consent process, and instructor qualifications to ensure compliance with this act.
- D. The State Board of Education shall take compliance with this act into account when considering the accreditation status of a public school.
- E. The Statewide Charter School Board shall take compliance with this act into account when implementing Section 3-132.2 of Title 70 of the Oklahoma Statutes.
- 14 SECTION 8. This act shall become effective July 1, 2024.
  - SECTION 9. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

59-2-10330 LRB 02/20/24