

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 18, 2023

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB397

By: Hamilton, Burns, Jett and Bullard of the Senate and Conley, Hardin, Olsen, Gann, Humphrey, West (Rick), Maynard, Kane, Banning, Crosswhite Hader and Stark of the House

Title: Schools; directing certain libraries to conduct certain inventory of materials and media; providing certain designations. Effective date. Emergency.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute (Request #2180) be adopted.

Respectfully submitted,

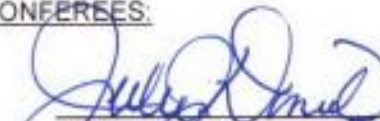
SENATE CONFEREES:



Hamilton

Pugh

Seifried



Daniels

Stewart

Woods

Dossett

HOUSE CONFEREES:

General Conference Committee on Appropriations

Senate Action _____ Date _____ House Action _____ Date _____

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 397

By: Hamilton, Burns, Jett, and
Bullard of the Senate

6 and

7 Conley, Hardin, Olsen,
8 Gann, Humphrey, West
(Rick), Maynard, Kane,
9 Banning, Crosswhite Hader,
and Stark of the House

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11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to schools; defining terms; requiring
13 each school district and charter school to submit to
14 the State Department of Education certain listing
15 annually by certain date; allowing submission of
16 certain attestation; prohibiting certain materials
17 and content from being accessible to certain
18 students; requiring school districts and charter
19 schools to have certain written policy; providing
20 certain construction; providing process for reporting
21 suspected violations; providing for contents of
22 report; requiring certain notifications within
23 certain time period; providing for investigation;
24 allowing a school district or charter school to
request certain hearing within certain time period;
directing the State Board of Education to review
certain information and vote on certain
determination; authorizing certain designation of a
school for certain noncompliance; providing certain
penalty for noncompliance; providing for promulgation
of rules; providing for codification; providing an
effective date; and declaring an emergency.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 11-203 of Title 70, unless there
4 is created a duplication in numbering, reads as follows:

5 A. As used in this act:

6 1. "Library" means a school library, media program, a classroom
7 library, or any other collection of books or other materials, print
8 or digital, that are maintained by a school district or charter
9 school or its employees for use by students and that do not qualify
10 as textbooks approved by the State Textbook Committee pursuant to
11 Sections 16-101 through 16-124 of Title 70 of the Oklahoma Statutes;

12 2. "School library" means the library maintained by a school
13 district or charter school for use by students;

14 3. "Pornographic" means:

15 a. depictions or descriptions of sexual conduct which are
16 patently offensive as found by the average person
17 applying contemporary community standards, considering
18 the youngest age of students with access to the
19 material,

20 b. materials that, taken as a whole, have as the dominant
21 theme an appeal to prurient interest in sex as found
22 by the average person applying contemporary community
23 standards, and
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1 c. a reasonable person would find the material, taken as
2 a whole, lacks serious literary, artistic,
3 educational, political, or scientific purposes or
4 values considering the youngest age of students with
5 access to the material; and

6 4. "Sexualized content" means material that is not strictly
7 pornographic but otherwise contains excessive sexual material in
8 light of the educational value of the material and in light of the
9 youngest age of students with access to the material.

10 B. By October 1, 2023, and by every October 1 thereafter, each
11 school district and charter school shall submit to the State
12 Department of Education a complete listing of all books and other
13 materials available in its school library. To fulfill the
14 requirement of this subsection, a school district or charter school
15 superintendent may submit an attestation that the public online
16 school library catalog or catalogs contain a complete and accurate
17 list of books and other materials accompanied by the website for
18 accessing the relevant catalog or catalogs.

19 C. A library in a school district or charter school shall be
20 prohibited from having any pornographic materials or sexualized
21 content accessible to students under the age of eighteen (18).

22 D. Each school district and charter school shall have a written
23 policy for reviewing the educational suitability and age-appropriate
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1 nature of any material in a library and for receiving and responding
2 to complaints regarding books and other materials in libraries.

3 E. Nothing in this section shall prohibit a student from
4 reading, owning, possessing, or discussing any book obtained without
5 the assistance or encouragement of a school district or charter
6 school, its employees, or its libraries; provided, however, nothing
7 in this section shall be construed to allow a student to bring
8 pornographic material or sexualized content on the grounds of a
9 school district or charter school.

10 F. 1. The parent or legal guardian of a student enrolled in a
11 school district or charter school may report suspected violations of
12 the provisions of this section to the State Department of Education.
13 The report shall include a written complaint summarizing the alleged
14 violation including the time, date, and location of the alleged
15 violation and the identity of any person involved. The report shall
16 include a copy of any complaint submitted to the school district or
17 charter school and any related response.

18 2. Within fourteen (14) business days of receiving a report
19 pursuant to this subsection, the State Department of Education shall
20 notify the school district or charter school of the alleged
21 violation and provide an opportunity to respond.

22 3. The State Department of Education shall conduct an
23 investigation to determine whether a violation occurred. The
24 Department shall notify the parent or legal guardian who submitted

1 the report and the school district or charter school of the results
2 of the investigation.

3 4. If the Department determines a violation occurred, the
4 school district or charter school shall have fourteen (14) business
5 days to request a hearing before the State Board of Education. The
6 Board shall review the alleged violation, the results of the
7 Department's investigation, and the response from the school
8 district or charter school and vote on whether to uphold the
9 Department's determination.

10 5. If the State Board of Education votes to uphold the State
11 Department of Education's determination, the Board is authorized to
12 report a school district or charter school as deficient on the
13 accreditation report for noncompliance with the provisions of this
14 section. Upon a finding of noncompliance with the provisions of
15 subsections B and C of this section by the State Board of Education,
16 the noncompliant school district or charter school shall receive a
17 five percent (5%) reduction in state funding for the fiscal year
18 following the fiscal year of noncompliance.

19 G. The State Board of Education shall promulgate rules to
20 implement the provisions of this section.

21 SECTION 2. This act shall become effective July 1, 2023.

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

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