

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3139

By: West (Kevin)

AS INTRODUCED

An Act relating to schools; creating the Safeguarding Personal Expression At K-12 Schools (SPEAKS) Act; defining terms; prohibiting certain student religious, political, or ideological discrimination; allowing certain protected speech at school regarding religious, political, or ideological viewpoints; allowing certain gatherings before, during, or after school; permitting certain clothing and accessories; permitting certain clubs; prohibiting school discrimination against student clubs; clarifying speech and conduct that schools may prohibit or restrict; creating private right of action; allowing certain violations to be used as a defense or counterclaim; prohibiting limitation of legal remedies; providing suit filing limitations; providing state waiver of immunity; prohibiting schools from being immune for certain violations; providing for noncodification; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Safeguarding Personal Expression At K-12 Schools (SPEAKS) Act".

1       SECTION 2.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 24-166 of Title 70, unless there  
3 is created a duplication in numbering, reads as follows:

4       A. As used in this act:

5       1. "School" means a public school teaching students attending  
6 any grade from kindergarten through twelfth grade within an Oklahoma  
7 school district; and

8       2. "Student" means an individual who is enrolled at a school on  
9 a full-time or part-time basis.

10      B. 1. No student shall be discriminated against or penalized  
11 by a school for engaging in religious, political, or ideological  
12 speech, or expressing a religious, political, or ideological  
13 viewpoint in the same time, place, and manner and to the same extent  
14 that other similarly situated students may engage in speech or  
15 express views at school.

16      2. A student may engage in protected speech or expression at  
17 school, including but not limited to:

18          a. expressing a religious, political, or ideological  
19             viewpoint on the topic or subject of discussion or  
20             study inside of class,

21          b. expressing religious, political, or ideological  
22             viewpoints in a homework assignment, artwork,  
23             presentation, or other written or oral assignment  
24             without discrimination or academic penalty based on

1 the religious, political, or ideological content of  
2 the student's submissions. The student's work shall  
3 be assessed by ordinary academic standards of  
4 substance and relevance and against other legitimate  
5 pedagogical concerns identified by the school,

6 c. organizing religious, political, or ideological  
7 gatherings before, during, and after school to the  
8 same extent and with the same access to school  
9 facilities as other student-initiated gatherings are  
10 permitted,

11 d. wearing clothing, accessories, and jewelry that  
12 display religious, political, or ideological messages  
13 or religious, political, or ideological symbols in the  
14 same manner and to the same extent that other students  
15 are permitted to wear clothing, accessories, and  
16 jewelry that display messages and symbols, and

17 e. one or more students organizing religious, political,  
18 or ideological clubs before, during, and after school  
19 to the same extent and with the same access to school  
20 facilities and to all benefits and privileges that are  
21 afforded to other clubs authorized by the school. A  
22 school shall not discriminate against a student club  
23 because of:  
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- (1) the religious, political, or ideological viewpoints expressed by the students or the organization, or
- (2) any requirement that the leaders or members of the club affirm and adhere to the organization's sincerely held beliefs, comply with the organization's standards of conduct, or further the organization's mission or purpose, as defined by the student organization.

C. Nothing in this section shall be interpreted as preventing a school from prohibiting, limiting, or restricting:

1. Expression that the First Amendment does not protect including true threats, obscenity, and expression directed to provoke imminent lawless actions or likely to produce such actions;

2. Expression that is unwelcome and so severe, pervasive, or subjectively and objectively offensive, that a student is effectively denied equal access to educational opportunities or benefits provided by the school; or

3. Conduct that intentionally, materially, and substantially disrupts:

- a. the operations of the school, or
- b. the expressive activity of another individual if that activity is occurring in a school space reserved for

1                   that activity under the exclusive use or control of a  
2                   particular student, group of students, or club.

3           D.   1.   Any person or student organization who is harmed by a  
4 violation of this act or whose rights under this act are violated  
5 shall have a private cause of action against the school for  
6 declaratory and injunctive relief, monetary damages, reasonable  
7 attorney fees and costs, and any other appropriate relief.

8           2.   Any person or student organization aggrieved by a violation  
9 of this act may assert such violation as a defense or counterclaim  
10 in any disciplinary action or in any civil or administrative  
11 proceedings brought against such person or student organization.

12          3.   Nothing in this section shall be interpreted to limit any  
13 other remedies available by law to any student or student  
14 organization.

15          E.   A person or student organization shall be required to bring  
16 suit for violation of this section not later than two (2) years  
17 after the last day the cause of action accrues. For purposes of  
18 calculating the two-year limitation period, each day that the  
19 violation persists, or each day that a policy in violation of this  
20 section remains in effect, shall constitute a new day that the cause  
21 of action has accrued.

22          F.   The state waives immunity under the Eleventh Amendment of  
23 the United States Constitution and consents to suit in a federal  
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1 court for lawsuits arising out of this act. A school that violates  
2 this act is not immune from suit or liability for the violation.

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

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