

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3601

By: Lepak

AS INTRODUCED

An Act relating to higher education; amending Section 1, Chapter 139, O.S.L. 2025 (70 O.S. Supp. 2025, Section 3251), which relates to prohibited uses of funds, property, or resources; permitting letters of recommendation for employees in good standing whose position is eliminated; requiring institutions of higher education to testify before certain legislative committees regarding compliance; directing the State Auditor and Inspector to conduct periodical compliance audits; requiring audits at least every four years; providing cure period for violations; requiring withholding of state-appropriated funds the immediately following fiscal year for failure to cure violations within time period; authorizing cause of action by any student or employee required to participate in certain activities in violation of section; providing for injunctive or declaratory relief; requiring biennial study on impact of section; requiring submission of report on study; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 139, O.S.L. 2025 (70 O.S. Supp. 2025, Section 3251), is amended to read as follows:

1 Section 3251. A. No institution of higher education within The
2 Oklahoma State System of Higher Education shall utilize state funds,
3 property, or resources to:

4 1. Grant or support diversity, equity, and inclusion positions,
5 departments, activities, procedures, or programs to the extent they
6 grant preferential treatment based on one person's particular race,
7 color, ethnicity, or national origin over another's;

8 2. Mandate any person to participate in, listen to, or receive
9 any education, training, activities, procedures, or programming to
10 the extent such education, training, activities, procedures, or
11 programming grants preferences based on one person's particular
12 race, color, sex, ethnicity, or national origin over another's;

13 3. Mandate any person swear, certify, or agree to any loyalty
14 oath that favors or prefers one particular race, color, sex,
15 ethnicity, or national origin over another's;

16 4. Mandate any person to certify or declare agreement with,
17 recognition of, or adherence to any particular political,
18 philosophical, religious, or other ideological viewpoint;

19 5. Mandate any applicant for employment provide a diversity,
20 equity, and inclusion statement or give any applicant for employment
21 preferential consideration based on the provision of such a
22 diversity, equity, and inclusion statement; or

23 6. Mandate any person to disclose his or her pronouns.
24

1 B. 1. After the effective date of this act, institutions of
2 higher education within The Oklahoma State System of Higher
3 Education shall initiate a review of diversity, equity, and
4 inclusion positions, departments, activities, procedures, and
5 programs and, if deemed necessary, restructure or eliminate
6 functions that are not necessary for compliance, accreditation, or
7 student or employee support services intended to broadly support
8 success.

9 2. An institution of higher education may provide to each
10 employee in good standing at the institution whose position is
11 eliminated as result of this section a letter of recommendation for
12 employment for a position at the institution or elsewhere.

13 C. Nothing in this section shall be construed to limit or
14 prohibit institutions of higher education within The Oklahoma State
15 System of Higher Education, including any agency of the executive
16 branch supporting those institutions' work, from applying for a
17 grant or complying with the accreditation requirements of an
18 accrediting or licensing agency including, but not limited to,
19 submitting to the grantor or accreditation agency a statement that:

20 1. Highlights the institution's or agency's work in supporting:

- 21 a. first-generation college students,
- 22 b. students from low-income families,
- 23 c. students with unique abilities, or
- 24 d. underserved student populations; or

1 2. Certifies compliance with applicable anti-discrimination
2 laws, rules, and regulations.

3 D. The provisions of this section shall not be construed to
4 apply to institutions of higher education within The Oklahoma State
5 System of Higher Education with respect to:

6 1. A policy, practice, procedure, program, class, or activity
7 required for compliance with state or federal laws, rules, or
8 regulations for obtaining or retaining institutional, academic, or
9 discipline-specific accreditation or licensure;

10 2. The academic freedom of any individual faculty member to
11 direct the instruction within his or her own course;

12 3. Scholarly research or creative work by an institution of
13 higher education's students, faculty, or other research personnel or
14 the dissemination of such research or work;

15 4. An activity of a student organization registered with or
16 recognized by an institution of higher education;

17 5. Guest speakers or performances on short-term engagements;

18 6. Academic support, tutoring, and career services and student
19 success centers, so long as the programming is designed and
20 implemented without regard to race, sex, color, national origin, or
21 ethnicity;

22 7. Data collection; or

23 8. Access programs for military, veterans, Pell Grant
24 recipients, first-generation college students, students from low-

1 income families, students with unique abilities, or underserved
2 student populations.

3 E. By July 1, 2026, and each July 1 thereafter, institutions of
4 higher education within The Oklahoma State System of Higher
5 Education shall electronically submit to the Governor, the President
6 Pro Tempore of the Senate, and the Speaker of the House of
7 Representatives a certificate of compliance with the provisions of
8 this section.

9 F. In the interim between each regular session of the
10 Legislature, the governing board of each institution of higher
11 education, or the board's designee, shall testify before the
12 standing legislative committees with primary jurisdiction over higher
13 education at a public hearing of the committee regarding the
14 institution's compliance with this section.

15 G. The State Auditor and Inspector shall periodically conduct a
16 compliance audit of each institution of higher education to
17 determine whether the institution has utilized state funds,
18 property, or resources in violation of this section. The schedule
19 for audits must ensure that each institution is audited at least
20 once every four (4) years. If the State Auditor and Inspector
21 determines that an institution of higher education has utilized
22 state funds, property, or resources in violation of this section,
23 the institution shall:

1 1. Cure the violation not later than the one hundredth and
2 eighth (180) day after the date on which the determination was made;
3 and

4 2. If the institution fails to cure the violation during the
5 period provided by paragraph 1 of this section, be ineligible for
6 disbursement of state-appropriated funds from the State Regents of
7 Higher Education for the immediately following fiscal year.

8 H. Any student or employee of an institution of higher
9 education who is required to participate in any education, training,
10 activities, procedures, or programming in violation of paragraph 2
11 of subsection A may bring an action against the institution for
12 injunctive or declaratory relief.

13 I. The State Regents for Higher Education, in coordination with
14 the institutions of higher education, shall conduct a biennial study
15 to identify the impact of the implementation of this section on the
16 application rate, acceptance rate, matriculation rate, retention
17 rate, grade point average, and graduation rate of the student at
18 institutions of higher education. On or before December 1 of each
19 even-numbered year, the State Regents shall electronically submit to
20 the Governor, the President Pro Tempore of the Senate, and the
21 Speaker of the House of Representatives a report on the results of
22 the biennial study and any recommendations for legislative or other
23 action.

1 J. Nothing in this section shall be construed to prohibit the
2 promotion of civil discourse, debate, or speech that is protected by
3 the First Amendment to the United States Constitution.

4 ~~G.~~ K. The Oklahoma State Regents for Higher Education may
5 promulgate rules to implement the provisions of this section.

6 SECTION 2. This act shall become effective July 1, 2026.

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

11 60-2-14293 AQH 12/11/25
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