

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 615

By: Bullard, Bergstrom, Jett,  
and Merrick of the Senate

3

and

4

Williams of the House

5

6

[ schools - sex education curriculum and materials -  
be available for inspection - superintendent or  
designee to approve all curriculum and materials to  
be used for certain matters - certain prior written  
notification - effective date -

9

emergency ]

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11 AUTHORS: Add the following House Coauthors: Gann, West  
(Kevin), Crosswhite Hader, Stearman, West (Josh),  
12 Conley, Randleman, Moore, Boles, and Talley

13 AUTHORS: Add the following Senate Coauthors: Pederson, Kidd,  
14 Pemberton, Rogers, and Dugger

15 AMENDMENT NO. 1. Strike the stricken title, enacting clause, and  
16 entire bill and insert:

17 "An Act relating to schools; requiring written  
notification to a parent or guardian prior to  
18 certain instruction; including notification of the  
right to inspect curriculum and materials related to  
19 instruction; allowing parent or guardian to opt  
child out of instruction; prohibiting required  
20 participation in instruction if parent or guardian  
objects in writing; defining terms; designating  
21 public school restrooms be used by certain persons;  
directing school district board of education to  
22 adopt certain policy; prohibiting adoption of  
contrary policy; directing a decrease in state  
23 funding for noncompliance; and providing for  
codification.

24

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 11-105.2 of Title 70, unless  
4 there is created a duplication in numbering, reads as follows:

5 A. The superintendent or a designee of a school district shall  
6 ensure that the parent or guardian of a student who will receive  
7 instruction related to sexual orientation and gender identity,  
8 whether it is offered as part of a sex education class or program or  
9 as part of any other class or program:

10 1. Receives specific advance written notification of the sexual  
11 orientation and gender identity instruction and of their right to  
12 inspect curriculum and materials, including supplementary materials,  
13 tests, surveys, questionnaires, or activities, related to such  
14 instruction; and

15 2. Receives advance written notification of their right to  
16 notify the school in writing if they do not want their children to  
17 participate in the instruction.

18 B. No student shall be required to participate in instruction  
19 related to sexual orientation and gender identity if a parent or  
20 guardian of the student objects in writing to such participation.  
21 If the instruction referred to in this subsection is part of or is  
22 taught during a credit course, a student may be required to enroll  
23 in the course but shall not be required to receive instruction in or

24

1 participate in the instruction if a parent or guardian objects in  
2 writing.

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1-125 of Title 70, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. As used in this section, "biological sex" means the physical  
7 condition of being male or female, as identified at birth by that  
8 individual's birth certificate.

9 B. As used in this section, "noncompliance" means knowingly  
10 allowing an individual to use a restroom that does not align with  
11 the individual's biological sex.

12 C. Public schools, and public charter schools, that serve  
13 enrolled students in prekindergarten through twelfth grades, shall  
14 designate restrooms and changing facilities, that are intended to  
15 accommodate multiple individuals, as follows:

- 16 1. For the exclusive use of the male sex; or
- 17 2. For the exclusive use of the female sex.

18 D. Individuals at a public school or public charter school  
19 shall use the restroom or changing facility that corresponds to the  
20 individual's biological sex or "single-use" restrooms, if available.

21 E. Each school district board of education shall adopt a policy  
22 to provide disciplinary action for individuals who refuse to comply  
23 with the provisions of this act.

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1 F. School district boards of education and governing boards of  
2 charter schools shall not adopt a policy contrary to the provisions  
3 of this section.

4 G. Upon a finding of noncompliance with this section, the  
5 noncompliant school district shall receive a five percent (5%)  
6 decrease in state funding for the school district for the fiscal  
7 year following the year of noncompliance."

8 Passed the House of Representatives the 28th day of April, 2022.

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Presiding Officer of the House of  
Representatives

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13 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2022.

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Presiding Officer of the Senate

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be used for certain matters - certain prior written  
notification - effective date -  
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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 3. AMENDATORY 70 O.S. 2021, Section 11-105.1, is  
13 amended to read as follows:

14 Section 11-105.1. A. All curriculum and materials including  
15 supplementary materials which will be used to teach or will be used  
16 for or in connection with a sex education class or program which is  
17 designed for the exclusive purpose of discussing sexual behavior or  
18 attitudes~~;~~ or any test, meeting with a school counselor, survey, or  
19 questionnaire whose primary purpose is to elicit responses on sexual  
20 behavior or attitudes; or any curriculum, materials, test, survey,  
21 questionnaire, activity, or instruction of any kind related to  
22 sexual orientation and gender identity, regardless of whether it is  
23 offered as part of a sex education class or program or as part of  
24 any other class, program, or activity shall be available through the

1 superintendent or a designee of the school district for inspection  
2 by parents and guardians of the student who will be involved with  
3 the instruction, class, program ~~or~~, test, activity, survey, or  
4 questionnaire. Such curriculum, materials, classes, programs,  
5 tests, meetings with school counselors, surveys, or questionnaires  
6 shall include information about consent and shall have as one of its  
7 primary purposes the teaching of or informing students about the  
8 practice of abstinence. For the purposes of this section, "consent"  
9 shall have the same meaning as that provided by Section 113 of Title  
10 21 of the Oklahoma Statutes. The superintendent or a designee of  
11 the school district shall provide prior written notification to the  
12 parents or guardians of the students involved of their right to  
13 inspect the curriculum and material and of their obligation to  
14 notify the school in writing if they do not want their child to  
15 participate in the instruction, class, program, test, activity,  
16 survey, or questionnaire. Each local board of education shall  
17 determine the means of providing written notification to the parents  
18 and guardian which will ensure effective notice in an efficient and  
19 appropriate manner. No student shall be required to participate in  
20 a sex education class or program or participate in a meeting with a  
21 school counselor which discusses sexual behavior or attitudes, or  
22 any instruction, class, program, test, activity, survey, or  
23 questionnaire which discusses sexual orientation and gender identity  
24 if a parent or guardian of the student objects in writing to such

1 participation. If the type of instruction, program, test, activity,  
2 survey, or questionnaire referred to in this section is a part of or  
3 is taught during a credit course, a student may be required to  
4 enroll in the course but shall not be required to receive  
5 instruction in or participate in the program, test, activity,  
6 survey, or questionnaire if a parent or guardian objects in writing.

7 B. The superintendent or a designee of a school district in  
8 which sex education or matters pertaining to sexual orientation or  
9 gender identity is taught or a program is offered which is designed  
10 for the exclusive purpose of discussing sexual behavior or attitudes  
11 or matters pertaining to sexual orientation or gender identity shall  
12 approve all curriculum and materials which will be used for such  
13 education and any test, meeting with a school counselor, survey, or  
14 questionnaire whose primary purpose is to elicit responses on sexual  
15 behavior or attitudes used in the school prior to their use in the  
16 classroom or school. The teacher or school counselor involved in  
17 the instruction, class, program, ~~testing~~ test, activity, meeting, or  
18 survey shall submit the curriculum, materials, tests, or surveys to  
19 the superintendent or a designee for approval prior to their use in  
20 the classroom or school. This section shall not apply to those  
21 students enrolled in classes, programs, ~~testings~~ tests, or surveys  
22 offered through an alternative education program.

23 C. The prior written notification required by subsection A of  
24 this section shall include a list with the audio-visual or written

1 curriculum and materials to be used in the instruction, class,  
2 program, test, activity, meeting, or survey. The notification shall  
3 include:

4 1. A link to the audio-visual or written curriculum and  
5 materials to be used if they are available electronically; or

6 2. Information on how and where to review a hard copy of the  
7 audio-visual or written curriculum and materials.

8 D. The provisions of this section shall not be construed to  
9 require written notification prior to:

10 1. A teacher responding to student questions during class  
11 regarding sexual orientation and gender identity as it relates to  
12 any topic of instruction;

13 2. Referring to the sexual orientation or gender identity of  
14 any historic person, group, or public figure when such information  
15 provides necessary context in relation to any topic of instruction;

16 or

17 3. Referring to sexual orientation and gender identity if  
18 necessary to address a disciplinary matter, such as an instance of  
19 bullying.

20 E. The provisions of this section shall not be construed to  
21 require that a public school offer instruction, a class, a program,  
22 a test, an activity, a meeting, or a survey on sex education, sexual  
23 behavior or attitudes, sexual orientation, or gender identity.

24 F. For the purposes of this section:



