

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 615

6 By: Bullard and Bergstrom

7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; amending 70 O.S. 2021,  
9 Section 11-105.1, which relates to sex education  
10 curriculum and materials; requiring curriculum and  
11 materials used in connection to a meeting with a  
12 school counselor or used as part of any other class,  
13 program, or activity to be available for inspection;  
14 prohibiting a student from being required to  
15 participate in certain meeting with a school  
16 counselor or certain activities which discuss sexual  
17 orientation and gender identity; requiring a  
18 superintendent or designee to approve all curriculum  
19 and materials to be used for certain matters  
20 pertaining to sexual orientation, gender identity, or  
21 a meeting with a counselor; requiring certain prior  
22 written notification to include a list of curriculum  
23 and materials to be used in certain activities;  
24 providing contents of notification; providing certain  
construction; defining terms; providing an effective  
date; and declaring an emergency.

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

SECTION 1. 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

1 designed for the exclusive purpose of discussing sexual behavior or  
2 attitudes~~;~~ or any test, meeting with a school counselor, survey, or  
3 questionnaire whose primary purpose is to elicit responses on sexual  
4 behavior or attitudes; or any curriculum, materials, test, survey,  
5 questionnaire, activity, or instruction of any kind related to  
6 sexual orientation and gender identity, regardless of whether it is  
7 offered as part of a sex education class or program or as part of  
8 any other class, program, or activity shall be available through the  
9 superintendent or a designee of the school district for inspection  
10 by parents and guardians of the student who will be involved with  
11 the instruction, class, program ~~or~~, test, activity, survey, or  
12 questionnaire. Such curriculum, materials, classes, programs,  
13 tests, meetings with school counselors, surveys, or questionnaires  
14 shall include information about consent and shall have as one of its  
15 primary purposes the teaching of or informing students about the  
16 practice of abstinence. For the purposes of this section, "consent"  
17 shall have the same meaning as that provided by Section 113 of Title  
18 21 of the Oklahoma Statutes. The superintendent or a designee of  
19 the school district shall provide prior written notification to the  
20 parents or guardians of the students involved of their right to  
21 inspect the curriculum and material and of their obligation to  
22 notify the school in writing if they do not want their child to  
23 participate in the instruction, class, program, test, activity,  
24 survey, or questionnaire. Each local board of education shall

1 determine the means of providing written notification to the parents  
2 and guardian which will ensure effective notice in an efficient and  
3 appropriate manner. No student shall be required to participate in  
4 a sex education class or program or participate in a meeting with a  
5 school counselor which discusses sexual behavior or attitudes, or  
6 any instruction, class, program, test, activity, survey, or  
7 questionnaire which discusses sexual orientation and gender identity  
8 if a parent or guardian of the student objects in writing to such  
9 participation. If the type of instruction, program, test, activity,  
10 survey, or questionnaire referred to in this section is a part of or  
11 is taught during a credit course, a student may be required to  
12 enroll in the course but shall not be required to receive  
13 instruction in or participate in the program, test, activity,  
14 survey, or questionnaire if a parent or guardian objects in writing.

15 B. The superintendent or a designee of a school district in  
16 which sex education or matters pertaining to sexual orientation or  
17 gender identity is taught or a program is offered which is designed  
18 for the exclusive purpose of discussing sexual behavior or attitudes  
19 or matters pertaining to sexual orientation or gender identity shall  
20 approve all curriculum and materials which will be used for such  
21 education and any test, meeting with a school counselor, survey, or  
22 questionnaire whose primary purpose is to elicit responses on sexual  
23 behavior or attitudes used in the school prior to their use in the  
24 classroom or school. The teacher or school counselor involved in

1 the instruction, class, program, ~~testing~~ test, activity, meeting, or  
2 survey shall submit the curriculum, materials, tests, or surveys to  
3 the superintendent or a designee for approval prior to their use in  
4 the classroom or school. This section shall not apply to those  
5 students enrolled in classes, programs, ~~testings~~ tests, or surveys  
6 offered through an alternative education program.

7 C. The prior written notification required by subsection A of  
8 this section shall include a list with the audio-visual or written  
9 curriculum and materials to be used in the instruction, class,  
10 program, test, activity, meeting, or survey. The notification shall  
11 include:

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

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

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

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

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

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

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

8       F. For the purposes of this section:

9       1. "Gender identity" means one's psychological sense of their  
10 gender. Gender identity may also be known as "gender dysphoria," a  
11 clinically significant distress or impairment related to a strong  
12 desire to be of another gender, which may include a desire to change  
13 primary and/or secondary sex characteristics; and

14       2. "Sexual orientation" means an individual's actual or  
15 perceived orientation as heterosexual, homosexual, or bisexual.

16       SECTION 2. This act shall become effective July 1, 2022.

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

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