

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB688 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Sherrie Conley

Reading Clerk

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 688

By: Bullard of the Senate

and

Conley of the House

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9 FLOOR SUBSTITUTE

10 An Act relating to schools; prohibiting schools from
11 maintaining certain books or materials; requiring
12 school board to approve a written policy establishing
13 the process to challenge certain materials;
14 prohibiting certain materials; providing for
15 notification; specifying who can file a complaint;
16 listing contents of complaint; directing review of
17 complaints; providing rating system for board of
18 education to use in its review; requiring notice of
19 final determination within certain time; limiting
20 certain materials unless parent or legal guardian
21 provides written permission; permitting filing of
22 certain civil action in district court; providing for
23 certain injunctive relief; providing exception for
24 materials approved by the State Textbook Committee;
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 to be codified
in the Oklahoma Statutes as Section 11-201 of Title 70, unless there
is created a duplication in numbering, reads as follows:

1 A. No public school district, public charter school, or public
2 school library shall maintain in its inventory or promote books or
3 materials that violate Title 21 of the Oklahoma Statutes.

4 B. There shall be a written policy, approved by the school
5 district board of education, which establishes the process to
6 challenge materials in the media program and materials used by
7 teachers in classrooms. At a minimum, the written policy shall:

8 1. Prohibit materials which violate state laws on child
9 pornography and obscene material as defined in Section 1024.1 of
10 Title 21 of the Oklahoma Statutes; and

11 2. Provide methods to notify parents, legal guardians, and
12 students about the process for challenging materials.

13 C. Any parent or legal guardian of a minor student or an adult
14 student enrolled in the school district may file a complaint to
15 challenge media program and classroom materials which are not
16 subject to review and approval by the State Textbook Committee and
17 which are located within the school building that the student
18 attends. The complaint shall:

19 1. Be in writing on a form prescribed by the school district;

20 2. Be specific as to the material being challenged and the
21 reasons for the challenge; and

22 3. Be distributed to the school district board of education,
23 the school librarian, or teacher if the material is a classroom
24 material, and the superintendent.

1 D. The school district board of education shall review the
2 complaint and the material being challenged in its entirety as well
3 as related documents. The board shall use the following rating
4 system to determine whether the material being challenged may be
5 retained; restricted by age, grade level, or school site; or
6 prohibited by the school:

7 1. G - General audiences. A G rating means the material
8 contains nothing in theme, language, nudity, sex, violence, or other
9 matters that, in the determination of the board, would offend
10 parents whose younger children view or read the material. The G
11 rating is not a "certificate of approval", nor does it signify
12 "children's" material. Some snippets of language may go beyond
13 polite conversation but they are common everyday expressions. No
14 stronger words are present in G-rated materials. Depictions or
15 descriptions of violence are minimal. No nudity, sex scenes, or
16 drug use, both visual or descriptive, are present in the material;

17 2. PG - Parental guidance suggested. Some material may not be
18 suitable for children. A PG rating means the material should be
19 investigated by parents before they let their younger children view
20 or read the material. The PG rating indicates, in the determination
21 of the board, that parents may consider some material unsuitable for
22 their children, and parents should make that decision. The more
23 mature themes in some PG-rated material may call for parental
24 guidance. There may be some profanity and some depictions or

1 descriptions of violence or brief nudity, but these elements are not
2 deemed so intense as to require that parents be strongly cautioned
3 beyond the suggestion of parental guidance. There is no drug use
4 content in PG-rated material;

5 3. PG-13 - Parents strongly cautioned. Some material may be
6 inappropriate for children younger than thirteen (13) years of age.
7 A PG-13 rating is a sterner warning by the board to parents to
8 determine whether children under thirteen (13) years of age should
9 view or read the material, as some material content might not be
10 suited for them. A PG-13-rated material may go beyond the PG rating
11 in theme, violence, nudity, sensuality, language, adult activities,
12 or other elements, but does not reach the restricted R category.
13 The theme of the material by itself does not result in a rating
14 greater than PG-13, although depictions or descriptions of
15 activities related to a mature theme may result in a restricted
16 rating for the material. Any drug use will initially require at
17 least a PG-13 rating. More than brief nudity will require at least
18 a PG-13 rating, but such nudity in PG-13-rated material generally
19 will not be sexually oriented. There may be depictions or
20 descriptions of violence in PG-13-rated material, but generally not
21 both realistic and extreme or persistent violence and shall not
22 include depictions or descriptions of sexual assault or sexual
23 violence. A material's single use of one of the harsher sexually-
24 derived words, though only as an expletive, initially requires at

1 least a PG-13 rating. More than one such expletive requires an R
2 rating, as shall even one of those words used in a sexual context.
3 The board nevertheless may rate such material PG-13 if, based on a
4 special vote by a two-thirds (2/3) majority, the board feels that
5 most parents in the community would believe that a PG-13 rating is
6 appropriate because of the context or manner in which the words are
7 used or because the use of those words in the material is
8 inconspicuous;

9 4. R - Restricted. Some material may be inappropriate for
10 children younger than seventeen (17) years of age. R-rated
11 material, in the determination of the board, contains some adult
12 material and may include adult themes, adult activity, hard
13 language, intense or persistent violence, sexually-oriented nudity,
14 drug abuse, or other elements, so that parents are advised to take
15 this rating very seriously. Parents are strongly urged to find out
16 more about R-rated material in determining their suitability for
17 their children. Generally, it is not appropriate for parents to
18 allow young children to view or read R-rated material; and

19 5. NC-17 - No one seventeen (17) years of age and younger
20 shall view or read the material. NC-17-rated material is material
21 that, in the determination of the board, most parents would consider
22 patently too adult for their children seventeen (17) years of age
23 and younger. NC-17 does not mean "obscene" or "pornographic" in the
24 common or legal meaning of those words, and should not be construed

1 as a negative judgment in any sense. The rating simply signals that
2 the content is appropriate only for an adult audience. An NC-17
3 rating can be based on violence, sex, aberrational behavior, drug
4 abuse, or any other element that most parents would consider too
5 strong and therefore off-limits for viewing or reading by their
6 children.

7 E. The school district board of education shall make a final
8 determination and notify the complainant in writing no later than
9 thirty (30) business days after receipt of the complaint. If the
10 board determines the school may keep the challenged material but
11 that it shall be restricted to certain ages or grade levels, the
12 school shall only provide the material to a student if the student's
13 parent or legal guardian has given written permission allowing it.

14 F. If a written complaint is denied by the school district
15 board of education pursuant to subsection E of this section, the
16 parent or legal guardian may file a civil action in district court
17 against the school. If a court determines the book or material
18 violates state laws on child pornography and obscene material as
19 defined in Section 1024.1 of Title 21 of the Oklahoma Statutes, the
20 court may grant injunctive relief to the petitioner by ordering
21 removal of the book or material from the public school, public
22 charter school, or public school library.

23 G. The provisions of this section shall not apply to materials
24 reviewed and approved by the State Textbook Committee.

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

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