

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. 1

COMMITTEE AMENDMENT

(Date)

I move to amend House Bill No. 1074, by substituting the attached floor substitute (Request #3852) for the title, enacting clause and entire body of the measure.

Submitted by:



Senator Dahm

Dahm-EB-FS-HB1074
4/25/2022 11:05 AM

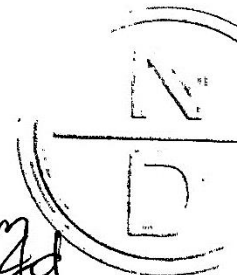
(Floor Amendments Only)

Date and Time Filed: 4-25-22 2:08 pm *fd*

Untimely

Amendment Cycle Extended

Secondary Amendment



1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 HOUSE BILL NO. 1074

By: Gann and Crosswhite Hader
of the House

6 and

7 Dahm of the Senate

8
9 FLOOR SUBSTITUTE

10 An Act relating to schools; directing school district
11 boards of education to adopt certain procedures
12 regarding changes in certain services; directing
13 procedures to reinforce certain provisions;
14 prohibiting a school district board of education from
15 adopting procedures that prohibit certain
16 notification; allowing withholding of certain
17 information under certain circumstances; prohibiting
18 classroom instruction on certain topics in certain
19 grades; requiring classroom instruction on certain
20 topics in certain grades to be age and
21 developmentally appropriate; requiring certain
22 questionnaire or screening to be provided to parents
23 or legal guardians of students in certain grades;
24 requiring written consent prior to administration;
directing school district boards of education to
adopt procedures for notification and resolution of
concerns; requiring procedures to include certain
provisions; directing school district boards of
education to adopt policies for certain notification;
providing for promulgation of rules; providing for
codification; providing an effective date; and
declaring an emergency.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 11-105.2 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Each school district board of education shall adopt
5 procedures providing for notification of a student's parent or legal
6 guardian if there is a change in the student's services related to
7 the student's mental, emotional, or physical health or well-being
8 and the school's ability to provide a safe and supportive learning
9 environment for the student. The procedures shall reinforce the
10 provisions of the Parents' Bill of Rights, Section 2001 et seq. of
11 Title 25 of the Oklahoma Statutes, by requiring school district
12 personnel to encourage a student to discuss issues relating to his
13 or her well-being with his or her parent or legal guardian or to
14 facilitate discussion of the issue with the parent or legal
15 guardian.

16 B. 1. A school district board of education shall not adopt
17 procedures that prohibit school district personnel from notifying a
18 parent or legal guardian about his or her student's mental,
19 emotional, or physical health or well-being or a change in related
20 services or that encourage or have the effect of encouraging a
21 student to withhold such information from a parent or legal
22 guardian. School district personnel shall not discourage or
23 prohibit notification of a parent or legal guardian of and
24

1 involvement in critical decisions affecting a student's mental,
2 emotional, or physical health or well-being.

3 2. The provisions of this subsection shall not prohibit a
4 school district from adopting procedures that permit school district
5 personnel to withhold such information from a parent or legal
6 guardian if a reasonably prudent person would believe that
7 disclosure would result in abuse, abandonment, or neglect, as the
8 terms are defined in Section 1-1-105 of Title 10A of the Oklahoma
9 Statutes.

10 C. Classroom instruction provided by school district personnel
11 or third parties on sexual orientation or gender identity:

12 1. Shall not occur in grades kindergarten through five; and

13 2. Shall be provided in a manner that is age-appropriate or
14 developmentally appropriate for students in grades six through
15 twelve.

16 D. Prior to administering a student well-being questionnaire or
17 health screening form to a student in grades kindergarten through
18 five, a school district shall provide the questionnaire or health
19 screening form to the parents or legal guardians of the students and
20 shall obtain written consent from the parents or legal guardians
21 prior to administration of the questionnaire or survey.

22 E. 1. Each school district board of education shall adopt
23 procedures for a parent or legal guardian to notify the district
24 superintendent or his or her designee regarding concerns relating to

1 this section and the process for resolving those concerns within
2 seven (7) calendar days after receipt of notification from the
3 parent or legal guardian.

4 2. At a minimum, the procedures shall require that within
5 thirty (30) days after notification from a parent or legal guardian
6 that the concern remains unresolved, the school district shall
7 either resolve the concern or provide a statement of the reasons for
8 not resolving the concern.

9 3. If a concern is not resolved by the school district, a
10 parent or legal guardian may:

11 a. request the Superintendent of Public Instruction to
12 appoint an administrative law judge, who shall
13 determine facts relating to the dispute over the
14 school district procedures, consider information
15 provided by the school district, and render a
16 recommended decision for resolution to the State Board
17 of Education within thirty (30) days of receipt of the
18 request by the parent or legal guardian. The State
19 Board of Education shall approve or reject the
20 recommended decision at its next regularly scheduled
21 meeting that is more than seven (7) calendar days and
22 no more than thirty (30) days after receipt of the
23 recommended decision. The costs of the administrative
24 law judge shall be borne by the school district, or

1 b. bring an action against the school district to obtain
2 a declaratory judgment that the school district
3 procedures violate the provisions of this section and
4 seek injunctive relief. A court may award damages and
5 shall award reasonable attorney fees and court costs
6 to a parent or legal guardian who receives declaratory
7 or injunctive relief.

8 F. Each school district board of education shall adopt policies
9 to notify parents and legal guardians of the procedures adopted
10 pursuant to this section.

11 G. The State Board of Education shall promulgate rules to
12 implement the provisions of this section including but not limited
13 to school district personnel guidelines that conform to the
14 provisions of this section.

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

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

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21 58-2-3852 EB 4/25/2022 3:08:10 PM
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