

1 **SENATE FLOOR VERSION**

2 February 22, 2022

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 615

6 By: Bullard and Bergstrom of
7 the Senate

8 and

9 Williams of the House

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

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

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

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

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

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

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

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

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

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

22 2. Referring to the sexual orientation or gender identity of
23 any historic person, group, or public figure when such information
24

1 provides necessary context in relation to any topic of instruction;
2 or

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

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

10 F. For the purposes of this section:

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

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

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
24 February 22, 2022 - DO PASS AS AMENDED