

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1781 _____
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: Danny Williams _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1781

By: Williams

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to parental rights; amending 25 O.S.
9 2021, Sections 2001, 2003, and 2005, which relate to
10 the Parents' Bill of Rights; providing for private
11 right of action; providing that parents may review
12 certain materials; providing that parents may object
13 to any material; providing that parents may opt in to
14 certain instruction; providing for a fine per
15 violation; defining term; and providing an effective
16 date.

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

16 SECTION 1. AMENDATORY 25 O.S. 2021, Section 2001, is
17 amended to read as follows:

18 Section 2001. A. This act shall be known and may be cited as
19 the "Parents' Bill of Rights".

20 B. This state, any political subdivision of this state or any
21 other governmental entity shall not infringe on the fundamental
22 right of parents to direct the upbringing, education, health care
23 and mental health of their children without demonstrating that the
24 compelling governmental interest as applied to the child involved is

1 of the highest order, is narrowly tailored and is not otherwise
2 served by a less restrictive means.

3 C. As used in the Parents' Bill of Rights, "parent" means the
4 natural or adoptive parent or legal guardian of a minor child.

5 D. Any parent whose child is a student at a school that
6 violates the provisions of Section 2003 of this title and whose
7 child suffers any harm as a result of the violation shall be
8 entitled to bring a private right of action against the school for
9 damages.

10 SECTION 2. AMENDATORY 25 O.S. 2021, Section 2003, is
11 amended to read as follows:

12 Section 2003. A. The board of education of a school district,
13 in consultation with parents, teachers and administrators, shall
14 develop and adopt a policy to promote the involvement of parents and
15 guardians of children enrolled in the schools within the school
16 district, including:

17 1. A plan for parent participation in the schools which is
18 designed to improve parent and teacher cooperation in such areas as
19 homework, attendance and discipline;

20 2. Procedures by which parents may learn about the course of
21 study for their children and review any learning materials,
22 including the source of any supplemental educational materials,
23 review budget expenditures, contracts, and agreements, and receive
24 information about all of the school's or school district's programs

1 and activities, including, but not limited to, locally adopted and
2 implemented curriculum, education or non-educational programs and
3 activities, classroom assignments, orientation programs, training
4 programs, counseling programs, or classroom activities and
5 interventions;

6 3. Procedures by which parents who object to any academic or
7 non-academic learning material, ~~or activity~~ any academic or non-
8 academic school programs or activities, or any academic or non-
9 academic instruction on the basis that it is harmful may withdraw
10 their children from the activity or from the class or program in
11 which the material is used. Objection to a any learning material,
12 ~~or activity,~~ or instruction on the basis that it is harmful includes
13 objection to a material or activity because it questions beliefs or
14 practices in sex, morality, ~~or religion,~~ race, or gender, including
15 gender identity;

16 4. If a school district offers any sex education curricula
17 pursuant to Section 11-105.1 of Title 70 of the Oklahoma Statutes or
18 pursuant to any rules adopted by the State Board of Education,
19 procedures to opt ~~out of a school district from providing~~ in to the
20 sex education instruction to a child ~~if the child's parent provides~~
21 by providing in writing consent ~~written objection~~ to the child's
22 participation in the sex education curricula;

23 5. Procedures by which parents will be notified in advance of
24 and ~~given the opportunity to withdraw~~ required to opt their children

1 ~~from~~ in to any instruction or presentations regarding morality, any
2 social and emotional learning program, religion, race, gender,
3 including gender identity or sexuality in courses other than formal
4 sex education curricula pursuant to Section 11-105.1 of Title 70 of
5 the Oklahoma Statutes;

6 6. Procedures by which parents may learn about the nature and
7 purpose of clubs and activities that are part of the school
8 curriculum, as well as extracurricular clubs and activities that
9 have been approved by the school; ~~and~~

10 7. Procedures by which parents must provide prior written
11 consent to a student's participation in any classroom activities or
12 courses that promote or require a student to accept a particular
13 ideological, philosophical, or political belief or principle,
14 including activities related to or associated with a school's
15 diversity, equity, or inclusion plan;

16 8. Procedures by which parents may learn about a school
17 district's equity, diversity, and inclusion plan, including, but not
18 limited to, steps the school district is taking to implement the
19 plan; and

20 9. Procedures by which parents may learn about parental rights
21 and responsibilities under the laws of this state, including the
22 following:

23 a. the right to opt ~~out of~~ in to a sex education
24 curriculum if one is provided by the school district,

- 1 b. open enrollment rights,
- 2 c. the right to opt ~~out of~~ in to assignments pursuant to
- 3 this section,
- 4 d. the right to be exempt from the immunization laws of
- 5 the state pursuant to Section 1210.192 of Title 70 of
- 6 the Oklahoma Statutes,
- 7 e. the promotion requirements prescribed in Section
- 8 1210.508E of Title 70 of the Oklahoma Statutes,
- 9 f. the minimum course of study and competency
- 10 requirements for graduation from high school
- 11 prescribed in Section 11-103.6 of Title 70 of the
- 12 Oklahoma Statutes,
- 13 g. the right to opt ~~out of~~ in to instruction on the
- 14 acquired immune deficiency syndrome pursuant to
- 15 Section 11-103.3 of Title 70 of the Oklahoma Statutes,
- 16 h. the right to review test results,
- 17 i. the right to participate in gifted programs pursuant
- 18 to Sections 1210.301 through 1210.308 of Title 70 of
- 19 the Oklahoma Statutes,
- 20 j. the right to inspect instructional materials used in
- 21 connection with any research or experimentation
- 22 program or project pursuant to Section 11-106 of Title
- 23 70 of the Oklahoma Statutes,
- 24 k. the right to receive a school report card,

- 1 l. the attendance requirements prescribed in Section 10-
- 2 106 of Title 70 of the Oklahoma Statutes,
- 3 m. the right to public review of courses of study and
- 4 textbooks,
- 5 n. the right to be excused from school attendance for
- 6 religious purposes,
- 7 o. policies related to parental involvement pursuant to
- 8 this section,
- 9 p. the right to participate in parent-teacher
- 10 associations and organizations that are sanctioned by
- 11 the board of education of a school district, ~~and~~
- 12 q. the right to opt ~~out of~~ in to any formal or informal
- 13 data collection instrument or survey, including, but
- 14 not limited to, any instrument collecting non-academic
- 15 information from a student at the district level that
- 16 would capture data for inclusion in the state
- 17 longitudinal student data system except what is
- 18 necessary and essential for establishing a student's
- 19 public school record,
- 20 r. the right to review any formal or informal data
- 21 collection instrument or survey at the district level,
- 22 s. the right to opt in to a student's participation in
- 23 activities associated with the implementation of a
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1 diversity, equity or inclusion plan prior to the
2 student's participation in such activities, and
3 t. the right to opt in to participation in any social and
4 emotional learning program.

5 B. The board of education of a school district may adopt a
6 policy to provide to parents the information required by this
7 section in an electronic form.

8 C. A parent shall submit a written request for information
9 pursuant to this section during regular business hours to either the
10 school principal at the school site or the superintendent of the
11 school district at the office of the school district. Within ten
12 (10) days of receiving the request for information, the school
13 principal or the superintendent of the school district shall either
14 deliver the requested information to the parent or submit to the
15 parent a written explanation of the reasons for the denial of the
16 requested information. If the request for information is denied or
17 the parent does not receive the requested information within fifteen
18 (15) days after submitting the request for information, the parent
19 may submit a written request for the information to the board of
20 education of a school district, which shall formally consider the
21 request at the next scheduled public meeting of the board if the
22 request can be properly noticed on the agenda. If the request
23 cannot be properly noticed on the agenda, the board of education of
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1 a school district shall formally consider the request at the next
2 subsequent public meeting of the board.

3 D. A school that violates this section is punishable by a fine
4 of One Thousand Dollars (\$1,000.00) per violation.

5 SECTION 3. AMENDATORY 25 O.S. 2021, Section 2005, is
6 amended to read as follows:

7 Section 2005. A. Except as otherwise provided by law or a
8 court order, no person, corporation, association, organization or
9 state-supported institution, or any individual employed by any of
10 these entities, may procure, solicit to perform, arrange for the
11 performance of or perform an assessment for mental health therapy on
12 a minor without first obtaining the written consent of a parent or a
13 legal guardian of the minor child. Provided, however, that if
14 written consent is provided to a school district for assessment or
15 treatment, such consent shall be effective for the school year for
16 which it is granted and shall be renewed each subsequent school
17 year. If an assessment or treatment is performed through
18 telemedicine at a school site and if consent has been provided by
19 the parent and is currently effective, the health professional shall
20 not be required to verify that the parent is at the site. However,
21 a child shall not be seen without consent.

22 B. For purposes of this section, mental health therapy shall
23 include mental health services, behavioral health services, sexual
24 and reproductive health information, substance abuse treatment,

1 information on transitioning, gender-affirming care, suicide
2 prevention programs, cross-sex counseling, and any information
3 provided by a school relating to sexual identity, sexual
4 orientation, gender identity, gender expression, gender
5 transitioning, or transgender identity.

6 C. This section does not apply when an emergency exists that
7 requires a person to perform mental health screening or provide
8 mental health treatment to prevent serious injury to or save the
9 life of a minor child.

10 ~~C.~~ D. A person who violates this section is guilty of a
11 misdemeanor, punishable by a fine of not more than One Thousand
12 Dollars (\$1,000.00) or imprisonment of not more than one (1) year in
13 the county jail, or by both such fine and imprisonment.

14 SECTION 4. This act shall become effective November 1, 2023.

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