

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1811

By: Conley

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6 AS INTRODUCED

7 An Act relating to schools; prohibiting schools from
8 maintaining certain books or materials; requiring
9 school board to approve a written policy establishing
10 the process to challenge certain materials;
11 prohibiting certain materials; providing for
12 notification; specifying who can file a complaint;
13 listing contents of complaint; directing review of
14 complaints; requiring notice of final determination
15 within certain time; limiting certain materials
16 unless parent or legal guardian provides written
17 permission; authorizing appeal to State Board of
18 Education; directing Board to promulgate rules for
19 appeals process; permitting filing of certain civil
20 action in district court; providing for certain
21 injunctive relief; providing exception for materials
22 approved by the State Textbook Committee; providing
23 for codification; and declaring an emergency.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 11-203 of Title 70, unless there
21 is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

17 2. Be specific as to the material being challenged and the
18 reasons for the challenge; and

19 3. Be distributed to the school district board of education,
20 the school librarian, or teacher if the material is a classroom
21 material, and the superintendent.

22 D. The school district board of education shall review the
23 complaint and the material being challenged in its entirety as well
24 as related documents. The school district board of education shall

1 make a final determination and notify the complainant in writing no
2 later than thirty (30) business days after receipt of the complaint.
3 If the board determines the school may keep the challenged material
4 but that it shall be restricted to certain ages or grade levels, the
5 school shall only provide the material to a student if the student's
6 parent or legal guardian has given written permission allowing it.

7 E. If the complainant is not satisfied with the final
8 determination of the school district board of education, complainant
9 may appeal the final determination within ten (10) days of
10 notification of the determination to the State Board of Education.
11 The complainant shall submit to the Board and the superintendent of
12 the school district a notice of appeal on a form prescribed by the
13 Board. The appeal shall be considered by the Board at its next
14 regularly scheduled meeting, where the complainant and a
15 representative from the school district may address the Board. The
16 Board shall make a final determination on the appeal no later than
17 sixty (60) days after the Board meeting. The Board shall promulgate
18 rules to establish the appeals process authorized by this
19 subsection.

20 F. If a written complaint is denied by the school district
21 board of education pursuant to subsection D of this section, the
22 parent or legal guardian may file a civil action in district court
23 against the school. If a court determines the book or material
24 violates state laws on child pornography and obscene material as

1 defined in Section 1024.1 of Title 21 of the Oklahoma Statutes, the
2 court may grant injunctive relief to the petitioner by ordering
3 removal of the book or material from the public school, public
4 charter school, or public school library.

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

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

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