

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1781

By: Williams

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5
6 AS INTRODUCED

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

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1 compelling governmental interest as applied to the child involved is
2 of the highest order, is narrowly tailored and is not otherwise
3 served by a less restrictive means.

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

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

11 E. The Attorney General shall have the authority to enforce
12 Sections 2003, 2004, and 2005 of this title and to conduct
13 investigations and bring actions for violations of Sections 2003,
14 2004, and 2005 of this title.

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

17 Section 2003. A. The board of education of a school district,
18 in consultation with parents, teachers and administrators, shall
19 develop and adopt a policy to promote the involvement of parents and
20 guardians of children enrolled in the schools within the school
21 district, including:

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

1 2. Procedures by which parents may learn about the course of
2 study for their children and review any learning materials,
3 including the source of any supplemental educational materials,
4 review budget expenditures, contracts, and agreements, and receive
5 information about all of the school's or school district's programs
6 and activities, including, but not limited to, locally adopted and
7 implemented curriculum, education or non-educational programs and
8 activities, classroom assignments, orientation programs, training
9 programs, counseling programs, or classroom activities and
10 interventions;

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

21 4. If a school district offers any sex education curricula
22 pursuant to Section 11-105.1 of Title 70 of the Oklahoma Statutes or
23 pursuant to any rules adopted by the State Board of Education,
24 procedures to opt ~~out of a school district from providing~~ in to the

1 sex education instruction to a child ~~if the child's parent provides~~
2 by providing in writing consent ~~written objection~~ to the child's
3 participation in the sex education curricula;

4 5. Procedures by which parents will be notified in advance of
5 and ~~given the opportunity to withdraw~~ required to opt their children
6 ~~from~~ in to any instruction or presentations regarding morality, any
7 social and emotional learning program, religion, race, gender,
8 including gender identity or sexuality in courses other than formal
9 sex education curricula pursuant to Section 11-105.1 of Title 70 of
10 the Oklahoma Statutes;

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

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

21 8. Procedures by which parents may learn about a school
22 district's equity, diversity, and inclusion plan, including, but not
23 limited to, steps the school district is taking to implement the
24 plan; and

1 9. Procedures by which parents may learn about parental rights
2 and responsibilities under the laws of this state, including the
3 following:

- 4 a. the right to opt ~~out of~~ in to a sex education
5 curriculum if one is provided by the school district,
- 6 b. open enrollment rights,
- 7 c. the right to opt ~~out of~~ in to assignments pursuant to
8 this section,
- 9 d. the right to be exempt from the immunization laws of
10 the state pursuant to Section 1210.192 of Title 70 of
11 the Oklahoma Statutes,
- 12 e. the promotion requirements prescribed in Section
13 1210.508E of Title 70 of the Oklahoma Statutes,
- 14 f. the minimum course of study and competency
15 requirements for graduation from high school
16 prescribed in Section 11-103.6 of Title 70 of the
17 Oklahoma Statutes,
- 18 g. the right to opt ~~out of~~ in to instruction on the
19 acquired immune deficiency syndrome pursuant to
20 Section 11-103.3 of Title 70 of the Oklahoma Statutes,
- 21 h. the right to review test results,
- 22 i. the right to participate in gifted programs pursuant
23 to Sections 1210.301 through 1210.308 of Title 70 of
24 the Oklahoma Statutes,

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

- 1 r. the right to review any formal or informal data
2 collection instrument or survey at the district level,
3 s. the right to opt in to a student's participation in
4 activities associated with the implementation of a
5 diversity, equity or inclusion plan prior to the
6 student's participation in such activities, and
7 t. the right to opt in to participation in any social and
8 emotional learning program.

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

12 C. A parent shall submit a written request for information
13 pursuant to this section during regular business hours to either the
14 school principal at the school site or the superintendent of the
15 school district at the office of the school district. Within ten
16 (10) days of receiving the request for information, the school
17 principal or the superintendent of the school district shall either
18 deliver the requested information to the parent or submit to the
19 parent a written explanation of the reasons for the denial of the
20 requested information. If the request for information is denied or
21 the parent does not receive the requested information within fifteen
22 (15) days after submitting the request for information, the parent
23 may submit a written request for the information to the board of
24 education of a school district, which shall formally consider the

1 request at the next scheduled public meeting of the board if the
2 request can be properly noticed on the agenda. If the request
3 cannot be properly noticed on the agenda, the board of education of
4 a school district shall formally consider the request at the next
5 subsequent public meeting of the board.

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

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

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

1 B. For purposes of this section, mental health therapy shall
2 include mental health services, behavioral health services, sexual
3 and reproductive health information, substance abuse treatment,
4 information on transitioning, gender-affirming care, suicide
5 prevention programs, cross-sex counseling, and any information
6 provided by a school relating to sexual identity, sexual
7 orientation, gender identity, gender expression, gender
8 transitioning, or transgender identity.

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

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

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

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