

1 STATE OF OKLAHOMA

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

3 SENATE BILL 131

By: Rogers

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 25 O.S. 2021,  
8 Sections 2001, 2002, 2003, and 2004, which relate to  
9 the Parents' Bill of Rights; allowing a parent to  
10 file certain civil action; clarifying right to direct  
11 the education of certain child; requiring written  
12 consent for certain decisions; prohibiting the  
13 withholding of certain information; modifying certain  
14 rights regarding consent for sex education  
15 instruction and certain other instruction; providing  
16 for withdrawal of certain child from certain clubs or  
17 activities; requiring certain consent to dispense  
18 prescription drugs to certain minor; amending 70 O.S.  
19 2021, Section 11-105.1, which relates to sex  
20 education curriculum and materials; requiring certain  
21 written consent for a child to participate in certain  
22 instruction or activities; providing an effective  
23 date; and declaring an emergency.

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

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

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

29 B. This state, any political subdivision of this state, or any  
30 other governmental entity shall not infringe on the fundamental  
31 right of parents to direct the upbringing, education, health care,  
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1 and mental health of their children without demonstrating that the  
2 compelling governmental interest as applied to the child involved is  
3 of the highest order, is narrowly tailored, and is not otherwise  
4 served by a less restrictive means.

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

7 D. A parent may file a civil action against a person or  
8 governmental entity in district court for a violation of this act.

9 The court may grant injunctive relief, monetary damages, court  
10 costs, and reasonable attorney fees.

11 SECTION 2. AMENDATORY 25 O.S. 2021, Section 2002, is  
12 amended to read as follows:

13 Section 2002. A. All parental rights are reserved to a parent  
14 of a minor child without obstruction or interference from this  
15 state, any political subdivision of this state, any other  
16 governmental entity, or any other institution, including, but not  
17 limited to, the following rights:

18 1. The right to direct the education of the minor child  
19 including the right to choose public, private, religious, or other  
20 means of education and the right to make reasonable choices within  
21 public schools for the education of his or her child;

22 2. All rights of parents identified in Title 70 of the Oklahoma  
23 Statutes, including the right to access and review all school  
24 records relating to the minor child;

1           3. The right to direct the upbringing of the minor child;

2           4. The right to direct the moral or religious training of the  
3 minor child;

4           5. The right to make and consent in writing to all physical and  
5 mental healthcare decisions for the minor child, unless otherwise  
6 prohibited by law;

7           6. The right to access and review all medical records of the  
8 minor child unless otherwise prohibited by law or the parent is the  
9 subject of an investigation of a crime committed against the minor  
10 child and a law enforcement official requests that the information  
11 not be released;

12           7. The right to consent in writing before a biometric scan of  
13 the minor child is made, shared, or stored;

14           8. The right to consent in writing before any record of the  
15 minor child's blood or deoxyribonucleic acid (DNA) is created,  
16 stored, or shared, except as required by Sections 1-516 and 1-524.1  
17 of Title 63 of the Oklahoma Statutes, or unless authorized pursuant  
18 to a court order;

19           9. The right to consent in writing before the state or any of  
20 its political subdivisions makes a video or voice recording of the  
21 minor child, unless the video or voice recording is made during or  
22 as a part of a court proceeding, by law enforcement officers during  
23 or as part of a law enforcement investigation, during or as part of  
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1 a forensic interview in a criminal or Department of Human Services  
2 investigation, or to be used solely for any of the following:

- 3 a. safety demonstrations, including the maintenance of  
4 order and discipline in the common areas of a school  
5 or on student transportation vehicles,
- 6 b. a purpose related to a legitimate academic or  
7 extracurricular activity,
- 8 c. a purpose related to regular classroom instruction,
- 9 d. security or surveillance of buildings or grounds, and
- 10 e. a photo identification card; and

11 10. The right to be notified promptly if an employee of this  
12 state, any political subdivision of this state, any other  
13 governmental entity, or any other institution suspects that a  
14 criminal offense has been committed against the minor child by  
15 someone other than a parent, unless the incident has first been  
16 reported to law enforcement and notification of the parent would  
17 impede a law enforcement or Department of Human Services  
18 investigation. ~~This~~ The provisions of this paragraph does shall not  
19 create any new obligation for school districts and charter schools  
20 to report misconduct between students at school, such as fighting or  
21 aggressive play, that is routinely addressed as a student  
22 disciplinary matter by the school.

23 B. ~~This~~ The provisions of this section does shall not authorize  
24 or allow a parent to engage in conduct that is unlawful or to abuse

1 or neglect a child in violation of the laws of this state. ~~This~~ The  
2 provisions of this section shall not be construed to apply to a  
3 parental action or decision that would end life. ~~This~~ The  
4 provisions of this section ~~does~~ shall not prohibit courts, law  
5 enforcement officers, or employees of a government agency  
6 responsible for child welfare from acting in their official capacity  
7 within the reasonable and prudent scope of their authority. ~~This~~  
8 The provisions of this section ~~does~~ shall not prohibit a court from  
9 issuing an order that is otherwise permitted by law.

10 C. Any attempt to withhold information that is relevant to the  
11 physical, emotional, or mental health of a minor child or to  
12 encourage or coerce a minor child to withhold information from the  
13 child's parent shall be grounds for discipline of an employee of  
14 this state, any political subdivision of this state, or any other  
15 governmental entity, except for law enforcement personnel.

16 D. Unless those rights have been legally waived or legally  
17 terminated, parents have inalienable rights that are more  
18 comprehensive than those listed in this section. The Parents' Bill  
19 of Rights does not prescribe all rights of parents. Unless  
20 otherwise required by law, the rights of parents of minor children  
21 shall not be limited or denied. The Parents' Bill of Rights shall  
22 not be construed to apply to a parental action or decision that  
23 would end life.

1 SECTION 3. AMENDATORY 25 O.S. 2021, Section 2003, is

2 amended to read as follows:

3 Section 2003. A. The board of education of a school district,  
4 in consultation with parents, teachers, and administrators, shall  
5 develop and adopt a policy to promote the involvement of parents and  
6 guardians of children enrolled in the schools within the school  
7 district, including:

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

11 2. Procedures by which parents may learn about the course of  
12 study for their children and review learning materials, including  
13 the source of any supplemental educational materials;

14 3. Procedures by which parents who object to any learning  
15 material or activity on the basis that it is harmful may withdraw  
16 their children from the activity or from the class or program in  
17 which the material is used. Objection to a learning material or  
18 activity on the basis that it is harmful includes objection to a  
19 material or activity because it questions beliefs or practices in  
20 sex, morality, or religion;

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~~ require

1 written consent from a parent for a child to participate in sex  
2 education instruction to a child if the child's parent provides  
3 written objection to the child's participation in the sex education  
4 curricula;

5 5. Procedures by which parents will be notified in advance of  
6 and given the opportunity to ~~withdraw their children from~~ provide  
7 written consent for a child to participate in any instruction or  
8 presentations regarding sexuality that have the goal or purpose of  
9 studying, exploring, or informing students about gender roles or  
10 stereotypes, gender identity, gender expression, sexual orientation,  
11 or romantic or sexual relationships in courses other than formal sex  
12 education curricula pursuant to Section 11-105.1 of Title 70 of the  
13 Oklahoma Statutes;

14 6. Procedures by which parents may learn about the nature and  
15 purpose of clubs and activities that are part of the school  
16 curriculum, as well as extracurricular clubs and activities that  
17 have been approved by the school, and procedures by which parents  
18 may withdraw their child from any club or activity to which the  
19 parents object; and

20 7. 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 a sex education curriculum if  
24 one is provided by the school district,

- 1 b. open enrollment rights,
- 2 c. the right to opt out of assignments pursuant to this
- 3 section,
- 4 d. the right to be exempt from the immunization laws of
- 5 ~~the~~ this state pursuant to Section 1210.192 of Title
- 6 70 of 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 instruction on the acquired
- 14 immune deficiency syndrome pursuant to Section 11-
- 15 103.3 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,
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- 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 any data collection instrument  
13                    at the district level that would capture data for  
14                    inclusion in the state longitudinal student data  
15                    system except what is necessary and essential for  
16                    establishing a student's public school record.

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

20           C.    A parent shall submit a written request for information  
21 pursuant to this section during regular business hours to either the  
22 school principal at the school site or the superintendent of the  
23 school district at the office of the school district. Within ten  
24 (10) days of receiving the request for information, the school

1 principal or the superintendent of the school district shall either  
2 deliver the requested information to the parent or submit to the  
3 parent a written explanation of the reasons for the denial of the  
4 requested information. If the request for information is denied or  
5 the parent does not receive the requested information within fifteen  
6 (15) days after submitting the request for information, the parent  
7 may submit a written request for the information to the board of  
8 education of a school district, which shall formally consider the  
9 request at the next scheduled public meeting of the board if the  
10 request can be properly noticed on the agenda. If the request  
11 cannot be properly noticed on the agenda, the board of education of  
12 a school district shall formally consider the request at the next  
13 subsequent public meeting of the board.

14 SECTION 4. AMENDATORY 25 O.S. 2021, Section 2004, is  
15 amended to read as follows:

16 Section 2004. A. Except as otherwise provided by law, no  
17 person, corporation, association, organization, state-supported  
18 institution, or individual employed by any of these entities may  
19 procure, solicit to perform, arrange for the performance of, perform  
20 surgical procedures, or perform a physical examination upon a minor  
21 or prescribe or dispense any prescription drugs to a minor without  
22 first obtaining a written consent of a parent or legal guardian of  
23 the minor. Provided, however, that if written consent is provided  
24 to a school district for assessment or treatment, such consent shall

1 be effective for the school year for which it is granted and shall  
2 be renewed each subsequent school year. If an assessment or  
3 treatment is performed through telemedicine at a school site and if  
4 consent has been provided by the parent and is currently effective,  
5 the health professional shall not be required to verify that the  
6 parent is at the site.

7 B. Except as otherwise provided by law, no hospital as defined  
8 in Section 1-701 of Title 63 of the Oklahoma Statutes may permit  
9 surgical procedures to be performed upon a minor in its facilities  
10 without first having received a written consent from a parent or  
11 legal guardian of the minor.

12 C. The provisions of this section shall not apply when it has  
13 been determined by a physician that an emergency exists and that it  
14 is necessary to perform such surgical procedures for the treatment  
15 of an injury, illness, or drug abuse, or to save the life of the  
16 patient, or when such parent or other adult authorized by law to  
17 consent on behalf of a minor cannot be located or contacted after a  
18 reasonably diligent effort.

19 D. The provisions of this section shall not apply to an  
20 abortion, which shall be governed by the provisions of Sections 1-  
21 740 through 1-740.6 and Sections 1-744 through 1-744.6 of Title 63  
22 of the Oklahoma Statutes or any successor statute.

23 E. A person who violates a provision of this section is guilty  
24 of a misdemeanor, punishable by a fine ~~of~~ not more than One Thousand  
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1 Dollars (\$1,000.00) or imprisonment ~~of~~ not more than one (1) year in  
2 the county jail, or by both such fine and imprisonment.

3 SECTION 5. AMENDATORY 70 O.S. 2021, Section 11-105.1, is  
4 amended to read as follows:

5 Section 11-105.1. A. All curriculum and materials including  
6 supplementary materials which will be used to teach or will be used  
7 for or in connection with a sex education class or program which is  
8 designed for the exclusive purpose of discussing sexual behavior or  
9 attitudes~~;~~ or any test, survey, or questionnaire whose primary  
10 purpose is to elicit responses on sexual behavior or attitudes shall  
11 be available through the superintendent or a designee of the school  
12 district for inspection by parents and guardians of the student who  
13 will be involved with the class, program ~~or~~, test, survey, or  
14 questionnaire. Such curriculum, materials, classes, programs,  
15 tests, surveys, or questionnaires shall include information about  
16 consent and shall have as one of its primary purposes the teaching  
17 of or informing students about the practice of abstinence. For the  
18 purposes of this section, "consent" shall have the same meaning as  
19 that provided by Section 113 of Title 21 of the Oklahoma Statutes.  
20 The superintendent or a designee of the school district shall  
21 provide prior written notification to the parents or guardians of  
22 the students involved of their right to inspect the curriculum and  
23 material, ~~and of their obligation to notify~~ the parents or guardians  
24 shall provide the school ~~in writing~~ written consent if they ~~do not~~

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

14 B. The superintendent or a designee of a school district in  
15 which sex education is taught or a program is offered which is  
16 designed for the exclusive purpose of discussing sexual behavior or  
17 attitudes shall approve all curriculum and materials which will be  
18 used for such education and any test, survey, or questionnaire whose  
19 primary purpose is to elicit responses on sexual behavior or  
20 attitudes used in the school prior to ~~their~~ its use in the classroom  
21 or school. The teacher involved in the class, program, ~~testing~~  
22 test, or survey shall submit the curriculum, materials, tests, or  
23 surveys to the superintendent or a designee for approval prior to  
24 their use in the classroom or school. This section shall not apply

1 to those students enrolled in classes, programs, ~~testings~~ tests, or  
2 surveys offered through an alternative education program.

3 SECTION 6. This act shall become effective July 1, 2023.

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

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