

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1563

By: Prieto

AS INTRODUCED

An Act relating to schools; amending 25 O.S. 2021, Sections 2001, 2002, 2003, 2004, and 2005, which relate to the Parents' Bill of Rights; clarifying entities that shall not infringe on certain rights of parents; modifying right to access and review certain medical records; expanding right to consent to include making of certain photograph; removing certain exception regarding withholding of information from a child's parent; directing the State Board of Education to develop certain training materials; directing school district boards of education to use the training materials to train school district employees at the beginning of every school year; providing certain construction; requiring written consent to provide sex education instruction to a child; requiring written consent to provide instruction or presentations regarding sexuality; requiring a school district board of education to adopt procedures to provide notification and require written consent prior to providing instruction or presentations on sexual orientation or gender identity; prohibiting certain instruction or presentations from being included in a district's standard course of study; requiring notification and written consent prior to a child participating in any clubs or activities; providing for right to review certain books; requiring boards of education to make available for public inspection certain information; reducing time period allowed for delivery of requested information or a written explanation for denial; requiring boards of education to adopt procedures for notification of parental concerns; providing for contents of procedures; providing process to request parental concern hearing; providing for promulgation of rules; providing for

1 minimum contents of rules; providing for cause of
2 action; requiring boards of education to adopt
3 procedures to provide notification of certain
4 remedies; prohibiting certain employee from
5 performing certain assessments without certain
6 written consent; defining term; requiring boards of
7 education to adopt procedures to provide notification
8 of certain changes in services and changes in certain
9 names or pronouns; updating statutory language;
10 amending 70 O.S. 2021, Section 11-105.1, which
11 relates to sex education curriculum and materials;
12 requiring written consent from a parent or guardian
13 for a child to participate in certain instruction or
14 activities; providing an effective date; and
15 declaring an emergency.

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

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

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

21 B. This state, any school district or school district board of
22 education, any other political subdivision of this state, or any
23 other governmental entity shall not infringe on the fundamental
24 right of parents to direct the upbringing, education, health care,
25 and mental health of their children without demonstrating that the
26 compelling governmental interest as applied to the child involved is
27 of the highest order, is narrowly tailored, and is not otherwise
28 served by a less restrictive means.

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

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

5 Section 2002. A. All parental rights are reserved to a parent
6 of a minor child without obstruction or interference from this
7 state, any political subdivision of this state, any other
8 governmental entity, or any other institution, including, but not
9 limited to, the following rights:

10 1. The right to direct the education of the minor child;

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

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

15 4. The right to direct the moral or religious training of the
16 minor child;

17 5. The right to make healthcare decisions for the minor child,
18 unless otherwise prohibited by law;

19 6. The right to access and review all medical records of the
20 minor child, whether held by the state, any political subdivision of
21 this state, or any other governmental entity or nongovernmental
22 entity, unless otherwise prohibited by law or the parent is the
23 subject of an investigation of a crime committed against the minor
24

1 child and a law enforcement official requests that the information
2 not be released;

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

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

10 9. The right to consent in writing before the state or any of
11 its political subdivisions makes a photograph, video, or voice
12 recording of the minor child, unless the photograph, video, or voice
13 recording is made during or as a part of a court proceeding, by law
14 enforcement officers during or as part of a law enforcement
15 investigation, during or as part of a forensic interview in a
16 criminal or Department of Human Services investigation, or to be
17 used solely for any of the following:

18 a. safety demonstrations, including the maintenance of
19 order and discipline in the common areas of a school
20 or on student transportation vehicles,

21 b. a purpose related to a legitimate academic or
22 extracurricular activity,

23 c. a purpose related to regular classroom instruction,

24 d. security or surveillance of buildings or grounds, and
25

1 e. a photo identification card; and

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

14 B. This section does not authorize or allow a parent to engage
15 in conduct that is unlawful or to abuse or neglect a child in
16 violation of the laws of this state. This section shall not be
17 construed to apply to a parental action or decision that would end
18 life. This section does not prohibit courts, law enforcement
19 officers, or employees of a government agency responsible for child
20 welfare from acting in their official capacity within the reasonable
21 and prudent scope of their authority. This section does not
22 prohibit a court from issuing an order that is otherwise permitted
23 by law.

1 C. Any attempt to encourage or coerce a minor child to withhold
2 information from the child's parent shall be grounds for discipline
3 of an employee of this state, any political subdivision of this
4 state, or any other governmental entity, ~~except for law enforcement~~
5 ~~personnel~~.

6 D. Unless those rights have been legally waived or legally
7 terminated, parents have inalienable rights that are more
8 comprehensive than those listed in this section. The Parents' Bill
9 of Rights does not prescribe all rights of parents. Unless
10 otherwise required by law, the rights of parents of minor children
11 shall not be limited or denied. The Parents' Bill of Rights shall
12 not be construed to apply to a parental action or decision that
13 would end life.

14 SECTION 3. AMENDATORY 25 O.S. 2021, Section 2003, is
15 amended to read as follows:

16 Section 2003. A. 1. The State Board of Education shall
17 develop training materials for the purpose of providing in-service
18 training to all school district personnel including administrators
19 and school district board of education members to make clear the
20 legislative intent of the Parents' Bill of Rights and what is
21 expected of them with regard to their responsibility to protect
22 parents' civil and constitutional rights pursuant to this section.

23 2. School district boards of education shall use the training
24 materials developed pursuant to paragraph 1 of this subsection to

1 train all school district employees at the beginning of every school
2 year. Failure to receive the training required by this paragraph
3 shall not be considered a legal defense to an alleged violation of
4 parental rights.

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

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

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

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

23 4. If a school district offers any sex education curricula
24 pursuant to Section 11-105.1 of Title 70 of the Oklahoma Statutes or

1 pursuant to any rules adopted by the State Board of Education,
2 ~~procedures to opt out of a school district from providing~~ requiring
3 written consent from a parent for a school district to provide sex
4 education instruction to a child if the child's parent provides
5 ~~written objection to the child's participation in the sex education~~
6 ~~curricula.~~ In the absence of written consent from a parent, a child
7 shall be considered automatically withdrawn from the sex education
8 curricula;

9 5. Procedures by which parents will be notified in advance of
10 and given the opportunity to ~~withdraw~~ approve, in writing, the
11 participation of their children from in any instruction or
12 presentations regarding sexuality in courses other than formal sex
13 education curricula pursuant to Section 11-105.1 of Title 70 of the
14 Oklahoma Statutes. In the absence of written consent from a parent,
15 a child shall be considered automatically withdrawn from any
16 instruction or presentations regarding sexuality;

17 6. Procedures by which parents will be notified in advance of
18 and given the opportunity to approve, in writing, the participation
19 of their children in any instruction or presentations on sexual
20 orientation or gender identity. In the absence of written consent
21 from a parent, a child shall be considered automatically withdrawn
22 from instruction or presentations on sexual orientation or gender
23 identity. Instruction or presentations on sexual orientation or
24 gender identity shall not be included in the standard course of

1 study and support materials, locally developed curriculum,
2 supplemental instruction, textbooks, or other supplementary
3 materials, regardless of whether such instruction or presentations
4 are provided by school personnel or third parties.

5 7. Procedures by which parents may learn about the nature and
6 purpose of clubs and activities that are part of the school
7 curriculum, as well as extracurricular clubs and activities that
8 have been approved by the school or the school district board of
9 education and procedures by which parents will be notified of and
10 given the opportunity to approve, in writing, the participation of
11 their child in any clubs or activities. In the absence of written
12 consent from a parent, a child shall be considered ineligible to
13 participate in clubs or activities; and

14 ~~7.~~ 8. Procedures by which parents may learn about parental
15 rights and responsibilities under the laws of this state, including
16 the following:

- 17 a. the right to opt ~~out of~~ in to a sex education
18 curriculum if one is provided by the school district,
- 19 b. open enrollment rights,
- 20 c. the right to opt out of assignments pursuant to this
21 section,
- 22 d. the right to be exempt from the immunization laws of
23 the state pursuant to Section 1210.192 of Title 70 of
24 the Oklahoma Statutes,

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

- 1 n. the right to public review of library books and books
2 used in the classrooms or any other school room
3 accessible to students,
4 o. the right to be excused from school attendance for
5 religious purposes,
6 ~~o.~~ p. policies related to parental involvement pursuant to
7 this section,
8 ~~p.~~ q. the right to participate in parent-teacher
9 associations and organizations that are sanctioned by
10 the board of education of a school district, and
11 ~~q.~~ r. the right to opt out of any data collection
12 instrument at the district level including those that
13 would capture data for inclusion in the state
14 longitudinal student data system except what is
15 necessary and essential for establishing a student's
16 public school record.

17 ~~B.~~ C. 1. The board of education of a school district shall
18 adopt a policy to make available for public inspection printed
19 copies of information required by this section including the board
20 of education's policy manual and any parent or student handbook.

21 2. The board of education of a school district may adopt a
22 policy to provide to ~~parents~~ the public the information required by
23 this section in an electronic form including the board of
24 education's policy manual and any parent or student handbook.

1 ~~C.~~ D. A parent shall submit a written request for information
2 pursuant to this section during regular business hours to either the
3 school principal at the school site or the superintendent of the
4 school district at the office of the school district. Within ~~ten~~
5 ~~(10)~~ seven (7) days of receiving the request for information, the
6 school principal or the superintendent of the school district shall
7 either deliver the requested information to the parent or submit to
8 the parent a written explanation of the reasons for the denial of
9 the requested information. If the request for information is denied
10 or the parent does not receive the requested information within
11 ~~fifteen (15)~~ ten (10) days after submitting the request for
12 information, the parent may submit a written request for the
13 information to the board of education of a school district, which
14 shall formally consider the request at the next scheduled public
15 meeting of the board if the request can be properly noticed on the
16 agenda. If the request cannot be properly noticed on the agenda,
17 the board of education of a school district shall formally consider
18 the request at the next subsequent public meeting of the board.

19 E. A school district board of education shall adopt procedures
20 for a parent to notify the principal of the school in which his or
21 her child is enrolled regarding concerns about the school district's
22 procedures or practices adopted to implement the Parents' Bill of
23 Rights and a process for resolving concerns within seven (7) days of
24 receiving the notification from a parent. If the parental concerns

1 have not been resolved within twenty-one (21) days of receiving the
2 notification from a parent, the school district shall provide a
3 statement of the reasons for not resolving the concerns. If a
4 parental concern submitted pursuant to this subsection is not
5 satisfactorily resolved by the school district within thirty (30)
6 days, a parent may:

7 1. Notify the State Board of Education of the concern and
8 request a parental concern hearing. The Board shall promulgate
9 rules establishing procedures for parental concern hearings, which
10 shall include at a minimum the following:

11 a. the State Board of Education shall appoint a qualified
12 hearing officer, who shall be admitted to practice law
13 in this state pursuant to Section 12 of Title 5 of the
14 Oklahoma Statutes with demonstrated experience in
15 education or administrative law within the last five
16 (5) years,

17 b. the hearing officer shall determine facts related to
18 the dispute over the school district's procedure or
19 practice, consider information provided by the school
20 district and the parent, and render a recommended
21 decision for resolution to the State Board of
22 Education within thirty (30) days of the concern being
23 referred to the hearing officer,

1 c. The State Board of Education shall approve or reject
2 the recommended decision for resolution at its next
3 regularly scheduled board meeting held within seven
4 (7) days of receipt of the recommended decision, and
5 d. the school district shall pay the cost of the hearing
6 officer and any associated costs incurred by the State
7 Board of Education for conducting the parental concern
8 hearing; or

9 2. Bring an action against the school district for a
10 declaratory judgment that the district's procedure or practice
11 violates any provision of the Parents' Bill of Rights. The court
12 may award injunctive relief to a parent and shall award reasonable
13 attorneys' fees and costs to a parent awarded injunctive relief.

14 F. Each school district board of education shall adopt
15 procedures to notify parents at the beginning of each school year of
16 the procedures to exercise parental remedies as outlined in
17 subsection E of this section.

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

20 Section 2004. A. 1. Except as otherwise provided by law, no
21 person, corporation, association, organization, state-supported
22 institution, or individual employed by any of these entities may
23 procure, solicit to perform, arrange for the performance of, perform
24 surgical procedures, or perform a physical examination upon a minor

1 or prescribe any prescription drugs to a minor without first
2 obtaining a written consent of a parent or legal guardian of the
3 minor. Provided, however, that if written consent is provided to a
4 school district for assessment or treatment, such consent shall be
5 effective for the school year for which it is granted and shall be
6 renewed each subsequent school year. If an assessment or treatment
7 is performed through telemedicine at a school site and if consent
8 has been provided by the parent and is currently effective, the
9 health professional shall not be required to verify that the parent
10 is at the site.

11 2. An employee of a school district who does not possess the
12 proper professional license issued by this state shall not perform
13 an assessment of the physical needs of a minor without first
14 obtaining the written consent of a parent of the minor.

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

20 C. The provisions of this section shall not apply when it has
21 been determined by a physician that an emergency exists and that it
22 is necessary to perform such surgical procedures for the treatment
23 of an injury, illness or drug abuse, or to save the life of the
24 patient, or when such parent or other adult authorized by law to

1 consent on behalf of a minor cannot be located or contacted after a
2 reasonably diligent effort.

3 D. The provisions of this section shall not apply to an
4 abortion, which shall be governed by the provisions of Sections 1-
5 740 through 1-740.6 and Sections 1-744 through 1-744.6 of Title 63
6 of the Oklahoma Statutes or any successor statute.

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

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

13 Section 2005. A. 1. Except as otherwise provided by law or a
14 court order, no person, corporation, association, organization, or
15 state-supported institution, or any individual employed by any of
16 these entities, may procure, solicit to perform, arrange for the
17 performance of, or perform an assessment for mental health therapy
18 on a minor without first obtaining the written consent of a parent
19 or a legal guardian of the minor child. Provided, however, that if
20 written consent is provided to a school district for assessment or
21 treatment, such consent shall be effective for the school year for
22 which it is granted and shall be renewed each subsequent school
23 year. If an assessment or treatment is performed through
24 telemedicine at a school site and if consent has been provided by

1 the parent and is currently effective, the health professional shall
2 not be required to verify that the parent is at the site. However,
3 a child shall not be seen without consent. For the purposes of this
4 section, "mental health treatment" includes therapy and counseling
5 services but does not include counseling on college and career
6 readiness.

7 2. An employee of a school district who does not possess the
8 proper professional license issued by this state shall not perform
9 an assessment of the mental or psychological needs of a minor
10 without first obtaining the written consent of a parent of the
11 minor.

12 B. This section does not apply when an emergency exists that
13 requires a person with the proper professional license issued by
14 this state to perform mental health screening or provide mental
15 health treatment to prevent serious injury to or save the life of a
16 minor child.

17 C. Each school district board of education shall adopt
18 procedures to notify a parent:

19 1. Prior to or contemporaneous with changes in services, notice
20 of changes in services, or monitoring related to his or her child's
21 mental, emotional, or physical health or wellbeing and the school
22 district's ability to provide a safe and supportive learning
23 environment for the child; and

1 2. Prior to any changes in the name or pronoun used for a child
2 in school records or by school personnel.

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

7 SECTION 6. AMENDATORY 70 O.S. 2021, Section 11-105.1, is
8 amended to read as follows:

9 Section 11-105.1. A. All curriculum and materials including
10 supplementary materials which will be used to teach or will be used
11 for or in connection with a sex education class or program which is
12 designed for the exclusive purpose of discussing sexual behavior or
13 attitudes, or any test, survey, or questionnaire whose primary
14 purpose is to elicit responses on sexual behavior or attitudes shall
15 be available through the superintendent or a designee of the school
16 district for inspection by parents and guardians of the student who
17 will be involved with the class, program or test, survey or
18 questionnaire. Such curriculum, materials, classes, programs,
19 tests, surveys, or questionnaires shall include information about
20 consent and shall have as one of its primary purposes the teaching
21 of or informing students about the practice of abstinence. For the
22 purposes of this section, "consent" shall have the same meaning as
23 that provided by Section 113 of Title 21 of the Oklahoma Statutes.
24 The superintendent or a designee of the school district shall

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

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

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

7 SECTION 7. This act shall become effective July 1, 2024.

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

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