STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 759 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 definition; modifying right to access and review certain medical records; expanding right to consent to include making of certain photograph; modifying 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 any course of instruction; requiring notification and written consent prior to a child participating in any clubs or activities; providing for right to review certain books and materials; 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 minimum contents of rules; providing for cause of action; requiring boards of education to adopt procedures to provide notification of certain remedies; prohibiting certain employee from performing certain assessments without certain written consent; defining term; requiring boards of education to adopt procedures to provide notification of certain changes in services and changes in certain names or pronouns; updating statutory language; amending 70 O.S. 2021, Section 11-105.1, which relates to sex education curriculum and materials; requiring written consent from a parent or guardian for a child to participate in certain instruction or activities; updating statutory language; providing an effective date; and declaring an emergency.

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

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

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

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

C. As used in the Parents' Bill of Rights, "parent" means the natural or adoptive parent or legal guardian of a minor child. A person whose parental rights have been terminated by a court of this state shall not be considered a parent to that child for the purposes of the Parents' Bill of Rights.

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

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

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

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

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

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

5. The right to make ~~healthcare~~ health care decisions for the minor child, unless otherwise prohibited by law;

6. The right to access and review all medical records of the minor child, whether held by the state, any political subdivision of this state, or any other governmental entity or nongovernmental

entity, unless otherwise prohibited by law or the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement official requests that the information not be released;

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

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

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

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

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

c. a purpose related to regular classroom instruction,

d. security or surveillance of buildings or grounds, and

e. a photo identification card; and

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

B. This section does not authorize or allow a parent to engage in conduct that is unlawful or to abuse or neglect a child in violation of the laws of this state. This section shall not be construed to apply to a parental action or decision that would end life. This section does not prohibit courts, law enforcement officers, or employees of a government agency responsible for child welfare from acting in their official capacity within the reasonable and prudent scope of their authority. This section does not

prohibit a court from issuing an order that is otherwise permitted by law.

C. Any attempt to encourage or coerce a minor child to withhold information from the child's parent shall be grounds for discipline of an employee of this state, any political subdivision of this state, or any other governmental entity, except for encouragement by law enforcement personnel when a parent is the subject of an investigation of a crime committed against the minor child.

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

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

Section 2003. A. 1. The State Board of Education shall develop training materials for the purpose of providing in-service training to all school district personnel including administrators and school district board of education members to make clear the legislative intent of the Parents' Bill of Rights and what is

expected of them with regard to their responsibility to protect parents' civil and constitutional rights pursuant to this section.

2. School district boards of education shall use the training materials developed pursuant to paragraph 1 of this subsection to train all school district employees at the beginning of every school year. Failure to receive the training required by this paragraph shall not be considered a legal defense to an alleged violation of parental rights.

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

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

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

3. Procedures by which parents who object to any learning material or activity on the basis that it is harmful may withdraw their children from the activity or from the class or program in which the material is used. Objection to a learning material or activity on the basis that it is harmful includes objection to a

material or activity because it questions beliefs or practices in sex, morality, or religion;

4. If a school district offers any sex education curricula pursuant to Section 11-105.1 of Title 70 of the Oklahoma Statutes or pursuant to any rules adopted by the State Board of Education, procedures ~~to opt out of a school district from providing~~ requiring written consent from a parent for a school district to provide sex education instruction to a child ~~if the child's parent provides written objection to the child's participation in the sex education curricula~~. In the absence of written consent from a parent, a child shall be considered automatically withdrawn from the sex education curricula;

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

6. Procedures by which parents will be notified in advance of and given the opportunity to approve, in writing, the participation of their children in any instruction or presentations on sexual orientation or gender identity. In the absence of written consent

from a parent, a child shall be considered automatically withdrawn from instruction or presentations on sexual orientation or gender identity. Instruction or presentations on sexual orientation or gender identity shall not be included in any course of instruction offered in public schools in this state, including, without limitation, the standard course of study and support materials, locally developed curriculum, supplemental instruction, textbooks, or other supplementary materials, regardless of whether such instruction or presentations are provided by school personnel or third parties;

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

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

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

b. open enrollment rights,

c. the right to opt out of assignments pursuant to this section,

d. the right to be exempt from the immunization laws of the state pursuant to Section 1210.192 of Title 70 of the Oklahoma Statutes,

e. the ~~promotion requirements prescribed in Section 1210.508E of Title 70 of the Oklahoma Statutes~~ provisions of the Strong Readers Act,

f. the minimum course of study and competency requirements for graduation from high school prescribed in Section 11-103.6 of Title 70 of the Oklahoma Statutes,

g. the right to opt out of instruction on the acquired immune deficiency syndrome pursuant to Section 11-103.3 of Title 70 of the Oklahoma Statutes,

h. the right to review test results,

i. the right to participate in gifted programs pursuant to Sections 1210.301 through 1210.308 of Title 70 of the Oklahoma Statutes,

j. the right to inspect instructional materials used in connection with any research or experimentation program or project pursuant to Section 11-106 of Title 70 of the Oklahoma Statutes,

k. the right to receive a school report card,

l. the right to receive the attendance requirements prescribed in Section 10-106 of Title 70 of the Oklahoma Statutes,

m. the right to public review of courses of study and textbooks,

n. the right to public review of library books and materials used in the classrooms or any other school room accessible to students,

o. the right to be excused from school attendance for religious purposes,

~~o.~~ p. policies related to parental involvement pursuant to this section,

~~p.~~ q. the right to participate in parent-teacher associations and organizations that are sanctioned by the board of education of a school district, and

~~q.~~ r. the right to opt out of any data collection instrument at the district level including those that would capture data for inclusion in the state longitudinal student data system except what is necessary and essential for establishing a student's public school record.

~~B.~~ C. 1. The board of education of a school district shall adopt a policy to make available for public inspection printed

copies of information required by this section including the board of education's policy manual and any parent or student handbook.

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

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

E. A school district board of education shall adopt procedures for a parent to notify the principal of the school in which his or her child is enrolled regarding concerns about the school district's procedures or practices adopted to implement the Parents' Bill of Rights and a process for resolving concerns within seven (7) days of receiving the notification from a parent. If the parental concerns have not been resolved within twenty-one (21) days of receiving the notification from a parent, the school district shall provide a statement of the reasons for not resolving the concerns. If a parental concern submitted pursuant to this subsection is not satisfactorily resolved by the school district within thirty (30) days, a parent may:

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

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

b. the hearing officer shall determine facts related to the dispute over the school district's procedure or

practice, consider information provided by the school district and the parent, and render a recommended decision for resolution to the State Board of Education within thirty (30) days of the concern being referred to the hearing officer,

c. the State Board of Education shall approve or reject the recommended decision for resolution at its next regularly scheduled board meeting held within seven (7) days of receipt of the recommended decision, and

d. the school district shall pay the cost of the hearing officer and any associated costs incurred by the State Board of Education for conducting the parental concern hearing; or

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

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

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

Section 2004. A. 1. Except as otherwise provided by law, no person, corporation, association, organization, state-supported institution, or individual employed by any of these entities may procure, solicit to perform, arrange for the performance of, perform surgical procedures, or perform a physical examination upon a minor or prescribe any prescription drugs to a minor without first obtaining a written consent of a parent ~~or legal guardian~~ of the minor. Provided, however, that if written consent is provided to a school district for assessment or treatment, such consent shall be effective for the school year for which it is granted and shall be renewed each subsequent school year. If an assessment or treatment is performed through telemedicine at a school site and if consent has been provided by the parent and is currently effective, the health professional shall not be required to verify that the parent is at the site.

2. Notwithstanding the written consent provisions of paragraph 1 of this subsection, an employee of a school district who does not possess the proper professional license issued by this state shall not perform an assessment of the physical needs of a minor without first obtaining the written consent of a parent of the minor.

B. Except as otherwise provided by law, no hospital as defined in Section 1-701 of Title 63 of the Oklahoma Statutes may permit

surgical procedures to be performed upon a minor in its facilities without first having received a written consent from a parent ~~or legal guardian~~ of the minor.

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

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

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

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

Section 2005. A. 1. Except as otherwise provided by law or a court order, no person, corporation, association, organization, or state-supported institution, or any individual employed by any of these entities, may procure, solicit to perform, arrange for the

performance of, or perform an assessment for mental health therapy on a minor without first obtaining the written consent of a parent ~~or a legal guardian~~ of the minor child. Provided, however, that if written consent is provided to a school district for assessment or treatment, such consent shall be effective for the school year for which it is granted and shall be renewed each subsequent school year. If an assessment or treatment is performed through telemedicine at a school site and if consent has been provided by the parent and is currently effective, the health professional shall not be required to verify that the parent is at the site. However, a child shall not be seen without consent. For the purposes of this section, "mental health treatment" includes therapy and counseling services but does not include counseling on college and career readiness.

2. Notwithstanding the written consent provisions of paragraph 1 of this subsection, an employee of a school district who does not possess the proper professional license issued by this state shall not perform an assessment of the mental or psychological needs of a minor without first obtaining the written consent of a parent of the minor.

B. This section does not apply when an emergency exists that requires a person with the proper professional license issued by this state to perform mental health screening or provide mental

health treatment to prevent serious injury to or save the life of a minor child.

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

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

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

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

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

Section 11-105.1. A. All curriculum and materials including supplementary materials which will be used to teach or will be used for or in connection with a sex education class or program which is designed for the exclusive purpose of discussing sexual behavior or attitudes, or any test, survey, or questionnaire whose primary purpose is to elicit responses on sexual behavior or attitudes shall be available through the superintendent or a designee of the school

district for inspection by parents and legal guardians of the student who will be involved with the class, program ~~or~~, test, survey, or questionnaire. Such curriculum, materials, classes, programs, tests, surveys, or questionnaires shall include information about consent and shall have as one of ~~its~~ their primary purposes the teaching of or informing students about the practice of abstinence. For the purposes of this section, "consent" shall have the same meaning as that provided by Section 113 of Title 21 of the Oklahoma Statutes. The superintendent or a designee of the school district shall provide prior written notification to the parents or legal guardians of the students involved of their right to inspect the curriculum and material and ~~of their obligation to notify~~ the right of parents or legal guardians to provide the school ~~in writing~~ written consent if they ~~do not~~ want their child to participate in the class, program, test, survey, or questionnaire. Each local board of education shall determine the means of providing written notification to the parents and ~~guardian~~ legal guardians which will ensure effective notice in an efficient and appropriate manner. No student shall be required to participate in a sex education class or program which discusses sexual behavior or attitudes if a parent or legal guardian of the student ~~objects in writing to~~ does not provide written consent for such participation. If the type of program referred to in this section is a part of or is taught during a credit course, a student may be required to enroll in the course but

shall not be required to receive instruction in or participate in the program if a parent or legal guardian ~~objects in writing~~ does not provide written consent.

B. The superintendent or a designee of a school district in which sex education is taught or a program is offered which is designed for the exclusive purpose of discussing sexual behavior or attitudes shall approve all curriculum and materials which will be used for such education and any test, survey, or questionnaire whose primary purpose is to elicit responses on sexual behavior or attitudes used in the school prior to their use in the classroom or school. The teacher involved in the class, program, testing, or survey shall submit the curriculum, materials, tests, or surveys to the superintendent or a designee for approval prior to their use in the classroom or school. This section shall not apply to those students enrolled in classes, programs, testings, or surveys offered through an alternative education program.

SECTION 7. This act shall become effective July 1, 2025.

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

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