

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 4012

By: Conley

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6 AS INTRODUCED

7 An Act relating to schools; requiring school board to
8 approve a written policy establishing the process to
9 challenge certain materials; creating a community
10 standards review board; prohibiting certain
11 materials; providing for notification; specifying who
12 can file a complaint; listing contents of complaint;
13 directing review of complaints; providing rating
14 system for board to use in its review; requiring
15 notice of final determination within certain time;
16 limiting certain materials unless parent or legal
guardian provides written permission; providing for
appeal to the State Board of Education; prescribing
procedures for appeal; specifying decision of Board
is final; directing promulgation of rules for
appeals; requiring certain notification to school
district; prescribing penalties for failure to comply
with law; providing exception for materials approved
by the State Textbook Committee; providing for
codification; and declaring an emergency.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 11-201 of Title 70, unless there
22 is created a duplication in numbering, reads as follows:

23 A. There shall be a written policy, approved by the school
24 district board of education, which establishes the process to

1 challenge materials in the media program and materials used by
2 teachers in classrooms. At a minimum, the written policy shall:

3 1. Create a community standards review board consisting of the
4 elected members of the school district board of education;

5 2. Establish and publish, with the input of parents and school
6 employees, community standards for acquiring and maintaining media
7 program and classroom materials which are not subject to review and
8 approval by the State Textbook Committee;

9 3. Prohibit materials which violate state laws on child
10 pornography and obscene material as defined in Section 1024.1 of
11 Title 21 of the Oklahoma Statutes; and

12 4. Provide methods to notify parents, legal guardians, and
13 students about the community standards review board and the process
14 for challenging materials.

15 B. Any parent or legal guardian of a minor student or an adult
16 student enrolled in the school district may file a complaint to
17 challenge media program and classroom materials which are not
18 subject to review and approval by the State Textbook Committee and
19 which are located within the school building that the student
20 attends. The complaint shall:

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

22 2. Be specific as to the material being challenged and the
23 reasons for the challenge; and

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1 3. Be distributed to the community standards review board, the
2 school librarian, or teacher if the material is a classroom
3 material, and the superintendent.

4 C. The community standards review board shall review the
5 complaint and the material being challenged in its entirety as well
6 as related documents. The community standards review board shall
7 use the following rating system to determine whether the material
8 being challenged may be retained, restricted, or prohibited by the
9 school and what ages or grade levels are appropriate to view or read
10 the material:

11 1. G - General audiences. A G rating means the material
12 contains nothing in theme, language, nudity, sex, violence, or other
13 matters that, in the determination of the community standards review
14 board, would offend parents whose younger children view or read the
15 material. The G rating is not a "certificate of approval", nor does
16 it signify "children's" material. Some snippets of language may go
17 beyond polite conversation but they are common everyday expressions.
18 No stronger words are present in G-rated materials. Depictions or
19 descriptions of violence are minimal. No nudity, sex scenes, or
20 drug use, both visual or descriptive, are present in the material;

21 2. PG - Parental guidance suggested. Some material may not be
22 suitable for children. A PG rating means the material should be
23 investigated by parents before they let their younger children view
24 or read the material. The PG rating indicates, in the determination

1 of the community standards review board, that parents may consider
2 some material unsuitable for their children, and parents should make
3 that decision. The more mature themes in some PG-rated material may
4 call for parental guidance. There may be some profanity and some
5 depictions or descriptions of violence or brief nudity, but these
6 elements are not deemed so intense as to require that parents be
7 strongly cautioned beyond the suggestion of parental guidance.
8 There is no drug use content in PG-rated material;

9 3. PG-13 - Parents strongly cautioned. Some material may be
10 inappropriate for children younger than thirteen (13) years of age.
11 A PG-13 rating is a sterner warning by the community standards
12 review board to parents to determine whether children under thirteen
13 (13) years of age should view or read the material, as some material
14 content might not be suited for them. A PG-13-rated material may go
15 beyond the PG rating in theme, violence, nudity, sensuality,
16 language, adult activities, or other elements, but does not reach
17 the restricted R category. The theme of the material by itself does
18 not result in a rating greater than PG-13, although depictions or
19 descriptions of activities related to a mature theme may result in a
20 restricted rating for the material. Any drug use will initially
21 require at least a PG-13 rating. More than brief nudity will
22 require at least a PG-13 rating, but such nudity in PG-13-rated
23 material generally will not be sexually oriented. There may be
24 depictions or descriptions of violence in PG-13-rated material, but

1 generally not both realistic and extreme or persistent violence and
2 shall not include depictions or descriptions of sexual assault or
3 sexual violence. A material's single use of one of the harsher
4 sexually-derived words, though only as an expletive, initially
5 requires at least a PG-13 rating. More than one such expletive
6 requires an R rating, as shall even one of those words used in a
7 sexual context. The community standards review board nevertheless
8 may rate such material PG-13 if, based on a special vote by a two-
9 thirds (2/3) majority, the community standards review board feels
10 that most parents in the community would believe that a PG-13 rating
11 is appropriate because of the context or manner in which the words
12 are used or because the use of those words in the material is
13 inconspicuous;

14 4. R - Restricted. Some material may be inappropriate for
15 children younger than seventeen (17) years of age. R-rated
16 material, in the determination of the community standards review
17 board, contains some adult material and may include adult themes,
18 adult activity, hard language, intense or persistent violence,
19 sexually-oriented nudity, drug abuse, or other elements, so that
20 parents are advised to take this rating very seriously. Parents are
21 strongly urged to find out more about R-rated material in
22 determining their suitability for their children. Generally, it is
23 not appropriate for parents to allow young children to view or read
24 R-rated material; and

1 5. NC-17 - No one seventeen (17) years of age and younger
2 shall view or read the material. NC-17-rated material is material
3 that, in the determination of the community standards review board,
4 most parents would consider patently too adult for their children
5 seventeen (17) years of age and younger. NC-17 does not mean
6 "obscene" or "pornographic" in the common or legal meaning of those
7 words, and should not be construed as a negative judgment in any
8 sense. The rating simply signals that the content is appropriate
9 only for an adult audience. An NC-17 rating can be based on
10 violence, sex, aberrational behavior, drug abuse, or any other
11 element that most parents would consider too strong and therefore
12 off-limits for viewing or reading by their children.

13 D. The community standards review board shall make a final
14 determination and notify the complainant in writing no later than
15 thirty (30) business days after receipt of the complaint. If the
16 community standards review board determines the school may keep the
17 challenged material but that it shall be restricted to certain ages
18 or grade levels, the school shall only provide the material to a
19 student if the student's parent or legal guardian has given written
20 permission allowing it.

21 E. The complainant may appeal the decision of the community
22 standards review board to the State Board of Education within ten
23 (10) days of notification of the final determination of the
24 challenged material by the community standards review board. The

1 complainant shall submit to the State Board of Education and the
2 superintendent of the school district a notice of appeal on a form
3 prescribed by the State Board of Education. The appeal shall be
4 considered by the State Board of Education at its next regularly
5 scheduled meeting, where the complainant and a representative from
6 the school district may address the State Board of Education. The
7 State Board of Education shall use the rating system provided in
8 subsection C of this section to evaluate the challenged material and
9 make a final determination of whether it shall be retained by or
10 restricted or removed from the school. The State Board of Education
11 shall promulgate rules to establish the appeals process authorized
12 by this subsection.

13 F. If a school district fails to create a community standards
14 review board in compliance with the provisions of this section, the
15 State Board of Education shall notify the school district
16 superintendent and board of education that the school district is
17 not in compliance with state law. If the school district does not
18 take corrective action and create a community standards review board
19 within thirty (30) days of receiving notice from the State Board of
20 Education, the State Board of Education shall penalize the school
21 district by withdrawing its accreditation status or reducing its
22 state funding allocation, or both.

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

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

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