

1 STATE OF OKLAHOMA

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

3 SENATE BILL 30

By: Rogers

4
5 AS INTRODUCED

6 An Act relating to schools; requiring each school
7 district board of education to adopt certain
8 notification procedures regarding changes in a
9 student's mental, emotional, or physical health or
10 well-being; prohibiting a board of education from
11 adopting procedures that prohibit district personnel
12 from providing certain notification about a student's
13 mental, emotional, or physical health or well-being;
14 directing district personnel not to discourage or
15 prohibit certain notification; providing exception to
16 disclosure of certain information under certain
17 circumstances; prohibiting school district and public
18 charter school employees and volunteers from
19 referring to a student with certain name or certain
20 pronoun without certain written consent; providing
21 certain exceptions; defining term; prohibiting
22 instruction on sexual orientation or gender identity
23 in certain grades; directing instruction on sexual
24 orientation or gender identity in certain grades to
25 meet certain criteria; requiring certain
26 questionnaire or health screening for students in
27 certain grades to be provided to parents or legal
28 guardians; requiring written consent prior to
29 administration of certain questionnaire or survey;
30 directing school district boards of education to
31 adopt certain notification procedures; providing for
32 contents of procedures; providing for promulgation of
33 certain rules and guidelines; providing for
34 codification; providing an effective date; and
35 declaring an emergency.

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

1 SECTION 1. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 11-105.2 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Each school district board of education shall adopt
5 procedures providing for notification of a student's parent or legal
6 guardian if there is a change in the student's services related to
7 the student's mental, emotional, or physical health or well-being
8 and the school's ability to provide a safe and supportive learning
9 environment for the student.

10 B. 1. A school district board of education shall not adopt
11 procedures that prohibit school district personnel from notifying a
12 parent or legal guardian about his or her student's mental,
13 emotional, or physical health or well-being or a change in related
14 services or that encourage or have the effect of encouraging a
15 student to withhold such information from a parent or legal
16 guardian. School district personnel shall not discourage or
17 prohibit notification of a parent or legal guardian of and
18 involvement in critical decisions affecting a student's mental,
19 emotional, or physical health or well-being.

20 2. The provisions of this subsection shall not prohibit a
21 school district from adopting procedures that permit school district
22 personnel to withhold such information from a parent or legal
23 guardian if a reasonably prudent person would believe that
24 disclosure would result in abuse, abandonment, or neglect, as the

1 terms are defined in Section 1-1-105 of Title 10A of the Oklahoma
2 Statutes.

3 C. 1. Except as provided for in paragraph 2 of this
4 subsection, employees and volunteers of school districts and public
5 charter schools in this state shall be prohibited from referring to
6 a student under the age of eighteen (18) with a name other than that
7 which appears on the student's original birth certificate without
8 written consent from the student's parent or legal guardian.

9 2. Employees and volunteers of school districts and public
10 charter schools may:

- 11 a. refer to a student with a name that is a shortened
12 version of the first name that appears on the
13 student's original birth certificate, or
- 14 b. refer to a student with the middle name that appears
15 on the student's original birth certificate.

16 D. Employees and volunteers of school districts and public
17 charter schools in this state shall be prohibited from referring to
18 a student under the age of eighteen (18) with a pronoun other than
19 that which corresponds to the student's biological sex without
20 written consent from the student's parent or legal guardian. For
21 the purposes of this subsection, "biological sex" means the physical
22 condition of being male or female based on genetics and physiology
23 as identified on the student's original birth certificate.

1 E. Classroom instruction provided by school district personnel
2 or third parties on sexual orientation or gender identity:

3 1. Shall not occur in grades kindergarten through six; and

4 2. Shall be provided in a manner that is age-appropriate or
5 developmentally appropriate for students in grades seven through
6 twelve.

7 F. Prior to administering a student well-being questionnaire or
8 health screening form to a student in grades kindergarten through
9 three, a school district shall provide the questionnaire or health
10 screening form to the parents or legal guardians of the students and
11 shall obtain written consent from the parents or legal guardians
12 prior to administration of the questionnaire or survey.

13 G. 1. Each school district board of education shall adopt
14 procedures for a parent or legal guardian to notify the district
15 superintendent or his or her designee regarding concerns relating to
16 this section and the process for resolving those concerns within
17 seven (7) calendar days after receipt of notification from the
18 parent or legal guardian.

19 2. At a minimum, the procedures shall require that within
20 thirty (30) days after notification from a parent or legal guardian
21 that the concern remains unresolved, the school district shall
22 either resolve the concern or provide a statement of the reasons for
23 not resolving the concern.

1 3. If a concern is not resolved by the school district, a
2 parent or legal guardian may:

- 3 a. request the State Superintendent of Public Instruction
4 to appoint an administrative law judge, who shall
5 determine facts relating to the dispute over the
6 school district procedures, consider information
7 provided by the school district, and render a
8 recommended decision for resolution to the State Board
9 of Education within thirty (30) days of receipt of the
10 request by the parent or legal guardian. The State
11 Board of Education shall approve or reject the
12 recommended decision at its next regularly scheduled
13 meeting that is more than seven (7) calendar days and
14 no more than thirty (30) days after receipt of the
15 recommended decision. The costs of the administrative
16 law judge shall be borne by the school district, or
17 b. bring an action against the school district to obtain
18 a declaratory judgment that the school district
19 procedures violate the provisions of this section and
20 seek injunctive relief. A court may award damages and
21 shall award reasonable attorney fees and court costs
22 to a parent or legal guardian who receives declaratory
23 or injunctive relief.

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H. Each school district board of education shall adopt policies to notify parents and legal guardians of the procedures adopted pursuant to this section.

I. The State Board of Education shall promulgate rules to implement the provisions of this section including but not limited to school district personnel guidelines that conform to the provisions of this section.

SECTION 2. This act shall become effective July 1, 2023.

SECTION 3. 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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