

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 759

By: Prieto

4  
5  
6 AS INTRODUCED

7 An Act relating to schools; amending 25 O.S. 2021,  
8 Sections 2001, 2002, 2003, 2004, and 2005, which  
9 relate to the Parents' Bill of Rights; clarifying  
10 entities that shall not infringe on certain rights of  
11 parents; modifying definition; modifying right to  
12 access and review certain medical records; expanding  
13 right to consent to include making of certain  
14 photograph; modifying certain exception regarding  
15 withholding of information from a child's parent;  
16 directing the State Board of Education to develop  
17 certain training materials; directing school district  
18 boards of education to use the training materials to  
19 train school district employees at the beginning of  
20 every school year; providing certain construction;  
21 requiring written consent to provide sex education  
22 instruction to a child; requiring written consent to  
23 provide instruction or presentations regarding  
24 sexuality; requiring a school district board of  
25 education to adopt procedures to provide notification  
26 and require written consent prior to providing  
27 instruction or presentations on sexual orientation or  
28 gender identity; prohibiting certain instruction or  
29 presentations from being included in any course of  
30 instruction; requiring notification and written  
31 consent prior to a child participating in any clubs  
32 or activities; providing for right to review certain  
33 books and materials; requiring boards of education to  
34 make available for public inspection certain  
35 information; reducing time period allowed for  
36 delivery of requested information or a written  
37 explanation for denial; requiring boards of education  
38 to adopt procedures for notification of parental  
39 concerns; providing for contents of procedures;  
40 providing process to request parental concern  
41 hearing; providing for promulgation of rules;

1 providing for minimum contents of rules; providing  
2 for cause of action; requiring boards of education to  
3 adopt 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; updating statutory language; providing an  
15 effective date; and 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. A  
3 person whose parental rights have been terminated by a court of this  
4 state shall not be considered a parent to that child for the  
5 purposes of the Parents' Bill of Rights.

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

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

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

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

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

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

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

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

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

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

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

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

- 20 a. safety demonstrations, including the maintenance of  
21 order and discipline in the common areas of a school  
22 or on student transportation vehicles,  
23 b. a purpose related to a legitimate academic or  
24 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

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

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

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

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

19 Section 2003. A. 1. The State Board of Education shall  
20 develop training materials for the purpose of providing in-service  
21 training to all school district personnel including administrators  
22 and school district board of education members to make clear the  
23 legislative intent of the Parents' Bill of Rights and what is  
24

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

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

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

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

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

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

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

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

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

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

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

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

20 ~~7.~~ 8. Procedures by which parents may learn about parental  
21 rights and responsibilities under the laws of this state, including  
22 the following:

- 23 a. the right to opt ~~out of~~ in to a sex education  
24 curriculum if 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 state pursuant to Section 1210.192 of Title 70 of
- 6 the Oklahoma Statutes,
- 7 e. ~~the promotion requirements prescribed in Section~~
- 8 ~~1210.508E of Title 70 of the Oklahoma Statutes~~
- 9 provisions of the Strong Readers Act,
- 10 f. the minimum course of study and competency
- 11 requirements for graduation from high school
- 12 prescribed in Section 11-103.6 of Title 70 of the
- 13 Oklahoma Statutes,
- 14 g. the right to opt out of instruction on the acquired
- 15 immune deficiency syndrome pursuant to Section 11-
- 16 103.3 of Title 70 of the Oklahoma Statutes,
- 17 h. the right to review test results,
- 18 i. the right to participate in gifted programs pursuant
- 19 to Sections 1210.301 through 1210.308 of Title 70 of
- 20 the Oklahoma Statutes,
- 21 j. the right to inspect instructional materials used in
- 22 connection with any research or experimentation
- 23 program or project pursuant to Section 11-106 of Title
- 24 70 of the Oklahoma Statutes,
- 25

- 1 k. the right to receive a school report card,  
2 l. the right to receive the attendance requirements  
3 prescribed in Section 10-106 of Title 70 of the  
4 Oklahoma Statutes,  
5 m. the right to public review of courses of study and  
6 textbooks,  
7 n. the right to public review of library books and  
8 materials used in the classrooms or any other school  
9 room accessible to students,  
10 o. the right to be excused from school attendance for  
11 religious purposes,  
12 ~~o.~~ p. policies related to parental involvement pursuant to  
13 this section,  
14 ~~p.~~ q. the right to participate in parent-teacher  
15 associations and organizations that are sanctioned by  
16 the board of education of a school district, and  
17 ~~q.~~ r. the right to opt out of any data collection  
18 instrument at the district level including those that  
19 would capture data for inclusion in the state  
20 longitudinal student data system except what is  
21 necessary and essential for establishing a student's  
22 public school record.

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

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

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

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

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

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

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

23       b. the hearing officer shall determine facts related to  
24 the dispute over the school district's procedure or  
25

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

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

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

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

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

1 SECTION 4. AMENDATORY 25 O.S. 2021, Section 2004, is

2 amended to read as follows:

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

18 2. Notwithstanding the written consent provisions of paragraph  
19 1 of this subsection, an employee of a school district who does not  
20 possess the proper professional license issued by this state shall  
21 not perform an assessment of the physical needs of a minor without  
22 first obtaining the written consent of a parent of the minor.

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

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

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

11 D. The provisions of this section shall not apply to an  
12 abortion, which shall be governed by the provisions of Sections 1-  
13 740 through 1-740.6 and Sections 1-744 through 1-744.6 of Title 63  
14 of the Oklahoma Statutes or any successor statute.

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

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

21 Section 2005. A. 1. Except as otherwise provided by law or a  
22 court order, no person, corporation, association, organization, or  
23 state-supported institution, or any individual employed by any of  
24 these entities, may procure, solicit to perform, arrange for the  
25

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

15 2. Notwithstanding the written consent provisions of paragraph  
16 1 of this subsection, an employee of a school district who does not  
17 possess the proper professional license issued by this state shall  
18 not perform an assessment of the mental or psychological needs of a  
19 minor without first obtaining the written consent of a parent of the  
20 minor.

21 B. This section does not apply when an emergency exists that  
22 requires a person with the proper professional license issued by  
23 this state to perform mental health screening or provide mental  
24

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

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

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

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

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

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

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

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

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

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

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

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

22  
23 60-1-292

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