

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES**

SUBCHAPTER 2. PARENTAL RIGHTS [NEW]

210:10-2-1. Parents' rights concerning their minor children. [NEW]

(a) Purpose.

The Parents' Bill of Rights instructs that parents have broad and inalienable rights concerning their minor children and that these rights are reserved to parents without obstruction or interference by governmental entities. 25 O.S. §§ 2001-2005. Parents' rights include the right to direct the education of their minor children, to object to public schools imposing unwanted instruction on questions of sex, morality, or religion; and additional rights applicable to minor children within public schools of this state. This Subchapter (2) seeks to implement and protect the rights of Oklahoma's parents concerning the education of their children and to otherwise exercise the State Board of Education's authority to adopt policies and make rules for public schools. Okla. Const. art. XIII, § 5; 70 O.S. § 3-104(A)(1).

210:10-2-2. Definitions. [NEW]

For the purposes of this Subchapter (2):

- (a) "Sex or Sexuality education" means any class, program, curriculum, instruction, test, survey, questionnaire, Course, or other instructional material that relates to sexual behavior, sexual attitudes, or sexuality, including but not limited to gender identity or sexual orientation.
- (b) "Course" means any program or activity where instruction or activities tied to the instruction are provided by or within a School district
- (c) "Information" means any form of information including but not limited to, Identity information.
- (d) "Identity information" means information including but not limited to,
 - (1) any names or pronouns used by a student at school
 - (2) any social transition or other transition to a gender that differs from the student's sex
- (e) "Sex" means the physical condition of being male or female based on genetics and physiology, as identified on the individual's original birth certificate;
- (f) "Parent" means the natural or adoptive parent or legal guardian of a minor child.
- (g) "School district" or "School" means any public school district and public charter school district that serves students in prekindergarten through twelfth grades in this state.

210:10-2-3. Requirements. [NEW]

(a) Parental rights regarding Sex or Sexuality education and their children.

- (1) Advance written notice materially similar to the one described in 25 O.S. § 2003 shall be required for any Sex or Sexuality education material as defined in this Subchapter.
- (2) The right to inspect classroom materials shall extend to any Sex or Sexuality education material as defined in this Subchapter.
- (3) A written objection from a Parent pursuant to 25 O.S. § 2003, or this section may object to Sex or Sexuality education or any other instruction questioning beliefs or practices in Sex, morality, or religion.

(4) Each School district shall ensure that it honors any requests within the meaning of paragraph (a)(2) of this section in a manner that is easily accessible to parents upon request and that makes all parts of the material available for inspection.

(b) Parental rights regarding information concerning their children.

(1) No School district, and no employee of the district or its schools, shall encourage, coerce, or attempt to encourage or coerce a minor child to withhold information from the child's Parent(s) or guardian(s).

(2) A School district shall disclose to a child's Parent(s) or guardian(s) any information known to the School district or its employees regarding material changes reasonably expected to be important to Parent(s) regarding their child's health, social, or psychological development, including Identity information. Such disclosures shall occur within 30 days of learning the information and may include referrals to for appropriate counseling services that the Parent(s) or guardian(s) may use at their discretion.

(3) A School district that is informed or otherwise aware of a violation of 25 O.S. § 2002(C) or of this section within its district and fails to initiate disciplinary action within 30 days of learning of the violation, or fails to administer appropriate disciplinary action, shall be found to be in noncompliance with this section.

210:10-2-4. Noncompliance. [NEW]

(a) Procedure.

(1) If a Parent or guardian alleges a violation of 70 O.S. § 11-105.1, 25 O.S. § 2002(C), 25 O.S. § 2003, or OAC 210:10-2-3, the Parent or guardian shall provide a written complaint to the State Department of Education that summarizes the alleged violation, including the time, date, and location of the violation and the identity of any person involved. The complaint must also include a copy of any complaint to the School District and any response.

(2) Within fourteen days of receiving a complaint, the Department shall notify the School district of the allegation and provide an opportunity for response.

(3) The Department shall then conduct an investigation to determine whether a violation has occurred. The Department's Legal Services staff shall notify the Parent or guardian and the School district of the results of the investigation.

(4) If the Department concludes that a violation has occurred or may have occurred, the School district shall have fourteen days to request a hearing before the Board. The Board shall review the Complaint and the record using a preponderance of the evidence standard, may take additional evidence at its discretion, and shall publish an order with its findings of fact and conclusions of law.

(b) Penalties.

(1) If the State Board of Education makes a finding of willful noncompliance with the provisions of 70 O.S. § 11-105.1, 25 O.S. § 2002(C), 25 O.S. § 2003, or OAC 210:10-2-3, the State Board of Education shall alter the accreditation status of the school district at issue to either Accredited With Warning or Accredited With Probation as classified in OAC 210:35-3-201. The Board shall adjust the status to Accredited With Probation if the School district is already Accredited With Warning.

(2) If the State Board of Education makes a finding of negligent or reckless noncompliance with the provisions of 70 O.S. § 11-105.1, 25 O.S. § 2002(C), 25 O.S. § 2003, or OAC 210:10-2-3, the State Board of Education shall require the school district at issue to comply

with this rule under such conditions and within such reasonable timeframes as ordered by the State Board of Education.

(3) Failure to comply with an order of the State Board of Education under paragraph (b)(2) of this section shall constitute willful noncompliance within the meaning of paragraph (b)(1) of this section.