

TITLE 210. STATE DEPARTMENT OF EDUCATION

CHAPTER 25. FINANCE

SUBCHAPTER 1. GENERAL PROVISIONS

210:25-1-2. Equal Protection [NEW]

(a) Governor's Executive Order 2023-31 directs all state executive agencies to place certain limits on the use of state funds, property, or resources to comply with the U.S. Constitution and the Oklahoma Constitution.

(b) Because the Supreme Executive power is vested in the Governor, Okla. Const. art. 6, § 2, the State Board of Education complies with the Governor's directives on the use of state funds, property, or resources.

(c) In order to comply with the Executive Order, the Oklahoma State Department of Education may not use state funds, property, or resources, or knowingly distribute state funds, property, or resources to:

(1) Grant or support diversity, equity, and inclusion positions, departments, activities, procedures, or programs to the extent they grant preferential treatment based on one person's particular race, color, ethnicity, or national origin over another's;

(2) mandate any person to participate in, listen to, or receive any education, training, activities, procedures, or programming to the extent such education, training, activity, or procedure grants preferences based on one person's particular race, color, sex, ethnicity, or national origin over another's;

(3) mandate any person swear, certify, or agree to any loyalty oath that favors or prefers one particular race, color, sex, ethnicity, or national origin over another's;

(4) mandate any person to certify or declare agreement with, recognition of, or adherence to, any particular political, philosophical, religious, or other ideological viewpoint;

(5) mandate any applicant for employment provide a diversity, equity, and inclusion statement or give any applicant for employment preferential consideration based on the provision of such a diversity, equity, and inclusion statement; or

(6) mandate any person to disclose their pronouns.

(d) The Department and any recipient of funds from the Department shall initiate a review of diversity, equity, and inclusion positions, departments, activities, procedures, and programs and, if deemed necessary, restructure and/or eliminate functions that are not necessary for compliance, accreditation, or student and employee support services intended to support success broadly.

(e) Nothing in this rule prohibits the Department or any recipient of funds from the Department from applying for a grant or complying with the accreditation requirements by an accrediting or licensing agency, including, but not limited to, submitting to the grantor or accreditation agency a statement that:

(1) highlights work in supporting:

(a) first-generation college students, or

(b) students from low-income families, or

(c) students with unique abilities, or

(d) underserved student populations; or

(2) certifies compliance with applicable anti-discrimination laws, rules, and regulations.

(f) This rule shall not be construed to apply to the Department or any recipient of funds from the Department with respect to the following:

1. a policy, practice, procedure, program, class, or activity required for compliance with state or federal laws, rules, or regulations for obtaining or retaining institutional, academic, or discipline-specific accreditation or licensure;

2. an activity of a student organization registered with or recognized by a school;

3. guest speakers or performances on short-term engagements;

4. academic support, tutoring, and career services and student success centers, so long as the programming is designed and implemented without regard to race, sex, color, national origin, or ethnicity;

5. data collection; or

6. access programs for military, veterans, students from low-income families, students with unique abilities, or underserved student populations.

(g) The Department and any recipients of funds from the Department shall, within ninety days of the effective date of this rule, submit a report to the State Board of Education that includes a description of the diversity, equity, and inclusion positions, departments, activities, procedures, and programs in existence as of the date of issuance of the Governor's Executive Order 2023-31 and identify what functions, if any, were restructured and/or eliminated after the issuance of that Executive Order or this rule.

(h) Nothing in this rule should be construed to prohibit the promotion of civil discourse and debate or speech that is protected by the First Amendment to the U.S. Constitution.