STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1368

By: Ikley-Freeman

AS INTRODUCED

An Act relating to sex education; amending 70 O.S. 2011, Section 11-105.1, as amended by Section 1, Chapter 133, O.S.L. 2019 (70 O.S. Supp. 2019, Section 11-105.1), which relates to approval of curriculum and materials for sex education; requiring certain curriculum and materials to be approved for medical accuracy by the State Department of Health; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 11-105.1, as amended by Section 1, Chapter 133, O.S.L. 2019 (70 O.S. Supp. 2019, Section 11-105.1), is amended to read as follows:

Section 11-105.1. A. All curriculum and materials including supplementary materials which will be used to teach or will be used for or in connection with a sex education class or program which is designed for the exclusive purpose of discussing sexual behavior or attitudes, or any test, survey or questionnaire whose primary purpose is to elicit responses on sexual behavior or attitudes shall be available through the superintendent or a designee of the school district for inspection by parents and guardians of the student who
will be involved with the class, program or test, survey or questionnaire. Such curriculum, materials, classes, programs, tests, surveys or questionnaires shall include information about consent and shall have as one of its primary purposes the teaching of or informing students about the practice of abstinence. For the purposes of this section, “consent” shall have the same meaning as that provided by Section 113 of Title 21 of the Oklahoma Statutes. Any curriculum and materials developed for use in the public schools to implement the provisions of this section shall be approved for medical accuracy by the State Department of Health. The superintendent or a designee of the school district shall provide prior written notification to the parents or guardians of the students involved of their right to inspect the curriculum and material and of their obligation to notify the school in writing if they do not want their child to participate in the class, program, test, survey or questionnaire. Each local board of education shall determine the means of providing written notification to the parents and guardian which will ensure effective notice in an efficient and appropriate manner. No student shall be required to participate in a sex education class or program which discusses sexual behavior or attitudes if a parent or guardian of the student objects in writing to such participation. If the type of program referred to in this section is a part of or is taught during a credit course, a student may be required to enroll in the course but shall not be required to
receive instruction in or participate in the program if a parent or
guardian objects in writing.

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

SECTION 2. This act shall become effective July 1, 2020.

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.