

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1208

By: Hamilton

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6 AS INTRODUCED

7 An Act relating to schools; defining terms; requiring
8 each school district and charter school to submit to
9 the State Department of Education certain listing
10 annually by certain date; allowing submission of
11 certain attestation; prohibiting certain materials
12 and content from being accessible to certain
13 students; requiring school districts and charter
14 schools to have certain written policy; providing
15 certain construction; providing process for reporting
16 suspected violations; providing for contents of
17 report; requiring certain notifications within
18 certain time period; providing for investigation;
19 allowing a school district or charter school to
20 request certain hearing within certain time period;
21 directing the State Board of Education to review
22 certain information and vote on certain
23 determination; authorizing certain designation of a
24 school for certain noncompliance; providing certain
penalty for noncompliance; providing for promulgation
of rules; providing for codification; providing an
effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 11-203 of Title 70, unless there
is created a duplication in numbering, reads as follows:

A. As used in this section:

1 1. "Library" means a school library, media program, a classroom
2 library, or any other collection of books or other materials, print
3 or digital, that are maintained by a school district or charter
4 school or its employees for use by students and that do not qualify
5 as textbooks approved by the State Textbook Committee pursuant to
6 Sections 16-101 through 16-124 of Title 70 of the Oklahoma Statutes;

7 2. "School library" means the library maintained by a school
8 district or charter school for use by students;

9 3. "Pornographic" means:

10 a. depictions or descriptions of sexual conduct which are
11 patently offensive as found by the average person
12 applying contemporary community standards, considering
13 the youngest age of students with access to the
14 material,

15 b. materials that, taken as a whole, have as the dominant
16 theme an appeal to prurient interest in sex as found
17 by the average person applying contemporary community
18 standards, and

19 c. a reasonable person would find the material, taken as
20 a whole, lacks serious literary, artistic,
21 educational, political, or scientific purposes or
22 values considering the youngest age of students with
23 access to the material; and

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1 4. "Sexualized content" means material that is not strictly
2 pornographic but otherwise contains excessive sexual material in
3 light of the educational value of the material and in light of the
4 youngest age of students with access to the material.

5 B. By October 1, 2024, and by every October 1 thereafter, each
6 school district and charter school shall submit to the State
7 Department of Education a complete listing of all books and other
8 materials available in its school library. To fulfill the
9 requirement of this subsection, a school district or charter school
10 superintendent may submit an attestation that the public online
11 school library catalog or catalogs contain a complete and accurate
12 list of books and other materials accompanied by the website for
13 accessing the relevant catalog or catalogs.

14 C. A library in a school district or charter school shall be
15 prohibited from having any pornographic materials or sexualized
16 content accessible to students under the age of eighteen (18).

17 D. Each school district and charter school shall have a written
18 policy for reviewing the educational suitability and age-appropriate
19 nature of any material in a library and for receiving and responding
20 to complaints regarding books and other materials in libraries.

21 E. Nothing in this section shall prohibit a student from
22 reading, owning, possessing, or discussing any book obtained without
23 the assistance or encouragement of a school district or charter
24 school, its employees, or its libraries; provided, however, nothing

1 in this section shall be construed to allow a student to bring
2 pornographic material or sexualized content on the grounds of a
3 school district or charter school.

4 F. 1. The parent or legal guardian of a student enrolled in a
5 school district or charter school may report suspected violations of
6 the provisions of this section to the State Department of Education.
7 The report shall include a written complaint summarizing the alleged
8 violation including the time, date, and location of the alleged
9 violation and the identity of any person involved. The report shall
10 include a copy of any complaint submitted to the school district or
11 charter school and any related response.

12 2. Within fourteen (14) business days of receiving a report
13 pursuant to this subsection, the State Department of Education shall
14 notify the school district or charter school of the alleged
15 violation and provide an opportunity to respond.

16 3. The State Department of Education shall conduct an
17 investigation to determine whether a violation occurred. The
18 Department shall notify the parent or legal guardian who submitted
19 the report and the school district or charter school of the results
20 of the investigation.

21 4. If the Department determines a violation occurred, the
22 school district or charter school shall have fourteen (14) business
23 days to request a hearing before the State Board of Education. The
24 Board shall review the alleged violation, the results of the

1 Department's investigation, and the response from the school
2 district or charter school and vote on whether to uphold the
3 Department's determination.

4 5. If the State Board of Education votes to uphold the State
5 Department of Education's determination, the Board is authorized to
6 report a school district or charter school as deficient on the
7 accreditation report for noncompliance with the provisions of this
8 section. Upon a finding of noncompliance with the provisions of
9 subsections B and C of this section by the State Board of Education,
10 the noncompliant school district or charter school shall receive a
11 five percent (5%) reduction in state funding for the fiscal year
12 following the fiscal year of noncompliance.

13 G. The State Board of Education shall promulgate rules to
14 implement the provisions of this section.

15 SECTION 2. This act shall become effective July 1, 2024.

16 SECTION 3. It being immediately necessary for the preservation
17 of the public peace, health, or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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