



# Parental Rights in Education

What school districts need to know about the new *Parental Rights rule*.

## About this document

We want to inform you about a new subchapter of rules, OAC 210:10-2, which reinforces the Parents' Bill of Rights (25 O.S. §§ 2001-2005) enacted in 2014. This rule aims to protect parents' rights concerning the education of their minor children.

## Parental Rights Addressed:

### Sex or Sexuality Education Rights

- **Advance Written Notice:** Parents have the right to receive advance written notice for 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 (referred to through the remainder of this document as "Sex or Sexuality Education").
- **Classroom Material Inspection:** Parents can inspect classroom materials related to Sex or Sexuality Education.
- **Access to Material:** School districts are required to make all parts of the material easily accessible for parents upon request.

### Information Rights

- **No Withholding of Information:** School districts and their employees are prohibited from encouraging or coercing minor children to withhold information from their parents or guardians.
- **Timely Disclosure:** School districts must disclose important information about a child's health, social, or psychological development, including identity information, within 30 days of learning it.
- **Disciplinary Action:** Failure of administration to initiate disciplinary action for violations of parental rights can lead to sanctions for the school district.



## State Complaint Procedure:

If a parent or guardian believes there has been a violation of parental rights, they can follow these steps:

1. **File a Complaint:** File a written complaint with the State Department of Education, providing details of the alleged violation, by visiting [sde.ok.gov/awareity](https://sde.ok.gov/awareity).
2. **School District Notification:** The Department will notify the school district within fourteen days and allow them to respond.
3. **Investigation:** The Department will investigate to determine if a violation occurred and inform both the parent and the school district of the results.
4. **Board Review:** If a violation is found or suspected, the school district may request a hearing before the State Board of Education within fourteen days of receiving a notice.

## Penalties for Noncompliance:

1. **Willful Noncompliance:** The State Board of Education may alter the school district's accreditation status to "Accredited with Warning" or "Accredited with Probation."
2. **Negligent or Reckless Noncompliance:** In cases of negligent or reckless noncompliance, the State Board of Education can require the school district to comply with this rule under specified conditions and timeframes.
3. **Failure to Comply:** Failure to comply with the State Board of Education's orders shall be considered willful noncompliance.

## Practical Advice for Districts:

1. **Communicate with Parents:** Most of the new rules focus on giving notices to parents. Keeping regular communication with parents of your students will ensure compliance with almost all of these rules.
2. **Create Policies:** School districts may want to create written policies for how parents can access material or how schools can comply with timely disclosure. Having consistent policies for the district will help protect the district from liability for any individual employee's violations of these rules.

**Definitions:** The following words and terms shall have the following meaning unless the context clearly indicates otherwise:

- **"Course"** means any program or activity where instruction or activities tied to the instruction are provided by or within a School district.
- **"Identity information"** means information including but not limited to:
  - any names or pronouns used by a student at school.
  - any social transition or other transition to a gender that differs from the student's sex.
- **"Information"** means any form of information including but not limited to, Identity information.
- **"Parent"** means the natural or adoptive parent or legal guardian of a minor child.
- **"School district" or "School"** means any public school district and public charter school district that serves students in pre-kindergarten through twelfth grades in this state.
- **"Sex"** means the physical condition of being male or female based on genetics and physiology, as identified on the individual's original birth certificate.
- **"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.

