



Guidance: House Bill 1775

This spring, the legislature passed and Gov. Stitt signed [House Bill 1775](#), and the state Board of Education subsequently passed an [emergency rule](#) related to the legislation. We've received many questions about HB 1775, and this guidance is intended to provide clarity to school districts. Additional questions can be directed to any member of the OSSBA legal team.

What does HB 1775 do?

(UPDATED) For public schools, the legislation and related emergency rule lists the following concepts that may not be taught to students, included in curriculum or instructional materials, included in employee professional development, or included in diversity, equity or inclusion plans:

- one race or sex is inherently superior to another race or sex,
- an individual, by virtue of his or her race or sex, is inherently racist, sexist or oppressive, whether consciously or unconsciously,
- an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex,
- members of one race or sex cannot and should not attempt to treat others without respect to race or sex,
- an individual's moral character is necessarily determined by his or her race or sex,
- an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex,
- any individual should feel discomfort, guilt, anguish or any other form of psychological distress on account of his or her race or sex, or
- meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race.

Are the prohibited concepts typically taught in public schools?

No. Oklahoma's teachers, particularly history teachers, are skilled at leading and facilitating important conversations on difficult topics, including race and gender.

Does HB 1775 prohibit teaching or classroom conversations about diversity, race and gender?

No. The rhetoric around HB 1775 during the legislative session and even after has created uncertainty about the practical implications of the bill. The bill clearly states that concepts aligning with state academic standards can continue to be taught, and Gov. Stitt issued an [executive order](#) emphasizing this aspect of the law. But teachers **are not limited** to teaching or discussing only those concepts or topics specifically mentioned in academic standards.

(NEW) What policy must our district pass to be compliant with the HB 1775 legislation and related rule?

OSSBA has a sample policy available to help districts comply with the provisions in law and the rule. It outlines the specific concepts that are prohibited as well as the required complaint process. The policy and district procedures must be incorporated into employee and student handbooks. The name, telephone number, and email address of the person who is designated in policy to receive complaints must also be published on the district website. **Boards are encouraged to review and adopt a policy at their next board meeting.**

(NEW) What else should district leaders know about the rule related to HB 1775?

The rule outlines the process by which a complaint can be filed, investigated and reported to state education officials, which is included in the OSSBA sample policy. In lieu of a district complaint, complaints also can be filed with the state Education Department.

The rule also contains the following additional specific prohibitions not referenced in the law:

- Public schools in this state shall be prohibited from providing, contracting to provide, offering or sponsoring any Course(s), that includes, incorporates, or is based on the prohibited concepts.
- Public schools in this state shall be prohibited from using any monies, property, or any other assets or resources to engage in race or sex-based discrimination, including the prohibited concepts.
- Public schools in this state shall be prohibited from adopting programs or utilizing textbooks, instructional materials, curriculum, classroom assignments, orientation, interventions, or counseling that include, incorporate or are based on the prohibited concepts.
- Public schools in this state shall be prohibited from executing contracts or agreements with internal or external entities, persons, companies or businesses to provide services, training, professional development, or any other assistance that includes, incorporates or is based on the prohibited concepts.
- Public schools in this state shall be prohibited from receiving or applying to receive any monies that require, as a condition of receipt, the adoption of a Course(s), policies, curriculum, or any other instructional material that includes, incorporates or is based on the prohibited concepts.
- Public schools in this state shall be prohibited from adopting diversity, equity, or inclusion plans that incorporate the prohibited concepts.

- Diversity officers in public schools shall be prohibited from providing any service or performing duties that include, incorporate, or are based on the prohibited concepts.
- Public schools shall be prohibited from mandating diversity training that includes, incorporates or is based on the prohibited concepts. This includes providing such training to employees, contractors, staff members, parents, students, or any other individual or group.
- Public schools in this state shall be prohibited from adopting policies, including grading or admissions policies, or providing any other benefit or service that applies to students or any school employee differently on the basis of race or sex, unless specifically permitted by Title IX. This prohibition includes segregated classes, programs, training sessions, extracurricular activities, or affinity groups unless otherwise permitted by Title IX.

In addition, the rule outlines potential certification action against employees found in violation of the provisions of the law or rule as well as retaliation and whistle blower protections.

(NEW) The law requires the policy be included in student and employee handbooks. What if our books are already finalized?

Once the policy is approved, your district can provide printed a copy of the policy to students and employees as an addendum and also add it to any online versions of the handbooks.

What should our district’s teachers know about HB 1775?

You are welcome to share this guidance document with administrators and teachers. Please reassure them that conversations about race, gender and diversity aren’t off limits. Rather, the safe place of the classroom is the right and appropriate place for these conversations.

(NEW) What should our community know about our district’s implementation of HB 1775?

Personal, one-on-one communication will likely be best.

When your district receives questions about HB 1775 or the topics it covers, share the board policy with the community member or parent and explain that the district follows the state’s academic standards and does not teach the information prohibited by state law and the board policy. Explain that the district is committed to providing a caring and welcoming environment where the needs of all students are met, including their need to be and to feel respected, safe and heard.

Once the district approves the board policy, post it on the policy portion of the district’s website to ensure parents can review it at any time.

Please know the OSSBA communications team is available to assist if you need more in-depth guidance or resources related to HB 1775 communication.

(NEW) Is there a formal complaint process related to the provisions of HB 1775?

Yes. According to the rules, the required district policy must include a formal complaint process for individuals who believe a violation of the policy may have occurred. According to the rule, a complaint must be investigated if it meets the following criteria:

- Submitted in writing, signed and dated by the complainant, including complaints submitted through electronic mail that include electronic signatures;
- Identifies the dates the alleged discriminatory act occurred;
- Explains the alleged violation and/or discriminatory conduct and how the statute or rule has been violated;
- Includes relevant information that would enable a public school to investigate the alleged violation; and
- Identifies witnesses the school may interview. The school will not dismiss a complaint for failure to identify witnesses.

The district policy must identify who will receive complaints and that person's name and contact information must be published on the website. Within 10 days of receiving a complaint, the designee must inform the complainant if the complaint will be investigated. The district has 90 days from receipt of the complaint to complete the investigation. Within 30 days of a complaint resolution, the designated employee must report the resolution to the state Education Department.

Individuals also can file a complaint of alleged policy violation with the state Education Department, which will be investigated through the normal accreditation process.

(NEW) What are possible outcomes from a formal complaint?

If the district-level investigation determines the employee violated the policy, the district may use progressive discipline to address the incident, including verbal and written growth/corrective action plans and directives through the TLE evaluation process.

Outcomes at the state level are outlined in the state Education Department's emergency rules. Once SDE receives the report from the district or completes its own investigation, SDE officials will decide whether to initiate proceedings to suspend the employee's license or certificate. If it is determined the employee **willfully** violated the policy, the State Board of Education will initiate proceedings to revoke the employee's license or certificate. The employee would have a right to a hearing and could also have legal representation.

A person may not file a complaint simultaneously with a school district and the state Education Department. However, a person who has filed a complaint at the district level who believes the district incorrectly declined to investigate a complaint or reached an incorrect conclusion in its investigation may subsequently file a complaint with state education officials.

Questions?

OSSBA's advocacy, legal and communications teams are available to answer questions and provide assistance.