



## **Guidance: SDE Rules & Reporting on Parental Rights and Library Media**

Over the last several months, the state Board of Education has acted on new rules and requirements that may require procedural changes for school districts. We've compiled the following information as a resource to assist school districts as they seek to comply with the changes.

It's important to know that for political subdivisions like school districts, agency rules have the effect of law. However, not all rule additions/modifications require changes to board policies. Please read below for details.

### **Parental Rights Rules and Reporting**

At its meeting last week, the state Board of Education empowered the state Education Department to collect from school districts information regarding school district policies, procedures and informal guidance related to student pronouns. This follows a new rule (OAC 210:10-2) passed last spring that expands the state's Parents' Bill of Rights.

Despite questions about whether the board overstepped its authority regarding the parental rights rule, Gov. Stitt approved the rule, which will take effect Sept. 11.

The parental rights rule focuses on two areas: sex education and identity information, which is defined as "information including but not limited to,

- (1) any names or pronouns used by a student at school
- (2) any social transition or other transition to a gender that differs from the student's sex."

You can read the new parental rights rule [here](#).

### **What actions must administrators and school boards take in relation to the reporting/rule?**

Administrators should ensure details about the rule are shared with district employees. The sex education portion of the rule should not require any policy or procedural changes for school districts.



Regarding identity information, administrators should review existing procedures and communicate any new/revised procedures to employees to ensure compliance specifically with the following provisions of the rule:

- (1) No School district, and no employee of the district or its schools, shall encourage, coerce, or attempt to encourage or coerce a minor child to withhold information from the child's Parent(s) or guardian(s). (**Note:** Similar language is also included in the [Parents' Bill of Rights law](#).)
- (2) A School district shall disclose to a child's Parent(s) or guardian(s) any information known to the School district or its employees regarding material changes reasonably expected to be important to Parent(s) regarding their child's health, social, or psychological development, including Identity information. Such disclosures shall occur within 30 days of learning the information and may include referrals to for appropriate counseling services that the Parent(s) or guardian(s) may use at their discretion.

Districts can expect that communication regarding the rule and related practices or procedures will need to be provided to SDE as part of its reporting requirement.

### **Should my local board of education modify an existing policy or create a new policy related to the rule?**

Not necessarily. Oklahoma school districts are already required to have a parental involvement policy as part of the Parents' Bill of Rights statute (OSSBA Policy EHBDBA). The new rule **does not** require any modification of this policy or the creation of a new policy – its provisions are mostly procedural in nature. OSSBA has created an exhibit which your district may or may not choose to add to your policy manual. The exhibit provides documentation for your school district of the notification requirements schools must follow regarding parent rights. Whether or not your board adopts the exhibit is an issue of local control. Regardless of whether your district adopts the exhibit, the language of the rule is not optional, and districts will need to incorporate the practice at school. The rule contains specific penalties in the form of accreditation status that will be imposed should a school district or its employees fail to adhere to the requirements of the rule. The exhibit is available to OSSBA members that wish to use it and can be downloaded [here](#).

### **What else should my district know about the rule?**

The rule includes a complaint process through the state Education Department for parents/guardians who believe the district is in violation of:



- The Parents' Bill of Rights statute ([25 O.S. § 2002\(C\)](#)) and ([25 O.S. § 2003](#))
- SDE's parental rights rule OAC 210:10-2,
- The district's parental involvement policy, or
- State law regarding sex education materials ([70 O.S. § 11-105.1](#)).

**Districts could be subject to an accreditation penalty if the district is found noncompliant.**

**Are professionals providing services to students via a contract with the district (i.e. licensed professional counselors) also subject to the new parental rights rule?**

The new accreditation standard provides that "no school district and no employee of the district or its schools" can withhold information from a parent. A professional providing services to a student via a contract that meets the definition of an independent contractor would not be subject to the standard. However, the district could potentially be responsible for a failure to disclose depending upon the specific circumstances involved. At issue would be the language in the contract entered into by the parties.

**Must career technology centers comply with the rule?**

Career technology centers are subject to the Parents Bill of Rights as outlined in statute but not SDE's parental rights rules.

**Library Media Rule**

The state Board of Education approved modified library media rules last spring, and the changes will take effect Sept. 11. The rules (OAC 210:35-3-121 and OAC 210:35-3-126) require both school and classroom libraires to follow new rules regarding obscenity and sexualized materials, and districts to annually submit to the state Education Department a complete list of all books and materials available in school libraries. A district's library media complaint process must also apply to books and materials in classroom libraries.

You can read the modified library media rule [here](#).

**What actions must administrators and school boards take in relation to the rule?**



Administrators should ensure details about the rule are shared with district employees. During the accreditation review process, districts also will be expected to provide the board's policies regarding the library media program and the superintendent must attest that the district has either provided a complete and accurate record of books and materials available in libraries or a link to an online catalog of books and materials available in libraries.

**Should my local board of education modify an existing policy or create a new policy related to the rule?**

It's a good idea to ensure board policy aligns with current laws and rules. To comply with the new rule, the library media policies should:

- Address books and materials included in school libraries as well as those in classroom libraries;
- Ensure content restrictions stated in the rule regarding material acquisition and challenges are included; and
- Reflect the need to maintain and report, as required by SDE, an inventory of materials available to students through your school library.

OSSBA will be providing an updated library media policy to PSST subscribers soon.

**What else should my district know about the rule?**

The rule includes a complaint process through the state Education Department for parents/guardians who believe the district is in violation of the rule.

**Must career technology centers comply with the rule?**

The library media rule is part of accreditation standards for school districts and career technology centers and would apply.

*The information and details herein are for informational purposes only and are based upon information known to OSSBA at the time of creation. The provided information is not a substitute for legal advice and any related issues should be discussed with retained counsel prior to any final action by your district.*