

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES**

SUBCHAPTER 1. GENERAL PROVISIONS

Language changes made following Public Comment appear in yellow highlight.

210:10-1-23. Prohibition of race and sex discrimination [NEW]

(a) **Purpose.** It shall be the policy of the Oklahoma State Board of Education to prohibit discrimination on the basis of race or sex in the form of bias, stereotyping, scapegoating, classification, or the categorical assignment of traits, morals, values, or characteristics based solely on race or sex. Public schools in this state shall be prohibited from engaging in race or sex-based discriminatory acts by utilizing these methods, which result in treating individuals differently on the basis of race or sex or the creation of a hostile environment.

(b) **General.**

(1) **Definitions.**

(A) **“Public School”** means the board of education of a school district, charter school, virtual charter school or otherwise accredited school, as defined and provided for in 70 O.S. § 1-108, 70 O.S. § 3-132, 70 O.S. § 3-145.3 and 70 O.S. § 3-104, respectively.

(B) **“Course”** means any forum program or activity where instruction or activities tied to the instruction are provided by or within a Public School, including courses, programs, instructional activities, lessons, training sessions, seminars, professional development, lectures, sessions, coaching, tutoring, or any other classes.

(C) **“Teacher”** means the same as it is defined in 70 O.S. § 1-116.

(2) **Applicability.** As expressly set forth in 24 O.S. § 24-157(B), this rule shall apply to all Public Schools in this state and any Teacher, administrator or other employee of a Public School.

(3) **Nondiscrimination.** Nothing in this rule shall be intended to prohibit a Public School from employing lawful methods to address discrimination consistent with the requirements of the Equal Protection Clause of the Fourteenth Amendment, Title VI of the Civil Rights Act of 1964 (“Title VI”), Title IX of the Education Amendments of 1972 (“Title IX”), and 70 O.S. § 24-157(B). Further, nothing in this rule shall interfere or impair with mandated activities required of a Public School under-pursuant to a court order of desegregation.

(4) **Severability.** If any specific provision of this rule or its application to any person or Public School is held invalid, the remainder of the rule or the application of its provisions to any Public School, person, practice or entity shall not be affected.

(5) **Instruction.** Nothing in this rule shall be construed to prevent the teaching of history, social studies, English language arts, biology or any other subject matter area consistent with the Oklahoma Academic Standards as adopted and approved by the State Board of Education and approved by the Oklahoma Legislature.

(6) **Title IX of the Education Amendments of 1972.** Nothing in this rule shall be interpreted to prohibit the lawful consideration of sex, as authorized by Title IX, which permits distinctions and/or classifications based on sex in specific

circumstances. This includes but is not limited to the provision of single-sex programs, the establishment of separate sex facilities (bathrooms and locker rooms) or sex-specific athletic teams, consistent with the requirements of Title IX and its implementing regulations at 34 C.F.R. Part 106.

(c) **General Prohibition.** No teacher, administrator or other school employee shall require or make part of any Course offered in a Public School the following discriminatory principles:

- (1) One race or sex is inherently superior to another race or sex,
- (2) An individual, by virtue of his or her race or sex, is inherently racist, sexist or oppressive, whether consciously or unconsciously,
- (3) An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex,
- (4) Members of one race or sex cannot and should not attempt to treat others without respect to race or sex,
- (5) An individual's moral character is necessarily determined by his or her race or sex,
- (6) 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,
- (7) Any individual should feel discomfort, guilt, anguish or any other form of psychological distress on account of his or her race or sex, or
- (8) 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.

(d) **Specific Prohibitions Ensuring Compliance.** To ensure compliance with 70 O.S. § 24-157(B) and to not discriminate on the basis of race or sex, as a part of any Course or activities, the following requirements shall apply to all aspects of Public School Course(s) or activities, and to any Public School, Teacher, administrator, other employee, or other individual, group or representative of a Public School:

- (1) Public Schools schools in this state shall be prohibited from providing, contracting to provide, offering or sponsoring any Course(s), as defined in subsection (b)(1)(B), that includes, incorporates, or is based on discriminatory practices identified in section (c).
- (2) Public Schools schools in this state shall be prohibited from using any public or private monies, property, or any other assets or resources to engage in race or sex-based discrimination, including discriminatory practices identified in section (c).
- (3) Public Schools 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 discriminatory concepts identified in subsection (c).
- (4) Public Schools 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 discriminatory practices identified in section (c). Within sixty (60) days of the approval of this rule, existing contracts or agreements executed by Public Schools that conflict with this requirement shall be amended to come into compliance with this section. Contracts or agreements executed solely to provide services prohibited by 70 O.S. § 24-157(B) or sections (c) or (d) of this rule shall be cancelled or terminated, consistent with the terms of the contract and

applicable law.

(5) Public Schools schools in this state shall be prohibited from receiving or applying to receive any monies including state, federal or private funds, 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 discriminatory practices identified in subsection (c).

(6) Public Schools schools in this state shall be prohibited from adopting diversity, equity, or inclusion plans that incorporate the concepts identified in subsection (c). Diversity officers in Public Schools shall be prohibited from providing any service or performing duties that include, incorporate, or are based on discriminatory practices identified in subsection (c).

(7) Public Schools schools shall be prohibited from mandating diversity training that includes, incorporates or is based on discriminatory practices identified in subsection (c). This includes providing such training to employees, contractors, staff members, parents, students, or any other individual or group.

(8) Public Schools 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. (See (b)(6)). This prohibition includes segregated classes, programs, training sessions, extracurricular activities, or affinity groups unless otherwise permitted by Title IX. (See (b)(6)).

(9) Public Schools in this state shall be prohibited from requiring students to complete surveys, or using the results from surveys, to teach discriminatory concepts identified in subsection (c).

(10) Public Schools in this state shall be prohibited from joining any group or association that require, as a condition of membership, Teachers, administrators or other employees of a school district, charter school or virtual charter school to teach, provide instruction, or offer any Course that includes, incorporates, or is based on discriminatory practices identified in subsection (c) and violate state law.

(e) **Parents Rights.** Parents and legal guardians of students enrolled in Public Schools in this state shall have the right to inspect curriculum, all instructional materials used by a Public School as a part of the educational curriculum, classroom assignments, and lesson plans to ensure compliance with 70 O.S. § 24-157(B). Consistent with 25 O.S. § 2002, no Public School shall interfere with or infringe upon the fundamental rights of parents to determine their child's education.

(f) **State Department of Education and State Board of Education.** To ensure the compliance with the requirements of 70 O.S. § 24-157(B), as a part of any Course, the following requirements shall apply to the State Board of Education and the State Department of Education, respectively:

(1) The State Board of Education shall be prohibited from mandating state standards or promulgating any rule that is based on, includes or incorporates discriminatory concepts of race or sex-based discrimination, including concepts identified in section (c).

(2) The State Department of Education shall be prohibited from providing resources, instructional support, Courses, training, seminars, professional development, or any other class to Public Schools public schools that is based on, includes or incorporates discriminatory concepts identified in section (c). This prohibition includes executing

contracts or agreements with external entities, persons, companies or businesses to provide services, training, professional development, or any other assistance that includes, incorporates or is based on discriminatory practices identified in section (c) to Public Schools public schools under the supervision of the Oklahoma State Board of Education and State Department of Education.

(3) The State Department of Education shall be prohibited from receiving or applying to receive any federal, state or private monies that require, as a condition of receipt, the adoption of programs, policies, curriculum, or any other instructional material that includes, incorporates or is based on discriminatory practices identified in subsection (c).

(g) **Public School Policies and Investigations.** To ensure compliance, Public Schools public schools shall be required to adopt policies and procedures, including incorporating into employee and student handbooks, the requirements of 70 O.S. § 24-157(B) and this rule. A Public School's public school's policy developed pursuant to this section must specifically notify individuals of the right to file complaints under subsections (g) of this rule. Public Schools public schools shall ensure that the parent or legal guardian of all students enrolled in the school are annually notified of the non-discrimination requirements in 70 O.S. § 24-157(B) and this rule.

(1) Public schools shall be required to develop a process for students, parents, teachers, school staff, and members of the public to file a complaint alleging a violation of the provisions of 70 O.S. § 24-157(B) or this rule. In order for a complaint to be accepted for investigation, it must:

(A) Be submitted in writing, signed and dated by the complainant, including complaints submitted through electronic mail that include electronic signatures;

(B) Identify the dates the alleged discriminatory act occurred;

(C) Explain the alleged violation and/or discriminatory conduct and how 70 O.S. § 24-157 or the provisions of this rule have been violated;

(D) Include relevant information that would enable a Public School public school to investigate the alleged violation; and

(E) Identify witnesses the Public School school may interview, if applicable, provided the Public School school will not dismiss a complaint for failure to identify witnesses.

(2) Public Schools schools shall be required to designate at least one employee to receive reports of violations filed by students, parents, teachers, school staff, or members of the public. Public Schools schools shall identify the employee(s) responsible for receiving complaints in policies and materials published pursuant to section (g).

(A) The contact information of employee(s) responsible for receiving complaints, including telephone and e-mail, shall be included in the policies and materials adopted pursuant to section (g) and shall be made publicly available on the Public School's public school's website.

(B) The employee(s) responsible for receiving complaints pursuant to this section shall notify the complainant that the complaint has been received and whether it will be investigated within ten (10) days of receipt.

(C) Public Schools shall ensure that employees(s) responsible for receiving and investigating complaints under this subsection are unbiased and free of any conflicts of interest.

(3) Public Schools schools shall be required to investigate all legally sufficient complaints that meet the requirements of subsection (g)(1) and make a determination as

to whether a violation occurred. A Public School public school must conclude the investigation of a complaint filed pursuant to subsection (g)(1) within ninety (90)-forty-five (45) days of receipt of the complaint.

(A) A complainant shall be notified in writing of a final determination, including the Public School's findings of whether a violation occurred, within the forty-five (45) days of receipt of the complaint.

(B) It is permissible for a Public School public school to receive, process, and investigate complaints filed under this subsection in the same manner in which the Public School public school processes and investigates all other complaints of discrimination, provided the Public School public school notifies a complainant pursuant to subsection (g)(2)(B), reaches a final determination in the investigation within ninety (90)-forty-five (45) days of receipt of the complaint pursuant to subsection (g)(3) of this rule and complies with (g)(3)(A).

(4) A complainant may file a complaint alleging a violation of 70 O.S. § 24-157 or this rule directly with a Public School public school pursuant to subsection (g)(1) of this rule or may file a complaint directly with the State Department of Education pursuant to subsection (h)(2) of this rule provided:

(A) A complainant may not file complaints simultaneously with a Public School public school and the State Department of Education;

(B) The State Department of Education may not require a complainant to first file with a Public School public school prior to seeking relief pursuant to (h)(2); and

(C) Any complainant who believes that a Public School public school has incorrectly refused to investigate a complaint or has evidence that a Public School public school has reached an incorrect determination may subsequently file a complaint with the State Department of Education pursuant to subsection (h)(2) of this rule.

(h) **Accreditation.** Consistent with State Board of Education's authority under 70 O.S. § 3-104.4 (I)(5), Public Schools public schools in this state shall be evaluated annually to ensure compliance with 70 O.S. § 24-157(B) and the requirements of this rule.

(1) **Public School Application for Annual Accreditation.** Consistent with the provisions and requirements of OAC 210:35-3-201, a Public School's school's failure to comply with 70 O.S. § 24-157(B) or any requirement in this rule shall, at a minimum, result in the accreditation status of the Public School public school being classified "Accredited With Deficiency." The Public School public school shall have one school year to correct deficiencies.

(A) A Public School public schools that fails to correct deficiencies after being classified as "Accredited With Deficiency" for violations of 70 O.S. § 24-157(B) or any requirement in this rule shall be classified, at a minimum, "Accredited With Probation" in the second year of noncompliance for "deliberately and unnecessarily violating one or more regulations." (See OAC 210: 35-3-201(b)(4)(C)). The Public School public school shall have one school year to correct deficiencies.

(B) A Public School public school that fails to correct deficiencies after being classified as "Accredited With Probation" for violations of 70 O.S. § 24-157(B) or any requirement in this rule shall be classified "Nonaccredited" in the third year

of noncompliance consistent with Oklahoma statutes and the State Board of Education's administrative rules, processes and procedures. (See OAC 210: 35-3-201).

(2) **State Department of Education Investigation and Immediate Action.**

Consistent with the requirements of 70 O.S. § 3-104.4, the Department shall investigate any complaint of any failure to comply with accreditation standards, including compliance with 70 O.S. § 24-157(B) or any requirement in this rule, within thirty (30) days. If the Department determines that a Public School public school has failed to comply with the accreditation standards, including this rule, the Department shall report the information to the State Board for further action, and within the timeline ninety (90) days, provided in as required by 70 O.S. § 3-104.4.

(A) Complaints of alleged violations of 70 O.S. § 24-157(B) or any requirement in this rule shall be filed with the Accreditation Division of the State Department of Education. In order for a complaint to be accepted for investigation, it must

(i) Be submitted in writing, signed, and dated by the complainant, including complaints submitted through electronic mail that include electronic signatures;

(ii) Identify dates that alleged discriminatory act occurred;

(iii) Explain the alleged violation and/or discriminatory conduct and how 70 O.S. § 24-157 of the provisions of this rule have been violated;

(iv) Include relevant information that would enable a Public School to investigate the alleged violation; and

(v) Identify witnesses the Public School may interview, if applicable, provided the Public School will not dismiss a complaint for failure to identify witnesses.

(B) The State Department of Education shall post information on its website that provides instructions to students, parents, teachers, or other school employees on how to file a complaint pursuant to this subsection.

(3) Information obtained by the Accreditation Division under subsection (h), including violations of accreditation standards, shall be shared with the State Department of Education's Office of General Counsel and the State Board of Education's attorney for appropriate action or proceedings under subsection (j) of this rule. Findings of Teacher misconduct shall be reported to the Office of General Counsel for appropriate action or proceedings under subsection (j) of this rule.

(i) **Public Reporting.** Public School employee(s) designated pursuant to subsection (g)(2) shall be required to report for each complaint filed pursuant to subsection (g)(1) to the State Department of Education within thirty (30) ten (10) days of resolution of the complaint.

(1) The State Department of Education shall report quarterly monthly to the State Board of Education on complaints reported and filed pursuant to subsections (f)(g)(2) and (h)(2), unless no complaints have been reported or filed or unless otherwise directed by the Board, including:

(A) The number of complaints filed with Public Schools;

(B) The number of complaints filed with Public Schools that were dismissed or not investigated;

(C) The number of complaints filed with Public Schools that were opened for investigation;

(D) The number of cases filed with Public Schools where, following a full investigation, the Public School determined that a violation occurred; and

(E) The number of cases filed with Public Schools where, following a full investigation, the Public School determined no violation occurred;

(F) The number of cases filed with the Accreditation Division of the State Department of Education;

(G) The number of complaints filed with the Accreditation Division of the State Department of Education that were dismissed or not investigated;

(H) The number of complaints filed with the Accreditation Division of the State Department of Education that were opened for investigation;

(I) The number of cases filed with the Accreditation Division of the State Department of Education where, following a full investigation, the Department has determined that a violation occurred or did not occur; and

(J) The number of cases filed with the Accreditation Division of the State Department of Education where, following a full investigation, the Department determined no violation occurred.

(2) Any Public School employee(s) who fails to timely file reports with the State Board of Education, as required by this subsection may be subject to proceedings pursuant to (j) of this rule.

(j) **Suspension or Revocation.** Consistent with OAC 210:1-5-6 and subsection (b)(1)(C), the provisions of this rule shall apply to superintendents of schools, principals, supervisors, librarians, school nurses, classroom teachers or other personnel performing instructional, administrative and supervisory services in the Public Schools public schools.

(1) **Suspension.** As a part of its investigation of a legally sufficient complaint filed pursuant to subsection (g), the State Department of Education shall make a determination of whether to initiate proceedings to suspend the license or certificate of any school employee who is found to have violated 70 O.S. § 24-157(B) or any provision of this rule, consistent with the State Board's processes and procedures for suspension of certificates.

(2) **Grounds for Revocation.** Consistent with OAC 210:1-5-6, subsection (b), the State Board of Education shall initiate proceedings to revoke the license or certificate of any school employee for "willful violation" of 70 O.S. § 24-157(B) or any requirement in this rule. (See OAC 210: 1-5-6(b)(1) - (b)(2)). The requirements and processes outlined in OAC 210:1-5-6, including the rights afforded to certificate holders, shall apply to all revocation proceedings.

(k) **Retaliation.** Consistent with the provisions of Title VI and Title IX, No no individual shall be retaliated against for: 1) filing a complaint pursuant to subsections (g)(1) or (h)(2) of this rule; 2) the purpose of interfering with any right or privilege secured by federal civil rights laws and regulations exercising any right or privilege conferred by or referenced within this rule; or 3) exercising any right or privilege secured by a law referenced in this rule. Public Schools shall be prohibited from retaliating against any student, parent, Public School employee or any other individual for filing a complaint of exercising any right conferred by or referenced in this rule.

(1) Any school employee who retaliates against a complainant shall be subject to disciplinary action pursuant to subsection (j) of this rule.

(2) The State Department of Education shall be authorized to investigate complaints or retaliation filed under subsection (h)(2) of this rule.

(l) **Whistleblower Protection.** Any Teacher who files a complaint pursuant to subsection (g)(1) or (h)(2) of this rule or otherwise discloses information the Teacher teacher reasonably believes evidences a violation of 70 O.S. § 24-157(B) or this rule shall be entitled to the Whistleblower Protections in applicable laws, including those at 70 O.S. § 6-101.6b.

(m) **False Reporting.** Any Teacher or other school employee who, willfully, knowingly and without probable cause makes a false report pursuant to subsection (g)(1) or (h)(2) of this rule may be subject to proceedings pursuant to subsection (j) of this rule.

(n) **Complaints by School Staff.** Any school employee who is discriminated against by a Public School public school in the form of race or sex based harassment, bias, stereotyping, scapegoating, classification, or the categorical assignment of traits, morals, values, or characteristics based solely on race or sex in violation 70 O.S. § 24-157(B), may file an employment discrimination complaint with the Oklahoma Attorney General's Office of Civil Rights Enforcement pursuant to 25 O.S. § 1101, et seq.

(o) **Relief.** Title VI and Title IX may be enforced by private right of action, whereby aggrieved parties may seek relief, including monetary damages, for violations of federal antidiscrimination laws. Victims of discrimination may file a lawsuit directly against the Public School. In addition to any private rights of action, aggrieved parties may seek applicable remedies through the U.S. Department of Education's Office for Civil Rights or the U.S. Department of Justice's Civil Rights Division.

PUBLIC COMMENT SUMMARY

210:10-1-23 Prohibition of race and sex discrimination

Summary of Public Comment	Agency Response
<p>1. (1) Referring to Oklahoma Academic Standards in English Language Arts (2021), Oklahoma standards make classrooms a place that is inclusive of identities that reflect richness and diversity of human experience. All learners must hear the voices of their own heritage in literature they counter. Learners are supposed to be supported to become independent readers in a range of disciplines. Ultimate goal of language arts education is the development of informed citizens who can contribute to the common good. The proposed rules avoid the crux of the standards and purposes within them, and avoiding difficult and critical conversations does not make for informed citizenry.</p> <p>The use of the term “discomfort” in the rules is subjective and vague. We should not avoid conversations because they are difficult or cause discomfort, and does not lead to having informed citizens as the Oklahoma Standards lead to.</p> <p>If the rule passes, teachers will face unwarranted scrutiny and pressure to modify their curricula in a manner that does not benefit learners. Trust teachers to instruct without injecting discriminatory principles into their lessons.</p> <p>2. General concern regarding the emergency rule language far exceeding the scope of the legislation passed and signed into law.</p> <p style="padding-left: 40px;">a. Subsection (a) exceeds the authority granted to the State Board and creates a definition of race and sexual discrimination that is impermissibly vague, likely to be struck down as unenforceable. The newly created</p>	<p>1. Oklahoma law requires instruction to be provided consistent and aligned with the Oklahoma Academic Standards. House Bill 1775 (2021), codified at 70 O.S. § 24-157, expressly provides that its provisions shall not prohibit the teaching of concepts that align to the Oklahoma Academic Standards. Oklahoma educators should continue to teach in accordance with the Oklahoma Academic Standards. Furthermore, to a concern about not exposing students to concepts in order to denounce them, the rule does not ban refutation of the prohibited concepts or even the mention of the concepts.</p> <p>The term “discomfort” is in the law upon which the proposed rule is based. The Agency does not and cannot amend laws. The Agency appreciates the commenter’s perspective, and agrees that we should not avoid conversations because they are difficult or cause discomfort. Further, Agency notes that the rule does not prohibit teaching that might <i>cause</i> discomfort, but rather it prohibits telling students they <i>should feel</i> discomfort.</p> <p>The Board has confidence that Oklahoma’s educators instruct Oklahoma students consistent with all laws and regulations.</p> <p>2. The Agency appreciates the commenter’s participation and will respond in substance to the comments below.</p> <p style="padding-left: 40px;">a. The Agency is directed in 70 O.S. § 24-157(B) to promulgate rules, subject to approval of the Legislature, to implement the provisions of the said law. In fulfilling this statutory requirement, subsection (a) of the proposed rule is reflective of the Agency of Education’s</p>

<p>standard for discrimination as relating to “bias, stereotyping, scapegoating” and “assignment of traits, morals, values or characteristics based solely on race or sex” are not defined. Propose striking language in subsection (a).</p> <p>b. Scrivener’s error in subsection (b) in that the reference to title 24 should be to title 70.</p> <p>c. Subsection (b) improperly modifies the requirements set forth in statute.</p> <p>d. Referencing 75 O.S. § 251(B)(2)(b), subsection (c) should be deleted as it improperly and unnecessarily repeats statutory language.</p> <p>e. Subsection (d) attempts to increase the scope of applicability of 70 O.S. § 24-157(B) by making it apply to a group or groups not referenced or addressed in the statutory language of the law.</p> <p>f. Subsection (d)(7) addresses diversity training for staff, but that is only applicable to higher education (<i>see</i> 70 O.S. § 24-157(A)).</p> <p>g. Subsection (d)(8) is not applicable as it does not relate to 70 O.S § 24-157(B); this provision exceeds the rulemaking authority of the State Board of Education.</p> <p>h. Subsection (e) conflicts with 51 O.S. § 24A.16, which allows lesson plans to be maintained as confidential. The State Board does not have the authority to modify statute via the rulemaking process.</p>	<p>intent as to how it will implement the provisions of 70 O.S. § 24-157(B). As such, Agency believes the language is appropriate as is, but has proposed a revision to further emphasize that the identified forms of discrimination are not exclusive.</p> <p>b. Agency agrees with the commenter and this change is reflected in the proposed final draft of the permanent rule.</p> <p>c. Agency respectfully disagrees with the commenter that subsection (b) modifies requirements in statute.</p> <p>d. Agency is mindful of the commenter’s reference to 75 O.S. § 251(B). Respectfully, Agency does not believe that the identification of the statutory language in the rule is <i>unnecessary</i>. The identification of the statutory language in the rule is in attempt to streamline a reader’s understanding of the entirety of the rule and so as to not cause a reader to reference back and forth between statute and rule.</p> <p>e. The Agency believes the inclusion of other individuals is appropriate insofar as they are acting under the authority or approval of a Public School teacher, administrator or other employee.</p> <p>f. The Agency disagrees that the statute contains the limitations suggested by commenter and has maintained subsection (d)(7) as proposed.</p> <p>g. The Agency believes the language in subsection (d)(8) appropriately relates to a Course, as is defined by the Agency’s interpretation of the term.</p> <p>h. Parents have a right to inspect all instructional materials, course of study and texts used as a part of a school’s educational curriculum. 70 O.S. § 11-106.1; 25 O.S. § 2003(A)(7)(m). This provision recognizes parental rights and is an important aspect of implementing 70 O.S. § 24-157.</p>
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<p>i. Subsection (f) includes limitations on the State Board of Education and State Department of Education. This is outside of the authority granted to the State Board; request removal of these provisions.</p> <p>j. Subsection (g) should mirror the appeal to the local school district, which can be done by making the language in (h)(2) the same as that in (g).</p> <p>k. Subsection (h) should be reconsidered as it is inappropriate to punish a school district for the independent acts of an employee, who acted outside the scope of their employment and most likely when the district did not have advance knowledge.</p> <p>l. Support provisions of (i).</p> <p>m. Recommend utilizing established rule regarding revocation and suspension of a certificate and not imbed this provision in a separate rule. <i>See</i> subsection (j).</p> <p>n. Subsection (k) duplicates language in federal law regarding retaliation under Title IX or Title IX, and it surpasses the authority of the State Board granted via 70 O.S. § 24-157(B).</p> <p>o. Inclusion of “reasonably believes” in subsection (l) impermissibly modifies statute via the rulemaking process because 70 O.S. § 6-101.6(b) already provides the whistleblower protection and language relating thereto.</p> <p>p. Request adding language in subsection (m) for false reporting by those who are not employees of the school district. Further request including language that addresses defamation of a school employee relating to false claims being reported when the complaint does not</p>	<p>i. The Agency believes subsection (f) is within the authority of the Agency to adopt policy limits themselves insofar as not precluded by law from doing so. The Agency is not aware of a law precluding the limitations on Agency that are reflected in subsection (f).</p> <p>j. The Agency agrees with the commenter and has updated the language in the final draft of the proposed permanent rule.</p> <p>k. Subsection (h) is an important part of this rule because it encourages accountability. The Board would not anticipate accreditation action against a school that is actively attempting to prevent the teaching of the discriminatory concepts in paragraph (c).</p> <p>l. N/A</p> <p>m. Agency does not believe the reference and inclusion of the suspension and revocation does anything more than streamline a reader’s review and understanding of the rule.</p> <p>n. Subsection (k) is an important part of implementing 70 O.S. § 24-157. It is important to protect those reporting violations of the statute from retaliation. This provision is within the Board’s authority.</p> <p>o. The Agency believes the language in subsection (l) is consistent with, and does not modify, provisions of 70 O.S. § 6-101.6b.</p> <p>p. The Agency is unable to add language in subsection (m) for false reporting by those who are not employees of the district as it does not have jurisdiction by to act on schools or individuals who are not employed by the public school system.</p>
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<p>have merit and is without evidentiary support.</p> <p>q. Subsection (n) attempts to create a new form of offense for the Oklahoma Attorney General's Office to investigate. This offense is not defined in law as employment discrimination. Further, the State Board does not have the legal authority to create laws which provide employees with protected status.</p> <p>r. Subsection (o) exceeds the authority of the State Board by impermissibly addressing relief granted and creating a private cause of action to sue school districts. Strongly recommend removal of this portion of the proposed rule.</p> <p>3. Propose inclusion of the following in the rule:</p> <p>No individual teacher or school employee shall be found in violation of this provision, or face any form of discipline, retaliation, or other adverse consequence due to an alleged violation of this provision if the teacher or school employee is teaching the curriculum approved by their employing school district, notwithstanding that the employing school district may be found to have violated this provision.</p> <p>4. (231) Legislative restrictions of educators teaching concepts deemed "divisive" silences voices of Black and Brown people, women and girls, and 2SLGBTQ+ individuals. We have a responsibility to teach the truth about our country's painful past and give students tools they need to recognize injustice. Nobody is being blamed for actions of ancestors; desire to have all students to have their stories heard and taught in all areas of learning. Our state must provide students with access to a complete education if we want to maintain the integrity of our education system.</p>	<p>q. Subsection (n) does not purport to create a new cause of action. To be actionable, an employee would have to show they were discriminated against on the basis of race, color, religion, sex, national origin, age, genetic information or disability as set forth in 25 O.S. § 1101 et seq.</p> <p>r. Subsection (o) merely recognizes the private cause of action available to aggrieved parties under Title VI and Title IX.</p> <p>3. The 70 O.S. § 24-157, teachers and other school employees have an obligation to avoid teaching the discriminatory principles set forth in subsection (B) of that statute. The Board does not believe § 24-157 is consistent with the safe harbor proposed in this comment.</p> <p>4. The Agency is appreciative of the commenter's participation. With respect to the commenter's statements regarding legislative restrictions, the Board does not make or modify laws. These public comments are a part of the administrative rulemaking record that will be submitted to the Legislature as part of its review of proposed administrative rules, so the commenter's concerns will be shared with the appropriate entity.</p> <p>Teaching truthful history and giving students the opportunity to voice their perspective is important. Nothing in Final Rule would prohibit this.</p>
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<p>5. (625) Maintain the following provisions:</p> <ul style="list-style-type: none"> a. Subsection (d) - important to ensure discriminatory concepts are eliminated in entirety and [not] snuck back in through miscellaneous activities. b. Subsection (e) - reinforces rights of parents to make all educational decisions and does so because schools often ignore or retaliate against parents who try to exercise their rights under the Parents' Bill of Rights. c. Subsection (f) - critical to make sure neither the Department nor the Board adopt standards or provide resources or any instructional support that includes discriminatory concepts. d. Subsection (i) to maintain accountability and transparency. e. Subsection (j) - State Board should act against any employee who violates HB 1775 and this includes the due process protections provided. f. Subsections (k), (l), (m) and (n) - critical to enforcement of HB 1775, including protecting those who file complaints and penalizing individuals who file false complaints. <p>Recommended revisions:</p> <ul style="list-style-type: none"> a. Amend the definition of "course" to encompass all forms of instructional and classroom activities, academic and non-academic. 	<p>5. The Agency appreciates the commenter's general perspective and will respond in substance to the comments below:</p> <ul style="list-style-type: none"> a. The Final Rule maintains the prohibitions and requirements in subsection (d) and adds two new requirements to ensure compliance with 70 O.S. § 24-157(B). b. The Final Rule maintains subsection (e) as proposed without amendment. c. The Final Rule does not materially alter subsection (f). d. The Final Rule maintains the requirement that the number complaints initiated and resolved by Public Schools be reported to the State Board of Education. After public comment, the Final Rule is amended to add a requirement that information about complaints filed with the State Department Education is also reported to the State Board of Education. This will ensure transparency and accountability. e. The Final Rule maintains subsection (j) as proposed without amendment. f. The Final Rule maintains the provisions in subsection (k) that prohibit retaliation. After reviewing the public comments, it is apparent that the reference to civil federal rights law was unnecessary and confusing. This does not affect the protection for those who file complaints under the Final Rule. The Final Rule does not materially alter subsection (l), (m) or (n). a. The response to the public comments, the definition of "Course" has been revised in the Final Rule to clarify that instruction incorporating the discriminatory principles set forth in subsection (c) is prohibited. This
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<p>b. Subsection (b)(1)(B) should define “course” to be any program or activity where academic or non-academic instruction is provided by or within the Public School” and that includes “instructional activities, lessons, training sessions, seminars, professional development, lectures, coaching, tutoring, extra-curricular activities or classes.”</p> <p>c. Amend the “Applicability” section to include application to “Public Schools.”</p> <p>d. Amend subsection (d)(1) to include employees, contractors, any staff members, parents, students or any individual or group.”</p> <p>e. Amend (d)(9) to include programs that provide instruction on the development of interpersonal skills or soft skills including but not limited to self-awareness, self-</p>	<p>applies to all programs or activities where instruction or activities tied to instruction are provided by or within a Public School. The prohibition on teaching the discriminatory principles is not limited solely to the classroom or other distinct forums but includes all courses, programs, instructional activities, lessons, training sessions, seminars, professional development, lectures, coaching, tutoring, or any classes provided by or within a Public School. Since the prohibition applies to all instruction provided by or within a Public School it is not necessary to differentiate between academic and non-academic instruction.</p> <p>b. Please refer to the response to Comment #5(a), above.</p> <p>c. In response to public comment, the Final Rule is amended to clarify that which is evident in the Proposed and Final Rules: various aspects of this Rule apply to Teachers, administrators, other Public School employees, and to Public Schools.</p> <p>d. It is unnecessary to amend subsection (d)(1). According to 70 O.S. § 24-157(B), “[n]o teacher, administrator or other employee of a school district, charter school or virtual charter school shall require or make part of a course” the discriminatory principles set forth in § 24-157(B)(1)(a)-(h).</p> <p>e. Final Rule prohibits any instruction provided by or within a Public Schools from teaching the discriminatory principles set forth in subsection (c)(1) of the Rule. Therefore, this</p>
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<p>management, decision-making, social awareness or relationship skills.</p> <p>f. Amend (d)(10) Public Schools in this state shall be prohibited from offering voluntary or mandatory data collections that include, incorporate, or are based on discriminatory practices identified in subsection (c). This includes formal data collection instruments, informal surveys, or any other instrument used to collect non-academic information on a student. Public Schools shall not use the result of any survey or data collection instrument, mandatory or voluntary, to teach discriminatory concepts outlined in subsection (c).</p> <p>g. Amend (d)(11) to ensure Public Schools do not join outside membership organizations that require, as a part of membership, the teaching of concepts outlawed by HB 1775. Specifically, amend this by adding: Public Schools in this state shall be prohibited from participating in or joining membership associations that require, as a condition of membership, Public Schools to teach, provide instruction, or offer Courses that include, incorporate, or are based on discriminatory practices identified in subsection (c) and violate state law. This includes participating in or joining such organizations to participate in competitions, membership-only activities, or to obtain accreditation or certification.</p> <p>h. Protect teachers from being forced to participate in external membership organization activities and training—when such training includes discriminatory concepts prohibited by H.B. 1775.</p>	<p>recommendation is duplicative and unnecessary.</p> <p>f. After reviewing the public comments, the Final Rule is amended to prohibit Public Schools from using surveys or the results from surveys to teach the discriminatory concepts identified in subsection (c). The Board appreciates that surveys could be misused to violate 70 O.S. § 24-157(B).</p> <p>g. After reviewing the public comments, the Final Rule is amended to clarify that Public Schools may not join associations that require teaching discriminatory concepts as a condition of membership. This provision would not prohibit joining associations if teaching discriminatory concepts is not a membership requirement.</p> <p>h. This proposed amendment is unnecessary. According to 70 O.S. § 24-157, “[n]o teacher, administrator or other employee of a school district, charter school or virtual charter school shall require or make part of a course” the discriminatory principles set forth in subsection § 24-157 (B)(1)(a)-(h). Any provision attempting to regulate conduct beyond that prohibited by 70 O.S. § 24-157</p>
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<ul style="list-style-type: none"> i. Amend (g)(2) to ensure investigations conducted by Public Schools are carried out objectively and without conflicts of interest. Allowing the DEI officer to receive and investigate these complaints is like having the fox guard the henhouse. j. Delete “legally sufficient” from (g)(3) because it is duplicative. k. Shorten time (by half) the time period to investigate and determine complaints as provided in (g)(3). Under the current ninety (90) days, this is three months in the life of a child; giving school districts ninety days to complete an investigation means that a complainant—and their child—lose an entire semester worth of learning; an entire semester of an ongoing investigation, with a complaint remaining unresolved. l. Amend (h)(2) to specifically reference 70 O.S. § 24-157(B). The current language presumes parents know the timeline provided in 70 O.S. § 3-104.4 and they do not. m. Clarify and provide detail on filing complaints with the State Department of Education (where and how to file, and what to include, for example). n. Add (h)(3) to require violations of Accreditation standards and findings of teacher misconduct to be shared with OSDE’s Office of General Counsel and State Board of Education counsel for appropriate action or proceedings under (j). 	<p>would exceed the Agency’s statutory authority.</p> <ul style="list-style-type: none"> i. After reviewing the public comments, the Final Rule is amended to ensure that employees responsible for receiving and investigating complaints under this Rule are unbiased and free from conflicts of interest. With this amendment, the Board is aware of no evidence that would suggest a blanket prohibition on DEI officers serving in this role is needed. j. The term “legally sufficient” is duplicative and unnecessary. A complaint should be reviewed if it meets the requirements of subsection (g)(1) as set forth in the Final Rule. k. After reviewing the public comments, it is recognized that forty-five days is sufficient to investigate complaints. There is value in resolving complaints in a timely manner either to prevent the teaching of discriminatory concepts or move past meritless complaints. l. After reviewing the public comments, the Final Rule is amended to provide details for the process of lodging accreditation complaints. This amendment does not substantively change the complaint process; however, it will make the Rule more accessible for parents and Teachers. m. Please see response to Comment #5(l), above. n. After reviewing the Public Comments, the Final Rule is amended to facilitate sharing information regarding accreditation complaints. Sharing information within the Agency will improve enforcement of the Rule.
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<p>o. Shorten the time period for public schools to report resolution of a complaint, taking it from thirty (30) days to ten (10).</p> <p>p. Change frequency of reporting to the State Board of Education from quarterly to monthly, and identify the items as “action” so that the State Board of Education may provide input to OSDE staff on how to proceed in a particular matter.</p> <p>q. Add language making it clear that public employees who fail to abide by the public reporting requirements may be subject to disciplinary proceedings as provided in the proposed rule.</p> <p>r. Strengthen and reorganize the rule to bolster protections to individuals who file a complaint pursuant to the proposed rule. While adding protections for complainants, impose penalties for who retaliate against a complainant.</p> <p>s. Ensure consistency in the capitalization of “Public School” throughout the rule.</p> <p>t. Modify (d)(5) to clarify that Public Schools are prohibited from using any monies, including state, federal or private” that require, as a condition of receipt, the adoption of courses or materials that include discriminatory concepts of HB 1775.</p> <p>u. Ensure consistency of the statutory reference is to 70 O.S. § 24-157(B).</p>	<p>o. After reviewing the public comments, the Final Rule is amended to shorten the time period for reporting complaint resolutions. This will facilitate the enforcement of the Rule. This amendment is needed to allow monthly reporting to the State Board as set forth in subsection (i)(1).</p> <p>p. After reviewing the public comments, the Final Rule is amended to provide monthly reporting to the State Board. This will facilitate enforcement of the Rule. It is unnecessary to require that a specific action items be added on the monthly agenda.</p> <p>q. After reviewing the public comments, the Final Rule is amended to ensure that relevant Public School employees fulfill their obligation to report the outcome of proceedings to the State Board. If an employee fails to perform these obligations, they may be subject to proceedings pursuant to subsection (j) of this Rule.</p> <p>r. After reviewing the public comments, it is apparent that the reference to civil federal rights law was unnecessary and confusing. This does not negatively affect the protection for those who file complaints under the Final Rule.</p> <p>s. The Final Rule is amended to ensure “Public School” is capitalized throughout the Rule to make clear that the term is subject to the definition set forth in subsection (b)(1)(a) of the Final Rule</p> <p>t. After reviewing the public comments, the Final Rule is amended to clarify that no funding—state, federal, or private—received by a Public School is to be used to teach the discriminatory concepts.</p> <p>u. The Final Rule is amended throughout to consistently reference 70 O.S. § 24-157(B), the statutory section applicable to Public Schools.</p>
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<p>v. Correct the scrivener's error in subsection (i); the reference to (f)(2) should be to (g)(2).</p> <p>w. Clarify in (b)(3) that nothing in the rule shall interfere with mandated activities required of a Public School pursuant to a court order of desegregation.</p> <p>x. Consistent with the recommended changes to the definition of "Course," modify subsection (d).</p> <p>y. Amend the definition of "Teacher" to specifically include the various positions that are included in the cited statutory definition. Recommended language- This includes any person who is employed to serve as district superintendent, principal, supervisor, a counselor, librarian, school nurse or classroom teacher or in any other instructional, supervisory or administrative capacity.</p>	<p>v. The Final Rule is amended to correct the scrivener's error in subsection (i)(1) which originally referenced subsection (f) rather than subsections (g)(2) and (h)(2). Complaints reported in subsection (i) are filed pursuant to subsections (g)(2) and (h)(2) rather than subsection (f).</p> <p>w. Final Rule is amended to clarify that application and enforcement of this Rule shall not interfere with activities mandated by a desegregation order. The Rule is, however, applicable to Public Schools subject to desegregation orders so long as its application and enforcement of the Rule does not interfere with the desegregation order.</p> <p>x. After review of the public comments, the Final Rule is amended to clarify that subsection (d) applies to Courses, Public Schools, Teachers, administrators, and other employees.</p> <p>y. This amendment is unnecessary. In subsection (b)(1)(C), "Teacher" is defined for purpose of this Rule in the same way it is defined in 70 O.S. § 1-116. This definition encompasses the categories or personnel recommended in this Comment.</p>
<p>6. Opposition to adoption of House Bill 1775; we need to have our children learn true historical facts. (Edmond, OK).</p> <p>7. Grave concerns about the nature of the law as it suppresses the voices of people of color and our full history. This law is an equity gag order</p>	<p>6. See response to Comment #4, above.</p> <p>7. See response to Comments #1 and 4, above.</p>

<p>that unfairly ties the hands of skilled, well-trained teachers. (Oklahoma City, OK)</p>	
<p>8. Propose rule leaves too much open to complaints about certain books and historical lectures, potentially making some “feel bad.” If someone feels a certain way because of reading a book or understanding facts in a history class, that is part of the learning process. Proposing striking (c)(8) from the rule and propose adding “intentionally be made to” in (c)(7). (Oklahoma County)</p>	<p>8. The language in (c)(7) and (c) (8) is from the statute upon which the rule is based. As such, Agency cannot make the changes requested. Agency further notes that the statute and rule do not prohibit an individual from “feeling bad. Rather, the prohibition is that a Teacher, administrator or other Public School employee cannot make (through a course or part of a program) someone feel discomfort, guilt, anguish or psychological distress on account of race or sex. <i>See</i> Comment 4, above.</p>
<p>9. (2) We should trust teachers, who are educated and very capable of deciding what and how to teach. If we do not learn from history, we are more likely to repeat it.</p>	<p>9. N/A.</p>
<p>10. Support teaching Critical Race Theory in schools; students need to know the truth about how black people have been treated throughout history.</p>	<p>10. <i>See</i> response to Comments #1 and 4, above.</p>
<p>11. Denying the education of history that addresses acts of racial discrimination would be to grossly miseducate students.</p>	<p>11. <i>See</i> response to Comments #1 and 4, above.</p>
<p>12. Regarding HB 1775, the law and proposed rules are worded in such a way that teachers will be under constant threat of censure and loss of their certification. Parent with child in public schools, worried about number of teachers leaving. Also worried about hardworking educators being unfairly targeted by an angry parent. I trust teachers to instruct without injecting discriminatory principles into their lessons.</p>	<p>12. <i>See</i> response to Comments #1 and 4, above. Further, the low number of complaints received to date, under the emergency rule, is evidence that teachers are not under constant threat of losing certification as a result of the emergency rule.</p>
<p>Proposed rules are vague and written in such a way that the actions described are open to interpretation.</p>	<p>Agency respectfully disagrees that the rules are vague, especially when looking beyond particular phrases or words and looks to the whole of the rule. <i>See Robinson v. Shell Oil Co.</i>, 519 U.S. 337</p>

<p>There is no evidence that educators were teaching students that they should feel discomfort of guilt. This law is a solution in search of a problem. (Tulsa, OK)</p> <p>13. Rules are a slap in the face for teachers. Drastic rules will allow the state to withdraw accreditation if any student should feel discomfort, guilt, anguish or any other form of psychological distress on account of his or her race or sex. Apparently, our legislature wants teachers and textbooks that completely whitewash and sugar coat reality.</p> <p>This bill prevents teachers from telling the truth of the past when laws allowed confiscating land from the indigenous peoples herded into Oklahoma and those to terrorize Black citizens.</p> <p>We must quit making laws that are unconstitutional and that address nonexistent problems. Teachers have navigated how much of an “anguishing” truth to tell students of different ages since there have been teachers. The pressure on elementary, middle, and high school teachers to teach nothing other than the glorious manifest destiny of white men is incredibly foolish. We must confront the truth of history before we can rise above it.</p> <p>14. Just like the bill, the rules are so vague and subjective that teachers are confused as to what cause their license to be suspended or even revoked.</p> <p>Students or parents unhappy with a grade could weaponize the process. Even administrators with a grudge could arbitrarily use it to punish teachers.</p> <p>As a taxpayer, I find this a colossal waste of resources. As a citizen, I fear out upcoming citizens will be poorly educated due to teachers being afraid to introduce complex subjects.</p>	<p>(1997); <i>Payless Shoesource, Inc. V. Travelers Cos., Inc</i>, 585 F.3d 1366 (10th Cir. 2009); <i>Ward v. Rock Against Racism</i>, 491 U.S. 781 (1989).</p> <p>13. Respectfully, Agency disagrees with the commenter’s statement that the rules are “drastic” and allow for the withdrawal of accreditation if any (one) student should feel discomfort, guilt, anguish, etc. <i>See</i> response to Comment #8, above. In further response, please see the response to Comments # 1 and 4, above.</p> <p>14. See response to Comment #12, above.</p>
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<p>State may soon be without enough educators to stay open. (Alva, OK)</p>	
<p>15. Concerned about the effect on teaching Oklahoma history. Caucasian, feel cheated that the Tulsa Race Massacre was kept from me and that I did not know of it until adulthood.</p>	<p>15. The Agency disagrees that this rule prohibits appropriate discussions of race and gender. In further response, see response to Comments #1 and 12, above.</p>
<p>Teachers must be free to encourage frank conversations about race, gender and many other aspects of life so that when students graduate they will be prepared with real knowledge to be good citizens. Please do not adopt rules that place restrictions on teachers' ability to discuss the truth of history, even though it may be unpleasant. (Durant, OK)</p>	<p><i>See</i> response to Comments #1 and 4, above.</p>
<p>16. CRT has never been taught and is jot (?), it is imperative that educators be allowed to answer all questions that arise in at least one forum.</p>	<p>16. <i>See</i> response to Comments #1 and #12, above. Free speech rights are not implicated by this Rule.</p>
<p>Legislation should say that freedom of speech should not be restricted.</p>	
<p>If we cannot speak the truth then this opens a can of worms when we are already losing educators at epic levels. (Calera, OK)</p>	
<p>17. Concern about the attempt to restrict knowledge in Oklahoma schools. Banning education regarding race, gender and sexuality is abhorrent and restricting it will only do further harm to education. Teaching truth is imperative. Not talking about a topic will not make the topic disappear, and these topics sought to be banned should not ever disappear.</p>	<p>17. <i>See</i> responses to Comments #1, 4 and 12, above.</p>
<p>18. HB 1775 is a heinous and backward law that will harm our children. It is a law to alienate and demonize entire populations and to perpetuate outdated, immoral, sexist and racist views. Writing and passing these measures lacks an understanding of the harm done to children and the state's economy (business will not want to operate in a location when their employees are allowed to be discriminated</p>	<p>18. <i>See</i> responses to Comments #1, 4 and 12, above.</p>

<p>against). Our best, brightest and most creative are leaving to celebrate diversity, fleeing Oklahoma where it is punished.</p>	
<p>19. Goal of education should be to promote critical thinking and appropriate types of communication about ideas and issues that students will face in society. Learning is best accomplished with opportunity to think, discuss, write and debate pros/cons of history and current events. Presenting only majority view is denying opportunities to learn. Choosing what content is allowed will inadvertently make students uncomfortable. Does Oklahoma want to produce graduates who think critically and make choices for all, or those who are limited and not taught to think on their own? (Bryan County, OK)</p>	<p>19. <i>See</i> responses to Comments #1, 4 and 12, above.</p>
<p>20. House Bill 1775 is dangerous and unnecessary; it brings the culture wars into the classroom and makes teachers determine whether they can teach reality and difficult history or give a sugar coated version of history.</p> <p>The emergency nature that surrounded passage of HB 1775 is ludicrous. The huge numbers of emergency certified teachers in classrooms is an emergency, the problems that are facing students; homelessness, domestic violence, substance abuse are emergencies.</p>	<p>20. <i>See</i> responses to Comments #1 and 4, above.</p>
<p>21. Disagree with HB 1775 and attempts to censure history.</p> <p>Object to the idea of parents being able to file complaints against educators for teaching the truth.</p> <p>This is discrimination against students of color. (Moore, OK)</p>	<p>21. <i>See</i> responses to Comments #1, 4 and 12, above.</p>
<p>22. The rules are a solution in search of a problem; it is dangerous to try and manage discussion by policy. The rules are not clear in the least as to what sorts of discussions are allowed and which are banned. This is a brazen attempt to</p>	<p>22. <i>See</i> responses to Comments #1, 4 and 12, above.</p>

<p>control speech disliked by a majority under the guise of being against racial discrimination. (Oklahoma City, OK)</p> <p>23. Concerns regarding vagueness of House Bill 1775. Also, concern with whether principles of one race being better than another will be taught and how that could be prohibited at the same time as we discuss slavery, the Nazi's, etc.</p> <p>24. Concerned that teachers will be unfairly targeted by vindictive parents.</p> <p>Proposed rules are vague and written in such a way that actions described are open to interpretation. Please trust teachers to instruct without injecting discriminatory principles into their lessons.</p> <p>25. This bill [HB 1775] is regrettably gross nonsense from the legislature; it is a solution looking for a problem.</p> <p>Oklahoma City University has shuttered its teacher training program for lack of students; this is a real problem that needs to be addressed, not the things like HB 1775. (Oklahoma City, OK)</p> <p>26. The wording of this bill [HB 1775] is vague and open to interpretation. As a history teacher, I fear it will expose me to constant scrutiny and pressure by parents to modify curriculum in ways that will not be beneficial to students. Students must be taught the truth about history, good and bad.</p> <p>This is a solution in search of a problem. Teachers are not teaching students of any race that they should feel generational guilt or victimhood. (Cookson, OK)</p> <p>27. Teachers should not have to abide by rules required by the legislature regarding their teaching materials; they are prepared for their jobs and know best how to help students learn. Students should not be discouraged from</p>	<p>23. <i>See</i> responses to Comments #1, 4 and 12, above.</p> <p>24. <i>See</i> responses to Comments #1, 4 and 12, above.</p> <p>25. <i>See</i> responses to Comments #4 and 12, above.</p> <p>26. <i>See</i> responses to Comments #1, 4 and 12, above.</p> <p>27. <i>See</i> responses to Comments #1, 4 and 12, above.</p>
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<p>looking into history to find what truly happened and teachers should not feel as though they will lose their job or certification if they say one wrong word. (Stillwater)</p> <p>28. It is on us to teach children the truth about our country's painful past and give them the tools they need to be able to recognize injustice in every form.</p> <p>If our society has made mistakes, we need to own them and work to expose and correct them, if possible. Teaching our kids that censorship of history is okay is wrong.</p> <p>Request reconsideration of the rules and to listen to the voices that have been historically excluded from textbooks; it is on us to make sure every student feels seen, valued and heard in a classroom.</p> <p>29. Not learning about gender and sexuality in school had a drastic negative impact on my social, emotional and mental well-being. Being who I am, and for others being who they are, should not be considered inappropriate or offensive.</p> <p>Each young person in America should have the right to a robust, inclusive and accurate education free from censorship. Racial and gender discrimination are real and potent issues that we are currently wrestling with. While uncomfortable they are, sweeping them under the rug will further exacerbate things. If we do not learn about our shortcomings, how can we improve and not repeat past mistakes. We must make sure our children are educated in an age-appropriate way about the realities of race, gender and sexuality—or at least not barred from learning about these things. (Okmulgee, OK)</p> <p>30. Laws already exist banning race or sex discrimination such that these rules are unnecessary.</p>	<p>28. <i>See</i> responses to Comment #1, above.</p> <p>29. <i>See</i> responses to Comment #15, above.</p> <p>30. <i>See</i> responses to Comments #1, 4 and 12, above.</p>
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<p>The proposed rules are vague and written in a way that too much is open for interpretation. If implemented, these create situations in which teachers will face unwarranted scrutiny and pressure to modify curricula.</p>	
<p>Given the current shortage of teachers in the state, rules such as these will only worsen the situation. (Tahlequah, OK)</p>	
<p>31. Highly doubtful the individuals panicking about CRT [Critical Race Theory] have a genuine understanding of what it is. Suggest inviting an expert in the field to come and speak about it, before taking action.</p>	<p>31. N/A</p>
<p>32. No need for the statutory or rule change, from perspective of a parent and school board member. Critical Race Theory is not taught in PK-12 in Oklahoma.</p>	<p>32. <i>See</i> responses to Comments #1, 4 and 12, above.</p>
<p>Teaching is not about presenting only one side; it's core is showing students all ideas and given them the tools to figure it out on their own. (Clinton, OK)</p>	
<p>33. Proposed rules will not help with recruiting and retaining teachers. Making teachers constantly question their instruction instead of focusing on the curriculum does not make teachers feel trusted or respected. We must trust teachers to instruct without using discriminatory language – not throw threats at them like the rules propose.</p>	<p>33. <i>See</i> responses to Comments #1, 4 and 12, above.</p>
<p>Vague rules while employee's career is on the line is very troublesome.</p>	
<p>34. Rule provisions appear designed to make teachers walk on eggshells, and to provide an avenue for white parents to claim reverse discrimination and indoctrination if their children are introduced to historical facts like slavery, implicit bias or systemic racism.</p>	<p>34. <i>See</i> responses to Comments #1, 4, 12 and 15, above.</p>

<p>The rules appear to prohibit any materials, discussion or debate about topics like affirmative action or reparations because they suggest “responsibility for actions committed in the past by other members of the same race.”</p> <p>Oklahoma already had a teacher shortage before the pandemic, we do not need another “unwelcome” mat and give other reasons to leave the profession. (Norman, OK)</p> <p>35. Subsection (C) in the proposed rules is a red herring and unnecessarily complicates teaching. No teacher wants to make a child hate themselves or feel small, less-than or guilty. Trust based relationships, on which all effective classrooms rely, preclude such behavior.</p> <p>This law is intended to have a chilling effect on already overburdened, overworked and undercompensated teachers. Strike this law in its entirety.</p> <p>36. Proposed rules are overly vague and a threat to school staff’s First Amendment rights.</p> <p>The chilling effect on discussions of race, sex and discrimination also reduces effectiveness of instructional services. It is essential to address issues of racial and gender disparities in order to ethically address topics in history, economics, communication, social studies, etc.</p> <p>Definition of “discriminatory” conflicts with current science in the study of bias. Subsection (C)(2) implies that it is inherently discriminatory to reference topics like “implicit bias,” which is the understanding that unconscious biases may impact an individual’s actions, opinions and judgments. Implicit bias is a valid sociological finding that is well supported through research.</p> <p>The rule allows significant harm to public schooling. It opens enormous costs from litigation</p>	<p>35. <i>See</i> responses to Comments #1, 4, 12 and 15, above.</p> <p>36. <i>See</i> responses to Comments #1, 4, 12, 15 and 16, above.</p>
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<p>against curriculum and school services. This is due to the vague language and assumptions of the rule.</p> <p>The lack of protections for employees and fear will lead to more resignations. (Norman, OK)</p>	
<p>37. Proposed rules are unnecessary, and we should continue to rely on local control to receive and resolve issues of concern. (Norman, OK)</p>	<p>37. <i>See</i> responses to Comments #1 and 4, above.</p>
<p>38. With too many teachers already leaving the profession and new qualified teachers not coming in, request that the state stop writing laws that further cause stress and anxiety to teachers who are sticking it out for the state. (Norman, OK)</p>	<p>38. <i>See</i> responses to Comment #4, above.</p>
<p>39. (2) Urge passing of House Bill 1775</p>	<p>39. N/A</p>
<p>40. (7) Encourage making permanent the current emergency rules.</p>	<p>40. N/A</p>
<p>41. No CRT in Oklahoma public schools, it makes children little Marxists.</p>	<p>41. N/A</p>
<p>42. (3) No CRT in public schools</p>	<p>42. N/A</p>
<p>43. No CRT in public schools; we are watching.</p>	<p>43. N/A</p>
<p>44. Protect our children and our culture; implement the legislation to not teach CRT.</p>	<p>44. N/A</p>
<p>45. CRT needs to be blocked from all levels of Oklahoma's educational system.</p>	<p>45. N/A</p>
<p>46. No to CRT; our schools are being staffed with CRT advocates with no teaching credentials. (Tulsa, OK)</p>	<p>46. N/A</p>
<p>47. Commenter expresses concern relating to House Bill 2988. In addition, commenter expresses issue with selectively quoting Dr. Martin Luther King, Jr. to advance political purposes and the lack of proper teaching with regard to black history.</p>	<p>47. N/A</p>

48. Please ensure CRT is 100% eliminated from public schools; it is a return to the past and is no good.	48. N/A
49. Keep CRT out of our schools; if not done, will look into pulling tax money from public education and knows this can be done.	49. N/A
50. Appalled to even think the State Board is thinking of allowing CRT to be taught in public schools.	50. N/A
51. Race has become the four letter word and divider in our nation; it must stop. No place in curriculum to teach that a student's skin pigmentation has superiority over another. (Tulsa, OK)	51. N/A
52. Objection to Critical Race Theory being taught in the public school system; it is racist and pits people against each other.	52. N/A
53. Commenter expresses desire to make emergency rules permanent, stating that we cannot condone children to race theory or any kind that divides them. In support of her comment, commenter states that the school taught her niece to have the idea about being a lesbian, alleged communist indoctrination. (McAlester, OK)	53. N/A
54. Critical Race Theory is not historically sound; it follows socialist regimes, divides people by hate for specific sectors, then makes it possible for powerful men to overthrow the existing government. (Midwest City, OK)	54. N/A
55. Commenter questions whether children are so delicate to not learn about American history in in all respects.	55. N/A
56. The way CRT teaches is to divide us into races, and good citizenship is a much better way to accomplish good treatment for all. For many	56. N/A

<p>years, we have been taught how to treat a country and each other, and to avoid conflict or deal with it using civility. Then the liberals and globalists came along and have made fun of it because they want to divide us They do not want us to be a nation, they want us to succumb to being nothing more than a third-world nation that relies on a one-world government. (Duncan, OK)</p>	
<p>57. Ensuring our students are provided the best education to be competent citizens should be based on methodical, proven practices and not the latest fad (Project 1619, Black Lives Matter and other divisionary movements/ideas). Making HB 1775 law is a step in showing others that Oklahoma will not make decisions based on ever-vacillating nature of public discussion. (Newcastle, OK)</p>	<p>57. Please see response to Comment #1, above.</p>
<p>58. In favor of HB 1775; stunned we need a bill that spells out what is spelled out clear in 1775.</p>	<p>58. N/A</p>
<p>59. Critical Race Theory has been developed by Marxists seeking control of our children's minds to create a Socialist state. It has not been, nor will it ever be, taught to Oklahoma students. We would be much better served by replacing CRT with a class on the Holy Bible.</p>	<p>59. N/A</p>
<p>60. Teaching our children the foundational tenets of critical race theory would be a big mistake; it would be teaching them to discriminate. Grew up in a household that was against colored people; grew up with colored people as friends against parents' belief and have friends of different nationalities. (Hulbert, OK)</p>	<p>60. N/A</p>
<p>61. We must ensure that resources coming from the Oklahoma State Department of Education do not incentivize schools to violate the law. The Department and the Board must be prohibited from adopting standards or providing resources or any other instructional support to Public Schools that includes the discriminatory concepts outlawed by HB 1775.</p>	<p>61. Please refer to response to Comments #1 and 5, above.</p>

<p>HB 1775 must be enforced in all school activities, whether athletics and non-academics.</p> <p>Must also have a robust reporting system for identifying and correcting teachers and material that violates the law. (Stillwater, OK)</p> <p>62. Rules purport to prohibit race and sex discrimination but they enshrine elements of white supremacy in state policy. Education should challenge students to think for themselves; give consideration to events of the past and evaluate them critically. Possibility of feeling discomfort does not mean we should not teach about the past. (Oklahoma City, OK)</p> <p>63. (2) There is no shame in knowing the truth. We become better people, better citizens, by understanding and knowing our weaknesses. We should come to terms with the imperfections of the past or, if not, become a stagnant nation with a population that learns nothing. (Edmond, OK)</p> <p>64. (2) Recommend the following amendments to current emergency rule:</p> <ul style="list-style-type: none"> a. (c)(4) - confusing and does not take into account nuances of real life; propose deletion. b. (c)(8) - vague and should be deleted. c. (e) - Counterintuitive and conflicting because this instance the State is infringing on parents' rights to determine our children's education by restricting what can be taught in a classroom. d. (g) - dictates burdensome requirements to already overburdened schools and does so without additional support. (Tulsa, OK) <p>65. (2) Concerns about HB 1775; concerns relating to subsection (c) of the rules in that it would be illegal to have discussions about students'</p>	<p>62. Please refer to response to Comments #1 and 15, above.</p> <p>63. Please refer to response to Comments #1 and 15, above.</p> <p>64. The Agency appreciates the commenter's participation and will respond in substance to the comments below.</p> <ul style="list-style-type: none"> a. Please refer to response to Comments #4 and 8, above. b. Please refer to response to Comments #4 and 8, above. c. Respectfully, Agency disagrees. Nothing in the rule is inconsistent with the Parents Bill of Rights or other opportunities for parents to inspect instructional materials. Please refer to response to Comment #2 above. d. Respectfully, Agency disagrees that the proposed subsection (g) imposes burdensome requirements. <p>65. Please refer to response to Comment #4, above.</p>
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<p>lived experiences. Trained educators have been navigating challenging, but engaging and necessary discussions since one-room school houses; the problem is not that we cannot trust teachers to have these discussions, but that many of our state's currently practicing educators are not trained or equipped to integrate challenging discussions into the learning experience. Please address that and not lowering the standard for learning across the board.</p>	
<p>66. "We The People and Parents of Oklahoma" do not support the implementation of Critical Race Theory being forced upon Oklahoma public schools.</p>	<p>66. N/A</p>
<p>67. Language in the bill / law are vague and leaves room for interpretation and discretion; state already struggles with teacher retention and difficult work environments, and a lack of trust. As an educator, I assure this bill does nothing but threaten teachers and children. Please reconsider and remove it. (Norman, OK)</p>	<p>67. Please see response to Comments #4, 8 and 12, above.</p>
<p>68. Proposed bill does exactly what it accuses others of doing; it is racial and prejudiced in that it blames on race for the other races problems and shortcomings. Racial divisions are detrimental and ethnic backgrounds are irrelevant to a child's education.</p>	<p>68. Please see response to Comments #1 and 4, above.</p>
<p>69. Please reconsider, Critical Race Theory teaches real life experiences.</p>	<p>69. N/A</p>
<p>70. Proposed rules are vague and open to interpretation; fear teachers will choose to find employment elsewhere if they have to take on another responsibility such as modifying existing teaching.</p>	<p>70. Please see response to Comment #12, above.</p>
<p>No evidence that any of my child's teachers have ever taught her to feel discomfort or guilt about anything; no evidence this is occurring elsewhere in Oklahoma; the law is a solution to a problem</p>	

that does not exist and will be another burden on teachers. (Tulsa, OK)	
71. Concerned with HB 1775. It restricts discussions on race and gender; silences perspectives of minorities within the state who have already been the victims of exclusion for much too long. It also hinders teachers from discussing these topics with children in an appropriate way, as we are training them to do. Ultimately, the people who suffer from this are my children and community members who are now taught the way to approach a subject that one disagreed with or ignorant about is to ignore and silence it.	71. Please see response to Comment #4, above.
72. House Bill 1775 is vague and leaves a lot of room for interpretation. There is already an option for parents to opt children out of activities and lessons that go against personal and religious beliefs. Teachers are trained professionals. This does not reflect their worth, ability or knowledge; it hurts students by censoring important conversations from the classroom.	72. Please see response to Comments #4, 12 and 15, above.
73. Rules must be permanently adopted to protect our children from unwanted biases.	73. N/A; please see Proposed Final Rule.
74. Support the concept of what Martin Luther King, Jr. Famously said: "We need to judge a person for his character, not the color of his skin." Pitting one race against another has no place in Oklahoma schools. Agree with detailed suggestions advanced by Oklahoma Council of Public Affairs.	74. N/A
75. Comment on Critical Race Theory. Any program that teaches students what to think, that uses divisive tactics to point out shortcomings or strengths based on skin color, that uses buzz words is taking up valuable time in the school day. Get rid of CRT and other programs of the same philosophy and get back to the basics. (Payne County, OK)	75. N/A

76. Against Critical Race Theory and hope rules will be made stronger to see that it is never used again.	76. N/A; please see Proposed Final Rule.
77. Public schools are not for propaganda or social engineering; set HB 1775 in stone.	77. N/A; please see response to Comment #4, above, and Proposed Final Rule.
78. CRT promotes more division, not less. Please do not allow it in our schools. (Edmond, OK)	78. N/A
79. No Critical Race Theory.	79. N/A
80. Do not support Critical Race Theory; get rid of it in our schools or anywhere in the state/world.	80. N/A
81. Against Critical Race Theory being taught in Oklahoma public schools. It is the OEA ("teacher union") that is pushing this agenda, using the book Ibrahim X Kindi.	81. N/A
82. Reject CRT and it should not be taught in our schools.	82. N/A
83. Against Critical Race Theory; please stop it.	83. N/A
84. Officially against it [unknown]. It is designed to eradicate every shred of decency and to suppress anything and everything pertaining to biblical values and certain groups of people, mainly Christians.	84. N/A
85. Rules should be written in the positive or, outline what is permitted. Doing it this way will save misunderstanding and manipulation later on. (Edmond, OK)	85. Agency believes the Proposed Final Rule is consistent with the language of 70 O.S. § 24-157(B). Further, please see response to Comments #1 and 12, above.
86. As a father of two children, white and male, reading the prohibitions in the rules leads to belief that we will weaken, if not eliminate, the depth of knowledge children could have. If we cannot speak of race and prejudice in society, how are we to truly learn about past events in our history? Do we teach that diversity is okay, but only an approved list of diversity? (Tulsa, OK)	86. Please see response to Comments 1, 4, 8, 12 and 15, above.

87. Oppose the passage of HB 1775; this bill demonstrates that we are afraid for the children of Oklahoma to learn about the harm that past Oklahomans have done. It appears to lack faith that young Oklahomans can handle learning difficult history. But, this is incorrect; Oklahomans are resilient, compassionate people.	87. Please see response to Comments #1, 4 and 15, above.
88. House Bill 1775 severely restricts teachers and students from learning and talking about race, gender and sexuality in the classroom. We deserve to learn an inclusive and accurate history, free of censorship. (Nichols Hills, OK)	88. Please see response to Comments #1, 4, 12 and 15, above.
89. Proposal will whitewash American history and create an opportunity for the horrendous acts like slavery to be repeated. Students deserve to understand how our country was founded and the atrocities that took place. In addition, this will put children in Oklahoma schools at a major disadvantage in the marketplace and in other parts of the country. (Oklahoma City, OK)	89. Please see response to Comments #1 and 15, above.
90. None of us should be so frightened of teaching the history of our country that we pass laws to prohibit educating our youth about the past. Knowing we are ashamed of it we want to hide it rather than having the courage to learn from it. If we do not learn from the past, we are destined to repeat it.	90. Please see response to Comments #1 and 15, above.
91. Cancel CRT in Oklahoma public schools	91. N/A
92. Do not support CRT of any kind in Oklahoma public schools.	92. N/A
93. Critical Race Theory has no place in our public schools; it does nothing more than teach children "how to be racist."	93. N/A
94. A baby boomer who has lived and experienced the destruction of cities, universities and people. Any public school that desires to teach CRT or thinks it is a good idea is incompetent	94. N/A

<p>or holds a hidden agenda. CRT is designed to take down America and destroy our heritage. Bad things happen to good people, but they have good results and rewards. Parallel black people with Israelites, is it better to live in Africa or America and questions the notion that black people here in America have it bad. (Edmond, OK)</p>	
95. CRT has no place in schools. It is proven to be harmful and detrimental to children's well-being.	95. N/A
96. CRT is Marxism and should not be taught to our children.	96. N/A
97. Claim of having lobbied to prevent CRT in Oklahoma schools; outlaw CRT in schools.	97. N/A
98. Against schools teaching anything to do with Critical Race Theory	98. N/A
99. No CRT in schools.	99. N/A
100. Problems with CRT are many. It drove teenage daughter to suicidal episodes, it is very divisive, creates an atmosphere of inequality and more. Commenter (identifies self as a Native American) makes prediction that black persons who bought into "the man is holding you down" attended college, obtained a degree, repacked the anti-capitalist, then started brainwashing a generation. Commenter ends with every person of every race has equal opportunity for a half a century or more. (Tulsa, OK)	100. N/A
101. Critical Race Theory is pure evil; Oklahoma is done with identity politics; uphold the provisions put in place by the emergency rules.	101. N/A
102. Keep CRT permanently out of our schools; it is a cancer to our communities and kids.	102. N/A; please see Proposed Final Rule.

103. Request permanent rules to be inclusive to prevent any and all forms of Critical Race theory from being taught in Oklahoma schools.	103. N/A; please see Proposed Final Rule.
104. Support the ban of CRT that supports division in our schools. It is time to stop letting melanin or skin pigmentation to separate us.	104. N/A
105. Critical Race Theory is not in alignment with our country's basic tenets put forth in our Declaration of Independent. Support every effort put forth to stop it from poisoning our country's future generations. (Tulsa, OK)	105. N/A
106. Commenter, retired military, is tired of what he fought for to be set aside by Democrat Communist and RINO's trying to force racism into the minds of the youth. (Lawton, OK)	106. N/A
107. Emergency rules in place are strong, but there are key changes that should be made to ensure Oklahoma has the strongest protections against critical race theory. Ensure that all programs and activities that teach it are eliminated for all aspects of our education system. Evidence exists that Oklahoma school districts are pushing back against the law and ignoring the emergency rules; this is why we need to strengthen the rules. (Hooker, OK)	107. Please see Proposed Final Rule and response to Comment #12, above.
108. Teaching of CRT has become a problem all over the country and has contributed to extensive socio-political division. Commenter describes self as a highly decorated military officer and experience recognizes that the United States are experiencing a communist insurgency. Problem with our educational system is indoctrination and CRT in its entirety must be terminated in Oklahoma schools. (Oklahoma City, OK)	108. N/A

109. Appreciative of having opportunity to provide public comment on the house bill. Commenter believes race or sex should not be an issue in the classroom. Commenter requests that classroom teachers be videotaped to ensure compliance with HB 1775. (Tulsa, OK)	109. Please see response to Comments #1, 4, 12 and 15. Further, see Proposed Final Rule.
110. CRT is just one of the programs which encourages chaos and division in society. Utilizing children in aid of societal change is unsupportable. Those who advance CRT are evil. Stop this now or suffer the terrible consequences. (Commanche County, OK)	110. N/A
111. Do not allow Critical Race Theory and all programs and activities that teach it are not allowed in Oklahoma schools. (Piedmont, OK)	111. N/A
112. Character of a person is more important than any skin color or external feature; CRT tries to change that focus. (Duncan, OK)	112. N/A
113. Students mature enough to participate in college-level classes are ready to consider content regarding racism and sexism. House Bill 1775 makes it difficult, if not impossible, for public schools to teach and discuss issues related to racism and sexism.	113. Please see response to Comments #1, 4 and 15, above.
114. Commenter questions the taking of freedoms that we enjoy (speech, discussion, learning from history through prose and poetry, fiction and nonfiction) and further questions how those who label some as "snowflakes" are concerned about how some things will now make them feel bad. Unfair to children to remove foundations of history from school curricula. (Edmond, OK)	114. N/A
115. Commenter expresses concerns with limiting what students learn about with respect to history and how that will impact their academic achievement and life experiences,	115. Please see response to Comment #1, above.

<p>all leading to consequences on our future leadership and communities. (Tulsa, OK)</p> <p>116. Ban on teaching of Critical Race Theory is dangerous fearmongering attempt to restrict education and student learning. Imposing this ban and the discussion of doing this detracts from the real problems facing public education, and will further exacerbate the current and future teachers leaving the state.</p> <p>117. Commenter questions the necessity of the rules and expresses the hypocrisy seen in a state that professes limited government to now want to control the minds and bodies of its citizens.</p> <p>118. Commenter expresses concern and frustration with regard to the legislation (House Bill 1775), particularly the wisdom of preventing students from taking college courses while in high school. Commenter further expresses the concern of repeating history if we do not learn about it and from it.</p> <p>119. Commenter questions the necessity of the legislation given the expressed belief that the prohibited concepts of Critical Race Theory have not been a part of Oklahoma public schools. Further, concern expressed about repeating history of we do not learn and acknowledge prior mistakes. Commenter believes there are many things in our history which should cause us distress and concern, and so questions the legislation prohibiting an individual feeling discomfort, guilt, anguish, etc.</p> <p>120. Commenter expresses frustration regarding the emergency rule being adopted without time for the public to have input. Concerns expressed regarding the vague nature of the proposed language (ex. individual should feel discomfort, guilt, anguish, etc.). Finally, concern expressed about history being</p>	<p>116. Please see response to Comments #1, 4, 8 and 12, above.</p> <p>117. Please see response to Comments #1 and 4, above.</p> <p>118. Please see response to Comments #1 and 4, above.</p> <p>119. Please see response to Comments #1 and 4, above.</p> <p>120. Agency appreciates the commenter's participation in the rulemaking process. Please see response to Comments #1, 12 and 15, above. Further, please see Proposed Final Rule.</p>
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learned about without regard to the pains and struggles endured and still enduring.	
121. Concern expressed about those who do not learn from history are likely to repeat it. Limiting students to certain views of history is damaging to the student and society.	121. Please see response to Comment #1, above.
122. Request to stop passage of House Bill 1775. All history is meant to be shared, not covered up. We should grow, learn, repent and forgive from the mistakes of others.	122. Please see response to Comments #1 and 4, above.
123. Commenter expresses concern that House Bill 1775 is an attempt to sugarcoat history and if its provisions prevent a teacher from openly discussing historical matters in a classroom, the rules should be rejected.	123. Please see response to Comments #1 and 4, above.
124. Objections to House Bill 1775 as a flawed measure and dangerous as it encourages censorship of classics and key educational texts. Expresses concern about provisions in the legislation and how they will impact teachers, leaving them without power to choose what to teach and how to teach it.	124. Please see response to Comments #1 and 4, above.
125. Commenter expresses need to not hide the truth of the past, but to tell it so that we can learn from it.	125. Please see response to Comment #1, above.
126. Encourage freedom in teaching all historical facts and let them speak for themselves. (Norman, OK)	126. Please see response to Comment #1, above.
127. Desire to have all students have their stories heard and taught throughout education; expression that the proposed rule promote huddling in ignorance and fear.	127. Please see response to Comment #1, above.
128. Commenter (identifies as retired teacher) expresses passion to see students grow in the capacity to evaluate information, knowledge and opinion as presented in various forms. As such, concern expressed that the proposed	128. Please see response to Comments #1, 8, above.

<p>rule will deny opportunities and have censorship of quality materials. Finally, concern expressed as to the consequences for non-compliance (threats and result in teachers choosing to go elsewhere).</p>	
<p>129. Unfortunate to have a law and requirement to adopt rules on a non-issue in Oklahoma public schools. Better service to the state to address serious deficiencies in schools (recruiting and retaining qualified staff, facilities, funding). Further, commenter expresses belief that the proposed rules are vague and subject to multiple interpretations, not setting clear set of standards which all can understand and follow.</p>	<p>129. Please see response to Comments #4 and 12, above.</p>
<p>130. Commenter expresses belief that giving age appropriate truth from the earliest of learning will provide students with an understanding that history is dynamic, complicated, evolving and lead them to live up to high standards. (Choctaw, OK)</p>	<p>130. Please see response to Comments #1 and 15, above.</p>
<p>131. CRT and the like will only cause further division.</p>	<p>131. N/A</p>
<p>132. CRT should permanently deleted from curriculums.</p>	<p>132. N/A</p>
<p>133. Please support and abide by House bill 1775 to stop all teaching and forms of CRT</p>	<p>133. Please see response to Comment #1 and Proposed Final Rule.</p>
<p>134. CRT is theory that defines character based on color. If we allow this curriculum to invade our schools, we will have adults that will not be able to think for themselves or make decisions based on facts. HB 1775 will ensure our youth be exposed to ideas and at the same time allow them to make choices based on facts, parental beliefs and their personal life experiences.</p>	<p>134. Please see response to Comments #1 and 4, above.</p>
<p>135. Teach ol' school, [urinate] on race theory.</p>	<p>135. N/A</p>

136. Must have permanent rules to strengthen our stand on this corrupt, seems-to-us-like communist, and definitely un-American defiance of not only the heart of most Oklahoman's but the taxpayers who pay the salaries of those espousing these corrupt theories on our children.	136. N/A
137. Very concerned about the direction of the generations to come and their education. We are very much in favor of all the rules of H.B. 1775 that prohibits CRT being taught in Oklahoma Public Schools.	137. N/A; please see Proposed Final Rule.
138. Constituents are very concerned about CRT/DEI in schools. My residents do not want their children to be taught to be racist.	138. N/A
139. I'm greatly disturbed and upset and angered about CRT being taught in schools in the U.S. This information is a lie and not what our children are going to school to learn.	139. N/A
140. Dismiss the ridiculous notion that children need to be indoctrinated with political rhetoric that has nothing to do with educating children for a future of work and life strategies.	140. N/A
141. As an investor in education of Oklahoma's children via taxes should we also get to inspect the lesson plans and other teaching items. Perhaps the text can be modified to allow for citizens of Oklahoma who pay taxes to support public education be allowed to evaluate the educational curriculum. Otherwise, why do we pay property taxes?	141. Parents have a right to inspect all instructional materials, course of study and texts used as a part of a school's educational curriculum. 70 O.S. § 11-106.1; 25 O.S. § 2003(A)(7)(m). The Proposed Final Rule, at subsection (e), recognizes parental rights.
142. Yea vote	142. N/A
143. CRT should not be taught in Oklahoma Public schools. Permanent rules should provide enforcement measures for those schools and employees who disregard the law prohibiting any aspect of CRT. Parents should have the right to determine what our	143. N/A; see Proposed Final Rule.

children are taught in public schools.	
144. I urge everyone involved in this decision to not allow the teaching of CRT in Oklahoma's public schools. There are a lot of faulty assumptions with a CRT worldview and it will only divide our state into oppressors and the oppressed.	144. N/A
145. Make HB 1775 permanent. CRT is dangerous.	145. Please see Proposed Final Rule and response to Comments #1 and 4, above.
146. Make permanent the ban on CRT in Oklahoma HB 1775. Please continue to implement the provisions of the bill to protect Oklahoma School Children.	146. Please see Proposed Final Rule and response to Comments #1 and 4, above.
147. (33) The administrative rules adopted by the Oklahoma Department of Education following the passage of HB 1775 are deeply concerning. As a teacher, I want my students to have the tools they need to recognize injustice in every form, whether it is in the student handbook or in our criminal legal system. We know that when students are given the tools to do better than previous generations, they will. Bans on "divisive" concepts silence the voices of Black and Brown people, women and girls, and 2SLGBTQ+ people. It is on us to teach our students the truth about our country's past and give them the tools they need, so they do not repeat the same mistakes. History is not inevitable; rather, it is a series of choices we make every single day. I urge you to reconsider these administrative rules and to listen to the voices that have been historically excluded from our textbooks. Our state must provide students with access to a complete education if we want to maintain the integrity of our education system.	147. Please see response to Comments #1, 4 and 15, above.
148. Merriam Webster Dictionary informs us that another definition of "racist" is on a systemic level defining it as "relating to or characterized by the systemic oppression of	148. Please see Proposed Final Rule and response to Comments #1 and 4, above.

a racial group to the social, economic, and political advantage of another." Teaching about this truth does not assign individual blame or imply that it originates in skin color, gender, etc. Though belonging to a specific group may systemically affect one in different ways. Since these rules do not address "systemic racism", will that concept be allowed to be examined? Discussing such issues in public school is not creating a hostile environment. Such truths can work towards unity, compassion and change.

149. The purpose of educating the next generation is to help them logically analyze situations, ranging from geometric proofs to economic policies to literary symbolism and, using sound arguments, explain their positions. If students are presented with whitewashed versions of events to remove the possibility of making a White student "feel bad," then the law would be violated for Black and Native students because the teacher judged their feelings to matter less than students from another race. Teachers are actually trained to present material and discuss implications and perspectives. Let's allow teachers to practice their profession. If teachers are afraid of revealing uncomfortable truths about our history because they face retaliation, we are doing a great disservice to the next generation, not just current teachers.

150. When I heard of this bill being discussed and past around, I could feel my heart drop to my stomach, and it left me feeling a mixture of anger, sadness, and emptiness. Because when I look at these attempts of censoring education and limiting the important fields of the liberal arts, it feels like I am watching my future being burned and destroyed in front of my very eyes by my own government, by my own state. There is never any good reason to censoring or changing history.

149. Please see Proposed Final Rule and response to Comments #1, 8, 12 and 15 above.

150. Please see response to Comments #1 and 4, above.

<p>151. I am appalled at the passage of HB 1775, and subsequent attempts by the state to erase history, ban books, and engage in actively harmful educational plans simply to avoid discomfort. If I were denied the discomfort of learning about the Tulsa Race Riot, of learning about the horrors of slavery, the Holocaust, so many events integral to human history, I wouldn't be half the adult I am today. I would not have the mental acuity to assess governmental decisions and form my own opinion. We should support open information and actively denounce book banning and burning, and the fact that this is not a universally accepted fact disappoints me greatly in Oklahoma's leaders.</p>	<p>151. Please see response to Comments #1 and 4, above.</p>
<p>152. This bill is misguided and unnecessary. I think it will empower those of us who care about truth. We are not going to be silenced by such a ploy to try to win votes. It is not what is best for Oklahoma unless you want to keep us at the bottom of the barrel in the nation concerning education!</p>	<p>152. Please see response to Comments #1 and 4, above.</p>
<p>153. Acknowledging the more painful and unjust aspects of our history does not preclude celebrating, lifting up and teaching the many positive achievements and democratic principles that make our nation great. The proposed rules achieve exactly the opposite of what they say are their purpose. To teach only the positive, (read, "white"), half of our history discriminates against the black, brown and native peoples who suffered throughout our history and continue to suffer because of the systems that were shaped by that history.</p>	<p>153. Please see response to Comments #1, 4, 12 and 15, above.</p>
<p>154. It is essential to allow teachers to teach the materials on all sides of the issues to assure that our children know both the positive and the painful parts of Oklahoma's past. These professionals provide information that can be discussed between the child and parent. I am reminded of the quote "Those who do not</p>	<p>154. Please see response to Comments #1 and 15, above.</p>

<p>remember the past are condemned to repeat it." This is not what we want for our children.</p> <p>155. So many things can make a child "uncomfortable." Some suffering and stress are good for a child (study hard=succcess on an exam) and some history is painful to learn. No child should ever be made to feel personally responsible for the past, and information should be shared in a developmentally appropriate way, but responsibility for understanding the dynamics of the past and challenges for the future is why we need history lessons in the first place.</p> <p>156. We are discriminating when we eliminate the teaching of how black, brown, and indigenous people were horribly treated. They can learn that this history is taught, so as not to repeat it. I also have questions and concerns about the parents and legal guardians being able to inspect curriculum, instructional materials, classroom assignments, and lesson plans on a routine basis. That could hinder the teachers' time prepping for class, time in the classroom, grading papers, etc.</p> <p>157. In order to have a workable set of rules, the infractions listed under section (c) on General Prohibition must be explicit. The rules must clearly state this. For example, a teacher must explicitly state one race is inherently superior to another race. Otherwise, a parent could easily project a meaning to the teacher's words that was not intended or applicable. For example, a teacher presents the events of the Tulsa Race Massacre during an Oklahoma history lesson. The presentation makes a white student uncomfortable, because the student knows his grandfather lived in Tulsa at that time. The teacher made no statement saying the student should feel uncomfortable. If this violates the rules, then any discussion of the</p>	<p>155. Please see response to Comments #1, 4, 8 and 15, above.</p> <p>156. Please see response to Comments #1, 8, 12 and 15, above.</p> <p>157. Agency appreciates the commenter's participation in the rulemaking process. Agency believes the Proposed Final Rule comports with the requirements of 70 O.S. § 24-157 and identifies articulable standards with which instruction and activities are to adhere to. Further, please see response to Comments #1, 8, 12 and 15.</p>
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<p>Tulsa Race Massacre is implicitly prohibited by the proposed rules. The current wording of section (e) on parent's rights gives each parent veto power over instruction with the statement "no public school shall interfere with or infringe upon the fundamental rights of parents to determine the child's education." If each parent has veto power, the rules are unworkable.</p>	
<p>158. The only thing I see HB1775 doing is making more mistakes just like our ancestors did time and time again by hiding the truth and making those who would benefit from the "lie" to achieve their goal, which is to destroy public education and dumb down our society. They also want to take money from public education to private schools, so in the end, education will be a privilege of the few and the rich. Bills and laws like this make me thankful that I homeschooled/homeschool my children.</p>	<p>158. N/A</p>
<p>159. Discrimination and bias are unavoidable when the events of history are only taught from one perspective, meant to protect white fragility over against telling the truth of the abuses of white supremacy through historical events such as the slave trade, Trail of Tears, Tuskegee Trials, Japanese internment camps (just to name a few) and their ongoing impact in our local and national society. Encouraging, indeed legislating, that only one perspective (read: white Eurocentric male) be taught implicitly teaches children bias: that white voices, male voices are the only ones who do matter. History MUST be taught truthfully, from multiple perspectives, and considering the ongoing impact of racism, sexism, and more. To not do so is to risk repeating atrocities of the past.</p>	<p>159. Please see response to Comments #1, 8, 12 and 15, above.</p>
<p>160. Unequivocally opposed to the adoption of rules pursuant to House Bill 1775. In current form, rule prohibits public schools from fully teaching about the inequality and racism</p>	<p>160. Agency appreciates the commenter participating in the rulemaking process. Agency responds by underscoring the importance of giving students the</p>

threaded throughout our history and public systems (Trail of Tears, Tulsa Race Massacre, etc.). It would also ban mandatory gender or sexual diversity training or counseling. Commenter shares concerns with those submitted in Comment #2, above. Commenter further states that the rules direct educators to turn a blind eye to the historical events and stymie our state moving away from inequities that currently exist, identifies events in the state within the last year as evidence of why further education is necessary to move forward. In further support of the statements, commenter provides statistics relating to racial gaps with respect to poverty rates, health insurance and educational outcomes.

161. Comments include notations of school boards and administrators being cavalier in complying with statutory obligations under the Parents Bill of Rights (25 O.S. § 2001). Commenter requests the rule contain a presumption that the public school, teacher, etc., subject to the complaint should be presumed to have violated the prohibited concepts. In support of this request, commenter identifies that this presumption and burden of proof would assist school districts and educators in knowing that their accreditation and certificates, as applicable, were at risk. Commenter further identifies alleged violations of HB 1775. Commenter then requests the rules reflect the entitlement of parents to review curriculum before the semester or quarter of a school year. Additionally, commenter requests additional procedures for the local complaint process established in the emergency rule and that OSDE should take into consideration the culture of a school system as to whether a complaint is substantiated. Finally, commenter requests the rule clarify the definition of “course” and clarify that no survey or data collection means be used if it violates the concepts of HB 1775.

opportunity to voice their perspective, learn history in its true form and notes that the rule does not prohibit any of this. In further response, Agency refers commenter to response to Comments #1, 4, 8, 12 and 15.

161. Agency appreciates the commenter participating in the rulemaking process. In response to the comments, Agency states that it accepted some of the requests of the commenter (ex: clarifying the definition of “course”) and did not accept others into the Proposed Final Rule (ex: imposing a presumption of guilt / violation). In further response, please see response to Comments #1 and 5, above.

<p>162. Commenter requests advance notification and awareness to lesson plans. Commenter requests more active investigation and disclosure at the state, district and site level as to the content of lesson plans and viewpoints that may be advanced. Commenter also requests that the State be able to open complaints <i>sua sponte</i> (on its own) and members of the public be expanded to include government officials outside of education. Additionally, comments adopts the suggestions provided in Comment #5, above, with some modifiers indicated below:</p> <ul style="list-style-type: none"> a. taxpayers, not just parents have a right to know the details of instruction that they fund. b. Has no direct knowledge of teachers being forced to attend a training on concepts prohibited by HB 1775. c. Supports shortening of the time for a school district to investigate a complaint. <p>163. This ban is unnecessary and excessive regulation.</p>	<p>162. Agency believes the commenter's concern regarding instructional materials and matters relating to a course of study are sufficiently addressed in the Proposed Final Rule. Further, Agency states that the scope of members of the public is broad and includes government officials, along with the other identified categories of persons and entities that can file a complaint.</p> <ul style="list-style-type: none"> a. Please refer to response to Comment #4, above, as Agency believes it is the function of the Legislature to consider. b. N/A c. After reviewing the public comments, it is recognized that forty-five days is sufficient to investigate complaints. The timeframe has been reduced by fifty percent (50%). <p>Please see responses to Comment #5, above.</p> <p>163. Agency appreciates the commenter participating in the rulemaking process. Agency is unable to respond to the comment as it is vague. However, to the extent it is not vague, Agency refers commenter to response to Comments #1, 4, 8, 12 and 15, above.</p>
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RULE IMPACT STATEMENT 210:10-1-23

Prohibition of Race and Sex Discrimination [NEW]

a. What is the purpose of the proposed rule change?

The purpose of this rule is to implement the provisions of House Bill 1775 (2021), codified by emergency clause at 70 O.S. § 24-157, and to promulgate rules as required in subsection (B) of section 24-157.

b. What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?

The rule change will directly affect students and individuals who hold teaching certificates, including teachers and administrators, and other employees of public school districts (i.e., traditional, charter, virtual charter).

c. What classes of persons will benefit from the proposed rule change?

The rule change will work to ensure that the Oklahoma Academic Standards continue to be taught, and that discrimination on the basis of sex and/or race are not tolerated in Oklahoma public schools. This will benefit students, employees and stakeholders of the public schools.

d. What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?

Unknown.

e. What is the probable cost to the agency to implement and enforce the proposed rule change?

The agency anticipates the need for additional staff to perform duties and functions associated with the rule requirements.

f. What is the economic impact on any political subdivision to implement the proposed rule change?

Unknown.

g. Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?

Unknown.

h. Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?

No.

- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**

Yes. This rule is proposed in order to prohibit discrimination on the basis of race or sex in the form of bias, stereotyping, scapegoating, classification, or the categorical assignment of traits, morals, values, or characteristics based solely on race or sex. Public schools in this state are prohibited from engaging in race or sex-based discriminatory acts by utilizing these methods, which result in treating individuals differently on the basis of race or sex or the creation of a hostile environment.

- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.

- k. **Date Prepared:** January 3, 2022

STATUTORY AUTHORITY FOR 210:10-1-23

Oklahoma Statutes Citationized



Title 70. Schools



Chapter 1 - School Code of 1971



Article Article XXIV - Miscellaneous Provisions



Section 24-157 - Prohibition of Mandatory Gender or Sexual Diversity Training or Counseling - Prohibited Course Concepts - Rule

Cite as: 70 O.S. § 24-157 (OSCN 2022)

A. 1. No enrolled student of an institution of higher education within The Oklahoma State System of Higher Education shall be required to engage in any form of mandatory gender or sexual diversity training or counseling; provided, voluntary counseling shall not be prohibited. Any orientation or requirement that presents any form of race or sex stereotyping or a bias on the basis of race or sex shall be prohibited.

2. Pursuant to the provisions of the Administrative Procedures Act, the Oklahoma State Regents for Higher Education shall promulgate rules, subject to approval by the Legislature, to implement the provisions of this subsection.

B. The provisions of this subsection shall not prohibit the teaching of concepts that align to the Oklahoma Academic Standards.

1. No teacher, administrator or other employee of a school district, charter school or virtual charter school shall require or make part of a course the following concepts:

a. one race or sex is inherently superior to another race or sex,

b. an individual, by virtue of his or her race or sex, is inherently racist, sexist or oppressive, whether consciously or unconsciously,

c. an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex,

d. members of one race or sex cannot and should not attempt to treat others without respect to race or sex,

e. an individual's moral character is necessarily determined by his or her race or sex,

f. 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,

g. any individual should feel discomfort, guilt, anguish or any other form of psychological distress on account of his or her race or sex, or

h. 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.

2. The State Board of Education shall promulgate rules, subject to approval by the Legislature, to implement the provisions of this subsection.

