

PROHIBITION ON RACE AND SEX DISCRIMINATION IN CURRICULUM AND INSTRUCTION

SBOE Emergency Rule: OKLA. ADMIN. CODE § 210: 10-1-23

The Board has approved this policy to address the requirements of HB 1775 (codified as OKLA. Stat. tit. 70, § 24-157) and the State Board of Education's Emergency Rule: (codified as OKLA. ADMIN. CODE § 210:10-1-23), issued pursuant to legislative direction. Because this policy is based on a combination of a new law effective July 1, 2021 and the State Board's Emergency Rule that is, at the time of the Board's consideration and approval of this policy, temporary and unsigned by the governor, it is possible that changes will occur in the policy and its application. Accordingly, the Board authorizes the Superintendent and the Superintendent's designees to take those actions, pending further action of the district's Board, that are necessary to interpret and apply legal requirements to best meet the intent of the law to support and affirm Oklahoma Academic Standards while prohibiting race and sex discrimination.

Race and Sex Discrimination Prohibited

The district does not engage in and prohibits 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. The district does not and shall not engage in race or sex-based discriminatory acts through utilizing these methods which can result in treating individuals differently on the basis of race or sex or can result in the creation of a hostile environment.

As an accredited State of Oklahoma public school, the district is required to teach students history, social studies, English language arts, biology, and other subject matter areas consistent with the Oklahoma Academic Standards as adopted and approved by the State Board of Education and Oklahoma Legislature. In the performance of this obligation, no teacher, administrator, or other employee of the district shall require, or make part of a course, the following concepts or principles (the "Prohibited Concepts"):

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

Importantly, none of the Prohibited Concepts shall prevent the teaching of principles that align to the Oklahoma Academic Standards.

Further Prohibitions to Ensure Compliance Additionally, the district does not and shall not:

- Provide, contract to provide, or sponsor any course¹ that includes, incorporates, or is based on any of the Prohibited Concepts.
- Use any public funds, property, or other assets or resources to engage in race or sex-based discrimination, including the Prohibited Concepts.
- Adopt programs or utilize textbooks, instructional material, curriculum, classroom assignments, orientation, interventions, or counseling that include, incorporate, or are based on the Prohibited Concepts.
- Execute contracts or agreements with internal or external entities, persons, companies, or businesses to provide services, training, professional development, or any other assistance that includes, incorporates, or is based on the Prohibited Concepts.
- Receive or apply to receive monies that require, as a condition of receipt, the adoption of courses, policies, curriculum, or any other instructional material that includes, incorporates, or is based on the Prohibited Concepts.
- Adopt diversity, equity, or inclusion plans that incorporate Prohibited Concepts. Diversity officers are prohibited from providing any service or performing duties that include, incorporate, or are based on discriminatory practices identified in the Prohibited Concepts.
- Mandate diversity training that includes, incorporates, or is based on discriminatory practices identified in the Prohibited Concepts. This includes providing such training to employees, contractors, staff members, parents, students, or any other individual or group.
- Adopt policies, including grading or admissions policies, or provide 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 of the Education Amendments of 1972. Except as permitted by Title IX in specific circumstances, this prohibition includes segregated classes, programs, training sessions, extracurricular activities, or affinity groups.

Parent Right to View and Inspect Instructional Materials

Parents and legal guardians of students shall have the right to inspect curriculum, instructional materials, classroom assignments, and lesson plans to ensure compliance with this Policy. This right of inspection is subject to any applicable limitations contained in existing law, including Oklahoma's Open Records Act (OKLA. STAT. tit. 51, §§ 24A.1-24A.32).

¹ For the purposes of this policy, "course" means any forum where instruction or activities tied to the instruction are provided, including courses, training, seminars, professional development, lectures, sessions, coaching, tutoring, or any other class.

Reporting and Complaint Procedure

Any parent, student, teacher, district employee, or member of the public may file a Complaint alleging a violation of this Policy, which addresses the provisions of OKLA. STAT. tit. 70, § 24-157, and regulations regarding it adopted by the State Department of Education. To be accepted for investigation, the Complaint must:

- (1) be submitted in writing;
- (2) be dated;
- (3) contain the handwritten or electronic signature of the complainant;
- (4) identify the date(s) the alleged discriminatory act occurred; and
- (5) explain the alleged violation(s) / discriminatory conduct and how Section 24- 157 or an administrative regulation thereto has been violated.

While not mandatory, a complainant is encouraged to also identify witnesses to the alleged violation(s) / discriminatory conduct so that such witness(es) can be interviewed by the district.

The district has designated the following individual(s) to receive reports of alleged violation(s) / discriminatory conduct (referred to as the Section 24-157 Coordinator”):

Patricia Balenseifen
Chief Human Resource Officer
Piedmont Public Schools
615 Edmond Road NW Piedmont, OK
73078
405-373-2311
Patricia.Balenseifen@piedmontschools.org

The Section 24-157 Lead or Deputy Coordinator shall, within 10 days of receipt of the Complaint, notify the complainant that the Complaint has been received, whether it is legally sufficient (i.e., contains the mandatory information set forth above) and whether it will be investigated.

Investigation and Determination of Complaint

Within ninety (90) days of receipt of a Complaint accepted for investigation, the Section 24-157 Lead or Deputy Coordinator will be responsible for ensuring that the district investigates and makes a determination as to whether a violation has occurred. The complainant will be notified of the district’s determination of the Complaint, as well as the district’s findings of whether a violation occurred.

Options for Filing Complaint

In lieu of filing a Complaint with the district, a complainant may file a Complaint directly with the State Department of Education. A complainant may not file a Complaint simultaneously with the district and State Department of Education. Additionally, a complainant who believes that the district has incorrectly refused to investigate a Complaint

or has evidence that the district has reached an incorrect determination may file a Complaint with the State Department of Education upon conclusion of the district-based complaint process.

With regard to Complaints made to the district, the Section 24-157 Lead or Deputy Coordinator is required to report each Complaint to the State Department of Education within thirty (30) days of resolution of the Complaint.

Anti-Retaliation

No individual shall be retaliated against for (1) filing a Complaint alleging a violation / discriminatory conduct prohibited by Section 24-157 or any regulation related to it with the district or the State Department of Education, or (2) the purpose of interfering with any right or privilege secured by federal civil rights laws and regulations. Any school employee who retaliates against a complainant shall be subject to disciplinary action by the district, in accordance with district employee disciplinary policies, and the State Department of Education and State Board of Education.

Whistleblower Protection

Any teacher who files a complaint alleging a violation / discriminatory conduct prohibited by Section 24-157 or any regulation related to it with the district or the State Board of Education, or otherwise discloses information the teacher reasonably believes evidences a violation of Section 24-157 or any regulation related thereto shall be entitled to the Whistleblower Protections in applicable laws, including those at OKLA. STAT. tit. 70, § 6- 101.6b.

False Reporting

Any teacher who willfully, knowingly and without probable cause makes a false complaint alleging a violation / discriminatory conduct prohibited by Section 24-157 or any regulation related thereto with the district or the State Board of Education shall be subject to disciplinary action in accord with the district's employee conduct policies and by the State Department of Education and State Board of Education.

Complaints by School Staff

Any school employee who is discriminated against by the district 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 Section 24-157, may file an employment discrimination complaint with the Oklahoma Attorney General's Office of Civil Rights Enforcement.

References: OKLA. STAT. tit. 70, § 24-157 (effective July 1, 2021) OKLA.
ADMIN. CODE § 210: 10-1-23 (emergency rule) OKLA. STAT. tit.
70, § 24A.16(A).