



## Guidance: House Bill 1775

In 2021, the legislature passed and Gov. Stitt signed [House Bill 1775](#). The state Board of Education subsequently passed an [emergency rule](#) related to the legislation but approved [permanent rules](#) on March 10, 2022.

This updated guidance created by the OSSBA team and reviewed by legal counsel at the state Education Department, is intended to provide clarity to school districts. Additional questions can be directed to any member of the OSSBA legal team.

### What does HB 1775 do?

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

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

### (NEW) What do each of the prohibitions mean?

Prior to discussing the specific prohibitions, it's important to define some words and a phrase that are used throughout, and to explain an assumption that should be made.

#### ➤ Definitions:

- Inherent: involved in the constitution or essential character of something or belonging by nature or habit.

- **Meritocracy:** a system, organization, or society in which people are chosen and moved into positions of success, power, and influence on the basis of their demonstrated abilities and merit.
- **By virtue:** through the force of, or by authority of.
- Assumption: Each time this FAQ says that “it is prohibited to teach,” it should be understood that the same concept cannot be made a part of a district’s curriculum and instructional standards, included in any professional development provided to employees, or included as part of a district’s otherwise allowable diversity, equity, and inclusion plans.

*Prohibition 1 - one race or sex is inherently superior to another race or sex:* It is prohibited to teach to students the concept that certain races or a specific sex are, by their very nature, better than other races or sexes. The prohibition is against teaching, making part of a lesson plan, etc., that such superiority is a fact.

**Examples:**

- **Acceptable:** Teaching that, at one time in our nation’s history, African Americans were treated as inferior citizens, as evidenced by slavery, the 3/5 compromise, and Jim Crow laws, and the fact that groups existed, such as the Klu Klux Klan, with its acts of intimidation and violence (see Oklahoma Academic Standard 8.3.3, OKSS 8.9.3, OKSS 8.12.3, OKH 3.5, OKH 5.2, USH 1.2).
- **Not acceptable:** Teaching that people of European descent are naturally superior to people of African descent, or that men are naturally superior to women.

*Prohibition 2 - an individual, by virtue of his or her race or sex, is inherently racist, sexist or oppressive, whether consciously or unconsciously:* It is prohibited to teach to students that all members of a certain race or sex, simply because of their race or sex, are naturally racist, sexist, or oppressive. Simply put, schools cannot teach that people of a certain race or sex are always racist, sexist, or otherwise oppressive, whether they know it or not.

**Examples:**

- **Acceptable:** Teaching that stereotypes and xenophobia (dislike of or prejudice against people from other countries) do exist and can lead to harmful consequences (see Oklahoma Academic Social Studies Standards S.5.4.5 and S.5.5.3).
- **Not acceptable:** Teaching students that people of a specific race are always racist, regardless of whether they’re aware of their racist assumptions and acts because of unconscious bias.

*Prohibition 3 - an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex:* Students cannot be taught that people should be discriminated against or treated badly simply because of their membership in a certain racial group or sex.

**Examples:**

- **Acceptable:** Teaching that many states and businesses have affirmative action policies and discussing arguments for and against such policies.

- **Not acceptable:** Teaching that one sex is inherently superior or inferior to the other based on intellect, physical characteristics, or attributes belonging to a particular sex. Curricular materials should also not promote the mistreatment or stereotype of any individual in society based on the color of their skin. *Any such concept would be a direct violation of federal **and** state laws that prohibit discrimination on the basis of race or sex.*

*Prohibition 4 - members of one race or sex cannot and should not attempt to treat others without respect to race or sex:* Although the meaning behind this prohibition is unclear, it seems to be an attempt at prohibiting the teaching that it's inappropriate to treat people as individuals rather than members of a race or sex.

**Examples:**

- **Acceptable:** Teaching concepts such as having good character and how to treat everyone respectfully.
- **Not acceptable:** Teaching students that they should always recognize racial and sexual differences in their interactions with other people.

*Prohibition 5 - an individual's moral character is necessarily determined by his or her race or sex:* this prohibition is straight-forward. Teachers cannot teach students that moral character is dependent on race or sex.

**Examples:**

- **Acceptable:** Teaching about groups that inaccurately believed that moral character was determined by race or sex, such as the Nazi regime and the causes and effects of the Holocaust (see Oklahoma Academic World History Standard 4 and U.S. History Standard 5).
- **Not acceptable:** Teaching students that a person's moral character is directly related to their race or sex.

*Prohibition 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.* Students cannot be taught that they (or anyone else) bear responsibility for the past actions of people in their same racial group or sex.

**Examples:**

- **Acceptable:** Teaching (as required) what life was like for women in the early American settlements and during the American Revolution, and about the Women's Suffrage Movement, the National Organization of Women, and the ideals and philosophies of its leaders (see Oklahoma Academic Social Studies Standards 5.2.7, 8.2, 8.9.5, and USH 7).
- **Not acceptable:** Teaching that the male students in the classroom bear responsibility for the fact that women have not always had the same rights and privileges as men throughout American history.

*Prohibition 7 - any individual should feel discomfort, guilt, anguish or any other form of psychological distress on account of his or her race or sex:* Teachers cannot teach that students should feel discomfort, guilt, or anguish because of their race or sex.

**Examples:**

- **Acceptable:** Teaching about the facts of history, sociology, etc., even if students have certain feelings about what they are learning. This is not within a teacher's control, nor is it prohibited by this part of the statute. The prohibition is of teachers informing students that they should feel distress because of their race or sex.
- **Not acceptable:** Using any supplemental activities or readings that promote the superiority or inferiority of any group related to standards-based content. For example, asking students to act out behaviors, actions, or repeat statements to represent a historical group or event that places the student in a position to act out of their typical character.
- **Not acceptable:** Teaching and/or telling male students in a classroom that they should feel ashamed of themselves because men did not give women the right to vote at the nation's founding, or that they should personally feel ashamed that men, on average, make more money than women in the workforce.

*Prohibition 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:* Teachers should not teach students that a governmental system based on merit is just another way to oppress people on the basis of race or sex.

**Examples:**

- **Acceptable:** Teachers are required to teach, from a factual perspective, about different governmental philosophies, including the rise of communism and socialism. (see Oklahoma Academic Social Studies Standards WH.2, WH.3, and WH.4). Furthermore, teachers are able to discuss examples of groups that did not receive the same opportunities in systems that were designed to be merit-based, and the actions taken to gain such opportunities, such as the United Farm Workers movement (see Oklahoma Academic U.S. History Standard 7).
- **Not acceptable:** Teaching that merit-based governmental philosophies were purposefully created to enable people of one race to oppress people of another race.

**Are the prohibited concepts typically taught in public schools?**

No. Oklahoma's teachers, particularly history teachers, are skilled at leading and facilitating important conversations on difficult topics, including race and gender as outlined in the state standards

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

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

### **What policy must our district pass to be compliant with the HB 1775 legislation and related rule?**

OSSBA has revised its sample policy based on the final rules to help districts comply with the provisions in law and the rule. It outlines the specific concepts that are prohibited as well as the required complaint process. The policy and district procedures must be incorporated into employee and student handbooks. **Boards are encouraged to review and adopt an updated policy at their next board meeting.**

### **What else should district leaders know about the rule related to HB 1775?**

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

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

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

- Public schools shall be prohibited from mandating diversity training that includes, incorporates or is based on the prohibited concepts. This includes providing such training to employees, contractors, staff members, parents, students, or any other individual or group.
- Public schools in this state shall be prohibited from adopting policies, including grading or admissions policies, or providing any other benefit or service that applies to students or any school employee differently on the basis of race or sex, unless specifically permitted by Title IX. This prohibition includes segregated classes, programs, training sessions, extracurricular activities, or affinity groups unless otherwise permitted by Title IX.
- Public schools in this state shall be prohibited from requiring students to complete surveys, or using the results from surveys, to teach discriminatory concepts.
- 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 school to teach, provide instruction, or offer any Course that includes, incorporates, or is based on discriminatory practices and violates state law.
- (NEW) 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).
- (NEW) 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.

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

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

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

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

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

**What should our community know about our district’s implementation of HB 1775?**

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

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

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

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

### **Is there a formal complaint process related to the provisions of HB 1775?**

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

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

The district policy must identify who will receive complaints and that person's name and contact information must be published on the website. Within 10 days of receiving a complaint, the designee must inform the complainant if the complaint will be investigated. The district has **45** days from receipt of the complaint to complete the investigation **and** notify the complainant of the final determination. Within **10** days of a complaint resolution, the designated employee must report the resolution to the state Education Department.

Individuals also can file a complaint of alleged policy violation with the state Education Department. The complaints must be filed in a process that is similar to the process required for school districts and will be investigated through the normal accreditation process.

### **What are possible outcomes from a formal complaint?**

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

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

the employee's license or certificate. The employee would have a right to a hearing and could also have legal representation.

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

### **Questions?**

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