

H.B. 1775 UPDATE FOR

OKLAHOMA K-12

TEACHERS AND STUDENTS



A quick guide to the Tenth Circuit's reading of H.B.1775

ABOUT THE CASE

In October 2021, a multiracial group of Oklahoma students, parents, and faculty filed a federal lawsuit challenging H.B. 1775.¹ H.B. 1775 is a classroom censorship law that severely restricted teaching about race and gender in Oklahoma public education. The law has two sections: the first applies to colleges and universities, and the second applies to K-12 schools.

When they filed the case, this group of students, parents, and faculty asked the district court for a temporary order against H.B. 1775, barring the State from enforcing the Act until the lawsuit is resolved. On June 14, 2024, Judge Charles Goodwin granted, in part, this request. Judge Goodwin stopped the word “require” and concepts (c) and (d) from being enforced. Additionally, in response to questions from the district court, the Oklahoma Supreme Court clarified that the Act does not apply to university classrooms.

Both sides appealed Judge Goodwin’s order to the 10th Circuit. We asked for the 10th Circuit to stop enforcement of the entire law, while the state wanted the entire law to be enforceable. The 10th Circuit majority opinion granted the state’s request and allowed the entire law to be enforced. However, the majority opinion read the law narrowly, substantially limiting what H.B. 1775 bans.

KEY TAKEAWAYS

- The Court said that H.B. 1775 prohibits school employees from teaching, or requiring teachers to teach, the eight prohibited concepts as correct principles.
- Educators may teach about the beliefs of current or historical public figures, historical events, social theories, or public policy.
- Teachers will only violate H.B. 1775 if they state that one of the prohibited concepts is factually correct.
- Teachers can still teach topics outlined in Oklahoma’s Academic Standards, as long as they do not endorse the prohibited concepts while doing so.

Any teacher or school experiencing an enforcement action under H.B. 1775 should contact us at intake@acluok.org.

Informational purposes only. Not legal advice. Contact an attorney for legal advice or assistance.

ALLOWED

"In 1921, a violent mob of white people burned and looted Black owned business in an area of Tulsa known as Black Wallstreet."

Teachers are allowed to teach about the facts of historical events, especially those that are required under Oklahoma's Academic Standards, even if those facts may make some students uncomfortable. Students are allowed to draw their own conclusions from the lessons.

"Students, we will be debating affirmative action. Half the class will argue in favor of affirmative action, the other half will argue against."

Educators may engage students in debate and critical thinking about current topics of policy debate, even if that debate involves one of the prohibited concepts.

NOT ALLOWED

"White people should feel guilty about the Tulsa Race Massacre."

Teachers may not, however, tell students they should feel discomfort, guilt or anguish because of their race or sex. Teachers may not affirmatively endorse any of the prohibited concepts.

"Higher education institutions ought to give preferential treatment to racial minorities for admissions and scholarships."

Educators, however, may not endorse one of the prohibited concepts.

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