



March 17, 2023

Dear Oklahoma State Department of Education:

We are writing to ask you to protect the rights of students in the Sooner State by rejecting the proposed administrative rules in 210.10-2-1 Parental Rights and 210.35-3-121 Prohibiting Pornographic Materials. Woodhull opposes these rules as human rights violations of the students in Oklahoma.

The Woodhull Freedom Foundation is a national human rights organization focused on the fundamental human right to sexual freedom. The proposed rules in 210.10-2-1 & 210.35-3-121 will violate Articles 12, 18, 19, and 26 of the Universal Declaration of Human Rights (UDHR). The Universal Declaration of Human Rights was signed by the United States in 1948 and is the foundational document for human rights across the world.

These proposed rules claim to protect parents' rights, but what about the rights of their children, the students who will be subjected to these new regulations? Article 12 of the UDHR tells us that all people have the right to privacy, but Part B of 210:10-2-3 is a direct violation of students' privacy. This rule is particularly concerning for LGBTQ+ students who may not be accepted by their parents. Forcing school personnel to out a student can lead to homelessness, abuse within the home, suicide, and jeopardize student academic achievement. Young people need their schools to be safe places, and these rules create a punitive learning environment.

Articles 18 & 19 speak directly to freedom of thought, religion, opinion, and expression. Students and teachers should be able to express their thoughts and opinions freely in a learning environment without fear. The best learning happens when students and teachers are able to have challenging discussions in the classroom. The proposed rules have broader implications for free expression in schools that need to be considered.

Part A of 210:10-2-3 is far too broad and violates Article 26 of the UDHR which states, "*education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.*" Parents already have the right to object to what their own children may be exposed to, but they do not have the right to determine all sex education content in schools. According to The Sexuality Information and Education Council of the U.S. (SIECUS), "Young people who live in states without access to comprehensive sexuality information nor unfettered access to reproductive health care will be more likely to experience adverse sexual health outcomes, sexual violence, forced pregnancies, and other economic, social, and personal hardship and trauma." These proposed rules are unnecessary and create risks for students where there should not be.

Furthermore, sexuality education (sex ed) teaches how bodies work, how students can protect themselves from abuse, and how to have healthy relationships. Oklahoma voters favor providing sex ed by large margins, and research shows that evidence-based sex ed delays the start of sexual activity and lowers teen birth rates. Parents already have the right to review the curriculum and opt out of sex education instruction which negates the need for the proposed rules.



Additionally, we have grave concerns about the definitions of “pornographic” and “sexualized content” outlined in 210:35-3-121.1. Pornography is defined as “depictions or descriptions of sexual conduct which are patently offensive as found by the average person.” Who is the average person? What is considered sexual varies widely. This definition allows anyone with an objection to any kind of sex to have it pulled from library shelves. There are books that contain depictions of sex that are age-appropriate for students and allow them to learn about their own sexuality & bodies. According to this definition, even The Bible would be banned from libraries. We highly doubt that this was the intention of the author of this rule. Additionally the definition of sexualized content in this rule, “means material that is not strictly Pornographic but otherwise contains excessive sexual material in light of the youngest age of students with access to said material” is concerning. Helpful information about reproductive health, sexual orientation, and gender identity could easily fall into this category. Students need access to information about all of these topics in order to grow into healthy and successful adults. Banning and censoring books and information harms the learning environment and limits the representation of people and opinions important to a student's learning and development. This definition allows for censorship in school libraries and censorship has no place in our libraries!

In summary, we urge the Oklahoma Department of Education not to implement the rules outlined in this letter in favor of protecting the human rights of Oklahoma students.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Ricci Jay Levy". The signature is written in a cursive, flowing style.

President & CEO  
Woodhull Freedom Foundation