

An Act

ENROLLED HOUSE
BILL NO. 1441

By: Provenzano, Ranson, and
Hefner of the House

and

Pugh of the Senate

An Act relating to schools; amending 70 O.S. 2021, Sections 6-192 and 6-194, as amended by Section 1, Chapter 211, O.S.L. 2022 (70 O.S. Supp. 2022, Section 6-194), which relate to professional development; requiring digital program to be completed at a frequency determined by the board of education; deleting outdated language; authorizing completion of certain programs at a frequency determined by the board; modifying frequency of child abuse training; establishing maximum amount of mandatory professional development and training in a five-year period; requiring teachers to maintain certain documentation; amending 70 O.S. 2021, Section 6-194.3, which relates to student mental health training for teachers; modifying frequency of training; amending 70 O.S. 2021, Section 6-195, which relates to teacher induction programs; authorizing board to establish frequency for training; amending 70 O.S. 2021, Section 11-103.6j, which relates to workplace safety training curriculum; requiring board to determine frequency of training; amending 70 O.S. 2021, Section 24-100.4, which relates to the School Safety and Bullying Prevention Act; altering frequency of bullying prevention training; amending 70 O.S. 2021, Section 24-100.7, which relates to suicide awareness and prevention; adjusting frequency of training; amending 70 O.S. 2021, Section 1210.229-5, which relates to substance abuse programs; modifying frequency of teacher training; providing an effective date; and declaring an emergency.

SUBJECT: Schools

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2021, Section 6-192, is amended to read as follows:

Section 6-192. A. It is hereby declared to be the intent of the Legislature to establish a professional development procedure whereby all teachers in the state continue their education beyond initial certification by the state to ensure that the children of the state are taught by professional educators, fully prepared in their areas of expertise. Furthermore, such professional development procedure shall provide alternative means of education, including one or more of the following: In-service programs, higher education courses, or other alternative means of education designed to help teachers enrich their professional abilities.

B. The professional development procedure shall include digital teaching and learning standards to enhance content delivery to students and improve student achievement. A ~~local~~ school district board of education shall require a program for teachers which shall emphasize the importance of digital teaching and learning standards. The program shall be completed ~~the first year a certified teacher is employed by a school district, and then~~ at a frequency as determined by the ~~local~~ board of education.

SECTION 2. AMENDATORY 70 O.S. 2021, Section 6-194, as amended by Section 1, Chapter 211, O.S.L. 2022 (70 O.S. Supp. 2022, Section 6-194), is amended to read as follows:

Section 6-194. A. The district boards of education of this state shall establish professional development programs for the certified teachers and administrators of the district. Programs shall be adopted by each board based upon recommendations of a professional development committee appointed by the board of education for the district. ~~For the fiscal years ending June 30, 2011, and June 30, 2012, a school district board of education may elect not to adopt and offer a professional development program for certified teachers and administrators of the district. If a school district elects not to adopt and offer a professional development program, the district may expend any monies allocated for professional development for any purpose related to the support and maintenance of the school district as determined by the board of education of the school district.~~

B. Each professional development committee shall include classroom teachers, administrators, school counselors or licensed

mental health providers, and parents, guardians or custodians of children in the school district and shall consult with a higher education faculty. A majority of the members of the professional development committee shall be composed of classroom teachers. The teacher members shall be selected by a designated administrator of the school district from a list of names submitted by the teachers in the school district. The members selected shall be subject to the approval of a majority vote of the teachers in the district.

C. In developing program recommendations, each professional development committee shall annually utilize a data-driven approach to analyze student data and determine district and school professional development needs. The professional development programs adopted shall be directed toward development of competencies and instructional strategies in the core curriculum areas for the following goals:

1. Increasing the academic performance data scores for the district and each school site;
2. Closing achievement gaps among student subgroups;
3. Increasing student achievement as demonstrated on state-mandated tests and the ACT;
4. Increasing high school graduation rates; and
5. Decreasing college remediation rates.

Each program may also include components on classroom management and student discipline strategies, outreach to parents, guardians or custodians of students, special education, and racial and ethnic education, which all personnel defined as teachers in Section 1-116 of this title shall be required to complete on a periodic basis at a frequency as determined by the board of education. The State Board of Education shall provide guidelines to assist school districts in developing and implementing racial and ethnic education components into professional development programs.

D. ~~At a minimum of once an academic year a~~ A program shall be offered which includes the following information shall be completed the first year a certified teacher is employed by a school district, and then once every fifth academic year:

1. Training on recognition of child abuse and neglect;

2. Recognition of child sexual abuse;
3. Proper reporting of suspected abuse; and
4. Available resources.

E. One time per year, beginning in the 2009-2010 school year, training in the area of autism shall be offered and all resident teachers of students in early childhood programs through grade three shall be required to complete the autism training during the resident year and at least one time every three (3) years thereafter. All other teachers and education support professionals of students in early childhood programs through grade three shall be required to complete the autism training at least one time every three (3) years. The autism training shall include a minimum awareness of the characteristics of autistic children, resources available and an introduction to positive behavior supports to challenging behavior. Each adopted program shall allow school counselors to receive at least one-third (1/3) of the hours or credit required each year through programs or courses specifically designed for school counselors.

Districts are authorized to utilize any means for professional development that is not prohibited by law including, but not limited to, professional development provided by the district, any state agency, institution of higher education, or any private entity.

F. One time per year, beginning in the 2020-2021 school year, a dyslexia awareness program shall be offered. Beginning in the 2023-2024 school year, the program shall include information and training in dysgraphia. At a minimum, the program shall include:

1. Training in awareness of dyslexia characteristics in students;
2. Training in effective classroom instruction to meet the needs of students with dyslexia; and
3. Available dyslexia resources for teachers, students and parents.

G. Except as otherwise provided for in this subsection, each certified teacher in this state shall be required by the district board of education to meet the professional development requirements

established by the board, or established through the negotiation process. Except as otherwise provided for in this subsection, the professional development requirements established by each board of education shall require every teacher to annually complete a minimum number of the total number of points required to maintain employment; provided, no more than a total of one hundred fifty (150) hours of local, state, or federal professional development or training shall be required for classroom teachers during any five-year period. Failure of any teacher to meet district board of education professional development requirements may be grounds for nonrenewal of such teacher's contract by the board. Such failure may also be grounds for nonconsideration of salary increments affecting the teacher. ~~For the fiscal years ending June 30, 2011, and June 30, 2012, a certified teacher shall not be required to complete any points of the total number of professional development points required. Provided, a teacher may elect to complete some or all of the minimum number of points required for the two (2) fiscal years and any points completed shall be counted toward the total number of points required to maintain employment. If a teacher does not complete some or all of the minimum number of points required for one (1) or both fiscal years, the total number of points required to maintain employment shall be adjusted and reduced by the number of points not completed. Teachers shall maintain written documentation of all their completed professional development.~~

H. Each district shall annually submit a report to the State Department of Education on the district level professional development needs, activities completed, expenditures, and results achieved for each school year by each goal as provided in subsection C of this section. If a school district elects not to adopt and offer a professional development program as provided for in subsection A of this section, the district shall not be required to submit an annual report as required pursuant to this subsection but shall report to the State Department of Education its election not to offer a program and all professional development activities completed by teachers and administrators of the school district.

I. Subject to the availability of funds, the Department shall develop an online system for reporting as required in subsection H of this section. The Department shall also make such information available on its website.

SECTION 3. AMENDATORY 70 O.S. 2021, Section 6-194.3, is amended to read as follows:

Section 6-194.3 A. The State Department of Education and the Department of Mental Health and Substance Abuse Services, in consultation with school district superintendents and school district boards of education, shall develop and make available to school districts information, training, and resources to help school employees recognize and address the mental health needs of students. A ~~local~~ school district board of education shall require a training program for teachers which shall emphasize the importance of recognizing and addressing the mental health needs of students. The program shall be completed the first year a certified teacher is employed by a school district, and then once every ~~third~~ fifth academic year.

B. The information made available to school districts shall include, but not be limited to:

1. Information about the services provided by community-based organizations related to mental health, substance abuse, and trauma;

2. Information about the impact trauma and adverse childhood experiences can have on a student's ability to learn;

3. The availability of mental health evaluation and treatment available by telemedicine; and

4. Information about evidence-based strategies for prevention of at-risk behaviors.

SECTION 4. AMENDATORY 70 O.S. 2021, Section 6-195, is amended to read as follows:

Section 6-195. A. As funds are available, the State Department of Education in consultation with the Office of Educational Quality and Accountability shall administer an induction program for teachers which shall be approved by the State Board of Education. Beginning with the 2015-2016 school year, each school district shall participate in the induction program. The program shall include, but not be limited to:

1. Guidance to school districts for successful induction programs;

2. Training for school districts to include the selection, function and duties of mentors; and

3. Resources for appropriate professional development, support, mentorship and coaching for the inductee and mentors.

B. The induction program training shall be completed at a frequency as determined by the board of education.

C. The State Board of Education may promulgate rules for administration of the induction program.

SECTION 5. AMENDATORY 70 O.S. 2021, Section 11-103.6j, is amended to read as follows:

Section 11-103.6j A. The State Department of Education, in collaboration with the Oklahoma Department of Labor, shall make available to school districts information regarding workplace safety training for grades seven through twelve. Such information shall include the Oklahoma Department of Labor's "Youth @ Work Talking Safety: A Safety and Health Curriculum for Young Workers".

B. The State Department of Education shall encourage school districts to inform grade-seven through -twelve teachers about the importance of incorporating workplace safety training in their curriculum.

C. A ~~local~~ school district board of education shall require a program for seventh-grade through twelfth-grade teachers which shall emphasize the importance of incorporating workplace safety training into curriculum. The program shall be completed ~~the first year a certified teacher is employed by a school district, and then at a~~ frequency as determined by the ~~local~~ board.

D. The State Board of Education shall promulgate rules to implement the provisions of this act.

SECTION 6. AMENDATORY 70 O.S. 2021, Section 24-100.4, is amended to read as follows:

Section 24-100.4 A. Each school district board of education shall adopt a policy for the discipline of all children attending public school in that district, and for the investigation of reported incidents of bullying. The policy shall provide options for the discipline of the students and shall define standards of conduct to which students are expected to conform. The policy shall:

1. Specifically address bullying by students at school and by electronic communication, if the communication is specifically directed at students or school personnel and concerns bullying at school;

2. Contain a procedure for reporting an act of bullying to a school official or law enforcement agency, including a provision that permits a person to report an act anonymously. No formal disciplinary action shall be taken solely on the basis of an anonymous report;

3. Contain a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal;

4. Contain a statement of how the policy is to be publicized including a requirement that:

- a. an annual written notice of the policy be provided to parents, guardians, staff, volunteers and students, with age-appropriate language for students,
- b. notice of the policy be posted at various locations within each school site, including but not limited to cafeterias, school bulletin boards, and administration offices,
- c. the policy be posted on the Internet website for the school district and each school site that has an Internet website, and
- d. the policy be included in all student and employee handbooks;

5. Require that appropriate school district personnel involved in investigating reports of bullying make a determination regarding whether the conduct is actually occurring;

6. Contain a procedure for providing timely notification to the parents or guardians of a victim of documented and verified bullying and to the parents or guardians of the perpetrator of the documented and verified bullying;

7. Identify by job title the school official responsible for enforcing the policy;

8. Contain procedures for reporting to law enforcement all documented and verified acts of bullying which may constitute criminal activity or reasonably have the potential to endanger school safety;

9. Require ~~annual~~ training for administrators and school employees as developed and provided by the State Department of Education in preventing, identifying, responding to and reporting incidents of bullying. The training shall be completed the first year an administrator or school employee is employed by a school district, and then once every fifth academic year;

10. Provide for an educational program as designed and developed by the State Department of Education and in consultation with the Office of Juvenile Affairs for students and parents in preventing, identifying, responding to and reporting incidents of bullying;

11. Establish a procedure for referral of a person who commits an act of bullying to a delinquency prevention and diversion program administered by the Office of Juvenile Affairs;

12. Address prevention by providing:

- a. consequences and remedial action for a person who commits an act of bullying,
- b. consequences and remedial action for a student found to have falsely accused another as a means of retaliation, reprisal or as a means of bullying, and
- c. a strategy for providing counseling or referral to appropriate services, including guidance, academic intervention, and other protection for students, both targets and perpetrators, and family members affected by bullying, as necessary;

13. Establish a procedure for:

- a. the investigation, determination and documentation of all incidents of bullying reported to school officials,

- b. identifying the principal or a designee of the principal as the person responsible for investigating incidents of bullying,
- c. reporting the number of incidents of bullying, and
- d. determining the severity of the incidents and their potential to result in future violence;

14. Establish a procedure whereby, upon completing an investigation of bullying, a school may recommend that available community mental health care, substance abuse or other counseling options be provided to the student, if appropriate; and

15. Establish a procedure whereby a school may request the disclosure of any information concerning students who have received mental health, substance abuse, or other care pursuant to paragraph 14 of this subsection that indicates an explicit threat to the safety of students or school personnel, provided the disclosure of the information does not violate the requirements and provisions of the Family Educational Rights and Privacy Act of 1974, the Health Insurance Portability and Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any other state or federal laws regarding the disclosure of confidential information.

B. In developing the policy, the district board of education shall make an effort to involve the teachers, parents, administrators, school staff, school volunteers, community representatives, local law enforcement agencies and students. The students, teachers, and parents or guardian of every child residing within a school district shall be notified by the district board of education of its adoption of the policy and shall receive a copy upon request. The school district policy shall be implemented in a manner that is ongoing throughout the school year and is integrated with other violence prevention efforts.

C. The teacher of a child attending a public school shall have the same right as a parent or guardian to control and discipline such child according to district policies during the time the child is in attendance or in transit to or from the school or any other school function authorized by the school district or classroom presided over by the teacher.

D. Except concerning students on individualized education plans (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, the State Board of Education shall not have authority to prescribe student disciplinary policies for school districts or to proscribe corporal punishment in the public schools. The State Board of Education shall not have authority to require school districts to file student disciplinary action reports more often than once each year and shall not use disciplinary action reports in determining a school district's or school site's eligibility for program assistance including competitive grants.

E. The board of education of each school district in this state shall have the option of adopting a dress code for students enrolled in the school district. The board of education of a school district shall also have the option of adopting a dress code which includes school uniforms.

F. The board of education of each school district in this state shall have the option of adopting a procedure that requires students to perform campus-site service for violating the district's policy.

G. The State Board of Education shall:

1. Promulgate rules for periodically monitoring school districts for compliance with this section and providing sanctions for noncompliance with this section;

2. Establish and maintain a central repository for the collection of information regarding documented and verified incidents of bullying; and

3. Publish a report annually on the State Department of Education website regarding the number of documented and verified incidents of bullying in the public schools in the state.

SECTION 7. AMENDATORY 70 O.S. 2021, Section 24-100.7, is amended to read as follows:

Section 24-100.7 A. The board of education of each school district in this state shall adopt a policy regarding suicide awareness and training, requiring staff training and the reporting of student drug abuse.

B. The board of education of each school district in this state shall provide ~~district-wide~~ training to all staff ~~on a biennial~~

basis members in their first year employed by the school district,
and then once every fifth academic year, addressing suicide awareness and prevention. The Department of Mental Health and Substance Abuse Services shall make available to school districts curriculum for staff which addresses suicide awareness and prevention, without cost to the school districts. The course outline for the curriculum shall be made available to the public online through the school district website. Beginning with the 2021-2022 school year, every school district shall:

1. Provide a suicide prevention training program which includes as a core element evidence-based approaches;

2. Provide the curriculum made available by the Department of Mental Health and Substance Abuse Services; or

3. Provide a suicide prevention training program that is selected by the school district from a list maintained by the Department of Mental Health and Substance Abuse Services to school district staff that addresses suicide awareness and prevention. The training program may be combined with any other training provided by the school district addressing bullying prevention.

C. Beginning with the 2022-2023 school year, the board of education of each school district may provide training to address suicide awareness and prevention to students in grades seven through twelve.

D. Teachers, counselors, principals, administrators and other school personnel shall be immune from employment discipline and any civil liability for:

1. Calling the 911 emergency telephone number, law enforcement or the Department of Human Services if they believe a student poses a threat to themselves or others or if a student has committed or been the victim of a violent act or threat of a violent act;

2. Providing referral, emergency medical care or other assistance offered in good faith to a student or other youth; or

3. Communicating information in good faith concerning drug or alcohol abuse or a potential safety threat by or to any student to the parents or legal guardians of the student, law enforcement officers or health care providers.

E. No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of this section or resulting from any training, or lack thereof, required by this section, unless the loss or damage was caused by willful or wanton misconduct.

F. The training required pursuant to this section, or the lack thereof, shall not be construed to impose any specific duty of care.

G. The board of education of each school district may enter into agreements with designated Youth Services Agencies for the provision of intervention and prevention services.

H. Teachers, counselors, principals, administrators or other school personnel, upon determining that a student is at risk of attempting suicide, shall notify the parents or legal guardians of the student immediately upon determining that such risk exists.

SECTION 8. AMENDATORY 70 O.S. 2021, Section 1210.229-5, is amended to read as follows:

Section 1210.229-5 A. The State Superintendent of Public Instruction and State Department of Education in conjunction with the Oklahoma Drug and Alcohol Abuse Policy Board shall:

1. Establish objective criteria, guidelines and a comprehensive integrated curriculum for substance abuse programs and the teaching of life skills in local schools and school districts;

2. Establish and review annually model policies for alcohol and drug abuse issues, including, but not limited to, policies regarding disciplinary actions and referral for services;

3. Develop and implement strategies which encourage all schools to employ guidance counselors trained in substance abuse prevention and life skills and to develop and begin implementing quality substance abuse and life skills education programs; and

4. Develop guidelines and criteria to encourage teachers and administrators to receive in-service training on alcohol and drug abuse. The training or workshops ~~should~~ shall be included in the staff development point system. The training or workshop shall be completed the first year a certified teacher is employed by a school district, and then once every ~~third~~ fifth academic year.

B. The State Department of Education shall distribute information or reports provided by the Oklahoma Drug and Alcohol Abuse Policy Board, to each school district and, upon request, to members of the public. Upon request of the chief administrator of a school or school district, the Department shall provide technical assistance to schools and school districts to implement policies and programs pursuant to guidelines provided by the Oklahoma Drug and Alcohol Abuse Policy Board and shall provide a clearinghouse program accessible by school districts to provide information about life skills and drug and alcohol abuse prevention curricula and programs.

C. Final determination of materials to be used, means of implementation of the curriculum, and ages and times at which students receive instruction about ~~said~~ life skills and drug and alcohol abuse prevention shall be made by the ~~local~~ school district board of education. The ~~local~~ school district, at least one (1) month prior to giving such instruction to students, shall conduct for parents and guardians of students involved, during weekend or evening hours, at least one presentation concerning the plans for instruction and the materials to be used. No student shall be required to receive instruction about ~~said~~ life skills and drug and alcohol abuse prevention if a parent or guardian of the student objects in writing.

SECTION 9. This act shall become effective July 1, 2023.

SECTION 10. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 23rd day of March, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 17th day of April, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.

By: _____