

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3617

By: Conley

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6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,  
8 Section 6-194, as last amended by Section 2, Chapter  
9 15, O.S.L. 2023 (70 O.S. Supp. 2023, Section 6-194),  
10 which relates to professional development training;  
11 modifying training requirements related to child  
12 abuse and neglect, child sexual abuse, and sexual  
13 exploitation; amending 70 O.S. 2021, Section  
14 1210.163, which relates to school employee duty to  
15 report suspected abuse or neglect; directing  
16 placement of certain employee on administrative  
17 leave; mandating contact with local law enforcement;  
18 requiring determination of employment within  
19 specified time; providing resources to students who  
20 are victims of abuse or neglect; directing State  
21 Department of Education to verify compliance;  
22 prescribing penalties for non-compliance; requiring  
23 schools to maintain certain records and information;  
24 mandating dissemination of certain communication;  
-- prescribing punishment for false reports; providing  
an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 6-194, as  
last amended by Section 2, Chapter 15, O.S.L. 2023 (70 O.S. Supp.  
2023, Section 6-194), is amended to read as follows:

1 Section 6-194. A. The district boards of education of this  
2 state shall establish professional development programs for the  
3 certified teachers and administrators of the district. Programs  
4 shall be adopted by each board based upon recommendations of a  
5 professional development committee appointed by the board of  
6 education for the district.

7 B. Each professional development committee shall include  
8 classroom teachers, administrators, school counselors or licensed  
9 mental health providers, and parents, guardians or custodians of  
10 children in the school district and shall consult with a higher  
11 education faculty. A majority of the members of the professional  
12 development committee shall be composed of classroom teachers. The  
13 teacher members shall be selected by a designated administrator of  
14 the school district from a list of names submitted by the teachers  
15 in the school district. The members selected shall be subject to  
16 the approval of a majority vote of the teachers in the district.

17 C. In developing program recommendations, each professional  
18 development committee shall annually utilize a data-driven approach  
19 to analyze student data and determine district and school  
20 professional development needs. The professional development  
21 programs adopted shall be directed toward development of  
22 competencies and instructional strategies in the core curriculum  
23 areas for the following goals:  
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- 1        1. Increasing the academic performance data scores for the
- 2 district and each school site;
- 3        2. Closing achievement gaps among student subgroups;
- 4        3. Increasing student achievement as demonstrated on state-
- 5 mandated tests and the ACT;
- 6        4. Increasing high school graduation rates; and
- 7        5. Decreasing college remediation rates.

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

17        D. A program which includes the following information shall be  
18 completed the first year a certified teacher is employed by a school  
19 district, and then once every fifth academic year:

- 20        1. Training on recognition and signs of child abuse and neglect  
21 as defined in Section 843.5 of Title 21 of the Oklahoma Statutes;
- 22        2. Recognition and signs of child sexual abuse and child sexual  
23 exploitation as defined in Section 843.5 of Title 21 of the Oklahoma

1 Statutes, including sexual abuse or sexual exploitation that occurs  
2 at school or between a student and a person employed by the school;

3 3. Proper reporting of suspected abuse or exploitation,  
4 including compliance with Section 1210.163 of this title; and

5 4. Maintaining a safe environment, free from child abuse and  
6 neglect, child sexual abuse, and child sexual exploitation, for  
7 students; and

8 5. Available resources.

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

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

5 F. One time per year, beginning in the 2020-2021 school year, a  
6 dyslexia awareness program shall be offered. Beginning in the 2023-  
7 2024 school year, the program shall include information and training  
8 in dysgraphia. At a minimum, the program shall include:

9 1. Training in awareness of dyslexia characteristics in  
10 students;

11 2. Training in effective classroom instruction to meet the  
12 needs of students with dyslexia; and

13 3. Available dyslexia resources for teachers, students and  
14 parents.

15 G. Except as otherwise provided for in this subsection, each  
16 certified teacher in this state shall be required by the district  
17 board of education to meet the professional development requirements  
18 established by the board, or established through the negotiation  
19 process. Except as otherwise provided for in this subsection, the  
20 professional development requirements established by each board of  
21 education shall require every teacher to annually complete a minimum  
22 number of the total number of points required to maintain  
23 employment; provided, no more than a total of one hundred fifty  
24 (150) hours of local, state, or federal professional development or  
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1 training shall be required for classroom teachers during any five-  
2 year period. Failure of any teacher to meet district board of  
3 education professional development requirements may be grounds for  
4 nonrenewal of such teacher's contract by the board. Such failure  
5 may also be grounds for nonconsideration of salary increments  
6 affecting the teacher. Teachers shall maintain written  
7 documentation of all their completed professional development.

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

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

23 SECTION 2. AMENDATORY 70 O.S. 2021, Section 1210.163, is  
24 amended to read as follows:  
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1 Section 1210.163 A. Every school employee having reason to  
2 believe that a student under the age of eighteen (18) years is a  
3 victim of abuse or neglect shall report the matter immediately to  
4 the Department of Human Services and local law enforcement. Reports  
5 to the Department shall be made to the hotline provided for in  
6 Section 1-2-101 of Title 10A of the Oklahoma Statutes. Any  
7 allegation of abuse or neglect reported in any manner to a county  
8 office shall immediately be referred to the hotline by the  
9 Department.

10 B. Every school employee having reason to believe that a  
11 student age eighteen (18) years or older is a victim of abuse or  
12 neglect shall report the matter immediately to local law  
13 enforcement.

14 C. In reports required by subsection A or B of this section,  
15 local law enforcement shall keep confidential and redact any  
16 information identifying the reporting school employee unless  
17 otherwise ordered by the court. A school employee with knowledge of  
18 a report required by subsection A or B of this section shall not  
19 disclose information identifying the reporting school employee  
20 unless otherwise ordered by the court or as part of an investigation  
21 by local law enforcement or the Department.

22 D. Any school that receives notification of a report of child  
23 abuse or neglect from local law enforcement, a student, a parent, or  
24 a school employee, when the alleged perpetrator of the reported  
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1 child abuse or neglect is an employee of the school, the school  
2 shall place the employee on administrative leave within twenty-four  
3 (24) hours of receiving the notice. The school shall contact local  
4 law enforcement to verify that the allegations of child abuse or  
5 neglect are under investigation and, if requested, collaborate with  
6 local law enforcement during the investigation. Within thirty (30)  
7 days, the school district board of education shall determine whether  
8 there is sufficient information to place the employee on a leave of  
9 absence without pay.

10 E. The school shall provide resources for students who are  
11 victims of child abuse or neglect including, but not limited to,  
12 offering counseling services, special accommodations, and  
13 confidentiality protections.

14 F. Every two (2) years, the State Department of Education shall  
15 verify a school district, school district board of education, or  
16 school district employee is in compliance with the provisions of  
17 this section. Any violation of this section shall result in the  
18 following penalties:

- 19 1. First violation - written warning;
  - 20 2. Second violation - if an employee fails to report child  
21 abuse or neglect, his or her employment shall be terminated;
  - 22 3. Third violation - the school district shall lose its  
23 accreditation; and
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1       4. Fourth violation - the school district superintendent's  
2 employment shall be terminated.

3       G. Schools shall maintain thorough records of all reports  
4 received pursuant to this section. Information in the records shall  
5 include, but not be limited to, complaints, investigations, and  
6 actions taken by the school to address reports or allegations.

7 School employees who report child abuse or neglect shall be  
8 protected from retaliation and shall be permitted to report  
9 anonymously.

10       H. Schools shall disseminate information about the reporting  
11 requirements of the section to provide awareness to students,  
12 parents, employees, and members of the community. The information  
13 shall be disseminated through communication methods including, but  
14 not limited to, social media, school email, school website, school  
15 open houses, and other forms of community communication methods.

16       I. Any person who knowingly and willfully makes a false report  
17 of child abuse or neglect pursuant to the provisions of this section  
18 or a report that the person knows lacks factual foundation may be  
19 reported to local law enforcement for criminal investigation and,  
20 upon conviction, shall be guilty of a misdemeanor punishable by  
21 imprisonment in the county jail for not more than six (6) months or  
22 by a fine not exceeding Five Hundred Dollars (\$500.00), or by both  
23 such fine and imprisonment.

1       J. For the purposes of this section, "child abuse and neglect"  
2 shall include, but not be limited to:

3           1. Child abuse as defined in Section 843.5 of Title 21 of the  
4 Oklahoma Statutes;

5           2. Sexual abuse or sexual exploitation as defined in Section 1-  
6 1-105 of Title 10A of the Oklahoma Statutes;

7           3. Contributing to the delinquency of a minor as defined in  
8 Section 856 of Title 21 of the Oklahoma Statutes;

9           4. Trafficking in children, as defined in Section 866 of Title  
10 21 of the Oklahoma Statutes;

11           5. Incest as described in Section 885 of Title 21 of the  
12 Oklahoma Statutes;

13           6. Forcible sodomy, as described in Section 888 of Title 21 of  
14 the Oklahoma Statutes;

15           7. Maliciously, forcibly or fraudulently taking or enticing a  
16 child away, as described in Section 891 of Title 21 of the Oklahoma  
17 Statutes;

18           8. Soliciting or aiding a minor child to perform or showing,  
19 exhibiting, loaning or distributing obscene material or child  
20 pornography, as described in Section 1021 of Title 21 of the  
21 Oklahoma Statutes;

22           9. Procuring or causing the participation of any minor child in  
23 any child pornography or knowingly possessing, procuring or  
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1 manufacturing child pornography, as described in Section 1021.2 of  
2 Title 21 of the Oklahoma Statutes;

3 10. Permitting or consenting to the participation of a minor  
4 child in any child pornography, as described in Section 1021.3 of  
5 Title 21 of the Oklahoma Statutes;

6 11. Facilitating, encouraging, offering or soliciting sexual  
7 conduct with a minor, as described in Section 1040.13a of Title 21  
8 of the Oklahoma Statutes;

9 12. Offering or offering to secure a minor child for the  
10 purposes of prostitution or any other lewd or indecent act, as  
11 described in Section 1087 of Title 21 of the Oklahoma Statutes;

12 13. Causing, inducing, persuading or encouraging a minor child  
13 to engage or continue to engage in prostitution, as described in  
14 Section 1088 of Title 21 of the Oklahoma Statutes;

15 14. Rape or rape by instrumentation, as described in Sections  
16 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; and

17 15. Making any oral, written or electronically or computer-  
18 generated lewd or indecent proposals to a minor child under the age  
19 of sixteen (16) as described in Section 1123 of Title 21 of the  
20 Oklahoma Statutes.

21 SECTION 3. This act shall become effective July 1, 2024.

22 SECTION 4. It being immediately necessary for the preservation  
23 of the public peace, health or safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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