

# An Act

ENROLLED HOUSE  
BILL NO. 4106

By: Vancuren, Lawson, and Frix  
of the House

and

Pemberton and Kirt of the  
Senate

An Act relating to schools; requiring school districts to maintain protocol for responding to students in mental health crisis; directing protocol to be developed, maintained, and implemented in certain partnership; prescribing provider requirements; listing minimum requirements for protocol; requiring notification of a parent or legal guardian if student under certain age receives certain identification; requiring consent from a parent or legal guardian for certain actions except in emergencies; prescribing compliance with certain federal laws; providing for ready access and regular training on protocol; requiring working agreement between the school district and provider; providing for review of protocol effectiveness; establishing frequency for review and consideration of updates; directing submission of protocol and working agreement to the State Department of Education; directing sharing of protocols and agreements with the Department of Mental Health and Substance Abuse Services; authorizing agencies to provide revisions to protocol; directing agencies to provide technical assistance; providing certain construction; amending 70 O.S. 2021, Section 24-158, which relates to the Oklahoma Prevention Needs Assessment Survey; requiring prior written notification to parents and legal guardians of students to be administered certain survey; providing for notification of opt out; directing submission of survey prior to administration; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Schools

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-159 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Each public school district shall maintain a protocol for responding to students in mental health crisis with the goal of preventing student suicide, self-harm, and harm to others.

1. The protocol shall be developed, maintained, and implemented in partnership with one or more local mental health treatment providers certified by the Department of Mental Health and Substance Abuse Services. At least one provider partner shall have:

- a. the ability to serve all school-aged children regardless of insurance status, and
- b. the ability and certification to provide mental health crisis services in the region where students attend school.

2. Any organization certified by the state as a community mental health center as defined in Section 3-302 of Title 43A of the Oklahoma Statutes or a Certified Community Behavioral Health Clinic shall serve as a school partner if requested by a school district located in its state-designated service area.

B. The protocol for responding to mental health crises shall, at a minimum:

1. Provide a definition of mental health crisis involving potential for harm to self or others;

2. Document how mental health crises may be identified by school administrators, teachers, support employees, and school-based mental health professionals;

3. Outline nonpunitive steps to safeguard student health and safety in response to an immediate or potential mental health crisis;

4. Identify local treatment providers and resources available to support students and families in mental health crisis and ensure appropriate referrals to treatment;

5. Outline a process for ensuring parent and caregiver notification and involvement during an actual or potential mental health crisis; and

6. Document how student privacy will be protected in compliance with applicable state and federal laws.

C. If a student who is under eighteen (18) years of age is identified as being in or at risk of a mental health crisis, the school shall inform the parent or legal guardian of the student and offer the treatment referral information contained in the protocol. Parent or legal guardian consent shall be required for any subsequent action taken by the school as part of the protocol except in cases of immediate and life-threatening danger to self or others.

D. All protocols developed by school districts and partner organizations shall comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and Family Educational Rights and Privacy Act (FERPA) privacy requirements.

E. School administrators, teachers, support employees, and school-based mental health providers shall be provided ready access to and regular training on the protocol.

F. A working agreement shall be signed by the school district board of education and each identified mental health provider partner outlining all obligations of the parties under the established protocol and a strategy for regularly reviewing its effectiveness using anonymous, nonidentifiable data.

G. Not less than every two (2) years, the school district and its mental health provider partners shall jointly review the protocol and working agreements and consider any updates necessary to better meet the needs of students. School districts and mental health provider partners shall include in their review process information gathered from the Oklahoma Prevention Needs Assessment Survey or an alternative survey, as provided for in Section 24-158 of Title 70 of the Oklahoma Statutes.

H. Each school district shall submit the latest protocol and working agreements to the State Department of Education, which shall

share the protocols and agreements with the Department of Mental Health and Substance Abuse Services. These agencies may require revisions to ensure compliance with applicable laws, regulations, and established evidence-based practices.

I. The Department of Mental Health and Substance Abuse Services and the State Department of Education shall provide technical assistance to school districts and their provider partners by:

1. Making available an optional template protocol which satisfies the provisions of this section;

2. Making available an optional template working agreement which can be adopted by schools and provider partners;

3. Providing school districts with lists of local public and private treatment providers eligible to serve as partners in the development and maintenance of a protocol;

4. Providing information on any available mental health crisis phone line;

5. Making available information on evidence-based practices for meeting the mental health needs of students; and

6. Providing ongoing assistance and consultation as requested by a school district.

J. The Board of Mental Health and Substance Abuse Services and the State Board of Education may promulgate rules as necessary to ensure compliance with this section.

K. Nothing in this section shall be construed to create, establish, expand, reduce, contract, or eliminate any civil liability on the part of any school or school employee.

SECTION 2. AMENDATORY 70 O.S. 2021, Section 24-158, is amended to read as follows:

Section 24-158. A. The "Oklahoma Prevention Needs Assessment Survey" means the biennial mental health prevention survey of public school students in grades six, eight, ten, and twelve managed by the Department of Mental Health and Substance Abuse Services.

B. Beginning in the 2022-2023 school year, and biennially thereafter, public schools shall administer the Oklahoma Prevention Needs Assessment Survey, or an alternative survey as provided in subsection D of this section, for the purpose of providing direction to schools, school districts, and communities to effectively improve the lives of students regarding a variety of issues with a focus on alcohol, tobacco, other drug use, mental health, academic failure, and violence.

C. The Department of Mental Health and Substance Abuse Services shall maintain the Oklahoma Prevention Needs Assessment Survey and shall provide technical assistance for schools in survey administration, reporting, planning, and development of school mental health prevention and intervention strategies informed by the survey results.

D. If a school or school district chooses to administer an alternative survey or assessment tool to fulfill the purpose described in subsection B of this section, it may apply for a waiver through the Department of Mental Health and Substance Abuse Services.

E. The school district superintendent or his or her designee shall provide prior written notification to the parents or legal guardians of students to be administered the Oklahoma Prevention Needs Assessment Survey or an alternative survey or assessment tool adopted pursuant to subsection D of this section. The notification shall include information to parents and legal guardians that they may opt their student out of the survey or assessment tool by providing written notice to the school district.

F. Prior to the biennial administration of the Oklahoma Prevention Needs Assessment Survey, the Department of Mental Health and Substance Abuse Services shall submit the survey to the President Pro Tempore of the Oklahoma State Senate, the Speaker of the Oklahoma House of Representatives, the chairs of the committees with responsibility over common education in both houses of the Legislature, and the chairs of the committees with responsibility over public health in both houses of the Legislature.

G. The provisions of this section shall be subject to the availability of federal funding. If federal funding is insufficient to provide the Oklahoma Prevention Needs Assessment Survey to public schools on a biennial basis, administration of the survey shall not be required.

~~F.~~ H. The Board of Mental Health and Substance Abuse Services and the State Board of Education may promulgate rules as necessary to carry out the provisions of this section.

SECTION 3. This act shall become effective July 1, 2022.

SECTION 4. 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 12th day of May, 2022.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 28th day of April, 2022.

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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: \_\_\_\_\_