

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 4106

By: Vancuren and Lawson of the  
House

6 and

7 Pemberton of the Senate

8  
9 COMMITTEE SUBSTITUTE

10 [ schools - protocol for responding to students in  
11 mental health crisis - requirements for protocol -  
12 Oklahoma Prevention Needs Assessment Survey - written  
notification - effective date - emergency ]

13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

21 1. The protocol shall be developed, maintained, and implemented  
22 in partnership with one or more local mental health treatment  
23 providers certified by the Department of Mental Health and Substance  
24 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;

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

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

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

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

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

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

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

9 H. Each school district shall submit the latest protocol and  
10 working agreements to the State Department of Education, which shall  
11 share the protocols and agreements with the Department of Mental  
12 Health and Substance Abuse Services. These agencies may require  
13 revisions to ensure compliance with applicable laws, regulations,  
14 and established evidence-based practices.

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

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

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

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

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

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

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

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

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

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

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

19 B. Beginning in the 2022-2023 school year, and biennially  
20 thereafter, public schools shall administer the Oklahoma Prevention  
21 Needs Assessment Survey, or an alternative survey as provided in  
22 subsection D of this section, for the purpose of providing direction  
23 to schools, school districts, and communities to effectively improve  
24 the lives of students regarding a variety of issues with a focus on

1 alcohol, tobacco, other drug use, mental health, academic failure,  
2 and violence.

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

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

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

22 F. Prior to the biennial administration of the Oklahoma  
23 Prevention Needs Assessment Survey, the Department of Mental Health  
24 and Substance Abuse Services shall submit the survey to the

1 President Pro Tempore of the Senate, the Speaker of the House of  
2 Representatives, the chairs of the committees with responsibility  
3 over common education in both houses of the Legislature, and the  
4 chairs of the committees with responsibility over public health in  
5 both houses of the Legislature.

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

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

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

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

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