

1 STATE OF OKLAHOMA

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

3 SUBCOMMITTEE RECOMMENDATION  
4 FOR

5 HOUSE BILL NO. 4106

6 By: Vancuren

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to schools; requiring school  
9 districts to maintain protocol for responding to  
10 students in mental health crisis; mandating  
11 partnership with certain providers to develop,  
12 maintain, and implement protocol; prescribing  
13 provider requirements; listing minimum requirements  
14 for protocol inclusion; requiring parental  
15 notification if certain student is a minor; mandating  
16 parental consent except in emergencies; prescribing  
17 compliance with certain federal laws; providing for  
18 ready access and regular training on protocol;  
19 requiring working agreement between the school  
20 district and provider; providing for review of  
21 protocol effectiveness; establishing frequency for  
22 review and consideration of updates; directing  
23 submission of protocol to Department of Mental Health  
24 and Substance Abuse Services and the State Department  
of Education; authorizing agencies to provide  
revisions to protocol; directing agencies to provide  
technical assistance; providing for codification;  
providing an effective date; and declaring an  
emergency.

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:

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

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

8           a. the ability to serve all school-aged children  
9                regardless of insurance status, and

10          b. the ability and certification to provide mental health  
11                crisis services in the region where students attend  
12                school.

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

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

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

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

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

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

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

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

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

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

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

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

9 G. Not less than every two (2) years, the school district and  
10 its mental health provider partners shall jointly review the  
11 protocol and working agreements and consider any updates necessary  
12 to better meet the needs of students. School districts and mental  
13 health provider partners shall include in their review process  
14 information gathered from the Oklahoma Prevention Needs Assessment  
15 Survey or a comparable survey.

16 H. Each school district shall submit the latest protocol and  
17 working agreements the State Department of Education, which shall  
18 share the protocols and agreements with the Department of Mental  
19 Health and Substance Abuse Services. These agencies may require  
20 revisions to ensure compliance with applicable laws, regulations,  
21 and established evidence-based practices.

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

- 1           1. Making available an optional template protocol which  
2 satisfies the provisions of this section;
- 3           2. Making available an optional template working agreement  
4 which can be adopted by schools and provider partners;
- 5           3. Providing school districts with lists of local public and  
6 private treatment providers eligible to serve as partners in the  
7 development and maintenance of a protocol;
- 8           4. Providing information on any available mental health crisis  
9 phone line;
- 10          5. Making available information on evidence-based practices for  
11 meeting the mental health needs of students; and
- 12          6. Providing ongoing assistance and consultation as requested  
13 by a school district.

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

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

20          SECTION 2. This act shall become effective July 1, 2022.

21          SECTION 3. It being immediately necessary for the preservation  
22 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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