ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1684

By: Denney, Brown and Shelton of the House

and

Griffin of the Senate

An Act relating to education; creating Erin's Law; stating legislative intent; requiring schools to establish a sexual abuse prevention program; giving school board discretion over content; setting minimum instructional requirements; listing broad guidelines for the program; allowing student to opt out of participation if parent or guardian objects; requiring school districts to provide certain written notification; prohibiting placement of certain parents or guardians on certain list or watch; providing for codification; providing for noncodification; and providing an effective date.

AUTHOR: Add the following House Coauthors: Matthews, Griffith, Lockhart, and Condit

AUTHOR: Add the following Senate Coauthors: Floyd, Pittman, and Matthews

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

" An Act relating to education; amending 70 O.S. 2011, Section 6-194, as last amended by Section 19, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2014, Section 6-194), which relates to professional development

programs; modifying membership of certain committee; requiring teacher training program to include abuse recognition, reporting, and resources; amending 70 O.S. 2011, Section 24-100.5, as amended by Section 4, Chapter 311, O.S.L. 2013 (70 O.S. Supp. 2014, Section 24-100.5), which relates to Safe School Committee; allowing a Safe School Committee to make recommendations regarding certain response program; allowing schools to establish an abuse-prevention instructional program; giving school board discretion over content; setting minimum instructional requirements; allowing student to opt out of participation pursuant to certain act; providing certain construction; directing the Oklahoma Commission on Children and Youth, in certain collaboration, to identify certain curriculum; directing promulgation of rules; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-194, as last amended by Section 19, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2014, 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~~. At a minimum, once every four (4) years the committee shall include at least one school counselor in its membership~~.

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. 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 ~~least~~ a minimum of once ~~a~~ an academic year a program shall be offered which includes ~~a component of teacher training on recognition and reporting of child abuse and neglect which all teachers shall be required to complete. Additionally at least one~~ the following:

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.

~~D.~~ F. 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. 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.

~~E.~~ G. 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.

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

SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-100.5, as amended by Section 4, Chapter 311, O.S.L. 2013 (70 O.S. Supp. 2014, Section 24-100.5), is amended to read as follows:

Section 24-100.5 A. Every year each public school site shall establish a Safe School Committee to be composed of at least seven (7) members. The Safe School Committee shall be composed of teachers, parents of enrolled students, students, and a school official who participates in the investigation of reports of bullying as required by subsection A of Section 24-100.4 of this title. The Committee may include administrators, school staff, school volunteers, community representatives, and local law enforcement agencies. The Committee shall assist the school board in promoting a positive school climate through planning, implementing and evaluating effective prevention, readiness and

response strategies, including the policy required by Section 24-100.4 of this title.

B. The Safe School Committee shall study and make recommendations to the principal regarding:

1. Unsafe conditions, possible strategies for students, faculty and staff to avoid physical and emotional harm at school, student victimization, crime prevention, school violence, and other issues which prohibit the maintenance of a safe school;

2. Student bullying as defined in Section 24-100.3 of this title;

3. Professional development needs of faculty and staff to recognize and implement methods to decrease student bullying; and

4. Methods to encourage the involvement of the community and students, the development of individual relationships between students and school staff, and use of problem-solving teams and resources that include counselors and other behavioral health <u>and suicide prevention</u> resources within or outside the school system.

In its considerations, the Safe School Committee shall review the district policy for the prevention of bullying and the list of research-based programs appropriate for the prevention of bullying of students at school compiled by the State Department of Education. In addition, the Committee may review traditional and accepted bullying prevention programs utilized by other states, state agencies, or school districts.

C. The Safe School Committee may study and make recommendations to the school district board of education regarding the development of a rape or sexual assault response program that may be implemented at the school site.

D. The State Department of Education shall:

1. Develop a model policy and deliver training materials to all school districts on the components that should be included in a school district policy for the prevention of bullying; and

2. Compile and distribute to each public school site, prominently display on the State Department of Education website and annually publicize in print media a list of research-based programs appropriate for the prevention of bullying of students. If a school district implements a commercial bullying prevention program, it shall use a program listed by the State Department of Education.

~~D.~~ E. The provisions of this section shall not apply to technology center schools.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.160 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. All public schools may establish an abuse-prevention instructional program for students, consistent with this section. The content of instruction shall be at the discretion of the school board; provided, that the instructional program shall:

1. Provide developmental and age-appropriate curriculum to teach children risk-reduction strategies including, but not limited to:

a. how to identify dangerous situations,

b. personal boundary violations,

c. how to refuse approaches and invitations,

d. how to summon help, and

e. what to do if abuse occurs;

2. Be offered annually to reinforce and build on skills learned the previous year;

3. Involve students as active learning participants;

4. Have the capacity to be delivered by a wide range of personnel including teachers, school counselors, prevention agency educators, and other professionals;

5. Include evidence-informed curriculum;

6. Include an evaluation component that utilizes a pre- and post-program surveys or testing of the students to measure the acquisition of the lessons taught;

7. Provide instruction that is culturally sensitive and adaptable; and

8. Encourage parental involvement within the abuse prevention program to include, but not be limited to, information on child abuse prevention, risk-reduction techniques, abuse reporting, and support service availability.

B. Pursuant to the Parents' Bill of Rights, Section 2001 et seq. of Title 25 of the Oklahoma Statutes, no student shall be required to participate in an abuse-prevention instructional program. Failure to participate shall not, by itself, be grounds for a referral to the Department of Human Services pursuant to Section 1-2-101 of Title 10A of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.69 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Commission on Children and Youth shall, in collaboration with the Office of Child Abuse Prevention within the State Department of Health and other prevention service providers, identify evidence-informed curriculum appropriate for schools that meet the guidelines of subsection A of Section 3 of this act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.161 of Title 70, unless there is created a duplication in numbering, reads as follows:

The State Board of Education, the Oklahoma Commission on Children and Youth, and the State Board of Health shall promulgate rules necessary to implement the provisions of this act.

SECTION 6. This act shall become effective November 1, 2015."

Passed the Senate the 20th day of April, 2015.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2015.

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Presiding Officer of the House
of Representatives

ENGROSSED HOUSE
BILL NO. 1684

By: Denney, Brown and Shelton of the House

and

Griffin of the Senate

An Act relating to education; creating Erin's Law; stating legislative intent; requiring schools to establish a sexual abuse prevention program; giving school board discretion over content; setting minimum instructional requirements; listing broad guidelines for the program; allowing student to opt out of participation if parent or guardian objects; requiring school districts to provide certain written notification; prohibiting placement of certain parents or guardians on certain list or watch; providing for codification; providing for noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as "Erin's Law". The Children's Advocacy Centers of Illinois, Illinois Coalition Against Sexual Assault, and Prevent Child Abuse Illinois collaborated to create "Erin's Law", which has passed in nineteen states and is being actively considered by twenty other states. As a child, Erin Merryn was sexually abused for six and one-half (6 1/2) years by a neighbor and family member. Erin is not unique; the Centers for

Disease Control and Prevention and the Adverse Childhood Experiences Study report that twenty-five percent (25%) of women and sixteen percent (16%) of men are sexually abused as children. Approximately ninety percent (90%) of children who are sexually abused know their abuser. Only thirty-eight percent (38%) of children ever disclose that they have been sexually abused and the median age of child sexual abuse victims is nine (9) years of age. Only twenty-nine percent (29%) of parents ever talk to their children about sexual abuse and rarely with children less than nine (9) years of age. Child sexual abuse victims suffer significantly higher rates of severe mental and physical health problems both as children and adults. The Oklahoma Legislature finds that children are not taught how to respond to a sexual assault or how to avoid becoming a victim of child sexual abuse. Children need to be educated and empowered about how to report abuse and how to protect themselves which will remove the abusers' ability to keep their child victims silent.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.160 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. All public schools shall establish a sexual abuse prevention instructional program for students in grades prekindergarten through fifth grade, consistent with subsection B of this section. The content of instruction shall be at the discretion of the school board; provided, that the instructional program shall include:

1. Developmental and age-appropriate curriculum to teach children how to recognize sexual abuse, risk-reduction strategies (how to identify dangerous situations, personal boundary violations, refuse approaches and invitations, and summon help), and what to do if they have been abused (understand safe and unsafe secrets, identify safe people in their lives, and how to speak up and be safe). Additionally students need to be taught that if they are abused it is not their fault, and that there are people available to protect them and help them heal;

2. Instructions that the prevention program is taught at least annually, reinforcing and building on skills learned the previous year;

3. Involvement of students as active learning participants, to include discussions, modeling and role-playing;

4. A capacity to be delivered by a wide range of personnel including teachers, school counselors, agency prevention educators and other professionals; provided, that the personnel and professionals should have a thorough knowledge of child sexual abuse, including how to respond appropriately to sexual abuse disclosures;

5. An evidence-based curriculum;

6. An evaluation component that utilizes a pre- and post-program survey of the students to measure the acquisition of the lessons taught;

7. Instruction that is culturally sensitive and adaptable so it can be used within varying school contexts, including age, race and special needs;

8. A component that encourages parental involvement within the child sexual abuse prevention program. Parents should be given information on child sexual abuse prevention, risk-reduction techniques (this should include characteristics of offenders, grooming behaviors and how to discuss child sexual abuse with their children), and what to do if abuse occurs (warning signs of abuse, reporting guidelines and other immediate responses after abuse has occurred to reduce and prevent additional trauma to the victim); and

9. A professional training component, in addition to required training in child sexual abuse reporting pursuant to subsection C of Section 6-194 of Title 70 of the Oklahoma Statutes. Administrators, counselors, teachers and other school personnel shall participate in professional education activities on primary child sexual abuse prevention, risk reduction and secondary child abuse prevention (warning signs of abuse, reporting guidelines and immediate responses after a child reports abuse to reduce and prevent additional trauma).

B. The broad guidelines of the sexual abuse prevention instructional program shall be to:

1. Educate children regarding child sexual abuse prevention (recognition, risk reduction, and what to do if abused) in grades

prekindergarten through fifth grade using developmental and age-appropriate curriculum to include role-play, discussions, activities, and books;

2. Give children the tools to speak up and tell if anyone has ever touched them inappropriately rather than keep it a secret; and

3. Educate children on safe touch, unsafe touch, safe secrets, unsafe secrets, and how to get away and report an incident immediately.

C. No student shall be required to participate in a sexual abuse prevention instructional program if a parent or guardian objects in writing to such participation. School districts shall provide written notification to parents and guardians of students involved not less than thirty (30) days prior to implementation of the program of their right to inspect curriculum and materials and to notify the school in writing if they do not want their child to participate in a program. Parents or guardians who opt out of a program shall not be placed on a watch list or placed under suspicion of child abuse.

SECTION 3. This act shall become effective November 1, 2015.

Passed the House of Representatives the 2nd day of March, 2015.

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Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2015.

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Presiding Officer of the Senate