

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1684

By: Denney, Brown and Shelton
of the House

and

Griffin of the Senate

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

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

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

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

22 " An Act relating to education; amending 70 O.S.
23 2011, Section 6-194, as last amended by Section 19,
24 Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2014, Section
6-194), which relates to professional development

1 programs; modifying membership of certain committee;
2 requiring teacher training program to include abuse
3 recognition, reporting, and resources; amending 70
4 O.S. 2011, Section 24-100.5, as amended by Section 4,
5 Chapter 311, O.S.L. 2013 (70 O.S. Supp. 2014, Section
6 24-100.5), which relates to Safe School Committee;
7 allowing a Safe School Committee to make
8 recommendations regarding certain response program;
9 allowing schools to establish an abuse-prevention
10 instructional program; giving school board discretion
11 over content; setting minimum instructional
12 requirements; allowing student to opt out of
13 participation pursuant to certain act; providing
14 certain construction; directing the Oklahoma
15 Commission on Children and Youth, in certain
16 collaboration, to identify certain curriculum;
17 directing promulgation of rules; providing for
18 codification; and providing an effective date.

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

12 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-194, as
13 last amended by Section 19, Chapter 124, O.S.L. 2014 (70 O.S. Supp.
14 2014, Section 6-194), is amended to read as follows:

15 Section 6-194. A. The district boards of education of this
16 state shall establish professional development programs for the
17 certified teachers and administrators of the district. Programs
18 shall be adopted by each board based upon recommendations of a
19 professional development committee appointed by the board of
20 education for the district. For the fiscal years ending June 30,
21 2011, and June 30, 2012, a school district board of education may
22 elect not to adopt and offer a professional development program for
23 certified teachers and administrators of the district. If a school
24

1 district elects not to adopt and offer a professional development
2 program, the district may expend any monies allocated for
3 professional development for any purpose related to the support and
4 maintenance of the school district as determined by the board of
5 education of the school district.

6 B. Each professional development committee shall include
7 classroom teachers, administrators, school counselors or licensed
8 mental health providers, and parents, guardians or custodians of
9 children in the school district and shall consult with a higher
10 education faculty. A majority of the members of the professional
11 development committee shall be composed of classroom teachers. The
12 teacher members shall be selected by a designated administrator of
13 the school district from a list of names submitted by the teachers
14 in the school district. The members selected shall be subject to
15 the approval of a majority vote of the teachers in the district. ~~At~~
16 ~~a minimum, once every four (4) years the committee shall include at~~
17 ~~least one school counselor in its membership.~~

18 C. In developing program recommendations, each professional
19 development committee shall annually utilize a data-driven approach
20 to analyze student data and determine district and school
21 professional development needs. The professional development
22 programs adopted shall be directed toward development of
23 competencies and instructional strategies in the core curriculum
24 areas for the following goals:

- 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 on a periodic basis.
13 The State Board of Education shall provide guidelines to assist
14 school districts in developing and implementing racial and ethnic
15 education components into professional development programs.

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

- 21 1. Training on recognition of child abuse and neglect;
- 22 2. Recognition of child sexual abuse;
- 23 3. Proper reporting of suspected abuse; and
- 24 4. Available resources.

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

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

20 ~~D.~~ F. Except as otherwise provided for in this subsection, each
21 certified teacher in this state shall be required by the district
22 board of education to meet the professional development requirements
23 established by the board, or established through the negotiation
24 process. Except as otherwise provided for in this subsection, the

1 professional development requirements established by each board of
2 education shall require every teacher to annually complete a minimum
3 number of the total number of points required to maintain
4 employment. Failure of any teacher to meet district board of
5 education professional development requirements may be grounds for
6 nonrenewal of such teacher's contract by the board. Such failure
7 may also be grounds for nonconsideration of salary increments
8 affecting the teacher. For the fiscal years ending June 30, 2011,
9 and June 30, 2012, a certified teacher shall not be required to
10 complete any points of the total number of professional development
11 points required. Provided, a teacher may elect to complete some or
12 all of the minimum number of points required for the two (2) fiscal
13 years and any points completed shall be counted toward the total
14 number of points required to maintain employment. If a teacher does
15 not complete some or all of the minimum number of points required
16 for one (1) or both fiscal years, the total number of points
17 required to maintain employment shall be adjusted and reduced by the
18 number of points not completed.

19 ~~F.~~ G. Each district shall annually submit a report to the State
20 Department of Education on the district level professional
21 development needs, activities completed, expenditures, and results
22 achieved for each school year by each goal as provided in subsection
23 C of this section. If a school district elects not to adopt and
24 offer a professional development program as provided for in

1 subsection A of this section, the district shall not be required to
2 submit an annual report as required pursuant to this subsection but
3 shall report to the State Department of Education its election not
4 to offer a program and all professional development activities
5 completed by teachers and administrators of the school district.

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

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

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

1 response strategies, including the policy required by Section 24-
2 100.4 of this title.

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

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

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

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

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

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

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

5 D. The State Department of Education shall:

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

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

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

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

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

24

- 1 1. Provide developmental and age-appropriate curriculum to
2 teach children risk-reduction strategies including, but not limited
3 to:
 - 4 a. how to identify dangerous situations,
 - 5 b. personal boundary violations,
 - 6 c. how to refuse approaches and invitations,
 - 7 d. how to summon help, and
 - 8 e. what to do if abuse occurs;
- 9 2. Be offered annually to reinforce and build on skills learned
10 the previous year;
- 11 3. Involve students as active learning participants;
- 12 4. Have the capacity to be delivered by a wide range of
13 personnel including teachers, school counselors, prevention agency
14 educators, and other professionals;
- 15 5. Include evidence-informed curriculum;
- 16 6. Include an evaluation component that utilizes a pre- and
17 post-program surveys or testing of the students to measure the
18 acquisition of the lessons taught;
- 19 7. Provide instruction that is culturally sensitive and
20 adaptable; and
- 21 8. Encourage parental involvement within the abuse prevention
22 program to include, but not be limited to, information on child
23 abuse prevention, risk-reduction techniques, abuse reporting, and
24 support service availability.

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

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

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

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

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

21 SECTION 6. This act shall become effective November 1, 2015."
22
23
24

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

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2015.

7
8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 1684

By: Denney, Brown and Shelton
of the House

3 and

4 Griffin of the Senate
5

6
7 An Act relating to education; creating Erin's Law;
8 stating legislative intent; requiring schools to
9 establish a sexual abuse prevention program; giving
10 school board discretion over content; setting minimum
11 instructional requirements; listing broad guidelines
12 for the program; allowing student to opt out of
13 participation if parent or guardian objects;
14 requiring school districts to provide certain written
15 notification; prohibiting placement of certain
16 parents or guardians on certain list or watch;
17 providing for codification; providing for
18 noncodification; and providing an effective date.

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

20 SECTION 7. NEW LAW A new section of law not to be
21 codified in the Oklahoma Statutes reads as follows:

22 This act shall be known and may be cited as "Erin's Law". The
23 Children's Advocacy Centers of Illinois, Illinois Coalition Against
24 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

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

17 SECTION 8. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1210.160 of Title 70, unless
19 there is created a duplication in numbering, reads as follows:

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

- 1 1. Developmental and age-appropriate curriculum to teach
2 children how to recognize sexual abuse, risk-reduction strategies
3 (how to identify dangerous situations, personal boundary violations,
4 refuse approaches and invitations, and summon help), and what to do
5 if they have been abused (understand safe and unsafe secrets,
6 identify safe people in their lives, and how to speak up and be
7 safe). Additionally students need to be taught that if they are
8 abused it is not their fault, and that there are people available to
9 protect them and help them heal;
- 10 2. Instructions that the prevention program is taught at least
11 annually, reinforcing and building on skills learned the previous
12 year;
- 13 3. Involvement of students as active learning participants, to
14 include discussions, modeling and role-playing;
- 15 4. A capacity to be delivered by a wide range of personnel
16 including teachers, school counselors, agency prevention educators
17 and other professionals; provided, that the personnel and
18 professionals should have a thorough knowledge of child sexual
19 abuse, including how to respond appropriately to sexual abuse
20 disclosures;
- 21 5. An evidence-based curriculum;
- 22 6. An evaluation component that utilizes a pre- and post-
23 program survey of the students to measure the acquisition of the
24 lessons taught;

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

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

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

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

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

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

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

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

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

19 SECTION 9. This act shall become effective November 1, 2015.
20
21
22
23
24

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

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2015.

6
7
8 _____
9 Presiding Officer of the Senate