

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 702

By: Deevers

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2021, Sections 11-103.12 and 11-103.13, which relate to the Health Education Act; updating statutory references; updating statutory language; modifying purpose of act; defining terms; modifying topics to be included in health education; modifying duties of the State Department of Education in implementing the Health Education Act; prohibiting health education from being integrated into existing subjects; directing the State Department of Education to review, and the State Board of Education to approve, curricula, materials, supplementary materials, tests, surveys, and questionnaires; requiring school districts to use approved curricula, materials, tests, surveys, and questionnaires; requiring school district boards of education to electronically submit certain annual report to the State Department of Education; providing for contents of report; directing the State Board of Education to establish certain process to receive written complaints of violations; allowing the Board to report certain school district as deficient upon finding of violation; amending Section 1, Chapter 281, O.S.L. 2022 (70 O.S. Supp. 2024, Section 24-159), which relates to mental health crisis protocols; updating statutory reference; removing language providing for certain review of protocols and working agreements; repealing 70 O.S. 2021, Sections 11-103.9b and 24-158, as amended by Section 2, Chapter 281, O.S.L. 2022 (70 O.S. Supp. 2024, Section 24-158), which relate to Maria's Law and the Oklahoma Prevention Needs Assessment Survey; providing an effective date; and declaring an emergency.

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

2 SECTION 1. AMENDATORY 70 O.S. 2021, Section 11-103.12,
3 is amended to read as follows:

4 Section 11-103.12. A. Sections ~~4~~ 11-103.12 through ~~3~~ 11-103.14
5 of this ~~act~~ title shall be known and may be cited as the "Health
6 Education Act".

7 B. The purpose of ~~this act~~ the Health Education Act is to:

8 ~~1. Ensure~~ provide students ~~receive instruction in~~ with the
9 skills and knowledge in physical health, particularly at an early
10 age when habits are formed;

11 ~~2. Support the health and well-being of children that have been~~
12 affected by traumatic experiences;

13 ~~3. Improve academic outcomes for students; and~~

14 ~~4. Improve the overall health outcomes of Oklahoma's population~~
15 exercise, and nutrition they need to be healthy throughout their
16 lives, provide parents and legal guardians with informed consent,
17 and provide school districts in this state with health education
18 guidance.

19 C. As used in the Health Education Act:

20 ~~1. "Benchmark" means the identification of what a student will~~
21 know and be able to demonstrate by the end of each grade level;

22 ~~2. "Health education" means providing students with knowledge~~
23 and skills they need to be healthy throughout their lives by
24 including motivation for students to maintain and improve their

1 health by way of nutrition, physical exercise, and physical
2 activities;

3 3. "Informed consent" means voluntary written consent from a
4 person who received full, accurate, and sufficient information and
5 explanation about a student's medical condition, medication, and
6 treatment to enable the person to make a knowledgeable decision
7 without being subjected to deceit or coercion;

8 4. "Nutrition" means the total processes involved in the taking
9 in and utilization of food substances by which growth, repair, and
10 maintenance of the body are accomplished; and

11 5. "Standard" means an objective general statement that
12 identifies what the student is expected to achieve.

13 D. The State Board of Education may promulgate rules to
14 implement the provisions of ~~this act~~ the Health Education Act.

15 SECTION 2. AMENDATORY 70 O.S. 2021, Section 11-103.13,
16 is amended to read as follows:

17 Section 11-103.13. A. Health education shall be taught in the
18 public schools of this state. Health education shall ~~include but is~~
19 ~~not~~ be limited to physical:

20 1. Physical health, ~~mental health, social and emotional health~~
21 and intellectual health ~~not to include sex education or gender~~
22 theory;

23 2. Physical exercise;

24 3. Physical activities; and
25

1 4. Nutrition.

2 B. By the ~~2022-2023~~ 2025-2026 school year, the State Department
3 of Education shall:

4 1. Develop a ~~micro-credential for teachers who are assigned the~~
5 ~~responsibility of teaching health education;~~ and standards and
6 benchmarks for:

- 7 a. physical health, not to include sex education or
8 gender theory,
9 b. physical exercise,
10 c. physical activities, and
11 d. nutrition; and

12 2. Develop professional development programs that are designed
13 to help teachers provide instruction in physical health education
14 ~~and incorporate the curriculum into existing coursework and~~
15 ~~instruction where appropriate,~~ physical exercise, physical
16 activities, and nutrition. The professional development provided as
17 part of ~~this act~~ the Health Education Act shall not be construed to
18 be in addition to existing professional development requirements.

19 C. By the ~~2023-2024~~ 2025-2026 school year, school districts
20 shall provide instruction addressing all health education subject
21 matter standards, as adopted by the State Board of Education
22 pursuant to Section 11-103.6 of ~~Title 70 of the Oklahoma Statutes~~
23 this title. ~~Health education may be integrated into one or more~~
24 ~~existing subjects or provided as an addition to existing coursework.~~

1 D. Teachers assigned to teach health education ~~as a stand-alone~~
2 ~~course~~ shall be certified in physical and health education. The
3 State Department of Education is authorized to issue a provisional
4 certificate, valid for not more than two (2) years, to individuals
5 assigned to teach a ~~stand-alone~~ health education course in order to
6 afford the individual the opportunity to obtain certification in
7 physical and health education.

8 E. The State Department of Education shall review, and the
9 State Board of Education shall approve, all digital and hard copies
10 of curricula, materials, supplementary materials, tests, surveys,
11 and questionnaires related to implementation of the Health Education
12 Act. For statewide consistency, transparency, and accountability,
13 all public school districts in this state shall use Board-approved
14 curricula, materials, supplementary materials, tests, surveys, and
15 questionnaires.

16 F. The State Textbook Committee shall include a review of
17 health and physical education instructional materials as part of its
18 textbook review and adoption cycle.

19 G. By July 1, 2027, and by each July 1 thereafter, school
20 district boards of education in this state shall electronically
21 submit a report to the State Department of Education describing the
22 implementation of the instruction and curriculum required by the
23 Health Education Act during the previous year.

1 H. The State Board of Education shall establish a process by
2 which individuals in this state who believe a school district has
3 committed a violation of the Health Education Act may submit a
4 written complaint to the Board. Upon a finding by the Board that a
5 school district has committed a violation of the Health Education
6 Act, the Board may report the school district as deficient on its
7 accreditation report for the following year.

8 SECTION 3. AMENDATORY Section 1, Chapter 281, O.S.L.
9 2022 (70 O.S. Supp. 2024, Section 24-159), is amended to read as
10 follows:

11 Section 24-159. A. Each public school district shall maintain
12 a protocol for responding to students in mental health crisis with
13 the goal of preventing student suicide, self-harm, and harm to
14 others.

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

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

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

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

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

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

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

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

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

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

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

8 D. All protocols developed by school districts and partner
9 organizations shall comply with the Health Insurance Portability and
10 Accountability Act (HIPAA) of 1996 and Family Educational Rights and
11 Privacy Act of 1974 (FERPA) privacy requirements.

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

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

20 ~~G. Not less than every two (2) years, the school district and~~
21 ~~its mental health provider partners shall jointly review the~~
22 ~~protocol and working agreements and consider any updates necessary~~
23 ~~to better meet the needs of students. School districts and mental~~
24 ~~health provider partners shall include in their review process~~

1 ~~information gathered from the Oklahoma Prevention Needs Assessment~~
2 ~~Survey or an alternative survey, as provided for in Section 24-158~~
3 ~~of Title 70 of the Oklahoma Statutes.~~

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

10 ~~F.~~ H. The Department of Mental Health and Substance Abuse
11 Services and the State Department of Education shall provide
12 technical assistance to school districts and their provider partners
13 by:

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

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

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

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

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

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

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

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

9 SECTION 4. REPEALER 70 O.S. 2021, Sections 11-103.9b and
10 24-158, as amended by Section 2, Chapter 281, O.S.L. 2022 (70 O.S.
11 Supp. 2024, Section 24-158), are hereby repealed.

12 SECTION 5. This act shall become effective July 1, 2025.

13 SECTION 6. It being immediately necessary for the preservation
14 of the public peace, health, or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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