An Act

ENROLLED SENATE
BILL NO. 100

By: Pemberton, Garvin, Weaver, Bullard, Pederson, and Rogers of the Senate

and

Lowe (Dick), Maynard, Provenzano, Dollens, Wallace, Randleman, Ford, McDugle, West (Tammy), Hasenbeck, Baker, Sterling, Boles, Waldron, Schreiber, and Wolfley of the House

An Act relating to school security; amending 51 O.S. 2021, Section 24A.28, which relates to the Oklahoma Open Records Act; allowing information related to certain assessments to be kept confidential; requiring school districts to undergo certain assessment by certain date; requiring assessment to include certain recommendations; providing certain exemption; directing school districts in certain coordination to conduct re-assessments; amending 74 O.S. 2021, Section 51.2b, as amended by Section 5, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2022, Section 51.2b), which relates to the Oklahoma School Security Grant Program Act; providing eligibility criteria for grant awards; directing annual report to include certain information; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: School security

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

SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.28, is amended to read as follows:

Section 24A.28. A. The following information may be kept confidential:

1. Investigative evidence of a plan or scheme to commit an act of terrorism;

2. Assessments of the vulnerability of government facilities or public improvements to an act of terrorism and work papers directly related to preparing the assessment of vulnerability;

3. Records including details for deterrence or prevention of or protection from an act or threat of an act of terrorism;

4. Records including details for response or remediation after an act of terrorism;

5. Information technology of a public body or public official but only if the information specifically identifies:

a. design or functional schematics that demonstrate the relationship or connections between devices or systems,

b. system configuration information,

c. security monitoring and response equipment placement and configuration,

d. specific location or placement of systems, components, or devices,

e. system identification numbers, names, or connecting circuits,

f. business continuity and disaster planning, or response plans, or

g. investigative information directly related to security penetrations or denial of services;

6. Investigation evidence of an act of terrorism that has already been committed;

7. Records received, maintained, or generated by the Oklahoma Office of Homeland Security which include confidential private business information or an individual's private records;

8. Records received by the Oklahoma Office of Homeland Security from the United States Department of Homeland Security or records maintained or generated by the Oklahoma Office of Homeland Security involving the United States Department of Homeland Security;

9. Records received, maintained, or generated by the Department of Environmental Quality that contain information regarding sources of radiation in quantities determined by the United States Nuclear Regulatory Commission to be significant to public health and safety, by whomever possessed, whether in transit or at fixed sites, when the information could reasonably be expected to have an adverse effect on the health and safety of the public by increasing the likelihood of theft, diversion, or sabotage of the radiation sources or facilities. The information may include but is not limited to information:

a. from or relating to radioactive material licensees identifying the exact location of the radioactive material,

b. describing how the radioactive material is secured from unauthorized removal or access when it is in storage,

c. describing the control and maintenance of constant surveillance of the radioactive material when it is not in storage,

d. describing specific policies and procedures for actions to physically protect the radioactive material,

e. identifying possession limits or actual inventories of radionuclides,

f. containing or describing assessments or analyses that could reveal vulnerabilities,

g. identifying specific locations of safety and security equipment,

h. describing emergency planning, emergency response and fire protection, and

i. containing or describing other information that could reasonably be expected to be useful to persons with malevolent intent;

10. The names of school district personnel who have been designated to carry a firearm pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes;

11. Information technology of the State Election Board or a county election board which is determined jointly by the Secretary of the State Election Board and the State Chief Information Officer to be technology that could reasonably be expected to be useful to persons with intent to interfere with the conduct of an election, voter registration, or other election processes; ~~and~~

12. Records received, maintained, or generated by the Oklahoma Municipal Power Authority established pursuant to Section 24-101 et seq. of Title 11 of the Oklahoma Statutes and in its role as an electric utility regulated by the federal government, related to security plans and procedures including, but not limited to, cybersecurity matters; and

13. Risk and vulnerability assessments of school districts conducted pursuant to Section 2 of this act including recommendations to increase security on school district property and work papers directly related to preparation of the risk and vulnerability assessments.

B. The following information shall not be kept confidential:

1. Records related to federal grants administered by the Oklahoma Office of Homeland Security or the Department of Environmental Quality;

2. Records related to the receipt and expenditure of public funds; or

3. Records related to the financial performance or financial administration of the Oklahoma Office of Homeland Security or the Department of Environmental Quality.

C. For the purposes of this section, the term "terrorism" means any act encompassed by the definitions set forth in Section 1268.1 of Title 21 of the Oklahoma Statutes.

D. 1. Public educational institutions may keep confidential campus security plans. An institution or agency may in its discretion release information contained in or related to the campus security plan in order to design or implement the plan.

2. Nothing in this subsection shall preclude an institution or agency within The Oklahoma State System of Higher Education from collecting and releasing information relating to campus crime statistics and campus security policies as is required pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. 1092(f).

3. For purposes of this subsection, "campus security plan" shall include, but is not limited to, prevention and response procedures to and notification procedures for perceived or actual security threats and incidents on or impacting the campus.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-148.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Except as provided for in subsection B of this section, by July 1, 2026, each school district in this state shall undergo a risk and vulnerability assessment conducted by the Oklahoma School Security Institute or a nationally qualified risk and vulnerability assessor. The assessment shall include recommendations to increase security on school district property.

B. A school district that completed a risk and vulnerability assessment conducted by the Oklahoma School Security Institute or a nationally qualified risk and vulnerability assessor in the two (2) years prior to the effective date of this act shall be exempt from the provisions of subsection A of this section.

C. After an initial risk and vulnerability assessment is conducted, school districts shall conduct re-assessments every five (5) years.

SECTION 3. AMENDATORY 74 O.S. 2021, Section 51.2b, as amended by Section 5, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2022, Section 51.2b), is amended to read as follows:

Section 51.2b. A. This section shall be known and may be cited as the "Oklahoma School Security Grant Program Act".

B. The Oklahoma Department of Emergency Management shall solicit proposals for and make grants for the enhancement of campus security at institutions of higher learning, technology center schools, public schools, and private schools.

C. The goals and objectives of the Oklahoma School Security Grant Program are to:

1. Increase the awareness of the public and educational institutions of the risks, threats, and vulnerabilities of school campuses as well as mitigation strategies;

2. Incentivize participation in school security training programs designed to assess campus risks, threats, and vulnerabilities;

3. Provide assistance to institutions of higher learning, technology center schools, public schools, and private schools initiating or implementing school security plans, programs, and activities; and

4. Build upon the success of the pilot Education Grant Program established by the Oklahoma Office of Homeland Security.

D. The Department shall determine grant project criteria and establish a process for the consideration of proposals. The proposals shall be considered on a statewide competitive basis among peer institutions. To be eligible for an Oklahoma School Security Grant Program award, an institution of higher learning, technology center school, public school, or private school shall:

1. Complete a risk and vulnerability assessment conducted by the Oklahoma School Security Institute or a nationally qualified risk and vulnerability assessor; and

2. Agree to expend grant funds on items recommended by the risk and vulnerability assessment and/or to provide de-escalation and behavioral threat assessment and management training to employees. Recommended items eligible for grant fund expenditures may include, but shall not be limited to, physical security enhancements such as cameras, gates, lighting, locks, doors, windows, security geofencing, and ballistic storm shelters.

E. On or before January 1, 2010, and each year thereafter, the Department shall prepare an annual report on the Oklahoma School Security Grant Program and submit the report to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. The report shall include a list of the recipients of Oklahoma School Security Grant Program awards and information on how grant funds were used during the previous year.

SECTION 4. This act shall become effective July 1, 2023.

SECTION 5. It being immediately necessary for the preservation of the public peace, health, or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 19th day of May, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2023.

Tammy West

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 23rd day of May, 20 23, at 9:46 o'clock p. M.

By: Sumer Curry

Approved by the Governor of the State of Oklahoma this 6th day of June, 20 23, at 3:50 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th day of June, 20 23, at 5:16 o'clock P. M.

By: Brian Bingman