

An Act

ENROLLED SENATE
BILL NO. 626

By: Bullard of the Senate

and

Randleman of the House

An Act relating to students; allowing the parent or legal guardian of a student to disclose to a school whether the student has received certain mental health services from certain facility within certain time period; defining term; requiring designated school personnel to hold certain meeting within certain time period after disclosure to determine whether accommodations are needed; requiring certain disclosure to comply with certain acts; providing for promulgation of rules; amending 43A O.S. 2021, Section 5-513, which relates to discharge plans of certain minors; requiring certain notification upon discharge of minor from certain treatment; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Mental health of students

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 3-169 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Beginning with the 2023-2024 school year, prior to enrollment the parent or legal guardian of a student may disclose to the student's resident district, as determined by Section 1-113 of Title 70 of the Oklahoma Statutes, if the student has received inpatient or emergency outpatient mental health services from a mental health facility in the previous twenty-four (24) months. For the purposes of this section, "mental health facility" shall have

the same meaning as Section 5-502 of Title 43A of the Oklahoma Statutes.

B. If a disclosure provided for in subsection A of this section occurs, designated school personnel, which may include members of the individualized education program (IEP) team, shall meet with the parent or legal guardian of the student and representatives of the mental health facility prior to enrollment to determine whether the student is in need of any accommodations including but not limited to an IEP in accordance with the Individuals with Disabilities Education Act (IDEA) or a Section 504 Plan as defined by the Rehabilitation Act of 1973. The meeting required by this section may take place in person, via teleconference, or via videoconference.

C. The disclosure and subsequent handling of personal health information and related student education records pursuant to this section shall comply with the Family Educational Rights and Privacy Act of 1974 (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

D. The State Board of Education shall promulgate rules to implement the provisions of this section.

SECTION 2. AMENDATORY 43A O.S. 2021, Section 5-513, is amended to read as follows:

Section 5-513. A. Within ten (10) days after the admission of a minor for inpatient treatment, the person in charge of the facility in which the minor is being treated shall ensure that an individualized treatment plan has been prepared by the person responsible for the treatment of the minor. The minor shall be involved in the preparation of the treatment plan to the maximum extent consistent with the ability of the minor to understand and participate. The parent or legal custodian of the minor or, if the minor is in the custody of the Department of Human Services or the Office of Juvenile Affairs, the designated representative of the applicable agency, shall be involved to the maximum extent consistent with the treatment needs of the minor.

B. The facility shall discharge the minor when appropriate facility medical staff determine the minor no longer meets the

admission or commitment criteria. If not previously discharged, a minor committed by a court for inpatient treatment shall be discharged upon the expiration of a court order committing the minor for inpatient treatment or an order of the court directing the discharge of the minor.

C. Prior to the discharge of the minor from inpatient treatment, a discharge plan for the minor shall be prepared and explained to the minor and the parent or the person responsible for the supervision of the case. The plan shall include, but not be limited to:

1. The services required by the minor in the community to meet the needs of the minor for treatment, education, housing, and physical care and safety;

2. Identification of the public or private agencies that will be involved in providing treatment and support to the minor;

3. Information regarding medication which should be prescribed to the minor; and

4. An appointment for follow-up outpatient treatment and medication management.

D. Upon the discharge of the minor from inpatient treatment, a designee of the facility shall inform the parent or person responsible for the supervision of the case of the importance of disclosing the mental health needs of the minor to the minor's resident school district as provided for in Section 1 of this act including disclosure in whole or in part of the minor's discharge plan prepared pursuant to subsection C of this section as appropriate and consistent with applicable law.

SECTION 3. This act shall become effective July 1, 2022.

SECTION 4. 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 9th day of May, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the 28th day of April, 2022.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____