

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3251

By: Randleman

4
5
6 AS INTRODUCED

7 An Act relating to students; requiring certain
8 disclosure of inpatient or emergency outpatient
9 mental health services; prescribing timing for
10 disclosure; defining term; requiring meeting to
11 determine if the student needs any accommodations;
12 describing how meeting may be conducted; requiring
13 compliance with certain federal laws; directing State
14 Board of Education to promulgate rules; providing for
15 codification; providing an effective date; and
16 declaring an emergency.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 24-100.9 of Title 70, unless
20 there is created a duplication in numbering, reads as follows:

21 A. Beginning with the 2022-2023 school year, the parent or
22 legal guardian of a student shall disclose to the student's resident
23 district, as determined by Section 1-113 of Title 70 of the Oklahoma
24 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. The disclosure shall occur at

1 least five (5) days prior to the student enrolling in or
2 transferring to the school district. As used in this section,
3 "facility" shall have the same meaning as Section 1-103 of Title 43A
4 of the Oklahoma Statutes.

5 B. Within ten (10) days of the disclosure, designated school
6 personnel shall meet with the parent or legal guardian of the
7 student and representatives of the mental health facility to
8 determine whether the student is in need of any accommodations
9 including, but not limited to, an individualized education program
10 (IEP) in accordance with the Individuals with Disabilities Education
11 Act (IDEA) or a Section 504 Plan as defined by the Rehabilitation
12 Act of 1973. The meeting required by this subsection may take place
13 in person, via teleconference or via videoconference.

14 C. The disclosure and subsequent handling of personal health
15 information and related student education records shall comply with
16 the Family Educational Rights and Privacy Act of 1974 (FERPA) and
17 the Health Insurance Portability and Accountability Act of 1996
18 (HIPAA).

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

21 SECTION 2. This act shall become effective July 1, 2022.

22 SECTION 3. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3

4 58-2-10203 EK 01/11/22

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24