

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1123

By: Bullard

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6 AS INTRODUCED

7 An Act relating to students; directing the parent or
8 legal guardian of a student to disclose to a school
9 upon enrollment or transfer whether the student has
10 received or is receiving certain mental health
11 services; providing definition; requiring designated
12 school personnel to hold certain meeting within
13 certain time period to determine whether
14 accommodations are needed; requiring certain
15 disclosure to comply with certain acts; providing for
16 promulgation of rules; providing for codification;
17 providing an effective date; and declaring an
18 emergency.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3-169 of Title 70, unless there
22 is created a duplication in numbering, reads as follows:

23 A. Beginning with the 2020-2021 school year, the parent or
24 legal guardian of a student enrolling in a public school in this
state shall disclose to the school upon enrollment or upon transfer
whether the student has received or is receiving mental health
services from a mental health facility. For the purposes of this

1 section, "facility" shall have the same meaning as Section 1-103 of
2 Title 43A of the Oklahoma Statutes.

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

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

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

20 SECTION 2. This act shall become effective July 1, 2020.

21 SECTION 3. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
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declared to exist, by reason whereof this act shall take effect and
be in full force from and after its passage and approval.

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