

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 626

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 whether the student has received certain mental
10 health services from certain facility within certain
11 time period; providing definition; requiring
12 disclosure within certain time period; requiring
13 designated school personnel to hold certain meeting
14 within certain time period to determine whether
15 accommodations are needed; requiring certain
16 disclosure to comply with certain acts; providing for
17 promulgation of rules; providing for codification;
18 providing an effective date; and declaring an
19 emergency.

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

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

24 A. Beginning with the 2021-2022 school year, the parent or
25 legal guardian of a student shall disclose to the student's resident
26 district, as determined by Section 1-113 of Title 70 of the Oklahoma
27 Statutes, if the student has received mental health services from a
28 mental health facility in the previous one (1) year. For the

1 purposes of this section, "facility" shall have the same meaning as
2 Section 1-103 of Title 43A of the Oklahoma Statutes. The disclosure
3 required by this subsection shall occur at least five (5) days prior
4 to the student enrolling in or transferring to a school district.

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

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

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

22 SECTION 2. This act shall become effective July 1, 2021.

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

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