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March 1, 2022

COMMITTEE SUBSTITUTE
FOR

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.

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

1 inpatient or emergency outpatient mental health services from a
2 mental health facility in the previous twenty-four (24) months. For
3 the purposes of this section, "mental health facility" shall have
4 the same meaning as Section 5-502 of Title 43A of the Oklahoma
5 Statutes.

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

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

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

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

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

13 B. The facility shall discharge the minor when appropriate
14 facility medical staff determine the minor no longer meets the
15 admission or commitment criteria. If not previously discharged, a
16 minor committed by a court for inpatient treatment shall be
17 discharged upon the expiration of a court order committing the minor
18 for inpatient treatment or an order of the court directing the
19 discharge of the minor.

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

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

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

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

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

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

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

19 SECTION 4. It being immediately necessary for the preservation
20 of the public peace, health, or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
24 March 1, 2022 - DO PASS AS AMENDED