



ROSENSTEIN, FIST & RINGOLD

RED BANNER UPDATE

Date: May 26, 2022

Re: SB 626

Signed: May 11, 2022

Effective: July 1, 2022

Topic: **Parent Disclosure to School of Student's Mental Health Services**

Summary: Senate Bill 626 (the "Bill") creates a new section of law at OKLA. STAT. tit. 70, § 3-169 and amends existing law located at OKLA. STAT. tit. 43A, § 5-513. Starting in the 2023-2024 school year, the Bill will permit parents to notify their child's school if the student has received inpatient or emergency outpatient mental health services in the previous two years. The Bill also requires mental health facility employees to, upon discharge, inform a child's parent/guardian of the importance of disclosing mental health needs to a school.

The School's Response

If such disclosure occurs, designated school personnel—which may include members of an individualized education program ("IEP") team—must meet with the parent/legal guardian and representatives of the mental health facility, prior to enrollment, to determine whether the student needs any accommodations including, but not limited to, an IEP or Section 504 Plan. The meeting may take place in person, or via teleconference or videoconference. The disclosure of and subsequent handling of personal health information and related student education records must comply with FERPA and HIPAA.

For More Information

Please visit the firm's website to view the signed Bill.

RFR attorneys are reviewing this legislation and will be advising clients as to any recommended changes to existing district policies.