

## **RULE IMPACT STATEMENT**

### **210:35-3-106. Guidance and counseling services [AMENDED]**

**a. What is the purpose of the proposed rule change?**

The purpose of this rule is to implement the requirements of 70 O.S. § 3-169 requiring the State Board of Education to adopt rules to implement the provisions of the statute authorizing a student's parent/guardian to voluntarily disclose if a student has recently received inpatient or emergency outpatient mental health services upon enrollment in an Oklahoma school district. District-designated school personnel are required to meet with the parent or guardian to develop a plan to best meet the student's mental health needs while remaining compliant with both the Family Educational Rights and Privacy Act of 1974 (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

**b. What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**

The rule change will directly affect students whose parents elect to disclose if a student has recently received inpatient or emergency outpatient mental health services. It will also affect district-designated school personnel required to meet with the parent or guardian to develop a plan to best serve the student upon enrollment.

**c. What classes of persons will benefit from the proposed rule change?**

The rule change will benefit students whose parents elect to disclose if a student has recently received inpatient or emergency outpatient mental health services. It will also benefit district-designated school personnel required to meet with the parent or guardian to develop a plan to best serve the student upon enrollment by outlining the statutory requirements within administrative code.

**d. What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**

The agency does not anticipate any substantial economic impact upon political subdivisions or affected classes as a result of implementation of the proposed rule change at this time.

**e. What is the probable cost to the agency to implement and enforce the proposed rule change?**

The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time.

**f. What is the economic impact on any political subdivision to implement the proposed rule change?**

The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.

- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**

The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.

- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**

No.

- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**

The agency anticipates passage of this rule will protect the public health, safety, and environment as a result of implementation of the proposed rule at this time. This rule will help ensure school districts work with parents to develop a plan to best serve an enrolled student who may be facing mental health challenges.

- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

Failure to implement the proposed rule at this time could negatively impact the effective coordination between a parent or guardian and school personnel needed to ensure a student facing mental health challenges receives an appropriate learning plan upon enrollment.

- k. **Date Prepared:** February 14, 2023