

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 742

By: Smalley of the Senate

and

Munson of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to students; amending 63 O.S. 2011,
11 Section 1-227.2, as amended by Section 47, Chapter
12 229, O.S.L. 2013 (63 O.S. Supp. 2018, Section 1-
13 227.2), which relates to the duties of the Office of
14 Child Abuse Prevention; directing certain report to
15 include certain statistics; updating statutory
16 references; amending 70 O.S. 2011, Section 10-109,
17 which relates to temporary detention and custody of
18 children; directing school districts to submit
19 certain annual reports to the State Department of
20 Education; requiring the reports to comply with
21 certain act; amending 70 O.S. 2011, Section 24-120,
22 which relates to truancy reports; directing district
23 attorneys to submit certain annual reports to the
24 State Department of Education; requiring the reports
to comply with certain act; directing the State
Department of Education to submit certain reports to
the Office of Child Abuse Prevention; requiring the
establishment of certain procedure to share
information; directing the Office of Child Abuse
Prevention or certain staff to review the reports and
perform certain assessment under certain
circumstances to determine if certain services should
be offered or certain referral should be made;
providing for codification; providing an effective
date; and declaring an emergency.

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

2 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-227.2, as
3 amended by Section 47, Chapter 229, O.S.L. 2013 (63 O.S. Supp. 2018,
4 Section 1-227.2), is amended to read as follows:

5 Section 1-227.2. A. The Office of Child Abuse Prevention,
6 giving consideration to the recommendations of the Infant and
7 Children's Health Advisory Council created in Section ~~44 of this act~~
8 1-103a.1 of this title, is hereby authorized and directed to:

9 1. Prepare and implement a comprehensive state plan for the
10 planning and coordination of child abuse prevention programs and
11 services and for the establishment, development and funding of such
12 programs and services, and to revise and update ~~said~~ the plan
13 pursuant to the provisions of Section 1-227.3 of this title;

14 2. Monitor, evaluate and review the development and quality of
15 services and programs for the prevention of child abuse and neglect,
16 publish and distribute an annual report of its findings on or before
17 January 1 of each year to the Governor, the Speaker of the House of
18 Representatives, the President Pro Tempore of the Senate and to the
19 chief administrative officer of each agency affected by the report.

20 The report shall include:

- 21 a. activities of the Office,
22 b. a summary detailing the demographic characteristics of
23 families served including, but not limited to, the
24 following:

- 1 (1) age and marital status of parent(s),
- 2 (2) number and age of children living in the
- 3 household,
- 4 (3) household composition of families served,
- 5 (4) number of families accepted into the program by
- 6 grantee site and average length of time enrolled,
- 7 (5) number of families not accepted into the program
- 8 and the reason therefor, and
- 9 (6) average actual expenditures per family during the
- 10 most recent state fiscal year,

11 c. recommendations for the further development and
12 improvement of services and programs for the
13 prevention of child abuse and neglect, ~~and~~

14 d. budget and program needs, and

15 e. statistics developed based on the reports received
16 pursuant to Section 4 of this act; and

17 3. Conduct or otherwise provide for or make available
18 continuing professional education and training in the area of child
19 abuse prevention.

20 B. For the purpose of implementing the provisions of the Child
21 Abuse Prevention Act, the State Department of Health is authorized
22 to:

1 1. Accept appropriations, gifts, loans and grants from the
2 state and federal government and from other sources, public or
3 private;

4 2. Enter into agreements or contracts for the establishment and
5 development of:

6 a. programs and services for the prevention of child
7 abuse and neglect,

8 b. training programs for the prevention of child abuse
9 and neglect, and

10 c. multidisciplinary and discipline specific training
11 programs for professionals with responsibilities
12 affecting children, youth and families; and

13 3. Secure necessary statistical, technical, administrative and
14 operational services by interagency agreement or contract.

15 C. For the purpose of implementing the provisions of the Child
16 Abuse Prevention Act, the State Board of Health, giving
17 consideration to the recommendations of the Infant and Children's
18 Health Advisory Council created in Section ~~44 of this act~~ 1-103a.1
19 of this title, is authorized to promulgate rules and regulations as
20 necessary to implement the duties and responsibilities assigned to
21 the Office of Child Abuse Prevention.

22 SECTION 2. AMENDATORY 70 O.S. 2011, Section 10-109, is
23 amended to read as follows:

1 Section 10-109. A. An attendance officer, any school
2 administrator, or designee of the school administrator who is
3 employed by the school, or any peace officer may, except for
4 children being home schooled pursuant to Section 10-105 of the
5 Oklahoma Statutes, temporarily detain and assume temporary custody
6 of any child subject to compulsory full-time education, during hours
7 in which school is actually in session, who is found away from the
8 home of such child and who is absent from school without lawful
9 excuse within the school district that such attendance officer,
10 peace officer or school official serves, if ~~said~~ the school district
11 has previously approved the temporary detention and custody pursuant
12 to this section.

13 B. Any person temporarily detaining and assuming temporary
14 custody of a child pursuant to this section shall immediately
15 deliver the child either to the parent, guardian, or other person
16 having control or custody of the child, or to the school from which
17 the child is absent without valid excuse, or to a nonsecure youth
18 service or community center servicing the school district, or to a
19 community intervention center, as defined by Section 2-1-103 of
20 Title 10A of the Oklahoma Statutes.

21 C. The temporary custody or detention provided by this section
22 shall be utilized as a means of reforming and returning the truant
23 students to school and shall not be used as a pretext for
24 investigating criminal matters. The temporary custody or detention

1 herein provided is a severely limited type of detention and is not
2 justified unless there are specific facts causing an attendance
3 officer or other authorized person to reasonably suspect that a
4 truancy violation is occurring and that the person the officer
5 intends to detain is a truant.

6 D. Beginning with the 2019-2020 school year, school districts
7 shall submit to the State Department of Education annual reports
8 detailing the instances in which students were subject to the
9 provisions of this section. The reports shall comply with the
10 Family Educational Rights and Privacy Act of 1974 (FERPA).

11 SECTION 3. AMENDATORY 70 O.S. 2011, Section 24-120, is
12 amended to read as follows:

13 Section 24-120. A. At the close of each attendance period of
14 the school term, the board of education of each school district
15 shall notify in writing the Department of Human Services of the name
16 of any child who has not been present for instruction at least
17 eighty percent (80%) of the time without valid excuse as defined in
18 Section 10-105 of this title.

19 B. Upon the receipt of such information from the school
20 district, the Director of the Department of Human Services is
21 authorized to withhold assistance payments to the payee of such
22 child and to instigate an investigation for the purpose of improving
23 the school attendance of such child. After such investigation, if
24 the attendance record of the child investigated is satisfactory,

1 such withheld payments may be released. In the event the
2 investigation results in a change in custody and care of such child,
3 payments to the payee shall be canceled or shall be made to the
4 person qualified to receive benefits on behalf of the child.

5 C. For purposes of the pilot project, the Department of Human
6 Services and the State Board of Education shall establish a
7 procedure to provide for the exchange of information required by
8 this section concerning students subject to the provisions of this
9 section. Any procedure thus established shall, if applicable,
10 comply with the requirements of the Family Educational Rights and
11 Privacy Act, 20 U.S.C. Section 1232g et seq., and any other
12 applicable federal law.

13 D. The district attorney shall file with the Department of
14 Human Services a report identifying any child who has been convicted
15 of truancy within thirty (30) days of such conviction.

16 E. Beginning with the 2019-2020 school year, district attorneys
17 shall submit to the State Department of Education annual reports
18 detailing the instances in which students were convicted of truancy
19 pursuant to the provisions of this section. The reports shall
20 comply with the Family Educational Rights and Privacy Act of 1974
21 (FERPA).

22 SECTION 4. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 24-120.1 of Title 70, unless
24 there is created a duplication in numbering, reads as follows:

1 A. Beginning with the 2019-2020 school year, the State
2 Department of Education shall submit to the Office of Child Abuse
3 Prevention the reports required by subsection D of Section 10-109 of
4 Title 70 of the Oklahoma Statutes and subsection E of Section 24-120
5 of Title 70 of the Oklahoma Statutes.

6 B. The State Department of Education in collaboration with the
7 Office of Child Abuse Prevention shall establish a procedure for the
8 exchange of information to comply with the Family Educational Rights
9 and Privacy Act of 1974 (FERPA).

10 C. The Office of Child Abuse Prevention or staff within the
11 State Department of Health shall review the reports provided
12 pursuant to this section and, when appropriate and if resources are
13 available, provide an assessment of the family to determine if
14 services should be offered or a referral for services should be
15 made.

16 SECTION 5. This act shall become effective July 1, 2019.

17 SECTION 6. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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