

1 ENGROSSED SENATE  
2 BILL NO. 742

By: Smalley of the Senate

3 and

4 Munson of the House

5  
6 [ students - duties of the Office of Child Abuse  
7 Prevention - statistics - temporary detention and  
8 custody of children - truancy reports - assessment -  
9 codification - ~~effective date~~ -  
10 ~~emergency~~ ]

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

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

15 Section 1-227.2. A. The Office of Child Abuse Prevention,  
16 giving consideration to the recommendations of the Infant and  
17 Children's Health Advisory Council created in Section ~~44 of this act~~  
18 1-103a.1 of this title, is hereby authorized and directed to:

19 1. Prepare and implement a comprehensive state plan for the  
20 planning and coordination of child abuse prevention programs and  
21 services and for the establishment, development and funding of such  
22 programs and services, and to revise and update ~~said~~ the plan  
23 pursuant to the provisions of Section 1-227.3 of this title;

24

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

7 The report shall include:

- 8            a. activities of the Office,  
9            b. a summary detailing the demographic characteristics of  
10 families served including, but not limited to, the  
11 following:  
12            (1) age and marital status of parent(s),  
13            (2) number and age of children living in the  
14 household,  
15            (3) household composition of families served,  
16            (4) number of families accepted into the program by  
17 grantee site and average length of time enrolled,  
18            (5) number of families not accepted into the program  
19 and the reason therefor, and  
20            (6) average actual expenditures per family during the  
21 most recent state fiscal year,  
22            c. recommendations for the further development and  
23 improvement of services and programs for the  
24 prevention of child abuse and neglect, ~~and~~

- 1           d.    budget and program needs, and  
2           e.    statistics developed based on the reports received  
3           pursuant to Section 4 of this act; and

4           3.    Conduct or otherwise provide for or make available  
5 continuing professional education and training in the area of child  
6 abuse prevention.

7           B.    For the purpose of implementing the provisions of the Child  
8 Abuse Prevention Act, the State Department of Health is authorized  
9 to:

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

13          2.    Enter into agreements or contracts for the establishment and  
14 development of:

- 15           a.    programs and services for the prevention of child  
16                abuse and neglect,  
17           b.    training programs for the prevention of child abuse  
18                and neglect, and  
19           c.    multidisciplinary and discipline specific training  
20                programs for professionals with responsibilities  
21                affecting children, youth and families; and

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

1 C. For the purpose of implementing the provisions of the Child  
2 Abuse Prevention Act, the State Board of Health, giving  
3 consideration to the recommendations of the Infant and Children's  
4 Health Advisory Council created in Section ~~44 of this act~~ 1-103a.1  
5 of this title, is authorized to promulgate rules and regulations as  
6 necessary to implement the duties and responsibilities assigned to  
7 the Office of Child Abuse Prevention.

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

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

22 B. Any person temporarily detaining and assuming temporary  
23 custody of a child pursuant to this section shall immediately  
24 deliver the child either to the parent, guardian, or other person

1 having control or custody of the child, or to the school from which  
2 the child is absent without valid excuse, or to a nonsecure youth  
3 service or community center servicing the school district, or to a  
4 community intervention center, as defined by Section 2-1-103 of  
5 Title 10A of the Oklahoma Statutes.

6 C. The temporary custody or detention provided by this section  
7 shall be utilized as a means of reforming and returning the truant  
8 students to school and shall not be used as a pretext for  
9 investigating criminal matters. The temporary custody or detention  
10 herein provided is a severely limited type of detention and is not  
11 justified unless there are specific facts causing an attendance  
12 officer or other authorized person to reasonably suspect that a  
13 truancy violation is occurring and that the person the officer  
14 intends to detain is a truant.

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

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

22 Section 24-120. A. At the close of each attendance period of  
23 the school term, the board of education of each school district  
24 shall notify in writing the Department of Human Services of the name

1 of any child who has not been present for instruction at least  
2 eighty percent (80%) of the time without valid excuse as defined in  
3 Section 10-105 of this title.

4 B. Upon the receipt of such information from the school  
5 district, the Director of the Department of Human Services is  
6 authorized to withhold assistance payments to the payee of such  
7 child and to instigate an investigation for the purpose of improving  
8 the school attendance of such child. After such investigation, if  
9 the attendance record of the child investigated is satisfactory,  
10 such withheld payments may be released. In the event the  
11 investigation results in a change in custody and care of such child,  
12 payments to the payee shall be canceled or shall be made to the  
13 person qualified to receive benefits on behalf of the child.

14 C. For purposes of the pilot project, the Department of Human  
15 Services and the State Board of Education shall establish a  
16 procedure to provide for the exchange of information required by  
17 this section concerning students subject to the provisions of this  
18 section. Any procedure thus established shall, if applicable,  
19 comply with the requirements of the Family Educational Rights and  
20 Privacy Act, 20 U.S.C. Section 1232g et seq., and any other  
21 applicable federal law.

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

1        E. Beginning with the 2019-2020 school year, district attorneys  
2 shall submit to the State Department of Education annual reports  
3 detailing the instances in which students were convicted of truancy  
4 pursuant to the provisions of this section. The reports shall  
5 comply with the Family Educational Rights and Privacy Act of 1974  
6 (FERPA).

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

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

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

19           C. The Office of Child Abuse Prevention or staff within the  
20 State Department of Health shall review the reports provided  
21 pursuant to this section and, when appropriate and if resources are  
22 available, provide an assessment of the family to determine if  
23 services should be offered or a referral for services should be  
24 made.

