

ENGROSSED HOUSE
BILL NO. 1445

BY: BRYANT, ROACH, POPE,
COLEMAN, HEATON and
BOECKMAN of the HOUSE

and

DOUGLASS of the SENATE

AN ACT RELATING TO POOR PERSONS; DIRECTING THE
COMMISSION FOR HUMAN SERVICES TO REQUEST A WAIVER
FROM THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN
SERVICES; REQUIRING THE DEPARTMENT OF HUMAN
SERVICES TO DENY CERTAIN ASSISTANCE PAYMENTS TO
CERTAIN INDIVIDUALS; AMENDING 70 O.S. 1981, SECTION
24-120, WHICH RELATES TO TRUANCY REPORTS TO THE
DEPARTMENT OF HUMAN SERVICES; REQUIRING SCHOOL
DISTRICTS TO REPORT NAMES OF CERTAIN TRUANTS TO THE
DEPARTMENT OF HUMAN SERVICES; DIRECTING THE
WITHHOLDING OF ASSISTANCE PAYMENTS; REQUIRING
EXCHANGE OF CERTAIN INFORMATION; REQUIRING CERTAIN
NOTICE; PROHIBITING WITHHOLDING OF CERTAIN
PAYMENTS; PROVIDING FOR CODIFICATION; AND PROVIDING
AN EFFECTIVE DATE.

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 234.1 of Title 56, unless there
is created a duplication in numbering, reads as follows:

A. The Commission for Human Services, on or before January 1, 1992, shall request a waiver from the Secretary of the Federal Department of Health and Human Services to permit the Department of Human Services to waive 42 C.F.R., paragraph 250.30(b)(1)(i) by lowering to age thirteen (13), the exemption from the required JOBS program so that compulsory school attendance for a child thirteen (13) years of age to eighteen (18) years of age, shall be a condition for participation in the Aid to Families with Dependent Children (A.F.D.C.) program.

B. The Department of Human Services, upon receipt of a waiver pursuant to subsection A of this section, shall deny a recipient of Aid to Families with Dependent Children that portion of such payments which relate to an individual if:

1. the individual is thirteen (13) to eighteen (18) years of age; and

2. the individual is residing with the natural or adoptive parent of the individual; and

3. the Department of Human Services has received written notification from a board of education of a school district pursuant to Section 24-120 of Title 70 of the Oklahoma Statutes that the enrolled individual is not attending a public or private secondary school, including any area vocational-technical school of this state; and

4. a. the individual has not received a diploma or certificate of completion issued to the individual from a secondary school of this state or any other state; or

b. the individual is not enrolled and making satisfactory progress in a program leading to a Certificate of High School Equivalency issued from the State Department of Education, or has not obtained such certificate; or

c. the individual is not excused from compulsory school attendance pursuant to any legal excuse as defined in Section 10-105 of Title 70 of the Oklahoma Statutes; and

5. such additional conditions or requirements deemed necessary by the Department of Human Services to obtain such waiver.

C. The provisions of this section shall apply only if a federal waiver is received and in effect.

D. The Department of Human Services shall implement the provisions of this section by September 1, 1992, if a waiver has been received and is effective at that time, or upon the effective date provided by the waiver.

SECTION 2. AMENDATORY 70 O.S. 1981, Section 24-120, is amended to read as follows:

Section 24-120. At the close of each attendance period of the school term, the board of education of each school district shall ~~advise~~ notify in writing the Department of ~~Public Welfare~~ Human Services of the name of any ~~child who has not been present for instruction at least eighty percent (80%) of the time except for such times of absence as are included in a doctor's certificate, Christian Science practitioner's certificate, school nurse's certificate, or county nurse's certificate of a child's illness~~ student enrolled in the district for whom the board of education has knowledge that public assistance is being paid and who is willfully and voluntarily absent from school for fifteen (15) or more days or parts of days within a semester or four (4) or more days or parts of days within a four-week period without valid excuse as defined in Section 10-105 of this title. Upon the receipt of such information from the board of education of a school district, the Director of ~~Public Welfare is authorized to~~ the Department of Human Services shall withhold assistance payments to the payee of such ~~child and to instigate an investigation for the purpose of improving the school~~

~~attendance of such child. After such investigation, if the attendance record of the child investigated is satisfactory, such withheld payments may be released. In the event the investigation results in change in custody and care of such child, payments to the payee shall be canceled~~ student pursuant to Section 1 of this act.
The Department of Human Services shall promulgate rules and regulations which provide for the reinstatement of assistance payments upon notification by the school district board of education that the student is complying with compulsory school attendance requirements. Provided, the Department of Human Services shall not withhold assistance payments pursuant to Section 1 of this act unless the parents of the student have received notice of the student's absences pursuant to Section 10-106 of this title.

The Department of Human Services and the Board of Education shall establish a procedure which will provide for the exchange of information required by this section concerning students subject to the provisions of this section. Any procedures thus established shall, if applicable, comply with the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g et seq., and any other applicable federal law.

SECTION 3. This act shall become effective September 1, 1991.

Passed the House of Representatives the 7th day of March, 1991.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate