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ENGROSSED HOUSE
BILL NO. 2380

BY: ROACH, POPE, SEIKEL,
TYLER, LITTLEFIELD,
COLEMAN, DAVIS,
GREENWOOD, HAGER,
HENSHAW, HOLT,
SATTERFIELD and VAUGHN
(Ray) of the HOUSE

and

WILLIAMS (Penny) and
LONG (Lewis) 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; PROVIDING FOR DEVELOPMENT OF PILOT
PROJECT; AMENDING 70 O.S. 1991, 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; REQUIRING EXCHANGE OF CERTAIN
INFORMATION; 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, 1993, 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 unless said child is being home educated as per the Oklahoma Constitution and statutes, shall be a condition for participation in the Aid to Families with Dependent Children (AFDC) program.

B. After receipt of the wavier, the Commission for Human Services shall promulgate rules for developing a pilot project for denying a recipient of Aid to Families with Dependent Children that portion of payments which relate to an individual.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 24-120, is amended to read as follows:

Section 24-120. A. 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~~ without valid excuse as defined in Section 10-105 of this title.

B. Upon the receipt of such information from the board of education of a school district, the Director of ~~Public Welfare~~ the Department of Human Services is authorized to 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.

C. 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, 1992.

Passed the House of Representatives the 25th day of February, 1992.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate