

ENROLLED SENATE  
BILL NO. 951

BY: WEEDN of the SENATE

and

ROACH, MAXEY, POPE, COLEMAN,  
CULVER, CALDWELL, BRYANT, JOHNSON  
(Rob), HEFNER, SEIKEL, HAMILTON  
(Jeff), DAVIS and BOECKMAN of the  
HOUSE

AN ACT RELATING TO POOR PERSONS AND SCHOOLS;  
AMENDING 70 O.S. 1991, SECTION 24-120, WHICH  
RELATES TO TRUANCY AND WITHHOLDING OF ASSISTANCE  
PAYMENTS; STATING MEMBERSHIP REQUIREMENTS FOR THE  
ADVISORY COMMITTEE ON MEDICAL CARE FOR PUBLIC  
ASSISTANCE RECIPIENTS; REQUIRING DEVELOPMENTAL  
DISABILITIES SERVICES DIVISION TO OFFER  
PREFERENCE TO CERTAIN QUALIFIED CORPORATIONS;  
STATING PARAMETERS OF QUALIFIED CORPORATION;  
ALLOWING DEPARTMENT OF HUMAN SERVICES DISCRETION  
IN CHOICE OF CERTAIN PROVIDERS UNDER CERTAIN  
CIRCUMSTANCES; STATING THAT THE DEVELOPMENTAL  
DISABILITIES SERVICES DIVISION SHALL NOT BE  
PROHIBITED FROM CONTRACTING WITH CERTAIN  
ENTITIES; AUTHORIZING THE DEVELOPMENTAL  
DISABILITIES SERVICES DIVISION TO PROVIDE  
TECHNICAL ASSISTANCE TO CERTAIN RESIDENTS;  
REQUIRING THE DEPARTMENT OF HUMAN SERVICES TO  
REQUEST CERTAIN WAIVER SO THAT COMPULSORY SCHOOL  
ATTENDANCE FOR CERTAIN CHILDREN SHALL BE A  
CONDITION FOR PARTICIPATION IN THE AID TO  
FAMILIES WITH DEPENDENT CHILDREN PROGRAM;  
REQUIRING PROMULGATION OF RULES FOR CERTAIN  
PURPOSES; CREATING THE TASK FORCE LINKING SCHOOL  
ATTENDANCE WITH PUBLIC ASSISTANCE PAYMENTS;  
STATING MEMBERSHIP, APPOINTMENT DATE, CONDITION  
OF SERVICE, MEETING ATTENDANCE, REIMBURSEMENT,  
CHAIRPERSON SELECTION, PROVISION OF STAFF  
ASSISTANCE AND DUTIES; ALLOWING A DEPARTMENT OF  
HUMAN SERVICES WORKER TO BE PLACED IN CERTAIN  
SCHOOL; REQUIRING REPORT AND STATING CONTENTS;  
REQUIRING THE STATE BOARD OF EDUCATION OF EACH  
SCHOOL DISTRICT TO NOTIFY THE DEPARTMENT OF HUMAN  
SERVICES IN WRITING OF THE NAMES OF CERTAIN  
CHILDREN; REQUIRING ESTABLISHMENT OF CERTAIN  
PROCEDURE TO COMPLY WITH CERTAIN PROVISIONS OF  
FEDERAL LAW; 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 187.1 of Title 56, unless there  
is created a duplication in numbering, reads as follows:

The Advisory Committee on Medical Care for Public Assistance  
Recipients, created by the Department of Human Services pursuant to

42 Code of Federal Regulations, Section 431.12, for the purpose of advising the Department about health and medical care services, shall include among its membership the following:

1. Board-certified physicians and other representatives of the health professions who are familiar with the medical needs of low-income population groups and with the resources available and required for their care. The Committee shall, at all times, include at least one physician from each of the six classes of physicians listed in Section 725.2 of Title 59 of the Oklahoma Statutes;

2. Members of consumers' groups, including Medicaid recipients, and consumer organizations such as labor unions, cooperatives, consumer-sponsored prepaid group practice plans, and others; and

3. The Commissioner of Health.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 227 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Developmental Disabilities Services Division within the Department of Human Services is hereby directed to offer a preference to qualified corporations within the state to provide residential or vocational services to residents of this state who have developmental disabilities. The Commission for Human Services is hereby authorized to promulgate rules to implement the provisions of this act, provided such rules shall not unduly interfere with interstate commerce or discriminate against out-of-state corporations.

B. A qualified corporation shall:

1. Conduct at least fifty-one percent (51%) of its financial business within the State of Oklahoma, including both receipt and disbursement transactions;

2. Have its principal place of business within the State of Oklahoma and have on file in the Office of the Secretary of State of Oklahoma a certificate of incorporation or a certificate of qualification of foreign incorporation;

3. Provide residential or vocational services, or both, as determined by the Department of Human Services to the residents of this state who have developmental disabilities;

4. Be identified on a list maintained by the Developmental Disabilities Services Division of the Department of Human Services. This list shall include those corporations which demonstrate the capacity to maintain fiscal solvency, as determined by the Department of Human Services, and, if the corporation has been in existence for two or more years, the corporation's capacity to maintain fiscal solvency must be verified by two (2) or more annual financial audits, conducted by an independent certified public accountant;

5. Have a history of ethical business practices as established by a peer review panel, if prior business operations have been conducted. Complaints relating to ethical practices shall be reviewed by a peer review panel of five (5) members, to be appointed annually by the Administrator of the Developmental Disabilities Services Division. Members of the panel may be reappointed. The panel shall:

a. develop criteria to determine ethical business practices for qualified corporations,

b. determine compliance of qualified corporations with such criteria, and

c. make recommendations to the Administrator of the Developmental Disabilities Services Division, who shall take appropriate action to remedy any unethical behavior; and

6. Be in full compliance with all assurances and monitoring standards required by the Department of Human Services or other relevant state and federal licensing and certification requirements.

C. The Department of Human Services shall be allowed discretion in its choice of providers for residential or vocational services, or both, when none of the qualified corporations can or are willing to provide such services.

D. The Developmental Disabilities Services Division shall not be prohibited from contracting with any new community-based nonprofit corporation to provide residential or vocational services in an unserved community.

E. The Developmental Disabilities Services Division shall be authorized to provide technical assistance, either directly or through the use of qualified consultants, to enhance the ability of Oklahoma-based corporations to provide new, innovative and effective services to residents of this state who have developmental disabilities.

SECTION 3. 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 waiver, the Commissioner 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 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 234.2 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created, to continue until January 1, 1995, the Task Force Linking School Attendance with Public Assistance Payments. The task force shall be composed of seven (7) members, to be appointed by October 1, 1992, as follows:

1. The President Pro Tempore of the Senate shall appoint three members from the Oklahoma State Senate;

2. The Speaker of the House of Representatives shall appoint three members from the Oklahoma House of Representatives; and

3. The Governor shall appoint one member.

B. Members of the task force shall serve at the pleasure of the appointing authority.

C. Members of the task force shall be reimbursed for attendance at task force meetings by the appointing authority pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

D. The task force shall elect a chairperson from among the legislative members of the task force.

E. Staff assistance to the task force shall be provided by the Department of Human Services, the Oklahoma State Senate and the Oklahoma House of Representatives.

F. The Task Force Linking School Attendance with Public Assistance Payments shall have as its duty to:

1. Work with the Commission for Human Services to secure a federal waiver to permit the Department of Human Services to lower to the age of thirteen (13) years the exemption from the required JOBS Program, so that compulsory school attendance for a child aged thirteen (13) years to eighteen (18) years shall be a condition for participation in the Aid to Families with Dependent Children (AFDC) Program;

2. Work with the Department of Human Services and the State Board of Education on the development, implementation and evaluation of a pilot project linking school attendance with AFDC payments. For purposes of the pilot project, a Department of Human Services worker may be placed in the school involved in the pilot project;

3. Provide ongoing monitoring of the pilot project;

4. Involve in their discussions parents and legal guardians of school-aged children receiving AFDC;

5. Make recommendations to the Department of Human Services and the State Department of Education on the feasibility and practicality of expansion of the pilot project on a statewide basis; and

6. Report to the Oklahoma Legislature, the Commission for Human Services and the State Board of Education by January 1, 1995, on:

- a. the impact of the pilot project on the school attendance of students who are receiving assistance under AFDC,
- b. recommendations for policies and programs linking school attendance with public assistance payments, and
- c. recommendations for future legislation.

SECTION 5. 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. For purposes of the pilot project, the Department of Human Services and the State 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 procedure 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 6. This act shall become effective September 1, 1992.  
Passed the Senate the 12th day of May, 1992.

President of the Senate  
Passed the House of Representatives the 19th day of May, 1992.

Speaker of the House of  
Representatives