

ENGROSSED SENATE
BILL NO. 81

By: Hendrick, Williams, Cain,
Martin and Gustafson of the
Senate

and

Vaughn of the House

An Act relating to juveniles and public assistance;
amending 10 O.S. 1991, Section 1141, as amended by
Section 89, Chapter 352, O.S.L. 1995, and as
renumbered by Section 199, Chapter 352, O.S.L. 1995
(10 O.S. Supp. 1996, Section 7302-5.1), which
relates to the Department of Juvenile Justice's
intake, probation and parole services; providing
for literacy skills assessment and purpose;
providing limited disclosure of assessment;
amending Sections 34 and 35, Chapter 247, O.S.L.
1996 (47 O.S. Supp. 1996, Sections 6-107.3 and 6-
107.4) which relate to issuance of driver licenses
or permits for persons under 18; adding requirement
for application for certain driver license;
modifying language; requiring school district to
offer certain examination and provide results upon
certain request; providing fee; allowing for
alternative documentation of certain proficiency;
providing for certain examination of student not
enrolled in public school; modifying definitions;
adding definition; updating statutory citation;
clarifying time for effect of certain period of
denial; amending Section 27, Chapter 346, O.S.L.

1995 (56 O.S. Supp. 1996, Section 230.18), which relates to personal responsibility agreements; providing for literacy skills assessment and participation in literacy program as part of personal responsibility agreements; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. This act shall be known and may be cited as the "Literacy Improvement Act of 1997".

SECTION 2. AMENDATORY 10 O.S. 1991, Section 1141, as amended by Section 89, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1996, Section 7302-5.1), is amended to read as follows:

Section 7302-5.1 A. The Department of Juvenile Justice shall provide intake, probation and parole services for juveniles and may enter into agreements to supplement probationary services to juveniles in any county. The Department may participate in federal programs for juvenile probation officers, and may apply for, receive, use and administer federal funds for such purpose.

B. A pre-adjudicatory substance abuse assessment of a child may be conducted in conjunction with a court intake or preliminary inquiry pursuant to an alleged delinquent act or upon admission to a juvenile detention facility through the use of diagnostic tools including, but not limited to, urinalysis, structured interviews or substance abuse projective testing instruments.

1. Information gained from the substance abuse assessment pursuant to this subsection shall be used only for substance abuse treatment and for no other purpose. The results shall not be used

in any evidentiary or fact-finding hearing in a juvenile proceeding or as the sole basis for the revocation of a community-based placement or participation in a community-based program.

2. The results of the substance abuse assessment may be given to the child's intake, probation or parole counselor, the parent or guardian of the child or to ~~his~~ the child's attorney. In accordance with the guidelines established pursuant to the Serious and Habitual Juvenile Offender Program and Section 620.6 of this title, the counselor may also provide the results of the substance abuse assessment ~~with~~ to medical personnel, therapists, school personnel or others for use in the treatment and rehabilitation of the child.

C. In accordance with the guidelines adopted pursuant to the Serious and Habitual Juvenile Offender Program, the Department of Juvenile Justice and the juvenile bureaus shall implement:

1. Court intake risk-assessment for children alleged or adjudicated to be delinquent;

2. The imposition of administrative sanctions for the violation of a condition of probation or parole;

3. A case management system for ensuring appropriate:

a. diversion of youth from the juvenile justice system,

b. services for and supervision of all youth on pre-adjudicatory or postadjudicatory probation or on parole, and for juvenile offenders in the custody of the Department of Juvenile Justice, and

c. intensive supervision of serious and habitual offenders and communication between law enforcement and juvenile court personnel and others regarding ~~said~~ such offenders; and

4. Guidelines for juvenile court personnel recommendations to district attorneys regarding the disposition of individual cases by district attorneys.

D. 1. The Department of Juvenile Justice shall establish directly and by contract, the services necessary to implement the Serious and Habitual Juvenile Offender Program, including, but not limited to:

- a. misdemeanor and non-serious first-time offender programs,
- b. tracking and mentor services,
- c. weekend detention,
- d. five-day out-of-home sanction placements,
- e. short-term thirty-day intensive, highly structured placements,
- f. transitional programs,
- g. substance abuse treatment and diagnostic and evaluation programs, and
- h. day treatment programs.

2. In implementing these services, the Department shall give priority to those areas of the state having the highest incidences of juvenile crime and delinquency.

E. 1. The following entities shall conduct, upon intake of a child alleged to be delinquent or in need of supervision unless such child has been previously assessed within the six (6) months prior to such intake, a preadjudicatory literacy skills assessment:

- a. the Department of Juvenile Justice,
- b. a first-time offender program within a designated youth services agency,
- c. any metropolitan county juvenile bureau, or
- d. any county operating a juvenile bureau.

2. Such assessment shall be conducted through the use of diagnostic tools which include, but are not limited to:

- a. structured interviews,
- b. standardized literacy testing instruments which measure the educational proficiency of the child, and

- c. any other measure used to determine:
 - (1) whether a child is reading at an age-appropriate level, and
 - (2) the child's capacity to read at such level.

3. The results of the literacy skills assessment required pursuant to this subsection shall be made available to the court by the district attorney for use in the disposition phase; provided, however, the results shall not be used in any evidentiary or fact-finding hearing in a juvenile proceeding to determine whether a juvenile should be adjudicated. Provided, further, such results shall not be used as the sole basis for the revocation of a community-based placement or participation in a community-based program.

4. a. Upon request, the results of the literacy skills assessment shall be given to the following:

- (1) the child's intake, probation or parole counselor,
- (2) the parent or guardian of the child, or
- (3) the child's attorney.

b. In accordance with the guidelines established pursuant to the Serious and Habitual Juvenile Offender Program and Section 620.6 of this title, the counselor may also provide the results of the literacy skills assessment to therapists, school personnel or others for use in the training and rehabilitation of the child.

5. a. If the child is a juvenile placed in an institution or facility operated by the Department, the child shall be assessed and a literacy improvement program shall be implemented in accordance with Sections 7302-6.1 and 7302-6.3 of this title.

b. If the child is adjudicated delinquent or in need of

supervision or is being detained as part of a deferral of prosecution agreement, deferral to file agreement or a deferral sentence agreement, and the results of the literacy skills assessment show that the child is not reading at an age-appropriate level but has the capacity to improve his or her reading skills, the child shall be required to enroll and actively participate in a literacy skills improvement program. The child shall provide documentation of substantial quantifiable literacy improvement, sufficient to demonstrate reading proficiency at an age-appropriate or developmentally appropriate level; provided, however, failure to demonstrate substantial quantifiable literacy improvement shall not be the sole basis for not dismissing a case against a child.

6. On or before December 31 of each year, the Office of Juvenile Affairs shall annually provide to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives a written report outlining by age the number of children:

- a. assessed for literacy skills,
- b. who failed to demonstrate age-appropriate reading skills,
- c. who were required to enroll and participate in a literacy skills improvement program, and
- d. who provided documentation of substantial quantifiable literacy skills improvement.

SECTION 3. AMENDATORY Section 34, Chapter 247, O.S.L. 1996 (47 O.S. Supp. 1996, Section 6-107.3), is amended to read as follows:

Section 6-107.3 A. The Department of Public Safety shall deny a license, restricted license, or instruction permit for the

operation of a motor vehicle to any person under eighteen (18) years of age who does not, at the time of application, present documentation that ~~the~~ such person:

1. a. ~~Is is~~ a student enrolled in a public or private secondary school, including any area vocational-technical school, of this state or any other state~~;~~;
- ~~2.~~ b. ~~Has~~ has received a diploma or certificate of completion issued to the person from a secondary school of this state or any other state~~;~~;
- ~~3.~~ c. ~~Is is~~ is enrolled and making satisfactory progress in a program leading to a Certificate of High School Equivalency issued ~~from~~ by the State Department of Education, or has obtained such certificate~~;~~;
- ~~4.~~ d. ~~Is is~~ is excused from such requirement pursuant to ~~any~~ a lawful excuse as defined in subsection G of this section or due to circumstances beyond the control of the person~~;~~; or
- ~~5.~~ e. ~~Is is~~ is excused from such requirement pursuant to subsection C of this section; and

2. Has successfully passed the criterion-referenced reading test required for all eighth grade students, unless such student is excused from such requirement pursuant to the alternative documentation procedures of a school district provided for in paragraph 2 of subsection F of this section.

B. 1. ~~Persons~~ A student under eighteen (18) years of age who ~~are~~ is receiving education by other means~~,~~; including education at home~~;~~; pursuant to Section 4 of Article XIII of the Oklahoma Constitution, shall satisfy the documentation requirement of subsection A of this section by providing a written statement from the parent or guardian of the ~~child~~ student to the Department of Public Safety attesting that the child is receiving instruction by other means pursuant to Section 4 of Article XIII of the Oklahoma

Constitution. The documentation shall be signed by the ~~parents~~
parent, custodial parent, or legal guardian.

2. Any person who falsifies the information required in such documentation, upon conviction, shall be guilty of a misdemeanor.

C. 1. ~~Persons~~ A student under eighteen (18) years of age, who ~~do~~ does not meet the ~~provisions~~ requirements of ~~paragraphs 1~~
subparagraphs a through 4 c of paragraph 1 of subsection A of this section or the ~~provisions~~ requirements of subsection B of this section, may retain or be issued a driver license if:

- a. the ~~person~~ student is employed at least twenty-four (24) hours per week, and
- b. the student's employer ~~of the person~~ verifies the such employment on a form prescribed by the Department of Public Safety.

2. Any ~~person~~ student who has retained or been issued a driver license pursuant to this subsection who leaves ~~the~~ such employment shall have fifteen (15) days from the date of termination of employment to provide verification of employment from a new employer.

3. Any employer who falsifies a verification of employment shall be subject to an administrative fine of not more than Fifty Dollars (\$50.00), to be assessed by the Department of Public Safety.

D. 1. School district attendance officers, upon request, shall provide a documentation of ~~the~~ enrollment status ~~of a student on a~~
form ~~which has been~~, established and approved by the Department of Public Safety, to any student under eighteen (18) years of age who is properly enrolled in a school under the jurisdiction of the attendance officer, for presentation to the Department of Public Safety ~~on~~ upon application for or reinstatement of an instruction permit, restricted license, or license to operate a motor vehicle.

2. Except as provided in subsection E of this section, whenever a student over fourteen (14) years of age and under eighteen (18)

years of age withdraws from school, the attendance officer shall notify the Department of Public Safety of such withdrawal through a documentation of enrollment status form.

3. Within fifteen (15) working days of the receipt of such notice, the Department of Public Safety shall provide written notice to the student, by certified mail ~~with,~~ return receipt requested ~~to the student,~~ that the student's license ~~of the student~~ will be canceled, or the driver license application of the student will be denied thirty (30) days following the date the notice to the student was sent, unless documentation of compliance with the provisions of this section is received by the Department of Public Safety before such time. After the thirty-day period, the Department of Public Safety shall cancel the driving privileges of the student.

E. When the withdrawal from school of a student is ~~due:~~

1. Due to circumstances beyond the control of the student ~~or is pursuant;~~

2. Pursuant to any lawful excuse; ~~or is for~~

3. For the purpose of transfer to another school, including education at home, pursuant to Section 4 of Article XIII of the Oklahoma Constitution, as confirmed in writing by a parent or guardian of the student, no notice as required by subsection D of this section shall be sent to the Department of Public Safety, or, if sent, such notice ~~will~~ shall be disregarded by the Department of Public Safety. If the student is applying for a license, restricted license, or instruction permit, the attendance officer shall provide the student with documentation to present to the Department of Public Safety to excuse the student from the ~~provisions~~ requirements of this section. The board of education of a public school district or the appropriate school official of any private secondary school shall be the sole judge of whether the withdrawal of a student is due to

circumstances beyond the control of the student or is made pursuant to lawful excuse.

F. 1. Every school district shall, upon request, provide documentation of reading proficiency for any student enrolled in such school district by certifying passage of the eighth grade criterion-referenced reading examination. Each school district shall offer to reexamine any student who fails to pass such examination. Subsequent examinations shall be administered by the school district at least six (6) times per year at such fee as may be established by the school district, not to exceed Twenty-five Dollars (\$25.00) per examination sitting; provided, however, the first reexamination shall be administered to the student at no cost.

2. A school district may provide for alternative documentation of reading proficiency by certifying that a student is:

- a. a special education student, and
- b. reading at the student's maximum reading potential pursuant to an individualized education plan.

Such alternative documentation shall satisfy the requirements of paragraph 1 of this subsection for purposes of eligibility to apply for or retain a license or permit to drive.

3. The State Board of Education shall administer, or may contract with any school district to administer, the eighth grade criterion-referenced reading examination to any student who is not enrolled in a public school and shall provide for the same documentation and opportunity for reexamination in the same manner as provided herein for a student enrolled in a public school.

G. As used in this section:

1. "Withdrawal" means more than ten (10) consecutive days, or parts of days, of unexcused absences or fifteen (15) days, or parts of days, total unexcused absences during a single semester;

2. "Lawful excuse" means absence from school pursuant to any valid physical or mental illness or pursuant to any legal excuse as

provided in Section 10-105 of Title 70 of the Oklahoma Statutes, ~~but~~; provided, however, the meaning of such term shall not include marriage;

3. "Circumstances beyond the control of the person" shall not include marriage, suspension or expulsion from school, or imprisonment in a jail, penitentiary or other correctional institution; ~~and~~

4. "Documentation of enrollment status form" means the ~~necessary identifying~~ document established and approved by the Department of Public Safety to substantiate information concerning a student's eligibility to be issued apply for or to retain a license or permit to drive. Such documentation shall not include any information which is considered an education record pursuant to the Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g through 1232i, unless compliance is made with the restrictions regarding disclosure of the information; and

5. "Documentation of reading proficiency" means information provided by a school district certifying a student's eligibility to apply for a license or permit based on passage of the eighth grade criterion-referenced reading examination, or pursuant to alternative documentation criteria as provided in paragraph 2 of subsection F of this section. Such documentation shall not include any information which is considered an education record pursuant to the Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g through 1232i, unless compliance is made with the restrictions regarding disclosure of the information.

~~G.~~ H. The provisions of this section shall be inapplicable with respect to any minor upon whom rights of majority have been conferred pursuant to Sections 91 through 94 of Title 10 of the Oklahoma Statutes.

~~H.~~ I. The Department of Public Safety shall establish and approve the necessary and appropriate documentation forms ~~sufficient~~

~~to enable~~ and certificates required by this section for use by
school districts to comply with the provisions of this section.
Upon establishment and approval of such forms and certificates, the
~~State~~ Department of Public Safety shall notify each school district
and the State Board of Education of the content thereof.

SECTION 4. AMENDATORY Section 35, Chapter 247, O.S.L.
1996 (47 O.S. Supp. 1996, Section 6-107.4), is amended to read as
follows:

Section 6-107.4 Whenever a license or instruction permit for
the operation of a motor vehicle is canceled or denied pursuant to
Section ~~34~~ 6-107.3 of this ~~act~~ title, the license or privilege to
operate a motor vehicle shall remain canceled or denied for a
minimum period of sixty (60) days or until the person whose license
or permit has been canceled or denied reaches eighteen (18) years of
age, whichever period is the shortest; provided, however, a denial
pursuant to paragraph 4 of Section 6-107.3 of this title shall
remain in effect only until such time as a student presents to the
Department of Public Safety sufficient documentation of attainment
of an eighth grade level of reading proficiency. After the minimum
period, the licensee or applicant may at any time apply for driving
privileges by presenting sufficient documentation to the Department
of Public Safety pursuant to Section ~~34~~ 6-107.3 of this ~~act~~ title
and paying the fee required for issuance or renewal of a Class D
license."

SECTION 5. AMENDATORY Section 27, Chapter 346, O.S.L.
1995 (56 O.S. Supp. 1996, Section 230.18), is amended to read as
follows:

Section 230.18 A. The Department of Human Services shall
require services to be provided to each applicant or recipient of
benefits in any program according to a written personal
responsibility agreement. The agreement shall be:

1. Written in English, Spanish or other language, according to the applicant's or recipient's needs;

2. Signed by the applicant or recipient;

3. Signed by the parent of the applicant or recipient, if the applicant or recipient is under eighteen (18) years of age;

4. Signed by the case manager, for the applicant or recipient and the recipient's family; and

5. Reviewed by both the applicant or recipient and the case manager at least once a year. The agreement may be revised from time to time according to the needs of the recipient, the recipient's family and the program.

B. The personal responsibility agreement shall set forth the specific responsibilities of the recipient, at a minimum, to:

1. Develop a detailed plan for achieving self-sufficiency;

2. Acknowledge that additional benefits pursuant to the ~~Aid to Temporary Assistance for Needy Families with Dependent Children (AFDC)~~ (TANF) program will be paid for a child born more than ten (10) months after the recipient qualifies for assistance only pursuant to a voucher system;

3. If the recipient is a minor parent, live in a place maintained by the recipient's parents, legal guardian or other adult relative as the parent's, legal guardian's or other adult relative's own home, or live in a foster home, maternity home or other supportive living arrangement supervised by an adult in order to receive ~~AFDC~~ TANF benefits;

4. Accept responsibility for ensuring that the recipient's child complies with the attendance requirements of the local school district and attends school until the child of the recipient either:

a. graduates from high school or attains a high school equivalency certificate, or

b. becomes nineteen (19) years of age,

whichever occurs first, 7;

5. Accept responsibility for attending any classes required by a program at least ninety percent (90%) of the time;

6. Immunize the ~~recipients'~~ recipient's minor children pursuant to the State Department of Health's immunization schedule;

7. ~~Register and participate as funds are available, in the Job Opportunities and Basic Skills (JOBS) program;~~

~~8.~~ Be available for and actively seek and maintain employment and accept any reasonable employment as soon as it becomes available if required by the program;

~~9.~~ 8. Participate in any educational or training program required by the Department; ~~and~~

~~10.~~ 9. Participate in a community service, public works or private sector job for a minimum of twenty-four (24) hours per week regardless of the amount of the AFDC grant if the recipient has been unsuccessful in finding unsubsidized employment; provided, that this requirement shall not apply to a recipient participating in the work supplementation program or the work experience program; and

10. a. Undergo a literacy skills assessment utilizing a testing instrument which measures whether such recipient is reading at a minimum of an eighth grade reading level, where the recipient has the capacity to read at such level or, regardless of reading level, which indicates that the recipient would benefit from compulsory participation in a literacy skills improvement program.

b. Based on the results of the assessment, the recipient shall agree to enroll and actively participate in a literacy skills improvement program and provide documentation of substantial quantifiable literacy improvement. Any recipient who is reading at less than an eighth grade level shall be required to continue to substantially and quantifiably improve his

or her reading skills until such recipient demonstrates a level of reading proficiency that is at least equal to an eighth grade reading level.

c. On or before December 31 of each year, the Department of Human Services shall annually provide to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives a written report outlining by age the number of recipients:

- (1) assessed for literacy skills,
- (2) who failed to demonstrate eighth grade reading level proficiency,
- (3) who agreed to enroll and participate in a literacy skills improvement program, and
- (4) who either provided documentation of substantial quantifiable literacy skills improvement or whose case was closed prior to completion.

C. ~~AFDC~~ TANF benefits shall be denied to a recipient who fails to comply with the requirements of the personal responsibility agreement pursuant to this section until such time as the Department determines that the recipient is once again in compliance with the personal responsibility agreement.

SECTION 6. NONCODIFICATION Section 1 of this act shall not be codified in the Oklahoma Statutes.

SECTION 7. This act shall become effective July 1, 1997.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 11th day of March, 1997.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1997.

Speaker of the House of
Representatives