

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 330

By: Johnson (Rob)

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6 AS INTRODUCED

7 An Act relating to dental examinations for students
8 in public school; requiring parents or legal
9 guardians of certain students to provide proof of an
10 oral examination of the student; providing for
11 exemption; requiring certain notification; directing
12 the State Department of Education to develop and make
13 available certain form; specifying content of certain
14 form; directing school districts to submit certain
15 annual report; requiring the State Department of
16 Health to maintain certain data; requiring certain
17 report to Legislature; clarifying scope of act;
18 permitting the State Board of Education and the State
19 Department of Health to promulgate certain rules;
20 providing for codification; providing an effective
21 date; and declaring an emergency.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 1210.285 of Title 70, unless
25 there is created a duplication in numbering, reads as follows:

26 A. The parent or legal guardian of a student, while enrolled in
27 kindergarten in a public school, or while enrolled in first grade in
28 a public school if the student was not previously enrolled in
29 kindergarten in a public school, shall, no later than May 31 of the

1 school year, present proof of the student having received an oral
2 examination by a licensed dentist or dental hygienist that was
3 performed no earlier than twelve (12) months prior to the date of
4 the initial enrollment of the student.

5 B. The parent or legal guardian of a student may be exempt from
6 the requirements of subsection A of this section by indicating on
7 the standardized form specified in subsection D of this section that
8 the oral examination could not be completed because of one or more
9 of the following reasons:

10 1. Completion of an oral examination poses an undue financial
11 burden on the parent or legal guardian;

12 2. Lack of access by the parent or legal guardian to a licensed
13 dentist or dental hygienist; and

14 3. The parent or legal guardian does not consent to an oral
15 examination.

16 C. A public school shall notify the parent or legal guardian of
17 a student subject to the requirements of this section concerning the
18 oral examination requirement. The notification shall, at a minimum,
19 consist of a letter that includes all of the following:

20 1. An explanation of the administrative requirements of this
21 section;

22 2. Information on the importance of primary teeth;

23 3. Information on the importance of oral health to overall
24 health and to learning;

1 4. A toll-free telephone number to request an application for
2 the state Medicaid program;

3 5. Contact information for local departments of health; and

4 6. A statement of privacy as required under applicable state
5 and federal laws and regulations.

6 D. The State Department of Education, in consultation with the
7 State Department of Health, shall develop and make available on its
8 website a standardized form to be distributed by the school district
9 to each parent or legal guardian of a student subject to the
10 requirements of this section. The standardized form shall include
11 all of the following:

12 1. A section that may be used by the licensed dentist or dental
13 hygienist performing the oral examination to record information
14 consistent with the information collected on an oral examination
15 form developed by a national not-for-profit organization
16 representing the directors and staff of state public health agency
17 programs for oral health; and

18 2. A section in which the parent or legal guardian of a student
19 can indicate the reason why an oral examination could not be
20 completed by marking the box next to the appropriate reason as
21 specified in subsection B of this section.

22 E. Upon receiving the completed forms, all school districts
23 shall, by December 31 of each year, submit a report to the State
24 Department of Health. The report shall include the total number of

1 students in the school district by school who are subject to the
2 requirement to present proof of having received an oral examination
3 and the total number of such students who:

4 1. Present proof of an oral examination;

5 2. Could not complete an oral examination due to financial
6 burden;

7 3. Could not complete an oral examination due to lack of access
8 to a licensed dentist or dental hygienist;

9 4. Could not complete an oral examination because their parents
10 or legal guardians did not consent to their child receiving the oral
11 examination;

12 5. Are assessed and found to have untreated decay; and

13 6. Did not return either the oral examination form or the
14 waiver request to the school.

15 F. The State Department of Health shall maintain the data
16 described in subsection E of this section in a manner that allows
17 the State Department of Health to release it upon request.

18 G. The State Department of Health, in collaboration with the
19 State Department of Education, shall conduct an evaluation of the
20 requirements imposed by this section and prepare and submit a report
21 to the Legislature by January 1, 2015, that describes any
22 improvements in the oral health of children resulting from the oral
23 examination requirements of this section. The State Department of
24 Health may receive private funds and contract with a college or

1 university within the Oklahoma State System of Higher Education to
2 fulfill the duties described in this subsection.

3 H. This section does not prohibit:

4 1. The State Department of Health from sharing aggregate data
5 collected pursuant to this section with other governmental agencies,
6 philanthropic organizations, or other not-for-profit organizations
7 for the purpose of data analysis; and

8 2. The use of oral examination data for the purposes of
9 conducting research and analysis on the oral examination status of
10 public school students in the state to the extent permitted under
11 state and federal laws.

12 I. This section does not preclude a school district, the State
13 Department of Education, the State Department of Health, or a local
14 department of health from developing a schoolsite-based oral
15 examination program to meet the requirements of this section.

16 J. The State Board of Education and the State Board of Health
17 may promulgate rules as necessary to implement the provisions of
18 this section.

19 SECTION 2. This act shall become effective July 1, 2011.

20 SECTION 3. It being immediately necessary for the preservation
21 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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