

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 632

By: Sharp of the Senate

and

Henke of the House

8 An Act relating to education of students in state
9 care; creating the Education Compact for Students in
10 State Care Act; providing short title; creating the
11 Education Compact for Students in State Care Advisory
12 Committee; providing for membership; providing for
13 meetings to be subject to certain act; prohibiting
14 members from receiving travel reimbursement;
15 providing for timely delivery of certain student
16 records in accordance with certain plan; directing
17 certain temporary records to be provided under
18 certain circumstances; providing definition;
19 providing for certain power of attorney or agreement
20 to suffice for certain purpose; directing certain
21 school to request certain permanent records;
22 requiring permanent records to be provided within
23 certain time period; requiring student to obtain
24 certain immunizations within certain time period;
 requiring certain verbal notification; providing for
 placement of student in certain school; directing
 certain school to consider the student's eligibility
 in certain programs and activities; providing for
 services to be provided for students on an
 individualized education program; requiring certain
 school to comply with certain provisions; providing
 for automatic enrollment of certain students in
 certain curriculum; providing for students accepted
 into certain program; directing certain school to
 work in certain collaboration to determine curriculum
 placement; authorizing certain school to waive
 certain requirements; providing for codification; and
 providing an effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 13-130 of Title 70, unless there
4 is created a duplication in numbering, reads as follows:

5 This act shall be known and may be cited as the "Education
6 Compact for Students in State Care Act".

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 13-131 of Title 70, unless there
9 is created a duplication in numbering, reads as follows:

10 A. There is hereby created the Education Compact for Students
11 in State Care Advisory Committee.

12 B. The advisory committee shall be comprised of three (3)
13 members to be appointed as follows:

14 1. One member representing the State Department of Education to
15 be appointed by the Superintendent of Public Instruction;

16 2. One member representing the Office of Juvenile Affairs to be
17 appointed by the Executive Director of the Office of Juvenile
18 Affairs; and

19 3. One member representing the Department of Human Services to
20 be appointed by the Director of the Department of Human Services.

21 C. The advisory committee may meet as often as may be required
22 in order to perform the duties imposed upon it.

23 D. The meetings of the advisory committee shall be subject to
24 the Oklahoma Open Meeting Act.

1 E. Members of the advisory committee shall receive no
2 compensation or travel reimbursement.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 13-132 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 A. To facilitate the timely transfer and/or enrollment of a
7 student who has been placed in state care, the personnel of a
8 sending school district shall make every effort to ensure timely
9 delivery of temporary and permanent student records in accordance
10 with the foster care state plan developed by the State Department of
11 Education in collaboration with the Department of Human Services as
12 required by the Elementary and Secondary Education Act of 1965
13 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known
14 as the Every Student Succeeds Act (ESSA).

15 B. In accordance with the foster care state plan and Section 1-
16 6-103 of Title 10A of the Oklahoma Statutes, in the event that the
17 nondirectory education records of a student who has been placed in
18 state care cannot be released to the parent(s) or legal guardian(s)
19 of the student, school district personnel of a sending school
20 district shall make temporary records available to a designee of the
21 Office of Juvenile Affairs or the Department of Human Services. For
22 the purposes of this section, "nondirectory education records" shall
23 mean those records maintained by the school district regarding a
24 student who is or has been enrolled at the school district which are

1 categorized as private or confidential records pursuant to the
2 Family Educational Rights and Privacy Act of 1974 (FERPA). Examples
3 of nondirectory education records include but are not limited to
4 student attendance records, test performance records, special
5 education records, if applicable, health records and transcripts or
6 report cards.

7 C. 1. A power of attorney issued pursuant to Section 700 of
8 Title 10 of the Oklahoma Statutes shall be sufficient for the
9 purposes of enrollment.

10 2. An out-of-home care placement agreement executed on a form
11 provided by the Department of Human Services shall be sufficient for
12 the purposes of enrollment.

13 D. 1. The receiving school district shall enroll and place the
14 student upon arrival.

15 2. The receiving school district shall request the student's
16 permanent records from the sending school district. Upon receipt of
17 such a request, the sending school district shall process and
18 furnish the student's permanent records to the receiving school
19 district within three (3) days.

20 E. A student who has been placed in state care and transferred
21 and/or enrolled pursuant to this section shall have thirty (30) days
22 from the date of enrollment to obtain immunizations required by
23 Section 1210.191 of Title 70 of the Oklahoma Statutes. If a series
24 of immunizations is required, the student shall have thirty (30)

1 days from the date of enrollment to receive the initial dose. Upon
2 enrollment, the receiving school shall verbally inform the parent,
3 legal guardian or legal custodian of the student about the
4 immunization exemptions provided for in Section 1210.192 of Title 70
5 of the Oklahoma Statutes.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 13-133 of Title 70, unless there
8 is created a duplication in numbering, reads as follows:

9 A. To facilitate the education of a student who has been placed
10 in state care, a receiving school district shall initially honor
11 placement of the student in educational courses based on the
12 student's enrollment in the sending school district and/or
13 educational assessments conducted at the sending school district. A
14 receiving school district shall be authorized to perform its own
15 placement evaluation to ensure appropriate placement of the student.

16 B. In placing the student, the receiving school district shall
17 take into consideration the student's eligibility for:

18 1. Gifted and talented programs, including but not limited to
19 Advanced Placement courses and International Baccalaureate courses;

20 2. An English language learner program;

21 3. Courses or a sequence of courses offered by a technology
22 center school; and

23 4. Extracurricular activities.
24

1 C. 1. If an individualized education program (IEP) was in
2 place for the student at the sending school district, the receiving
3 school district shall initially provide comparable services, in
4 accordance with the Individuals with Disabilities Education Act
5 (IDEA). The receiving school district shall conduct an evaluation
6 of the student to determine eligibility for special education and
7 related services, pursuant to Section 13-102 of Title 70 of the
8 Oklahoma Statutes.

9 2. The receiving school district shall comply with the
10 requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A.,
11 Section 794, and with Title II of the Americans with Disabilities
12 Act, 42 U.S.C.A., Sections 12131 through 12165.

13 SECTION 5. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 13-134 of Title 70, unless there
15 is created a duplication in numbering, reads as follows:

16 A. To facilitate the on-time graduation of a student who has
17 been placed in state care during the ninth through twelfth grades,
18 the student shall be automatically enrolled in the core curriculum,
19 as set forth in Section 11-103.6 of Title 70 of the Oklahoma
20 Statutes. However, students who have been accepted into the
21 Oklahoma Higher Learning Access Program pursuant to Section 2601 et
22 seq. of Title 70 of the Oklahoma Statutes shall be given the
23 opportunity to complete the program's curricular requirements. The
24 school district in which the student is enrolled shall work in

1 collaboration with the parent(s), legal guardian(s) or legal
2 custodian(s) of the student and the student to determine if he or
3 she should complete the college preparatory/work ready curriculum or
4 the core curriculum requirements established by Section 11-103.6 of
5 Title 70 of the Oklahoma Statutes.

6 B. In making decisions related to the on-time graduation of the
7 student, the school district in which the student is enrolled shall
8 be authorized to waive any applicable graduation requirements
9 established by the school district board of education.

10 SECTION 6. This act shall become effective November 1, 2017.

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12 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT OVERSIGHT AND
13 ACCOUNTABILITY, dated 04/13/2017 - DO PASS.
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