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February 27, 2019

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 742

By: Smalley of the Senate

and

Munson of the House

[ students - duties of the Office of Child Abuse  
Prevention - statistics - temporary detention and  
custody of children - truancy reports - assessment -  
codification - ~~effective date~~ -

~~emergency~~ ]

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-227.2, as amended by Section 47, Chapter 229, O.S.L. 2013 (63 O.S. Supp. 2018, Section 1-227.2), is amended to read as follows:

Section 1-227.2. A. The Office of Child Abuse Prevention, giving consideration to the recommendations of the Infant and Children's Health Advisory Council created in Section ~~44 of this act~~ 1-103a.1 of this title, is hereby authorized and directed to:

1. Prepare and implement a comprehensive state plan for the planning and coordination of child abuse prevention programs and services and for the establishment, development and funding of such

1 programs and services, and to revise and update ~~said~~ the plan  
2 pursuant to the provisions of Section 1-227.3 of this title;

3 2. Monitor, evaluate and review the development and quality of  
4 services and programs for the prevention of child abuse and neglect,  
5 publish and distribute an annual report of its findings on or before  
6 January 1 of each year to the Governor, the Speaker of the House of  
7 Representatives, the President Pro Tempore of the Senate and to the  
8 chief administrative officer of each agency affected by the report.  
9 The report shall include:

10 a. activities of the Office,

11 b. a summary detailing the demographic characteristics of  
12 families served including, but not limited to, the  
13 following:

14 (1) age and marital status of parent(s),

15 (2) number and age of children living in the  
16 household,

17 (3) household composition of families served,

18 (4) number of families accepted into the program by  
19 grantee site and average length of time enrolled,

20 (5) number of families not accepted into the program  
21 and the reason therefor, and

22 (6) average actual expenditures per family during the  
23 most recent state fiscal year,  
24

- c. recommendations for the further development and improvement of services and programs for the prevention of child abuse and neglect, ~~and~~
- d. budget and program needs, and
- e. statistics developed based on the reports received pursuant to Section 4 of this act; and

3. Conduct or otherwise provide for or make available continuing professional education and training in the area of child abuse prevention.

B. For the purpose of implementing the provisions of the Child Abuse Prevention Act, the State Department of Health is authorized to:

1. Accept appropriations, gifts, loans and grants from the state and federal government and from other sources, public or private;

2. Enter into agreements or contracts for the establishment and development of:

- a. programs and services for the prevention of child abuse and neglect,
- b. training programs for the prevention of child abuse and neglect, and
- c. multidisciplinary and discipline specific training programs for professionals with responsibilities affecting children, youth and families; and

1        3. Secure necessary statistical, technical, administrative and  
2 operational services by interagency agreement or contract.

3        C. For the purpose of implementing the provisions of the Child  
4 Abuse Prevention Act, the State Board of Health, giving  
5 consideration to the recommendations of the Infant and Children's  
6 Health Advisory Council created in Section ~~44 of this act~~ 1-103a.1  
7 of this title, is authorized to promulgate rules and regulations as  
8 necessary to implement the duties and responsibilities assigned to  
9 the Office of Child Abuse Prevention.

10        SECTION 2.        AMENDATORY        70 O.S. 2011, Section 10-109, is  
11 amended to read as follows:

12        Section 10-109. A. An attendance officer, any school  
13 administrator, or designee of the school administrator who is  
14 employed by the school, or any peace officer may, except for  
15 children being home schooled pursuant to Section 10-105 of the  
16 Oklahoma Statutes, temporarily detain and assume temporary custody  
17 of any child subject to compulsory full-time education, during hours  
18 in which school is actually in session, who is found away from the  
19 home of such child and who is absent from school without lawful  
20 excuse within the school district that such attendance officer,  
21 peace officer or school official serves, if ~~said~~ the school district  
22 has previously approved the temporary detention and custody pursuant  
23 to this section.

1 B. Any person temporarily detaining and assuming temporary  
2 custody of a child pursuant to this section shall immediately  
3 deliver the child either to the parent, guardian, or other person  
4 having control or custody of the child, or to the school from which  
5 the child is absent without valid excuse, or to a nonsecure youth  
6 service or community center servicing the school district, or to a  
7 community intervention center, as defined by Section 2-1-103 of  
8 Title 10A of the Oklahoma Statutes.

9 C. The temporary custody or detention provided by this section  
10 shall be utilized as a means of reforming and returning the truant  
11 students to school and shall not be used as a pretext for  
12 investigating criminal matters. The temporary custody or detention  
13 herein provided is a severely limited type of detention and is not  
14 justified unless there are specific facts causing an attendance  
15 officer or other authorized person to reasonably suspect that a  
16 truancy violation is occurring and that the person the officer  
17 intends to detain is a truant.

18 D. Beginning with the 2019-2020 school year, school districts  
19 shall submit to the State Department of Education annual reports  
20 detailing the instances in which students were subject to the  
21 provisions of this section. The reports shall comply with the  
22 Family Educational Rights and Privacy Act of 1974 (FERPA).

23 SECTION 3. AMENDATORY 70 O.S. 2011, Section 24-120, is  
24 amended to read as follows:

1       Section 24-120. A. At the close of each attendance period of  
2 the school term, the board of education of each school district  
3 shall notify in writing the Department of Human Services of the name  
4 of any child who has not been present for instruction at least  
5 eighty percent (80%) of the time without valid excuse as defined in  
6 Section 10-105 of this title.

7       B. Upon the receipt of such information from the school  
8 district, the Director of the Department of Human Services is  
9 authorized to withhold assistance payments to the payee of such  
10 child and to instigate an investigation for the purpose of improving  
11 the school attendance of such child. After such investigation, if  
12 the attendance record of the child investigated is satisfactory,  
13 such withheld payments may be released. In the event the  
14 investigation results in a change in custody and care of such child,  
15 payments to the payee shall be canceled or shall be made to the  
16 person qualified to receive benefits on behalf of the child.

17       C. For purposes of the pilot project, the Department of Human  
18 Services and the State Board of Education shall establish a  
19 procedure to provide for the exchange of information required by  
20 this section concerning students subject to the provisions of this  
21 section. Any procedure thus established shall, if applicable,  
22 comply with the requirements of the Family Educational Rights and  
23 Privacy Act, 20 U.S.C. Section 1232g et seq., and any other  
24 applicable federal law.

1 D. The district attorney shall file with the Department of  
2 Human Services a report identifying any child who has been convicted  
3 of truancy within thirty (30) days of such conviction.

4 E. Beginning with the 2019-2020 school year, district attorneys  
5 shall submit to the State Department of Education annual reports  
6 detailing the instances in which students were convicted of truancy  
7 pursuant to the provisions of this section. The reports shall  
8 comply with the Family Educational Rights and Privacy Act of 1974  
9 (FERPA).

10 SECTION 4. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 24-120.1 of Title 70, unless  
12 there is created a duplication in numbering, reads as follows:

13 A. Beginning with the 2019-2020 school year, the State  
14 Department of Education shall submit to the Office of Child Abuse  
15 Prevention the reports required by subsection D of Section 10-109 of  
16 Title 70 of the Oklahoma Statutes and subsection E of Section 24-120  
17 of Title 70 of the Oklahoma Statutes.

18 B. The State Department of Education in collaboration with the  
19 Office of Child Abuse Prevention shall establish a procedure for the  
20 exchange of information to comply with the Family Educational Rights  
21 and Privacy Act of 1974 (FERPA).

22 C. The Office of Child Abuse Prevention or staff within the  
23 State Department of Health shall review the reports provided  
24 pursuant to this section and, when appropriate and if resources are

1 available, provide an assessment of the family to determine if  
2 services should be offered or a referral for services should be  
3 made.

4 ~~SECTION 5. This act shall become effective July 1, 2019.~~

5 ~~SECTION 6. It being immediately necessary for the preservation~~  
6 ~~of the public peace, health or safety, an emergency is hereby~~  
7 ~~declared to exist, by reason whereof this act shall take effect and~~  
8 ~~be in full force from and after its passage and approval.~~

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
10 February 27, 2019 - DO PASS AS AMENDED  
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