

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 742

By: Smalley

AS INTRODUCED

An Act relating to students; amending 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), which relates to the duties of the Office of Child Abuse Prevention; directing certain report to include certain statistics; updating statutory references; amending 70 O.S. 2011, Section 10-109, which relates to temporary detention and custody of children; directing school districts to submit certain annual reports to the State Department of Education; requiring the reports to comply with certain act; amending 70 O.S. 2011, Section 24-120, which relates to truancy reports; directing district attorneys to submit certain annual reports to the State Department of Education; requiring the reports to comply with certain act; directing the State Department of Education to submit certain reports to the Office of Child Abuse Prevention; requiring the establishment of certain procedure to share information; allowing the Office of Child Abuse Prevention to perform certain assessment and offer certain services; updating statutory language; providing for codification; providing an effective date; and declaring an 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:

1 Section 1-227.2. A. The Office of Child Abuse Prevention,
2 giving consideration to the recommendations of the Infant and
3 Children's Health Advisory Council created in Section ~~44 of this act~~
4 1-103a.1 of this title, is hereby authorized and directed to:

5 1. Prepare and implement a comprehensive state plan for the
6 planning and coordination of child abuse prevention programs and
7 services and for the establishment, development and funding of such
8 programs and services, and to revise and update ~~said~~ the plan
9 pursuant to the provisions of Section 1-227.3 of this title;

10 2. Monitor, evaluate and review the development and quality of
11 services and programs for the prevention of child abuse and neglect,
12 publish and distribute an annual report of its findings on or before
13 January 1 of each year to the Governor, the Speaker of the House of
14 Representatives, the President Pro Tempore of the Senate and to the
15 chief administrative officer of each agency affected by the report.
16 The report shall include:

- 17 a. activities of the Office,
- 18 b. a summary detailing the demographic characteristics of
19 families served including, but not limited to, the
20 following:
- 21 (1) age and marital status of parent(s),
- 22 (2) number and age of children living in the
23 household,
- 24 (3) household composition of families served,
- 25

- (4) number of families accepted into the program by grantee site and average length of time enrolled,
 - (5) number of families not accepted into the program and the reason therefor, and
 - (6) average actual expenditures per family during the most recent state fiscal year,
- 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

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

C. For the purpose of implementing the provisions of the Child Abuse Prevention Act, the State Board of Health, 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 authorized to promulgate rules and regulations as necessary to implement the duties and responsibilities assigned to the Office of Child Abuse Prevention.

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

Section 10-109. A. An attendance officer, any school administrator, or designee of the school administrator who is employed by the school, or any peace officer may, except for children being home schooled pursuant to Section 10-105 of the Oklahoma Statutes, temporarily detain and assume temporary custody of any child subject to compulsory full-time education, during hours

1 in which school is actually in session, who is found away from the
2 home of such child and who is absent from school without lawful
3 excuse within the school district that such attendance officer,
4 peace officer or school official serves, if ~~said~~ the school district
5 has previously approved the temporary detention and custody pursuant
6 to this section.

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

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

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

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

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

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

1 C. For purposes of the pilot project, the Department of Human
2 Services and the State Board of Education shall establish a
3 procedure to provide for the exchange of information required by
4 this section concerning students subject to the provisions of this
5 section. Any procedure thus established shall, if applicable,
6 comply with the requirements of the Family Educational Rights and
7 Privacy Act, 20 U.S.C. Section 1232g et seq., and any other
8 applicable federal law.

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

12 E. Beginning with the 2019-2020 school year, district attorneys
13 shall submit to the State Department of Education annual reports
14 detailing the instances in which students were convicted of truancy
15 pursuant to the provisions of this section. The reports shall
16 comply with the Family Educational Rights and Privacy Act of 1974
17 (FERPA).

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

21 A. Beginning with the 2019-2020 school year, the State
22 Department of Education shall submit to the Office of Child Abuse
23 Prevention the reports required by subsection D of Section 10-109 of
24

1 Title 70 of the Oklahoma Statutes and subsection E of Section 24-120
2 of Title 70 of the Oklahoma Statutes.

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

7 C. The Office of Child Abuse Prevention may review the reports
8 provided pursuant to this section to determine if a family
9 assessment is appropriate and if services should be offered.

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

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

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