

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 742

By: Smalley of the Senate

and

Munson of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to students; amending 63 O.S. 2011,  
11 Section 1-227.2, as amended by Section 47, Chapter  
12 229, O.S.L. 2013 (63 O.S. Supp. 2018, Section 1-  
13 227.2), which relates to the duties of the Office of  
14 Child Abuse Prevention; directing certain report to  
15 include certain statistics; updating statutory  
16 references; amending 70 O.S. 2011, Section 10-109,  
17 which relates to temporary detention and custody of  
18 children; directing school districts to submit  
19 certain annual reports to the State Department of  
20 Education; requiring the reports to comply with  
21 certain act; amending 70 O.S. 2011, Section 24-120,  
22 which relates to truancy reports; directing district  
23 attorneys to submit certain annual reports to the  
24 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; directing the Office of Child Abuse  
Prevention or certain staff to review the reports and  
perform certain assessment under certain  
circumstances to determine if certain services should  
be offered or certain referral should be made;  
providing for codification; providing an effective  
date; and declaring an emergency.

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

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

5 Section 1-227.2. A. The Office of Child Abuse Prevention,  
6 giving consideration to the recommendations of the Infant and  
7 Children's Health Advisory Council created in Section ~~44 of this act~~  
8 1-103a.1 of this title, is hereby authorized and directed to:

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

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

20 The report shall include:

- 21 a. activities of the Office,  
22 b. a summary detailing the demographic characteristics of  
23 families served including, but not limited to, the  
24 following:

- 1 (1) age and marital status of parent(s),
- 2 (2) number and age of children living in the
- 3 household,
- 4 (3) household composition of families served,
- 5 (4) number of families accepted into the program by
- 6 grantee site and average length of time enrolled,
- 7 (5) number of families not accepted into the program
- 8 and the reason therefor, and
- 9 (6) average actual expenditures per family during the
- 10 most recent state fiscal year,

11 c. recommendations for the further development and  
12 improvement of services and programs for the  
13 prevention of child abuse and neglect, ~~and~~

14 d. budget and program needs, and

15 e. statistics developed based on the reports received  
16 pursuant to Section 4 of this act; and

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

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

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

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

6 a. programs and services for the prevention of child  
7 abuse and neglect,

8 b. training programs for the prevention of child abuse  
9 and neglect, and

10 c. multidisciplinary and discipline specific training  
11 programs for professionals with responsibilities  
12 affecting children, youth and families; and

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

15 C. For the purpose of implementing the provisions of the Child  
16 Abuse Prevention Act, the State Board of Health, giving  
17 consideration to the recommendations of the Infant and Children's  
18 Health Advisory Council created in Section ~~44 of this act~~ 1-103a.1  
19 of this title, is authorized to promulgate rules and regulations as  
20 necessary to implement the duties and responsibilities assigned to  
21 the Office of Child Abuse Prevention.

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

1 Section 10-109. A. An attendance officer, any school  
2 administrator, or designee of the school administrator who is  
3 employed by the school, or any peace officer may, except for  
4 children being home schooled pursuant to Section 10-105 of the  
5 Oklahoma Statutes, temporarily detain and assume temporary custody  
6 of any child subject to compulsory full-time education, during hours  
7 in which school is actually in session, who is found away from the  
8 home of such child and who is absent from school without lawful  
9 excuse within the school district that such attendance officer,  
10 peace officer or school official serves, if ~~said~~ the school district  
11 has previously approved the temporary detention and custody pursuant  
12 to this section.

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

21 C. The temporary custody or detention provided by this section  
22 shall be utilized as a means of reforming and returning the truant  
23 students to school and shall not be used as a pretext for  
24 investigating criminal matters. The temporary custody or detention

1 herein provided is a severely limited type of detention and is not  
2 justified unless there are specific facts causing an attendance  
3 officer or other authorized person to reasonably suspect that a  
4 truancy violation is occurring and that the person the officer  
5 intends to detain is a truant.

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

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

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

19 B. Upon the receipt of such information from the school  
20 district, the Director of the Department of Human Services is  
21 authorized to withhold assistance payments to the payee of such  
22 child and to instigate an investigation for the purpose of improving  
23 the school attendance of such child. After such investigation, if  
24 the attendance record of the child investigated is satisfactory,

1 such withheld payments may be released. In the event the  
2 investigation results in a change in custody and care of such child,  
3 payments to the payee shall be canceled or shall be made to the  
4 person qualified to receive benefits on behalf of the child.

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

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

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

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

1           A. Beginning with the 2019-2020 school year, the State  
2 Department of Education shall submit to the Office of Child Abuse  
3 Prevention the reports required by subsection D of Section 10-109 of  
4 Title 70 of the Oklahoma Statutes and subsection E of Section 24-120  
5 of Title 70 of the Oklahoma Statutes.

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

10           C. The Office of Child Abuse Prevention or staff within the  
11 State Department of Health shall review the reports provided  
12 pursuant to this section and, when appropriate and if resources are  
13 available, provide an assessment of the family to determine if  
14 services should be offered or a referral for services should be  
15 made.

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

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

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