

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 742 By: Smalley of the Senate
3 and
4 Munson of the House
5

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

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11 AUTHOR: Add the following House Coauthor: Lawson

12 AMENDMENT NO. 1. Delete the stricken title, enacting clause and
entire bill and replace with:

13
14 "An Act relating to students; amending 63 O.S. 2011,
15 Section 1-227.2, as amended by Section 47, Chapter
229, O.S.L. 2013 (63 O.S. Supp. 2018, Section 1-
16 227.2), which relates to the duties of the Office of
Child Abuse Prevention; directing annual report to
17 include certain statistics; updating statutory
references; amending 70 O.S. 2011, Section 24-120,
18 which relates to truancy reports; directing district
attorneys to submit annual truancy reports to the
19 Office of Child Abuse Prevention; requiring reports
to comply with federal privacy law; directing
20 Department to submit certain reports to the Office
of Child Abuse Prevention; requiring establishment
21 of procedure for exchange of information; mandating
compliance with federal privacy law; directing
22 Office of Child Abuse Prevention to review reports;
providing for a family assessment to offer or refer
23 services; directing State Board of Education to
share certain information and reports with the
24 Office of Child Abuse Prevention and the Department
of Human Services; establishing procedure for

1 exchange of information; providing for codification;
2 providing an effective date; and declaring an
3 emergency.
4

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

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

9 Section 1-227.2 A. The Office of Child Abuse Prevention,
10 giving consideration to the recommendations of the Infant and
11 Children's Health Advisory Council created in Section ~~44 of this act~~
12 1-103a.1 of this title, is hereby authorized and directed to:

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

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

24 The report shall include:

- 1 a. activities of the Office,
- 2 b. a summary detailing the demographic characteristics of
- 3 families served including, but not limited to, the
- 4 following:
- 5 (1) age and marital status of parent(s),
- 6 (2) number and age of children living in the
- 7 household,
- 8 (3) household composition of families served,
- 9 (4) number of families accepted into the program by
- 10 grantee site and average length of time enrolled,
- 11 (5) number of families not accepted into the program
- 12 and the reason therefor, and
- 13 (6) average actual expenditures per family during the
- 14 most recent state fiscal year,
- 15 c. recommendations for the further development and
- 16 improvement of services and programs for the
- 17 prevention of child abuse and neglect, ~~and~~
- 18 d. budget and program needs, and
- 19 e. statistics developed based on the reports received
- 20 pursuant to Section 3 of this act; and

21 3. Conduct or otherwise provide for or make available

22 continuing professional education and training in the area of child

23 abuse prevention.

24

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

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

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

9 a. programs and services for the prevention of child
10 abuse and neglect,

11 b. training programs for the prevention of child abuse
12 and neglect, and

13 c. multidisciplinary and discipline specific training
14 programs for professionals with responsibilities
15 affecting children, youth and families; and

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

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

1 SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-120, is
2 amended to read as follows:

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

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

19 C. For purposes of the pilot project, the Department of Human
20 Services and the State Board of Education shall establish a
21 procedure to provide for the exchange of information required by
22 this section concerning students subject to the provisions of this
23 section. Any procedure thus established shall, if applicable,
24 comply with the requirements of the Family Educational Rights and

1 Privacy Act, 20 U.S.C. Section 1232g et seq., and any other
2 applicable federal law.

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

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

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 24-120.1 of Title 70, unless
14 there is created a duplication in numbering, reads as follows:

15 A. Beginning with the 2019-2020 school year, the State
16 Department of Education shall submit to the Office of Child Abuse
17 Prevention the student and school data on chronic absenteeism.

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 D. The State Board of Education shall supply Child Welfare
5 Services of the Department of Human Services with access to
6 identifying information and updated and accurate school attendance
7 reports of individuals with documented developmental disabilities.
8 The State Board of Education and Child Welfare Services shall
9 establish a procedure for the exchange of information required by
10 this subsection.

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

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

16 Passed the House of Representatives the 22nd day of April, 2019.

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19 _____
Presiding Officer of the House of
20 Representatives

21 Passed the Senate the ____ day of _____, 2019.

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Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 742

By: Smalley of the Senate

3 and

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5
6 [students - duties of the Office of Child Abuse
7 Prevention - statistics - temporary detention and
8 custody of children - truancy reports - assessment -
codification - ~~effective date~~ -
emergency]

9
10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 6. AMENDATORY 63 O.S. 2011, Section 1-227.2, as
13 amended by Section 47, Chapter 229, O.S.L. 2013 (63 O.S. Supp. 2018,
14 Section 1-227.2), is amended to read as follows:

15 Section 1-227.2. A. The Office of Child Abuse Prevention,
16 giving consideration to the recommendations of the Infant and
17 Children's Health Advisory Council created in Section ~~44 of this act~~
18 1-103a.1 of this title, is hereby authorized and directed to:

19 1. Prepare and implement a comprehensive state plan for the
20 planning and coordination of child abuse prevention programs and
21 services and for the establishment, development and funding of such
22 programs and services, and to revise and update ~~said~~ the plan
23 pursuant to the provisions of Section 1-227.3 of this title;

24

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

7 The report shall include:

- 8 a. activities of the Office,
- 9 b. a summary detailing the demographic characteristics of
10 families served including, but not limited to, the
11 following:
 - 12 (1) age and marital status of parent(s),
 - 13 (2) number and age of children living in the
14 household,
 - 15 (3) household composition of families served,
 - 16 (4) number of families accepted into the program by
17 grantee site and average length of time enrolled,
 - 18 (5) number of families not accepted into the program
19 and the reason therefor, and
 - 20 (6) average actual expenditures per family during the
21 most recent state fiscal year,
- 22 c. recommendations for the further development and
23 improvement of services and programs for the
24 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.

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

8 SECTION 7. AMENDATORY 70 O.S. 2011, Section 10-109, is
9 amended to read as follows:

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

22 B. Any person temporarily detaining and assuming temporary
23 custody of a child pursuant to this section shall immediately
24 deliver the child either to the parent, guardian, or other person

1 having control or custody of the child, or to the school from which
2 the child is absent without valid excuse, or to a nonsecure youth
3 service or community center servicing the school district, or to a
4 community intervention center, as defined by Section 2-1-103 of
5 Title 10A of the Oklahoma Statutes.

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

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

20 SECTION 8. AMENDATORY 70 O.S. 2011, Section 24-120, is
21 amended to read as follows:

22 Section 24-120. A. At the close of each attendance period of
23 the school term, the board of education of each school district
24 shall notify in writing the Department of Human Services of the name

1 of any child who has not been present for instruction at least
2 eighty percent (80%) of the time without valid excuse as defined in
3 Section 10-105 of this title.

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

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

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

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

7 SECTION 9. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 24-120.1 of Title 70, unless
9 there is created a duplication in numbering, reads as follows:

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

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

19 C. The Office of Child Abuse Prevention or staff within the
20 State Department of Health shall review the reports provided
21 pursuant to this section and, when appropriate and if resources are
22 available, provide an assessment of the family to determine if
23 services should be offered or a referral for services should be
24 made.

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

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

6 Passed the Senate the 14th day of March, 2019.

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8 _____
9 Presiding Officer of the Senate

10 Passed the House of Representatives the ____ day of _____,
11 2019.

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13 _____
14 Presiding Officer of the House
15 of Representatives

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