

An Act

ENROLLED SENATE
BILL NO. 742

By: Smalley of the Senate

and

Munson and Lawson of the
House

An Act relating to students; amending 63 O.S. 2011, Section 1-227.2, as last amended by Section 1 of Enrolled Senate Bill No. 833 of the 1st Session of the 57th Oklahoma Legislature (63 O.S. Supp. 2018, Section 1- 227.2), which relates to the duties of the Office of Child Abuse Prevention; directing annual report to include certain statistics; updating statutory references; amending 70 O.S. 2011, Section 24-120, which relates to truancy reports; directing district attorneys to submit annual truancy reports to the Office of Child Abuse Prevention; requiring reports to comply with federal privacy law; directing Department to submit certain reports to the Office of Child Abuse Prevention; requiring establishment of procedure for exchange of information; mandating compliance with federal privacy law; directing Office of Child Abuse Prevention to review reports; providing for a family assessment to offer or refer services; directing State Board of Education to share certain information and reports with the Office of Child Abuse Prevention and the Department of Human Services; establishing procedure for exchange of information; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Student absenteeism

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-227.2, as last amended by Section 1 of Enrolled Senate Bill No. 833 of the 1st Session of the 57th Oklahoma Legislature (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 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 programs and services, and to revise and update the plan pursuant to the provisions of Section 1-227.3 of this title;

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

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

- (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,
 - (6) average actual expenditures per family during the most recent state fiscal year, and
 - (7) number of individuals whose parental rights have ever been terminated and number of children born to an individual whose parental rights have ever been terminated,
- 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 3 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 Commissioner of Health, giving consideration to the recommendations of the Infant and Children's Health Advisory Council created in Section 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.

D. 1. The Department of Human Services shall, as soon as reasonably possible, provide the State Department of Health access to the identifying information of all individuals who, as to any child, have had their parental rights terminated and the conditions which led to the making of the finding which resulted in the termination of parental rights.

2. The Division of Vital Records shall provide birth record information to the Office of Child Abuse Prevention for a child born to an individual whose identifying information has been provided pursuant to paragraph 1 of this subsection.

3. The Office of Child Abuse Prevention or other appropriate division of the State Department of Health shall review the information provided by the Department of Human Services and the Division of Vital Records and, when appropriate and if the resources are available, provide an assessment of the family and offer services if needed.

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

Section 24-120. A. At the close of each attendance period of the school term, the board of education of each school district

shall notify in writing the Department of Human Services of the name of any child who has not been present for instruction at least eighty percent (80%) of the time without valid excuse as defined in Section 10-105 of this title.

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

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

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

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

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

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

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

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

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

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

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

Passed the Senate the 7th day of May, 2019.

Presiding Officer of the Senate

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

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____