

An Act

ENROLLED SENATE
BILL NO. 632

By: Sharp of the Senate

and

Henke of the House

An Act relating to education of students in state care; creating the Education Compact for Students in State Care Act; providing short title; creating the Education Compact for Students in State Care Advisory Committee; providing for membership; providing for meetings to be subject to certain act; prohibiting members from receiving travel reimbursement; providing for timely delivery of certain student records in accordance with certain plan; directing certain temporary records to be provided under certain circumstances; providing definition; providing for certain power of attorney or agreement to suffice for certain purpose; directing certain school to request certain permanent records; requiring permanent records to be provided within certain time period; requiring student to obtain certain immunizations within certain time period; requiring certain verbal notification; providing for placement of student in certain school; directing certain school to consider the student's eligibility in certain programs and activities; providing for services to be provided for students on an individualized education program; requiring certain school to comply with certain provisions; providing for automatic enrollment of certain students in certain curriculum; providing for students accepted into certain program; directing certain school to work in certain collaboration to determine curriculum placement; authorizing certain school to waive certain requirements; providing for codification; and providing an effective date.

SUBJECT: Creating the Education Compact for Students in State Care Act

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-130 of Title 70, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Education Compact for Students in State Care Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-131 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Education Compact for Students in State Care Advisory Committee.

B. The advisory committee shall be comprised of three (3) members to be appointed as follows:

1. One member representing the State Department of Education to be appointed by the Superintendent of Public Instruction;

2. One member representing the Office of Juvenile Affairs to be appointed by the Executive Director of the Office of Juvenile Affairs; and

3. One member representing the Department of Human Services to be appointed by the Director of the Department of Human Services.

C. The advisory committee may meet as often as may be required in order to perform the duties imposed upon it.

D. The meetings of the advisory committee shall be subject to the Oklahoma Open Meeting Act.

E. Members of the advisory committee shall receive no compensation or travel reimbursement.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-132 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. To facilitate the timely transfer and/or enrollment of a student who has been placed in state care, the personnel of a sending school district shall make every effort to ensure timely delivery of temporary and permanent student records in accordance with the foster care state plan developed by the State Department of Education in collaboration with the Department of Human Services as required by the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA).

B. In accordance with the foster care state plan and Section 1-6-103 of Title 10A of the Oklahoma Statutes, in the event that the nondirectory education records of a student who has been placed in state care cannot be released to the parent(s) or legal guardian(s) of the student, school district personnel of a sending school district shall make temporary records available to a designee of the Office of Juvenile Affairs or the Department of Human Services. For the purposes of this section, "nondirectory education records" shall mean those records maintained by the school district regarding a student who is or has been enrolled at the school district which are categorized as private or confidential records pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA). Examples of nondirectory education records include but are not limited to student attendance records, test performance records, special education records, if applicable, health records and transcripts or report cards.

C. 1. A power of attorney issued pursuant to Section 700 of Title 10 of the Oklahoma Statutes shall be sufficient for the purposes of enrollment.

2. An out-of-home care placement agreement executed on a form provided by the Department of Human Services shall be sufficient for the purposes of enrollment.

D. 1. The receiving school district shall enroll and place the student upon arrival.

2. The receiving school district shall request the student's permanent records from the sending school district. Upon receipt of such a request, the sending school district shall process and furnish the student's permanent records to the receiving school district within three (3) days.

E. A student who has been placed in state care and transferred and/or enrolled pursuant to this section shall have thirty (30) days from the date of enrollment to obtain immunizations required by Section 1210.191 of Title 70 of the Oklahoma Statutes. If a series of immunizations is required, the student shall have thirty (30) days from the date of enrollment to receive the initial dose. Upon enrollment, the receiving school shall verbally inform the parent, legal guardian or legal custodian of the student about the immunization exemptions provided for in Section 1210.192 of Title 70 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-133 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. To facilitate the education of a student who has been placed in state care, a receiving school district shall initially honor placement of the student in educational courses based on the student's enrollment in the sending school district and/or educational assessments conducted at the sending school district. A receiving school district shall be authorized to perform its own placement evaluation to ensure appropriate placement of the student.

B. In placing the student, the receiving school district shall take into consideration the student's eligibility for:

1. Gifted and talented programs, including but not limited to Advanced Placement courses and International Baccalaureate courses;

2. An English language learner program;

3. Courses or a sequence of courses offered by a technology center school; and

4. Extracurricular activities.

C. 1. If an individualized education program (IEP) was in place for the student at the sending school district, the receiving school district shall initially provide comparable services, in accordance with the Individuals with Disabilities Education Act (IDEA). The receiving school district shall conduct an evaluation of the student to determine eligibility for special education and related services, pursuant to Section 13-102 of Title 70 of the Oklahoma Statutes.

2. The receiving school district shall comply with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A., Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A., Sections 12131 through 12165.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-134 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. To facilitate the on-time graduation of a student who has been placed in state care during the ninth through twelfth grades, the student shall be automatically enrolled in the core curriculum, as set forth in Section 11-103.6 of Title 70 of the Oklahoma Statutes. However, students who have been accepted into the Oklahoma Higher Learning Access Program pursuant to Section 2601 et seq. of Title 70 of the Oklahoma Statutes shall be given the opportunity to complete the program's curricular requirements. The school district in which the student is enrolled shall work in collaboration with the parent(s), legal guardian(s) or legal custodian(s) of the student and the student to determine if he or she should complete the college preparatory/work ready curriculum or the core curriculum requirements established by Section 11-103.6 of Title 70 of the Oklahoma Statutes.

B. In making decisions related to the on-time graduation of the student, the school district in which the student is enrolled shall be authorized to waive any applicable graduation requirements established by the school district board of education.

SECTION 6. This act shall become effective November 1, 2017.

Passed the Senate the 22nd day of March, 2017.

Nathan Dahm

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2017.

Scott C. Martin

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th

day of April, 20 17, at 11:39 o'clock 2 M.

By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 2nd

day of May, 20 17, at 3:01 o'clock P M.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 2nd

day of May, 20 17, at 4:44 o'clock P. M.

By: Paul J. Jap