ENGROSSED HOUSE
BILL NO. 1664

BY: FERGUSON and RHOADS
(Karroll) of the HOUSE

and

WEEDN of the SENATE

AN ACT RELATING TO SCHOOLS; AMENDING 70 O.S. 1981, SECTION 10-105, AS LAST AMENDED BY SECTION 14, CHAPTER 2, O.S.L. SUPP. 1989 (70 O.S. SUPP. 1990, SECTION 10-105), WHICH RELATES TO NEGLECT OR REFUSAL TO COMPEL CHILD TO ATTEND SCHOOL; PROVIDING THAT CERTAIN TEACHERS SHALL NOT BE REQUIRED TO OBTAIN EARLY CHILDHOOD CERTIFICATION; AMENDING SECTION 3, CHAPTER 335, O.S.L. 1989, AS LAST AMENDED BY SECTION 68, CHAPTER 263, O.S.L. 1990 (70 O.S. SUPP. 1990, SECTION 11-103.7), WHICH RELATES TO EARLY CHILDHOOD EDUCATION PROGRAMS; PROVIDING THAT CERTAIN TEACHERS SHALL NOT BE REQUIRED TO OBTAIN EARLY CHILDHOOD CERTIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 70 O.S. 1981, Section 10-105, as last amended by Section 14, Chapter 2, O.S.L. Supp. 1989 (70 O.S. Supp. 1990, Section 10-105), is amended to read as follows:

Section 10-105. A. Prior to the 1991-92 school year, it shall be unlawful for a parent, guardian, custodian or other person having control of a child who is over the age of seven (7) years and under

the age of eighteen (18) years, and who has not finished four (4) years of high school work, to neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private or other school, unless other means of education are provided for the full term the schools of the district are in session.

B. Beginning with the 1991-92 school year, it shall be unlawful for a parent, guardian, custodian or other person having control of a child who is over the age of five (5) years, unless such child has been screened as provided for in Section 1210.282 of this title and such child is determined not to be ready for kindergarten, and under the age of eighteen (18) years, to neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private or other school, unless other means of education are provided for the full term the schools of the district are in session. Beginning with the 1991-92 school year, one-half (1/2) day of kindergarten shall be required of all children five (5) years of age or older as appropriately provided for by Section 1210.282 of this title, or as otherwise excepted from same by this section. A kindergarten program shall be directed toward developmentally appropriate objectives for such children. The program shall require that any teacher employed on and after January 1, 1993, to teach a kindergarten program within the public school system shall be certified in early childhood education. All teachers hired to teach a kindergarten program within the public school system prior to January 1, 1993, shall be required to obtain certification in early childhood education on or before the 1996-97 school year in order to continue to teach a kindergarten program. <u>Teachers hired prior to January 1, 1993, may obtain such early childhood certification by completion of twelve (12) semester hours as prescribed by the State Board of Education.</u>

C. It shall be unlawful for any child who is over the age of sixteen (16) years and under the age of eighteen (18) years, and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term the schools of the district are in session.

Provided, that this section shall not apply:

1. If any such child is prevented from attending school by reason of mental or physical disability, to be determined by the board of education of the district upon a certificate of the school physician or public health physician, or, if no such physician is available, a duly licensed and practicing physician;

2. If any such child is excused from attendance at school, due to an emergency, by the principal teacher of the school in which such child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;

3. If any such child who has attained his or her sixteenth birthday is excused from attending school by written, joint agreement between

a. the school administrator of the school district where the child attends school, and

b. the parent, guardian or custodian of the child.

Provided, further, that no child shall be excused from attending school by such joint agreement between a school administrator and the parent, guardian or custodian of the child unless and until it has been determined that such action is for the best interest of the child and/or the community, and that said child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of eighteen (18) years; or

4. If any such child is excused pursuant to subsection D of this section.

D. A school district shall excuse a student from attending school for the purpose of observing religious holy days if before the absence, the parent, guardian, or person having custody or control of the student submits a written request for the excused absence. The school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days.

E. It shall be the duty of the attendance officer to enforce the provisions of this section. Any parent, guardian, custodian, child or other person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Five Dollars ($5.00) nor more than Twenty-five Dollars ($25.00) for the first offense, not less than Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00) for the second offense, and not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00) for each subsequent offense. Each day the child remains out of school after the written warning has been given or the child ordered to school by the juvenile court may constitute a separate offense. At the trial of any person charged with violating the provisions of this section, the attendance records of the child or ward may be presented in court by any authorized employee of the school district.

SECTION 2. AMENDATORY Section 3, Chapter 335, O.S.L. 1989, as last amended by Section 68, Chapter 263, O.S.L. 1990 (70 O.S. Supp. 1990, Section 11-103.7), is amended to read as follows:

Section 11-103.7 A. By July 1, 1990, the State Department of Education shall develop standards for early childhood education programs for children who are at least four (4) years of age on or

before September 1 of the ensuing school year. Beginning with the 1990-91 school year, each school district may offer to four-year-old children the opportunity to participate in an early childhood education program.

B. Such program shall:

1. be directed toward developmentally appropriate objectives for such children, rather than toward academic objectives suitable for older children;

2. be offered in addition to, rather than supplant, federally sponsored Head Start classes; and

3. accommodate the needs of all children and families regardless of socio-economic circumstances.

C. The program shall require that any teacher employed by a public school to teach in such early childhood education program shall be certified in early childhood education.

D. A school district may offer such early childhood education program within the district, in cooperation with other districts, through the use of transfers as specified by law, or by contracting with a private or public provider of early childhood education programs. If the program is provided through contract with a private or public provider other than a school district, the contract may only be continued if each teacher serving the school on and after January 1, 1993 is certified in Early Childhood Education, except that all teachers, without such certification, hired by such provider prior to January 1, 1993, and serving in the school as an early childhood education teacher shall be required to obtain certification on or before the beginning of the 1996-97 school year. <u>Teachers hired prior to January 1, 1993, may obtain such early childhood certification by completion of twelve (12) semester hours as prescribed by the State Board of Education.</u> Provided, private or public providers shall meet such other standards required by law and by the State Board of Education.

E. The State Board of Education shall promulgate rules and regulations to provide for the implementation of such program.

F. On and after the effective date of this section, the term "pre-kindergarten" shall mean early childhood education for purposes of Title 70 of the Oklahoma Statutes.

SECTION 3. This act shall become effective September 1, 1991.

Passed the House of Representatives the 14th day of March, 1991.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate