

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 778

BY: RUBOTTOM

AS INTRODUCED

AN ACT RELATING TO SCHOOL ATTENDANCE; AMENDING 70

O.S. 1991, SECTION 10-105, WHICH RELATES TO
COMPULSORY ATTENDANCE; DELETING OBSOLETE LANGUAGE;
EXEMPTING PERSONS WHO HAVE COMPLETED FOUR YEARS OF
HIGH SCHOOL WORK OR HAVE GRADUATED FROM HIGH
SCHOOL; EXEMPTING CHILDREN UNDER AGE OF SIX YEARS
UPON CERTAIN STATEMENT OF PARENT OR GUARDIAN;
PRESCRIBING CONTENTS OF STATEMENT; PROVIDING AN
EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 70 O.S. 1991, 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~~ 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, and who either has not finished four (4) years of high school work or has not earned a high school diploma, 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~~ 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~~ exempted from same by this section. Provided that a child under the age of six (6) years shall be exempted from the requirements of this section upon submission of a written statement signed by a custodial parent or guardian stating that the parent or guardian understands that kindergarten is a prerequisite for first grade and has determined that it would be in the best interest of the child not to enroll the child in kindergarten until the following school year. 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.

~~C.~~ B. 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 either has not finished four (4) years of high school work or has not earned a high school diploma, 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~~ C of this section.

~~D~~ C. 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~~ D. 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. This act shall become effective July 1, 1992.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and 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.

43-2-1494

SB