

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2889

By: Staggs

AS INTRODUCED

An Act relating to schools; requiring certain reading proficiency for driver license or permit applications by students; allowing for alternative reading proficiency test; requiring remediation; requiring certain approval to take certain tests; requiring test approval by the State Board of Education; providing for test administration; providing for testing for public and nonpublic school students at area vocational-technical schools; specifying fee for certain tests; providing for alternative documentation for students with individualized education plans; amending Section 34, Chapter 247, O.S.L. 1996, as last amended by Section 3, Chapter 392, O.S.L. 1997 (47 O.S. Supp. 1997, Section 6-107.3), which relates to driver licenses; modifying requirement for reading proficiency test for certain persons; modifying description for school attendance officer; deleting provisions relating to school administration of reading proficiency test; deleting provisions relating to State Board of Education; administration of test for nonpublic school students; modifying certain terminology; amending Section 35, Chapter 247, O.S.L. 1996, as

amended by Section 4, Chapter 392, O.S.L. 1997 (47 O.S. Supp. 1997, Section 6-107.4), which relates to driver license cancellation or denial; changing statutory cite; modifying requirement for reading proficiency; providing for codification; providing an effective date; and declaring an emergency.

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 1210.515 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to the provisions of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes, any person under the age of eighteen (18) years wishing to apply for a driver license or permit shall successfully demonstrate a satisfactory reading ability at the eighth-grade reading level by meeting the following criteria:

1. A student enrolled in a public school shall successfully complete the reading portion of the state criterion-referenced test offered in the eighth grade. Following the administration of this test in the eighth grade, any student not successfully completing the reading portion shall be subject to the following provisions:

a. a student who fails to successfully complete the test by a small margin as determined by the school may take an alternative reading proficiency test the next school semester for the purpose of satisfying the criteria for a driver license or permit. Upon failure to successfully complete the alternative test, the student shall be assigned a remediation plan and be

required to undergo a course of instruction in remedial reading,

- b. a student who fails to successfully complete the test by more than a small margin as determined by the school shall be assigned a remediation plan and be required to undergo a course of instruction in remedial reading. The student may take an alternative reading proficiency test to satisfy the criteria for a driver license or permit either a year after the first test was taken or upon the written approval of the student's remediation teacher, whichever occurs first.

No public school student shall be administered an alternative reading proficiency test until the student has first taken the state eighth-grade criterion-referenced test. Alternative reading proficiency tests shall be approved by the State Board of Education and may consist of the reading portion of the state eighth-grade criterion-referenced test when offered. Subsequent successful completion of an alternative reading proficiency test shall serve to satisfy any test retaking requirement which may be required for the reading portion of the state criterion-referenced test in the eighth grade in the Oklahoma School Testing Program. Schools may offer alternative reading proficiency tests as often as desirable and students may take this test as often as wished, subject to the provisions of this section, until the student attains the age of eighteen (18) years. Provided, the third and any subsequent attempts a student may make to successfully complete any reading proficiency test, described in this section for the purpose of obtaining a driver license or permit, shall be at an area vocational-technical school, and may not be made without the written approval of the student's remediation teacher;

2. Any student under the age of eighteen (18) years not enrolled in a public school shall successfully complete the reading

portion of the state criterion-referenced test administered in the eighth grade and any subsequent alternative reading proficiency tests at an area vocational-technical school; and

3. Any student, whether enrolled in the public schools or not enrolled in the public schools, shall be assessed a fee not to exceed Twenty-five Dollars (\$25.00) by the school district or area vocational-technical school district administering the test, for each alternative reading proficiency test taken.

B. A school district shall provide for alternative documentation of reading proficiency for the purposes of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes for any student with an individualized education plan.

SECTION 2. AMENDATORY Section 34, Chapter 247, O.S.L. 1996, as last amended by Section 3, Chapter 392, O.S.L. 1997 (47 O.S. Supp. 1997, Section 6-107.3), is amended to read as follows:

Section 6-107.3 A. The Department of Public Safety shall deny a license, restricted license, or instruction permit for the operation of a motor vehicle to any person under eighteen (18) years of age who does not, at the time of application, present documentation that such person:

1. a. is a student enrolled in a public or private secondary school, including any area vocational-technical school, of this state or any other state,
- b. has received a diploma or certificate of completion issued to the person from a secondary school of this state or any other state,
- c. is enrolled and making satisfactory progress in a program leading to a Certificate of High School Equivalency issued by the State Department of Education, or has obtained such certificate,
- d. is excused from such requirement pursuant to a lawful excuse as defined in subsection G of this section or

due to circumstances beyond the control of the person,
or

- e. is excused from such requirement pursuant to subsection C of this section; and

2. Has successfully passed the ~~critierion-referenced~~ reading test required ~~for all eighth grade students or an alternative reading proficiency test approved by the State Department of Education,~~ pursuant to the provisions of Section 1 of this act, demonstrating reading proficiency at the eighth-grade reading ~~equivalence~~ level, unless such student is excused from such requirement pursuant to the ~~alternative documentation procedures of a school district provided for in paragraph 2 of subsection F of this section~~ provisions of Section 1 of this act.

B. 1. A student under eighteen (18) years of age who is receiving education by other means, including education at home pursuant to Section 4 of Article XIII of the Oklahoma Constitution, shall satisfy the documentation requirement of subsection A of this section by providing a written statement from the parent, custodial parent, or legal guardian of the student to the Department of Public Safety attesting that the child is receiving instruction by other means pursuant to Section 4 of Article XIII of the Oklahoma Constitution. The documentation shall be signed by the parent, custodial parent, or legal guardian.

2. Any person who falsifies the information required in such documentation, upon conviction, shall be guilty of a misdemeanor.

C. 1. A student under eighteen (18) years of age, who does not meet the requirements of subparagraphs a through c of paragraph 1 of subsection A of this section or the requirements of subsection B of this section, may retain or be issued a driver license if:

- a. the student is employed at least twenty-four (24) hours per week, and

b. the student's employer verifies such employment on a form prescribed by the Department of Public Safety.

2. Any student who has retained or been issued a driver license pursuant to this subsection who leaves such employment shall have fifteen (15) days from the date of termination of employment to provide verification of employment from a new employer.

3. Any employer who falsifies a verification of employment shall be subject to an administrative fine of not more than Fifty Dollars (\$50.00), to be assessed by the Department of Public Safety.

D. 1. School district attendance officers, upon request, shall provide a documentation of enrollment status form, established and approved by the Department of Public Safety, to any student under eighteen (18) years of age who is properly enrolled in a school ~~under the jurisdiction of~~ for which the attendance officer is responsible, for presentation to the Department of Public Safety upon application for or reinstatement of an instruction permit, restricted license, or license to operate a motor vehicle.

2. Except as provided in subsection E of this section, whenever a student over fourteen (14) years of age and under eighteen (18) years of age withdraws from school, the attendance officer shall notify the Department of Public Safety of such withdrawal through a documentation of enrollment status form.

3. Within fifteen (15) working days of the receipt of such notice, the Department of Public Safety shall provide written notice to the student, by first class, postage prepaid mail, that the student's license will be canceled, or the driver license application of the student will be denied thirty (30) days following the date the notice to the student was sent, unless documentation of compliance with the provisions of this section is received by the Department of Public Safety before such time. After the thirty-day period, the Department of Public Safety shall cancel the driving privileges of the student.

E. When the withdrawal from school of a student is:

1. Due to circumstances beyond the control of the student;

2. Pursuant to any lawful excuse; or

3. For the purpose of transfer to another school, including education at home pursuant to Section 4 of Article XIII of the Oklahoma Constitution, as confirmed in writing by a parent, custodial parent, or legal guardian of the student, no notice as required by subsection D of this section shall be sent to the Department of Public Safety, or, if sent, such notice shall be disregarded by the Department of Public Safety. If the student is applying for a license, restricted license, or instruction permit, the attendance officer shall provide the student with documentation to present to the Department of Public Safety to excuse the student from the requirements of this section. The board of education of a public school district or the appropriate school official of any private secondary school shall be the sole judge of whether the withdrawal of a student is due to circumstances beyond the control of the student or is made pursuant to lawful excuse.

F. ~~1.~~ Every school district shall, upon request, provide documentation of reading proficiency for any student enrolled in such school district by certifying passage of ~~the eighth grade criterion-referenced~~ a reading examination pursuant to the provisions of Section 1 of this act. ~~Each school district shall offer to reexamine any student who fails to pass such examination. Subsequent examinations shall be administered by the school district at least six (6) times per year at such fee as may be established by the school district, not to exceed Twenty-five Dollars (\$25.00) per examination sitting; provided, however, the first reexamination shall be administered to the student at no cost.~~

~~2. A school district shall provide for alternative documentation of reading proficiency by certifying that a student is:~~

- ~~a. a student with learning disabilities as defined by Section 109.5 of Title 70 of the Oklahoma Statutes, or~~
- ~~b. a special education student, an alternative education student, or a student with a specific learning disability, where any such student has an individualized education plan and such student is reading at the student's expected reading level pursuant to the individualized education plan.~~

~~Such alternative documentation shall satisfy the requirements of paragraph 1 of this subsection for purposes of eligibility to apply for or retain a license or permit to drive.~~

~~3. The State Board of Education shall administer, or may contract with any school district to administer, a reading proficiency test approved by the State Department of Education to any student who is not enrolled in a public school and shall provide for documentation, opportunity for reexamination and payment of fees in the same manner as provided herein for a student enrolled in a public school.~~

G. As used in this section:

1. "Withdrawal" means more than ten (10) consecutive days, or parts of days, of unexcused absences or fifteen (15) days, or parts of days, total unexcused absences during a single semester;

2. "Lawful excuse" means absence from school pursuant to any valid physical or mental illness or pursuant to any legal excuse as provided in Section 10-105 of Title 70 of the Oklahoma Statutes; provided, however, the meaning of such term shall not include marriage;

3. "Circumstances beyond the control of the person" shall not include marriage, suspension or expulsion from school, or imprisonment in a jail, penitentiary or other correctional institution;

4. "Documentation of enrollment status form" means the document established and approved by the Department of Public Safety to substantiate information concerning a student's eligibility to apply for or to retain a license or permit to drive. Such documentation shall not include any information which is considered an education record pursuant to the Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g through 1232i, unless compliance is made with the restrictions regarding disclosure of the information; and

5. "Documentation of reading proficiency" means information provided by a school district certifying a student's eligibility to apply for a license or permit based on passage of the ~~eighth grade criterion-referenced reading examination, a reading proficiency test approved by the State Department of Education,~~ or pursuant to alternative documentation criteria ~~as provided in paragraph 2 of subsection F of this section~~ pursuant to the provisions of subsection B of Section 1 of this act. Such documentation shall not include any information which is considered an education record pursuant to the Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g through 1232i, unless compliance is made with the restrictions regarding disclosure of the information.

H. The provisions of this section shall be inapplicable with respect to any minor upon whom rights of majority have been conferred pursuant to Sections 91 through 94 of Title 10 of the Oklahoma Statutes.

I. The Department of Public Safety shall establish and approve documentation forms and certificates required by this section for use by school districts to comply with the provisions of this section. Upon establishment and approval of such forms and certificates, the Department of Public Safety shall notify each school district and the State Board of Education of the content thereof.

SECTION 3. AMENDATORY Section 35, Chapter 247, O.S.L. 1996, as amended by Section 4, Chapter 392, O.S.L. 1997 (47 O.S. Supp. 1997, Section 6-107.4), is amended to read as follows:

Section 6-107.4 Whenever a license or instruction permit for the operation of a motor vehicle is canceled or denied pursuant to Section 6-107.3 of this title, the license or privilege to operate a motor vehicle shall remain canceled or denied for a minimum period of sixty (60) days or until the person whose license or permit has been canceled or denied reaches eighteen (18) years of age, whichever period is the shortest; provided, however, a denial pursuant to paragraph 4 2 of subsection A of Section 6-107.3 of this title shall remain in effect only until such time as a student presents to the Department of Public Safety sufficient documentation of attainment of an eighth grade level of reading proficiency pursuant to the provisions of Section 1 of this act. After the minimum period, the licensee or applicant may at any time apply for driving privileges by presenting sufficient documentation to the Department of Public Safety pursuant to Section 6-107.3 of this title and paying the fee required for issuance or renewal of a Class D license.

SECTION 4. This act shall become effective July 1, 1998.

SECTION 5. 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.

46-2-7982

DT