

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2147:

Hiett

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 6-107.3, which relates to driver licenses and permits; modifying driver license requirements for certain persons; requiring successful completion of certain criterion-referenced tests; requiring school districts to provide certain documentation; defining phrase; amending 70 O.S. 2001, Section 1210.515, which relates to the Oklahoma School Testing Program Act; modifying driver license criteria for certain persons; requiring successful completion of certain criterion-referenced tests; providing for an alternative test under certain circumstance; requiring written notification of test results and driver license requirement under certain circumstance; requiring certain documentation be furnished after successful completion; requiring certain alternative tests be offered; requiring testing sites not to charge for certain alternative tests; requiring the assessment of a fee for subsequent test; providing for alternative documentation under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, 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 technology center 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 criterion-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 ~~3~~ 1210.515 of ~~this act~~ Title 70 of the Oklahoma Statutes demonstrating reading proficiency at the eighth-grade reading level, unless such student is excused from such requirement pursuant to the provisions of Section ~~3~~ 1210.515 of ~~this act~~ Title 70 of the Oklahoma Statutes; and

3. Has successfully passed the criterion-referenced United States history and geography test required for all eighth grade students or an alternative United States history or geography test approved by the State Department of Education pursuant to the provisions of Section 1210.515 of Title 70 of the Oklahoma Statutes, demonstrating academic competency in Unites States history and geography at an eighth grade level, unless the student is excused from the requirement pursuant to the provisions of Section 1210.515 of Title 70 of the Oklahoma Statues.

Provided, during the summer months when school is not in regular session, as established by the school district pursuant to Section 1-109 of Title 70 of the Oklahoma Statutes, persons under eighteen (18) years of age may satisfy the documentation requirement of this subsection by providing a notarized written statement from the parent, custodial parent or legal guardian of the child to the Department of Public Safety that the child completed the immediately previous school year and is enrolled or intends to enroll for the immediately subsequent school year. The documentation shall be signed by the parent, custodial parent or legal guardian.

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 paragraph 1 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 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.

F. Every school district shall, upon request, provide documentation of reading proficiency and documentation of successful completion of the criterion-referenced test in United States history and geography for any student enrolled in such school district by certifying passage of a reading examination and passage of the criterion-referenced test in United States history and geography pursuant to the provisions of Section ~~3~~ 1210.515 of ~~this act~~ Title 70 of the Oklahoma Statutes.

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 authorized by subsection B of Section 3 of this act to certify a student's eligibility to apply for a license or permit based on passage of a reading proficiency test approved by the State Department of Education, or pursuant to the alternative documentation criteria provided in subsection C of Section ~~3~~ 1210.515 of ~~this act~~ Title 70 of the Oklahoma Statutes. 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.

6. "Documentation of successful completion of the criterion-referenced test in United States history and geography" means information provided by a school authorized by paragraph 2 of subsection A of Section 1210.515 of Title 70 of the Oklahoma Statutes to certify the eligibility of a student to apply for a license or permit based on passage of a criterion-referenced test in United States history or geography approved by the State Department of Education, or pursuant to the alternative documentation criteria provided in subsection C of Section 1210.515 of Title 70 of the Oklahoma Statutes. 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 2. AMENDATORY 70 O.S. 2001, Section 1210.515, is amended to read as follows:

Section 1210.515 A. Pursuant to the provisions of ~~paragraph~~ paragraphs 2 and 3 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:

1. ~~successfully~~ Successfully demonstrate a satisfactory reading ability at the eighth-grade reading level by meeting the following criteria:

- ~~1.~~ a. 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 assigned a plan of remedial reading. The student may either retake the reading portion of the state criterion-referenced test upon its administration the following year, or take an alternative reading proficiency test in order to

satisfy the criteria for a driver license or permit. Alternative reading proficiency tests shall be approved by the State Department of Education. 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. School districts shall notify, in writing, each student who takes the reading portion of the state criterion-referenced test for the eighth grade or who takes an alternative reading proficiency test and the student's parent or legal guardian of the test results. If the student fails to perform satisfactorily on the test, the notice shall inform the student of the reading proficiency driver license requirement and the school's remediation plan for the student. Upon the student's successful completion of the test, the school shall furnish the student with the documentation needed for the driver license application in Oklahoma~~7,1~~

- ~~2.~~ b. unless alternatively documented according to the provisions of subsection C of this section, students under the age of eighteen (18) years shall successfully complete a reading proficiency test approved by the State Department of Education~~7,1~~ and
- ~~3.~~ c. any student who wishes to apply for a restricted license to operate a motorcycle may take an alternative reading proficiency test, subject to the provisions of this section; and

2. Pursuant to paragraph 3 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes, shall demonstrate successful

completion of the criterion-referenced United States history and geography test required for all eighth grade students. Following the administration of this test in the eighth grade, any student not successfully completing the United States history or geography portion, or both, may take an alternative United States history or geography test in order to satisfy the criteria for a driver license or permit. Alternative United States history or geography tests shall be approved by the State Department of Education. School districts shall notify, in writing, each student who takes the United States history and geography portion of the state criterion-referenced test for the eighth grade or who takes an alternative United States history and geography test and the parent or legal guardian of the student of the test results. If the student fails to perform satisfactorily on the United States history or geography portion of the criterion-referenced test, the notice shall inform the student of the successful passage driver license requirement. Upon successful completion of the test by the student, the school shall furnish the student with documentation needed for the driver license application in Oklahoma.

B. Alternative reading proficiency, United States history, and geography tests shall be offered by testing sites, which shall include the public schools at least four ~~(4)~~ times per calendar year, and may include any of the following which chose to participate, the technology center school districts, Regional Education Service Centers, colleges, accredited private schools, and other sites approved by the State Department of Education. A student may take the test as often as wished, subject to the provisions of this section. Testing sites shall provide the first alternative reading proficiency, United States history, or geography test for each student at no cost to the student. Students may be assessed a fee not to exceed Twenty-five Dollars (\$25.00) by the

testing site for each subsequent alternative reading proficiency, United States history, or geography test taken.

C. A school district shall provide for alternative documentation of reading proficiency, and academic competency in United States history and geography for the purposes of ~~paragraph~~ paragraphs 2 and 3 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes for any student with an individualized education plan. The alternative documentation shall be furnished to such student who is performing satisfactorily in reading, United States history and geography pursuant to the student's individualized education plan. Parents of disabled students educated pursuant to the provisions of Section 4 of Article XIII of the Oklahoma Constitution may satisfy the requirement of ~~paragraph~~ paragraphs 2 and 3 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes by signing an affidavit that, based upon their best information and belief, their child would qualify for an individualized education plan if enrolled in public school, and that in their judgment their child is performing satisfactorily in reading, United States history and geography and is therefore academically qualified to satisfy the requirement of ~~paragraph~~ paragraphs 2 and 3 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes.

SECTION 3. This act shall become effective November 1, 2004.

49-2-8086            GRS            01/13/04