

ENGROSSED HOUSE  
BILL NO. 2138

By: Dank, Calvey, Cargill,  
DePue, Kern, Reynolds,  
Terrill and Wright of the  
House

and

Jolley of the Senate

An Act relating to schools; amending 70 O.S. 2001, Section 1-111, as last amended by Section 81, Chapter 5, O.S.L. 2004 (70 O.S. Supp. 2005, Section 1-111), which relates to the school day; allowing students participating in religious instruction to be counted as being in attendance; requiring school districts to allow for the release of students for religious instruction under certain conditions; allowing attendance in session of religious instruction to count as school attendance; providing for the withdrawal of religious instruction release time if student is not attending or such instruction advocates violence; prohibiting public school teachers from participating in religious instruction during school hours; prohibiting the use of public funds or transportation for religious instruction; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 1-111, as last amended by Section 81, Chapter 5, O.S.L. 2004 (70 O.S. Supp. 2005, Section 1-111), is amended to read as follows:

Section 1-111. A. A school day shall consist of not less than six (6) hours devoted to school activities, except that a school day for nursery, early childhood education, kindergarten, extended day program, and alternative education programs shall be as otherwise defined by law or as defined by the State Board of Education. Except for schools operating under an extended day schedule as provided for in Section 1-109 of this title, not more than one (1) school day shall be counted for attendance purposes in any twenty-four-hour period.

B. Students absent from school in which they are regularly enrolled may be considered as being in attendance if the reason for such absence is to participate in scheduled school activities under the direction and supervision of a regular member of the faculty, to participate in religious instruction as provided for in Section 2 of this act, or to participate in a remote internet-based course approved by the district board of education. The State Board of Education shall adopt rules to provide for the implementation of remote Internet-based courses.

C. Each district board of education shall adopt policies and procedures that conform to rules for Internet-based courses as adopted by the State Board. Such policies shall include criteria for approval of the course, the appropriateness of the course for a particular student, authorization for full-time students to enroll in Internet-based courses, and establishing fees or charges. No district shall be liable for payment of any fees or charges for any Internet-based course for a student who has not complied with the district's policies and procedures. Districts shall require students enrolled in Internet-based courses to participate in the Oklahoma School Testing Program Act. Students participating in Internet-based courses from a remote site will be responsible for providing their own equipment and Internet access, unless the district chooses to provide the equipment. Credit may not be granted for such courses except upon approval of the State Board of Education and the district board of education.

D. The school day for kindergarten may consist of six (6) hours devoted to school activities.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-105.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. School districts shall allow for the release of any student enrolled in the school district from attendance at the school for a

period not to exceed sixty (60) minutes each week during the school year, on the days and during the school hours the school district designates, for the purpose of receiving religious instruction from a religious organization chosen by the student when the release is requested in writing by a parent, guardian, or other person having custody or control of the student. Actual attendance at the sessions of religious instruction shall count as attendance at the school district for all purposes.

B. The privilege of release time for religious instruction as provided for in this section shall be withdrawn by the school district if the student does not actually attend the sessions of religious instruction. In addition, permission for release time shall be withdrawn if the instruction advocates violence in any form against other races, creeds, women, nationalities, or religions. No teacher employed by a public school district shall participate in religious instruction during the school hours for which the teacher is employed to teach in the school. No public funds shall be used directly or indirectly for religious instruction nor shall the school district provide transportation to or from the place where the religious instruction occurs.

SECTION 3. This act shall become effective July 1, 2006.

Passed the House of Representatives the 7th day of March, 2006.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2006.

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Presiding Officer of the Senate