

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2641

By: Morrissette

AS INTRODUCED

An Act relating to schools; amending Section 2, Chapter 430, O.S.L. 2003 (70 O.S. Supp. 2005, Section 3-160), which relates to the state student record system; requiring the State Department of Education to construct and implement the student record system by a certain date; directing the State Board of Education to adopt and implement a standard graduation rate; providing formula for calculating graduation rate; listing certain definitions and principles for the graduation rate formula; requiring the Board to use graduation rate for certain reporting requirements; amending 70 O.S. 2001, Section 10-105, as amended by Section 14, Chapter 434, O.S.L. 2003 (70 O.S. Supp. 2005, Section 10-105), which relates to school attendance; changing age a student may be excused from school; clarifying statutory language; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 2, Chapter 430, O.S.L. 2003 (70 O.S. Supp. 2005, Section 3-160), is amended to read as follows:

Section 3-160. A. In developing and implementing a state student record system, as required in Subsection E of Section 18-200.1 of Title 70 of the Oklahoma Statutes, and as needed to comply with the tracking and reporting requirements of the Elementary and Secondary Education Act of 2001 (ESEA), P.L. No. 107-110, also known as the "No Child Left Behind Act of 2001", the State Department of Education shall construct the system to contain the following elements and comply with the following standards and compliance capabilities:

1. Extensible Markup Language (XML), which defines common data formats used during communication between disparate systems;

2. Web services protocol developed by the World Wide Web Consortium, which enables systems that are physically separated but connected to the Internet to be combined to permit complex operations;

3. Schools Interoperability Framework (SIF) version 1.5 specifications, or any updated versions of the specifications, which enable school district software management systems to communicate with each other. The student record system shall include, but not be limited to, the specifications for course identifiers, state standard formatting, content formatting, and assessment formatting specification;

4. United States Department of Education Performance-Based Data Management Initiative (PBDMI) data exchange guidelines with data elements capable of providing reporting on federal educational programs; and

5. Defined state data codes to ensure consistent reporting from school districts including, but not limited to, data codes for course identifiers, entries, gains, and losses. Current data codes for teacher certification and the Oklahoma Cost Accounting System shall be extended to match other defined data codes.

B. The State Department of Education shall have the student record system referred to in subsection A of this section completely constructed and operational by no later than July 1, 2007 .

C. By the 2005-2006 school year, any student information system and any instructional management system used by school districts in the state shall comply with the Extensible Markup Language (XML) standards and the Schools Interoperability Framework (SIF) version 1.5 specifications, or any updated versions of the specifications.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-163 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Education shall adopt and implement a standard, four-year adjusted cohort graduation rate. The graduation rate shall be calculated by dividing the number of on-time graduates in a given year by the number of first-time entering ninth graders four (4) years earlier. For purposes of calculating the graduation rate the following definitions and principles shall be applied:

1. Graduates shall be defined as those students who earn a diploma;

2. "On-time" means graduating in four (4) years, including those students completing graduation requirements in the summer of a given year. Students with disabilities for whom the individualized education plan (IEP) contains an expectation of high school graduation more than four (4) years after entering grade nine shall be assigned to the appropriate cohort based on that expectation. Students with limited English proficiency who are in need of an additional year of English language instruction and students in programs that give them five (5) years to earn both a high school diploma and an associate's degree may also be assigned to the appropriate cohort based on the specific expectation;

3. In limited circumstances, students earning modified diplomas, such as special education diplomas, may count as graduates if the modified diploma is the appropriate standard that the school district set for the student;

4. Students earning high school credentials by passing General Educational Development (GED) tests shall not be considered graduates for purposes of this section. In addition, students who receive a certificate of completion or other alternative to a diploma, including special education students who receive a

nondiploma credential, shall not be considered graduates for purposes of this section; and

5. Students who transfer to another school district shall be documented with a transcript request from a receiving school district. Death or incarceration of a student shall also be documented. Incarcerated students shall be counted as a transfer student when they reenroll in a school district. A student for whom there is no documented information shall be counted as a nongraduate or dropout.

B. The graduation rate calculated by the State Board of Education pursuant to this section shall be used for the reporting requirements of the Elementary and Secondary Education Act of 2001 (ESEA), P.L. No. 107-110, also known as the "No Child Left Behind Act of 2001".

SECTION 3. AMENDATORY 70 O.S. 2001, Section 10-105, as amended by Section 14, Chapter 434, O.S.L. 2003 (70 O.S. Supp. 2005, Section 10-105), is amended to read as follows:

Section 10-105. A. It shall be unlawful for a parent, guardian, or other person having custody of a child who is over the age of five (5) years, 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 or the child is excused as provided in this section. One-half (1/2) day of kindergarten shall be required of all children five (5) years of age or older unless the child is excused from kindergarten attendance as provided in this section. A child who is five (5) years of age shall be excused from kindergarten attendance until the next school year after the child is six (6) years of age if a parent, guardian, or other person having custody of the child notifies the superintendent of the district where the child is a resident by certified mail prior to

enrollment in kindergarten, or at any time during the first school year that the child is required to attend kindergarten pursuant to this section, of election to withhold the child from kindergarten until the next school year after the child is six (6) years of age. 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.

B. It shall be unlawful for any child who is over the age of twelve (12) 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 if a child is:

1. ~~If any such child is prevented~~ 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~~ 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; or

3. ~~If any such child who has attained his or her sixteenth birthday~~ Seventeen years of age or older and 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 C of this section.~~

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.

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, upon conviction, shall be guilty of a misdemeanor, and 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 oral and documented or written warning has been given to the parent, guardian, custodian, child or other person or the child has been 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 4. This act shall become effective July 1, 2006.

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.

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