

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 519

By: Wilcoxson and Corn of the  
Senate

6 and

7 Jones of the House

8  
9  
10 COMMITTEE SUBSTITUTE

11 ( schools - dropout - effective date -

12 emergency )

13  
14  
15  
16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 70 O.S. 2001, Section 10-105, as  
18 last amended by Section 1, Chapter 210, O.S.L. 2006 (70 O.S. Supp.  
19 2006, Section 10-105), is amended to read as follows:

20 Section 10-105. A. It shall be unlawful for a parent,  
21 guardian, or other person having custody of a child who is over the  
22 age of five (5) years, and under the age of eighteen (18) years, to  
23 neglect or refuse to cause or compel such child to attend and comply  
24 with the rules of some public, private or other school, unless other

1 means of education are provided for the full term the schools of the  
2 district are in session or the child is excused as provided in this  
3 section. One-half (1/2) day of kindergarten shall be required of  
4 all children five (5) years of age or older unless the child is  
5 excused from kindergarten attendance as provided in this section. A  
6 child who is five (5) years of age shall be excused from  
7 kindergarten attendance until the next school year after the child  
8 is six (6) years of age if a parent, guardian, or other person  
9 having custody of the child notifies the superintendent of the  
10 district where the child is a resident by certified mail prior to  
11 enrollment in kindergarten, or at any time during the first school  
12 year that the child is required to attend kindergarten pursuant to  
13 this section, of election to withhold the child from kindergarten  
14 until the next school year after the child is six (6) years of age.  
15 A kindergarten program shall be directed toward developmentally  
16 appropriate objectives for such children. The program shall require  
17 that any teacher employed on and after January 1, 1993, to teach a  
18 kindergarten program within the public school system shall be  
19 certified in early childhood education. All teachers hired to teach  
20 a kindergarten program within the public school system prior to  
21 January 1, 1993, shall be required to obtain certification in early  
22 childhood education on or before the 1996-97 school year in order to  
23 continue to teach a kindergarten program.

24

1 B. It shall be unlawful for any child who is over the age of  
2 twelve (12) years and under the age of eighteen (18) years, and who  
3 has not finished four (4) years of high school work, to neglect or  
4 refuse to attend and comply with the rules of some public, private  
5 or other school, or receive an education by other means for the full  
6 term the schools of the district are in session.

7 Provided, that this section shall not apply:

8 1. If ~~any such~~ a child is prevented from attending school by  
9 reason of mental or physical disability, to be determined by the  
10 board of education of the district upon a certificate of the school  
11 physician or public health physician, or, if no such physician is  
12 available, a duly licensed and practicing physician;

13 2. If ~~any such~~ a child is excused from attendance at school,  
14 due to an emergency, by the principal teacher of the school in which  
15 such child is enrolled, at the request of the parent, guardian,  
16 custodian or other person having control of such child;

17 3. If ~~any such~~ a child who has attained ~~his or her sixteenth~~  
18 ~~birthday is excused from attending school by written, joint~~  
19 ~~agreement between:~~

20 a. ~~the school administrator of the school district where~~  
21 ~~the child attends school, and~~

22 b. ~~the parent, guardian or custodian of the child.~~

23 ~~Provided, further, that no child shall be excused from~~  
24 ~~attending school by such joint agreement between a~~

1 ~~school administrator and the parent, guardian or~~  
2 ~~custodian of the child unless and until it has been~~  
3 ~~determined that such action is for the best interest~~  
4 ~~of the child and/or the community, and that said child~~  
5 ~~shall thereafter be under the supervision of the~~  
6 ~~parent, guardian or custodian until the child has~~  
7 ~~reached the age of eighteen (18) years~~

8 the age of sixteen (16) years is enrolled in and attending a  
9 residential educational program or has been adjudicated and is  
10 receiving education on an individual case plan basis, and the  
11 program or plan requires the child to be working towards earning a  
12 Certificate of General Educational Development (GED) while in the  
13 program or plan; or

14 4. If ~~any such~~ a child is excused from attending school for the  
15 purpose of observing religious holy days if before the absence, the  
16 parent, guardian, or person having custody or control of the student  
17 submits a written request for the excused absence. The school  
18 district shall excuse a student pursuant to this subsection for the  
19 days on which the religious holy days are observed and for the days  
20 on which the student must travel to and from the site where the  
21 student will observe the holy days.

22 C. It shall be the duty of the attendance officer to enforce  
23 the provisions of this section. In the prosecution of a parent,  
24 guardian, or other person having custody of a child for violation of

1 any provision of this section, it shall be an affirmative defense  
2 that the parent, guardian, or other person having custody of the  
3 child has made substantial and reasonable efforts to comply with the  
4 compulsory attendance requirements of this section but is unable to  
5 cause the child to attend school. If the court determines the  
6 affirmative defense is valid, it shall dismiss the complaint against  
7 the parent, guardian, or other person having custody of the child  
8 and shall notify the school attendance officer who shall refer the  
9 child to the district attorney for the county in which the child  
10 resides for the filing of a Child in Need of Supervision petition  
11 against the child pursuant to the Oklahoma Juvenile Code.

12 D. Any parent, guardian, custodian, child or other person  
13 violating any of the provisions of this section, upon conviction,  
14 shall be guilty of a misdemeanor, and shall be punished as follows:

15 1. For the first offense, a fine of not less than Twenty-five  
16 Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), or  
17 imprisonment for not more than five (5) days, or both such fine and  
18 imprisonment;

19 2. For the second offense, a fine of not less than Fifty  
20 Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), or  
21 imprisonment for not more than ten (10) days, or both such fine and  
22 imprisonment; and

23 3. For the third or subsequent offense, a fine of not less than  
24 One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty

1 Dollars (\$250.00), or imprisonment for not more than fifteen (15)  
2 days, or both such fine and imprisonment.

3 Each day the child remains out of school after the oral and  
4 documented or written warning has been given to the parent,  
5 guardian, custodian, child or other person or the child has been  
6 ordered to school by the juvenile court shall constitute a separate  
7 offense.

8 E. At the trial of any person charged with violating the  
9 provisions of this section, the attendance records of the child or  
10 ward may be presented in court by any authorized employee of the  
11 school district.

12 F. The court may order the parent, guardian, or other person  
13 having custody of the child to perform community service in lieu of  
14 the fine set forth in this section. The court may require that all  
15 or part of the community service be performed for a public school  
16 district.

17 G. The court may order as a condition of a deferred sentence or  
18 as a condition of sentence upon conviction of the parent, guardian,  
19 or other person having custody of the child any conditions as the  
20 court considers necessary to obtain compliance with school  
21 attendance requirements. The conditions may include, but are not  
22 limited to, the following:

- 23 1. Verifying attendance of the child with the school;
- 24 2. Attending meetings with school officials;

- 1 3. Taking the child to school;
- 2 4. Taking the child to the bus stop;
- 3 5. Attending school with the child;
- 4 6. Undergoing an evaluation for drug, alcohol, or other
- 5 substance abuse and following the recommendations of the evaluator;
- 6 and

- 7 7. Taking the child for drug, alcohol, or other substance abuse
- 8 evaluation and following the recommendations of the evaluator,
- 9 unless excused by the court.

10 SECTION 2. AMENDATORY 70 O.S. 2001, Section 16-102, is  
11 amended to read as follows:

12 Section 16-102. A. The State Textbook Committee shall meet at  
13 the call of the chairperson as often as necessary, with two (2)  
14 weeks' public notice, to discharge its responsibilities. Not later  
15 than the first day of December of each year the State Textbook  
16 Committee shall meet at the call of the chairperson at the State  
17 Capitol and select textbooks for subjects taught in the public  
18 schools of the state up to and including the twelfth grade, which  
19 selections shall be for not more than six (6) years for every  
20 textbook.

21 B. From the effective date of this act until December 31, 1993,  
22 the Committee may extend by up to two (2) years the five-year  
23 adoption period of those textbooks currently on the state adopted  
24 list, or provide for an interim adoption period of not to exceed

1 three (3) years for textbooks for certain subjects, for the purpose  
2 of correlation with a six-year adoption cycle or for restructure of  
3 the adoption cycle of subjects.

4 C. "Textbooks", as used in Sections 16-101 through 16-124 of  
5 this title, means instructional materials that are designed for use  
6 by pupils as a learning resource. Instructional materials may be  
7 printed or nonprinted and may include textbooks, technology-based  
8 and other educational materials. ~~Technology based materials do not  
9 include the equipment required to make use of those materials.~~

10 ~~C.~~ D. Said Committee shall select textbooks or series of  
11 textbooks for each subject, which are in its judgment satisfactory.  
12 The State Textbook Committee may determine that unusual or  
13 extraordinary circumstances exist in a particular subject area  
14 during the period for which textbooks have been selected for that  
15 subject area. Unusual or extraordinary circumstances shall include  
16 but not be limited to significant new techniques of teaching in a  
17 particular subject area or significant new findings or discoveries  
18 in a particular subject area. Upon a determination by three-fourths  
19 (3/4) of the members of the State Textbook Committee that unusual or  
20 extraordinary circumstances exist in a particular subject area, the  
21 Committee may select one or more textbooks in that subject area for  
22 the remainder of the adoption period.

23

24

1       ~~D.~~ E. Five or more district boards of education may petition  
2 the State Board of Education to add a book or series of textbooks to  
3 the approved list selected by the State Textbook Committee.

4       The State Board of Education shall promulgate rules to implement  
5 the method and time frame for handling such petitions in the most  
6 expeditious manner.

7       SECTION 3.       NEW LAW       A new section of law to be codified  
8 in the Oklahoma Statutes as Section 16-114.2 of Title 70, unless  
9 there is created a duplication in numbering, reads as follows:

10       The funds appropriated for the purchase of textbooks and  
11 apportioned by the State Board of Education to each school district  
12 as provided for Section 16-114a of Title 70 of the Oklahoma Statutes  
13 may be used by a school district as follows:

14       1. Up to twenty percent (20%) to purchase supplementary  
15 textbooks and other instructional material other than those selected  
16 and listed by the State Textbook Committee; and

17       2. Up to one hundred percent (100%) to purchase technology  
18 based materials, including software and hardware or equipment  
19 required to make use of the materials, other than those selected and  
20 listed by the State Textbook Committee.

21       SECTION 4.       AMENDATORY       Section 1, Chapter 503, O.S.L.  
22 2004, as amended by Section 2, Chapter 49, 2nd Extraordinary  
23 Session, O.S.L. 2006 (70 O.S. Supp. 2006, Section 18-114.12), is  
24 amended to read as follows:

1 Section 18-114.12 A. For the 2005-06 school year, teachers in  
2 the public schools of Oklahoma shall receive in salary and/or fringe  
3 benefits not less than the amounts specified in the following  
4 schedule:

5 MINIMUM SALARY SCHEDULE

6	Years of	Bachelor's	Master's	Doctor's
7	Experience	Degree	Degree	Degree
8	0	\$28,000	\$29,200	\$30,400
9	1	\$28,375	\$29,575	\$30,775
10	2	\$28,750	\$29,950	\$31,150
11	3	\$29,125	\$30,325	\$31,525
12	4	\$29,500	\$30,700	\$31,900
13	5	\$29,900	\$31,100	\$32,300
14	6	\$30,300	\$31,500	\$32,700
15	7	\$30,700	\$31,900	\$33,100
16	8	\$31,100	\$32,300	\$33,500
17	9	\$31,500	\$32,700	\$33,900
18	10	\$31,925	\$33,125	\$34,325
19	11	\$32,350	\$33,550	\$34,750
20	12	\$32,775	\$33,975	\$35,175
21	13	\$33,200	\$34,400	\$35,600
22	14	\$33,625	\$34,825	\$36,025
23	15	\$34,050	\$35,250	\$36,450
24	16	\$34,475	\$35,675	\$36,875

1	17	\$34,900	\$36,100	\$37,300
2	18	\$35,325	\$36,525	\$37,725
3	19	\$35,750	\$36,950	\$38,150
4	20	\$36,175	\$37,375	\$38,575
5	21	\$36,600	\$37,800	\$39,000
6	22	\$37,025	\$38,225	\$39,425
7	23	\$37,450	\$38,650	\$39,850
8	24	\$37,875	\$39,075	\$40,275
9	25	\$38,300	\$39,500	\$40,700

10 B. For the 2006-07 school year, teachers in the public schools  
11 of Oklahoma shall receive in salary and/or fringe benefits not less  
12 than the amounts specified in the following schedule:

13 MINIMUM SALARY SCHEDULE

14	Years of	Bachelor's	Master's	Doctor's
15	Experience	Degree	Degree	Degree
16	0	\$31,000	\$32,200	\$33,400
17	1	\$31,375	\$32,575	\$33,775
18	2	\$31,750	\$32,950	\$34,150
19	3	\$32,125	\$33,325	\$34,525
20	4	\$32,500	\$33,700	\$34,900
21	5	\$32,900	\$34,100	\$35,300
22	6	\$33,300	\$34,500	\$35,700
23	7	\$33,700	\$34,900	\$36,100
24	8	\$34,100	\$35,300	\$36,500

1	9	\$34,500	\$35,700	\$36,900
2	10	\$34,925	\$36,125	\$37,325
3	11	\$35,350	\$36,550	\$37,750
4	12	\$35,775	\$36,975	\$38,175
5	13	\$36,200	\$37,400	\$38,600
6	14	\$36,625	\$37,825	\$39,025
7	15	\$37,050	\$38,250	\$39,450
8	16	\$37,475	\$38,675	\$39,875
9	17	\$37,900	\$39,100	\$40,300
10	18	\$38,325	\$39,525	\$40,725
11	19	\$38,750	\$39,950	\$41,150
12	20	\$39,175	\$40,375	\$41,575
13	21	\$39,600	\$40,800	\$42,000
14	22	\$40,025	\$41,225	\$42,425
15	23	\$40,450	\$41,650	\$42,850
16	24	\$40,875	\$42,075	\$43,275
17	25	\$41,300	\$42,500	\$43,700

18 C. ~~For~~ Beginning with the 2007-08 school year, state-paid  
19 teachers in the public schools of Oklahoma shall receive in salary  
20 and/or fringe benefits not less than the amounts specified in the  
21 following schedule:

22 MINIMUM SALARY SCHEDULE

23	Years of	Bachelor's	Master's	Doctor's
24	Experience	Degree	Degree	Degree

1	0	\$31,600	\$32,800	\$34,000
2	1	\$31,975	\$33,175	\$34,375
3	2	\$32,350	\$33,550	\$34,750
4	3	\$32,725	\$33,925	\$35,125
5	4	\$33,100	\$34,300	\$35,500
6	5	\$33,500	\$34,700	\$35,900
7	6	\$33,900	\$35,100	\$36,300
8	7	\$34,300	\$35,500	\$36,700
9	8	\$34,700	\$35,900	\$37,100
10	9	\$35,100	\$36,300	\$37,500
11	10	\$35,525	\$36,725	\$37,925
12	11	\$35,950	\$37,150	\$38,350
13	12	\$36,375	\$37,575	\$38,775
14	13	\$36,800	\$38,000	\$39,200
15	14	\$37,025	\$38,425	\$39,625
16	15	\$37,650	\$38,850	\$40,050
17	16	\$38,075	\$39,275	\$40,475
18	17	\$38,500	\$39,700	\$40,900
19	18	\$38,925	\$40,125	\$41,325
20	19	\$39,350	\$40,550	\$41,750
21	20	\$39,775	<del>\$41,975</del>	\$42,175
22			<u>\$40,975</u>	
23	21	\$40,200	\$41,400	\$42,600
24	22	\$40,625	\$41,825	\$43,025

1	23	\$41,050	\$42,250	\$43,450
2	24	\$41,475	\$42,675	\$43,875
3	25	\$41,900	\$43,100	\$44,300

4 D. Beginning with the 2007-08 school year, teachers in the  
5 public schools of Oklahoma who are employed in a position that is  
6 fully or partially funded by federal funds or grants shall receive  
7 in salary and/or fringe benefits not less than the amounts specified  
8 in the following schedule:

9 MINIMUM SALARY SCHEDULE

10	<u>Years of</u>	<u>Bachelor's</u>	<u>Master's</u>	<u>Doctor's</u>
11	<u>Experience</u>	<u>Degree</u>	<u>Degree</u>	<u>Degree</u>
12	<u>0</u>	<u>\$31,000</u>	<u>\$32,200</u>	<u>\$33,400</u>
13	<u>1</u>	<u>\$31,375</u>	<u>\$32,575</u>	<u>\$33,775</u>
14	<u>2</u>	<u>\$31,750</u>	<u>\$32,950</u>	<u>\$34,150</u>
15	<u>3</u>	<u>\$32,125</u>	<u>\$33,325</u>	<u>\$34,525</u>
16	<u>4</u>	<u>\$32,500</u>	<u>\$33,700</u>	<u>\$34,900</u>
17	<u>5</u>	<u>\$32,900</u>	<u>\$34,100</u>	<u>\$35,300</u>
18	<u>6</u>	<u>\$33,300</u>	<u>\$34,500</u>	<u>\$35,700</u>
19	<u>7</u>	<u>\$33,700</u>	<u>\$34,900</u>	<u>\$36,100</u>
20	<u>8</u>	<u>\$34,100</u>	<u>\$35,300</u>	<u>\$36,500</u>
21	<u>9</u>	<u>\$34,500</u>	<u>\$35,700</u>	<u>\$36,900</u>
22	<u>10</u>	<u>\$34,925</u>	<u>\$36,125</u>	<u>\$37,325</u>
23	<u>11</u>	<u>\$35,350</u>	<u>\$36,550</u>	<u>\$37,750</u>
24	<u>12</u>	<u>\$35,775</u>	<u>\$36,975</u>	<u>\$38,175</u>

1	<u>13</u>	<u>\$36,200</u>	<u>\$37,400</u>	<u>\$38,600</u>
2	<u>14</u>	<u>\$36,625</u>	<u>\$37,825</u>	<u>\$39,025</u>
3	<u>15</u>	<u>\$37,050</u>	<u>\$38,250</u>	<u>\$39,450</u>
4	<u>16</u>	<u>\$37,475</u>	<u>\$38,675</u>	<u>\$39,875</u>
5	<u>17</u>	<u>\$37,900</u>	<u>\$39,100</u>	<u>\$40,300</u>
6	<u>18</u>	<u>\$38,325</u>	<u>\$39,525</u>	<u>\$40,725</u>
7	<u>19</u>	<u>\$38,750</u>	<u>\$39,950</u>	<u>\$41,150</u>
8	<u>20</u>	<u>\$39,175</u>	<u>\$40,375</u>	<u>\$41,575</u>
9	<u>21</u>	<u>\$39,600</u>	<u>\$40,800</u>	<u>\$42,000</u>
10	<u>22</u>	<u>\$40,025</u>	<u>\$41,225</u>	<u>\$42,425</u>
11	<u>23</u>	<u>\$40,450</u>	<u>\$41,650</u>	<u>\$42,850</u>
12	<u>24</u>	<u>\$40,875</u>	<u>\$42,075</u>	<u>\$43,275</u>
13	<u>25</u>	<u>\$41,300</u>	<u>\$42,500</u>	<u>\$43,700</u>

14     E. When determining the Minimum Salary Schedule, "fringe  
15 benefits" shall mean all or part of retirement benefits, excluding  
16 the contributions made pursuant to subsection A of Section 17-108.1  
17 of ~~Title 70 of the Oklahoma Statutes~~ this title and the flexible  
18 benefit allowance pursuant to Section 26-105 of ~~Title 70 of the~~  
19 ~~Oklahoma Statutes~~ this title from the flexible benefit allowance  
20 funds disbursed by the State Board of Education and the State Board  
21 of Career and Technology Education pursuant to Section 26-104 of  
22 ~~Title 70 of the Oklahoma Statutes~~ this title. Any of the degrees  
23 referred to in this section shall be from a college recognized by  
24 the State Board of Education. The State Board of Education shall

1 accept teaching experience from out-of-state school districts that  
2 are accredited by the State Board of Education or appropriate state  
3 accrediting agency for said districts. For the purpose of state  
4 salary increments and retirement, no teacher shall be granted credit  
5 for more than five (5) years' active duty in the military service,  
6 or out-of-state teaching experience as a certified teacher or its  
7 equivalent. Nothing in this section shall prohibit boards of  
8 education from crediting more years of experience on district salary  
9 schedules than those allowed for state purposes. The State Board of  
10 Education shall recognize, for purposes of certification and salary  
11 increments, the years of experience of a certified teacher who  
12 teaches in the Department of Corrections' educational program  
13 beginning with fiscal year 1981. The State Board of Education shall  
14 recognize for purposes of certification and salary increments the  
15 years of experience of a Vocational Rehabilitation Counselor under  
16 the Department of Human Services if such counselor was employed as a  
17 certified teacher by the State Department of Education when the  
18 Division of Vocational Rehabilitation was transferred from the State  
19 Board of Career and Technology Education or the State Board of  
20 Education to the Oklahoma Public Welfare Commission on July 1, 1968.

21 ~~E.~~ F. The State Board of Education shall recognize for purposes  
22 of certification and salary increments all of the years of  
23 experience a:

24

1           1. Vocational Rehabilitation Counselor completed while employed  
2 by the Department of Human Services if such counselor was certified  
3 as a teacher or was eligible for certification as a teacher in  
4 Oklahoma;

5           2. Certified teacher completed while employed by the Department  
6 of Human Services Child Study Center at University Hospital, if the  
7 teacher was certified as a teacher in Oklahoma; and

8           3. Certified school psychologist or psychometrist completed  
9 while employed as a doctoral intern, psychological assistant, or  
10 psychologist with any agency of the State of Oklahoma if such  
11 experience primarily involved work with persons of school or  
12 preschool age and if such person was, at the time the experience was  
13 acquired, certified as, or eligible for certification as, a school  
14 psychologist or psychometrist.

15           ~~F.~~ G. The provisions of this section shall not apply to  
16 teachers who have entered into postretirement employment with a  
17 public school in Oklahoma and are still receiving a monthly  
18 retirement benefit.

19           SECTION 5.        REPEALER        70 O.S. 2001, Section 16-111.1, is  
20 hereby repealed.

21           SECTION 5. This act shall become effective July 1, 2007.

22           SECTION 6. It being immediately necessary for the preservation  
23 of the public peace, health and safety, an emergency is hereby  
24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3

4 51-1-7887 KB 04/17/07

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24