

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2440

By: Kern

4  
5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,  
8 Section 1-111, as last amended by Section 81, Chapter  
9 5, O.S.L. 2004 (70 O.S. Supp. 2007, Section 1-111),  
10 which relates to the school day; allowing students  
11 participating in religious instruction to be counted  
12 as being in attendance; requiring school districts to  
13 allow for the release of students for religious  
14 instruction under certain conditions; allowing  
15 attendance in session of religious instruction to  
16 count as school attendance; providing for the  
17 withdrawal of religious instruction release time if  
18 student is not attending or such instruction  
19 advocates violence; prohibiting public school  
20 teachers from participating in religious instruction  
21 during school hours; prohibiting the use of public  
22 funds or transportation for religious instruction;  
23 providing for codification; providing an effective  
24 date; and declaring an emergency.

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.  
2007, 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

1 program, and alternative education programs shall be as otherwise  
2 defined by law or as defined by the State Board of Education.  
3 Except for schools operating under an extended day schedule as  
4 provided for in Section 1-109 of this title, not more than one (1)  
5 school day shall be counted for attendance purposes in any twenty-  
6 four-hour period.

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

16 C. Each district board of education shall adopt policies and  
17 procedures that conform to rules for Internet-based courses as  
18 adopted by the State Board. Such policies shall include criteria  
19 for approval of the course, the appropriateness of the course for a  
20 particular student, authorization for full-time students to enroll  
21 in Internet-based courses, and establishing fees or charges. No  
22 district shall be liable for payment of any fees or charges for any  
23 Internet-based course for a student who has not complied with the  
24 district's policies and procedures. Districts shall require

1 students enrolled in Internet-based courses to participate in the  
2 Oklahoma School Testing Program Act. Students participating in  
3 Internet-based courses from a remote site will be responsible for  
4 providing their own equipment and Internet access, unless the  
5 district chooses to provide the equipment. Credit may not be  
6 granted for such courses except upon approval of the State Board of  
7 Education and the district board of education.

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

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

13 A. School districts shall allow for the release of any student  
14 enrolled in the school district from attendance at the school for a  
15 period not to exceed sixty (60) minutes each week during the school  
16 year, on the days and during the school hours the school district  
17 designates, for the purpose of receiving religious instruction from  
18 a religious organization chosen by the student when the release is  
19 requested in writing by a parent, guardian, or other person having  
20 custody or control of the student. Actual attendance at the  
21 sessions of religious instruction shall count as attendance at the  
22 school district for all purposes.

23 B. The privilege of release time for religious instruction as  
24 provided for in this section shall be withdrawn by the school

1 district if the student does not actually attend the sessions of  
2 religious instruction. In addition, permission for release time  
3 shall be withdrawn if the instruction advocates violence in any form  
4 against other races, creeds, women, nationalities, or religions. No  
5 teacher employed by a public school district shall participate in  
6 religious instruction during the school hours for which the teacher  
7 is employed to teach in the school. No public funds shall be used  
8 directly or indirectly for religious instruction nor shall the  
9 school district provide transportation to or from the place where  
10 the religious instruction occurs.

11 SECTION 3. This act shall become effective July 1, 2008.

12 SECTION 4. It being immediately necessary for the preservation  
13 of the public peace, health and safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

16

17 51-2-8401 KB 12/12/07

18

19

20

21

22

23

24