

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1879

By: Wilcoxson

4
5 AS INTRODUCED

6 An Act relating to schools; amending 47 O.S. 2001,
7 Section 6-107.3, as amended by Section 12, Chapter
8 311, O.S.L. 2006 (47 O.S. Supp. 2007, Section 6-
9 107.3), which relates to driver license requirements
10 for persons under eighteen years of age; modifying
11 minimum hours of work per week for retention of
12 license for certain persons; requiring employer
13 notification upon termination of employment;
14 providing fine for failure to notify; amending 70
15 O.S. 2001, Section 8-104, as last amended by Section
16 1, Chapter 319, O.S.L. 2004 (70 O.S. Supp. 2007,
17 Section 8-104), which relates to emergency student
18 transfers; including students in need of drop-out
19 prevention services in certain category; 70 O.S.
20 2001, Section 10-105, as last amended by Section 1,
21 Chapter 210, O.S.L. 2006 (70 O.S. Supp. 2007, Section
22 10-105), which relates to neglect or refusal to compel
23 child to attend school; directing school
24 administrators to approve certain agreements only in
certain circumstance; requiring administrator to
advise student and parent of certain options;
deleting requirement for certain determination to be
made; setting deadline for completion of certain
diploma by certain students; deeming certain children
to be truant; requiring certain administrators to
ensure student completion of certain requirement;
requiring certain students to be reported as truant;
requiring State Department of Education to audit
certain records; specifying certain duty of district
superintendent; providing an effective date; and
declaring an emergency.

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

1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-107.3, as
2 amended by Section 12, Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2007,
3 Section 6-107.3), is amended to read as follows:

4 Section 6-107.3 A. The Department of Public Safety shall deny
5 a license, restricted license, or instruction permit for the
6 operation of a motor vehicle to any person under eighteen (18) years
7 of age who does not, at the time of application, present
8 documentation that such person:

- 9 1. a. is a student enrolled in a public or private secondary
10 school, including any technology center school, of
11 this state or any other state,
- 12 b. has received a diploma or certificate of completion
13 issued to the person from a secondary school of this
14 state or any other state,
- 15 c. is enrolled and making satisfactory progress in a
16 program leading to a Certificate of High School
17 Equivalency issued by the State Department of
18 Education, or has obtained such certificate,
- 19 d. is excused from such requirement pursuant to a lawful
20 excuse as defined in subsection G of this section or
21 due to circumstances beyond the control of the person,
22 or
- 23 e. is excused from such requirement pursuant to
24 subsection C of this section; and

1 2. Has successfully passed the criterion-referenced reading
2 test required for all eighth grade students or an alternative
3 reading proficiency test approved by the State Department of
4 Education, pursuant to the provisions of Section 1210.515 of Title
5 70 of the Oklahoma Statutes, demonstrating reading proficiency at
6 the eighth-grade reading level, unless such student is excused from
7 such requirement pursuant to the provisions of Section 1210.515 of
8 Title 70 of the Oklahoma Statutes.

9 Provided, during the summer months when school is not in regular
10 session, as established by the school district pursuant to Section
11 1-109 of Title 70 of the Oklahoma Statutes, a person under eighteen
12 (18) years of age may satisfy the documentation requirement of this
13 subsection by providing a notarized written statement from and
14 signed by the legal custodial parent or legal guardian of the person
15 to the Department of Public Safety stating that the person completed
16 the immediately previous school year and is enrolled or intends to
17 enroll for the immediately subsequent school year.

18 B. 1. A person under eighteen (18) years of age who is
19 receiving education by other means, including education at home
20 pursuant to Section 4 of Article XIII of the Oklahoma Constitution,
21 shall satisfy the documentation requirement of paragraph 1 of
22 subsection A of this section by providing a written statement from
23 and signed by the legal custodial parent or legal guardian of the
24 person to the Department of Public Safety stating that the person is

1 receiving instruction by other means pursuant to Section 4 of
2 Article XIII of the Oklahoma Constitution.

3 2. Any person who falsifies the information required in such
4 documentation, upon conviction, shall be guilty of a misdemeanor.

5 C. 1. A person under eighteen (18) years of age, who does not
6 meet the requirements of subparagraphs a through c of paragraph 1 of
7 subsection A of this section or the requirements of subsection B of
8 this section, may retain or be issued a driver license if:

9 a. the person is employed at least ~~twenty-four (24)~~
10 thirty (30) hours per week, and

11 b. the employer of the person verifies the employment on
12 a form prescribed by the Department of Public Safety.

13 2. Any person who has retained or been issued a driver license
14 pursuant to this subsection who leaves such employment shall have
15 fifteen (15) days from the date of termination of employment to
16 provide verification of employment from a new employer.

17 3. An employer shall notify the Department of Public Safety
18 within fifteen (15) days of the date of termination of employment of
19 any person for whom employment was verified by the employer pursuant
20 to this subsection. Any employer who falsifies a verification of
21 employment or fails to notify of termination of employment shall be
22 subject to an administrative fine of not more than Fifty Dollars
23 (\$50.00), to be assessed by the Department of Public Safety.

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1 D. 1. School district attendance officers, upon request, shall
2 provide a documentation of enrollment status form, established and
3 approved by the Department of Public Safety, to any person under
4 eighteen (18) years of age who is properly enrolled in a school for
5 which the attendance officer is responsible, for presentation to the
6 Department of Public Safety upon application for or reinstatement of
7 an instruction permit, restricted license, or license to operate a
8 motor vehicle.

9 2. Except as provided in subsection E of this section, whenever
10 a person over fourteen (14) years of age and under eighteen (18)
11 years of age, who has a driver license or permit issued by the
12 Department of Public Safety, withdraws from school, the attendance
13 officer shall notify the Department of Public Safety of such
14 withdrawal through a documentation of enrollment status form.

15 3. Within fifteen (15) working days of the receipt of such
16 notice, the Department of Public Safety shall provide written notice
17 to the person, by first class, postage prepaid mail, that the
18 license of the person will be canceled thirty (30) days following
19 the date the notice to the person was sent, unless documentation of
20 compliance with the provisions of this section is received by the
21 Department of Public Safety before such time. After the thirty-day
22 period, the Department of Public Safety shall cancel the driving
23 privileges of the person.

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1 E. When the withdrawal from school of a person under eighteen
2 (18) years of age is:

3 1. Due to circumstances beyond the control of the person;

4 2. Pursuant to any lawful excuse; or

5 3. For the purpose of transfer to another school, including
6 education at home pursuant to Section 4 of Article XIII of the
7 Oklahoma Constitution, as confirmed in writing by the legal
8 custodial parent or legal guardian of the person,

9 no notice as required by subsection D of this section shall be sent
10 to the Department of Public Safety, or, if sent, such notice shall
11 be disregarded by the Department of Public Safety. If the person is
12 applying for a license, restricted license, or instruction permit,
13 the attendance officer shall provide the person with documentation
14 to present to the Department of Public Safety to excuse the person
15 from the requirements of this section.

16 F. Every school district shall, upon request, provide
17 documentation of reading proficiency for any person under eighteen
18 (18) years of age enrolled in such school district by certifying
19 passage of a reading examination pursuant to the provisions of
20 Section 1210.515 of Title 70 of the Oklahoma Statutes.

21 G. As used in Sections 6-107.3 through 6-107.6 of this title:

22 1. "Withdrawal" means more than ten (10) consecutive days, or
23 parts of days, of unexcused absences or fifteen (15) days, or parts
24 of days, total unexcused absences during a single semester;

1 2. "Lawful excuse" means absence from school pursuant to any
2 valid physical or mental illness or pursuant to any legal excuse as
3 provided in Section 10-105 of Title 70 of the Oklahoma Statutes;
4 provided, however, the meaning of such term shall not include
5 marriage;

6 3. "Circumstances beyond the control of the person" shall not
7 include marriage, suspension or expulsion from school, or
8 imprisonment in a jail, penitentiary or other correctional
9 institution;

10 4. "Documentation of enrollment status form" means the document
11 established and approved by the Department of Public Safety to
12 substantiate information concerning the eligibility of a person
13 under eighteen (18) years of age to apply for or to retain a license
14 or permit to drive. Such documentation shall not include any
15 information which is considered an education record pursuant to the
16 Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g
17 through 1232i, unless compliance is made with the restrictions
18 regarding disclosure of the information; and

19 5. "Documentation of reading proficiency" means information
20 provided by a school authorized by subsection B of Section 1210.515
21 of Title 70 of the Oklahoma Statutes to certify the eligibility of a
22 person under eighteen (18) years of age to apply for a license or
23 permit based on passage of a reading proficiency test approved by
24 the State Department of Education, or pursuant to the alternative

1 documentation criteria provided in subsection C of Section 1210.515
2 of Title 70 of the Oklahoma Statutes. Such documentation shall not
3 include any information which is considered an education record
4 pursuant to the Family Education Rights and Privacy Act, 20 U.S.C.,
5 Sections 1232g through 1232i, unless compliance is made with the
6 restrictions regarding disclosure of the information.

7 H. The provisions of this section shall be inapplicable with
8 respect to any person under eighteen (18) years of age upon whom
9 rights of majority have been conferred pursuant to Sections 91
10 through 94 of Title 10 of the Oklahoma Statutes.

11 I. The Department of Public Safety shall establish and approve
12 documentation forms and certificates required by this section for
13 use by school districts to comply with the provisions of this
14 section. Upon establishment and approval of such forms and
15 certificates, the Department of Public Safety shall notify each
16 school district and the State Board of Education of the content
17 thereof.

18 SECTION 2. AMENDATORY 70 O.S. 2001, Section 8-104, as
19 last amended by Section 1, Chapter 319, O.S.L. 2004 (70 O.S. Supp.
20 2007, Section 8-104), is amended to read as follows:

21 Section 8-104. In addition to the transfer process provided in
22 Section 8-103 of this title, students may be transferred on an
23 emergency basis. A written application for an emergency transfer
24 designating the district to which the transfer is desired shall be

1 made by the parent and filed with the superintendent of the
2 receiving school district. On an adequate showing of emergency the
3 superintendent of the receiving school district may make and order a
4 transfer, subject to approval by the State Board of Education. An
5 emergency shall include only:

6 1. The destruction or partial destruction of a school building;

7 2. The inability to offer the subject a pupil desires to
8 pursue, if the pupil becomes a legal resident of a school district
9 after February 1 of the school year immediately prior to the school
10 year for which the pupil is seeking the transfer;

11 3. A catastrophic medical problem of a student, which for
12 purposes of this section shall mean an acute or chronic serious
13 illness, disease, disorder or injury which has a permanently
14 detrimental effect on the body's system or renders the risk
15 unusually hazardous;

16 4. The total failure of transportation facilities;

17 5. The concurrence of both the sending and receiving school
18 districts;

19 6. The unavailability of remote or on-site Internet-based
20 instruction by course title in the district of residence for a
21 student identified as in need of drop-out prevention, drop-out
22 recovery or alternative education services, provided such student
23 was enrolled at any time in a public school in this state during the
24 previous three (3) school years; or

1 7. The unavailability of a specialized deaf education program
2 for a student who is deaf or hearing impaired.

3 An emergency transfer previously made may be canceled, with the
4 concurrence of the board of the receiving district and the parent.

5 SECTION 3. AMENDATORY 70 O.S. 2001, Section 10-105, as
6 last amended by Section 1, Chapter 210, O.S.L. 2006 (70 O.S. Supp.
7 2007, Section 10-105), is amended to read as follows:

8 Section 10-105. A. It shall be unlawful for a parent,
9 guardian, or other person having custody of a child who is over the
10 age of five (5) years, and under the age of eighteen (18) years, to
11 neglect or refuse to cause or compel such child to attend and comply
12 with the rules of some public, private or other school, unless other
13 means of education are provided for the full term the schools of the
14 district are in session or the child is excused as provided in this
15 section. One-half (1/2) day of kindergarten shall be required of
16 all children five (5) years of age or older unless the child is
17 excused from kindergarten attendance as provided in this section. A
18 child who is five (5) years of age shall be excused from
19 kindergarten attendance until the next school year after the child
20 is six (6) years of age if a parent, guardian, or other person
21 having custody of the child notifies the superintendent of the
22 district where the child is a resident by certified mail prior to
23 enrollment in kindergarten, or at any time during the first school
24 year that the child is required to attend kindergarten pursuant to

1 this section, of election to withhold the child from kindergarten
2 until the next school year after the child is six (6) years of age.
3 A kindergarten program shall be directed toward developmentally
4 appropriate objectives for such children. The program shall require
5 that any teacher employed on and after January 1, 1993, to teach a
6 kindergarten program within the public school system shall be
7 certified in early childhood education. All teachers hired to teach
8 a kindergarten program within the public school system prior to
9 January 1, 1993, shall be required to obtain certification in early
10 childhood education on or before the 1996-97 school year in order to
11 continue to teach a kindergarten program.

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

18 Provided, that this section shall not apply:

19 1. If any such child is prevented from attending school by
20 reason of mental or physical disability, to be determined by the
21 board of education of the district upon a certificate of the school
22 physician or public health physician, or, if no such physician is
23 available, a duly licensed and practicing physician;

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1 2. If any such child is excused from attendance at school, due
2 to an emergency, by the principal teacher of the school in which
3 such child is enrolled, at the request of the parent, guardian,
4 custodian or other person having control of such child;

5 3. a. If any such child who has attained his or her
6 sixteenth birthday is excused from attending school by
7 written, joint agreement between:

8 ~~a.~~

9 (1) the school administrator of the school district
10 where the child attends school, and

11 ~~b.~~

12 (2) the parent, guardian or custodian of the child.

13 ~~Provided, further, that no child shall be excused~~
14 ~~from attending school by such joint agreement~~
15 ~~between a school administrator and the parent,~~
16 ~~guardian or custodian of the child unless and~~
17 ~~until it has been determined that such action is~~
18 ~~for the best interest of the child and/or the~~
19 ~~community, and that said The child shall~~
20 thereafter be under the supervision of the
21 parent, guardian or custodian until the child has
22 reached the age of eighteen (18) years. The
23 child must complete the requirements for and
24 receive a General Educational Development (GED)

1 State Diploma by the end of the semester
2 following the semester in which the agreement was
3 approved or the child will be deemed truant.

4 b. (1) The school administrator shall approve such
5 agreements only as a last resort and shall advise
6 the student and the parent, guardian or custodian
7 of the child of available options to consider
8 prior to the student dropping out, such as
9 alternative education, Internet-based
10 instruction, and other options identified by the
11 State Department of Education.

12 (2) Any school administrator who approves an
13 agreement as provided in this paragraph shall
14 ensure that the student who was the subject of
15 the agreement completes the requirements for and
16 is granted a General Educational Development
17 (GED) State Diploma by the end of the semester
18 following the semester in which the agreement was
19 signed. If the administrator is unable to verify
20 such completion, the student shall be deemed to
21 be truant and reported as such. The State
22 Department of Education shall audit school
23 district records and ensure compliance with the
24 provisions of this paragraph; or

1 4. If any such child is excused from attending school for the
2 purpose of observing religious holy days if before the absence, the
3 parent, guardian, or person having custody or control of the student
4 submits a written request for the excused absence. The school
5 district shall excuse a student pursuant to this subsection for the
6 days on which the religious holy days are observed and for the days
7 on which the student must travel to and from the site where the
8 student will observe the holy days.

9 C. It shall be the duty of the attendance officer to enforce
10 the provisions of this section. In the prosecution of a parent,
11 guardian, or other person having custody of a child for violation of
12 any provision of this section, it shall be an affirmative defense
13 that the parent, guardian, or other person having custody of the
14 child has made substantial and reasonable efforts to comply with the
15 compulsory attendance requirements of this section but is unable to
16 cause the child to attend school. If the court determines the
17 affirmative defense is valid, it shall dismiss the complaint against
18 the parent, guardian, or other person having custody of the child
19 and shall notify the school attendance officer who shall refer the
20 child to the district attorney for the county in which the child
21 resides for the filing of a Child in Need of Supervision petition
22 against the child pursuant to the Oklahoma Juvenile Code.

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

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

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

12 3. For the third or subsequent offense, a fine of not less than
13 One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty
14 Dollars (\$250.00), or imprisonment for not more than fifteen (15)
15 days, or both such fine and imprisonment.

16 Each day the child remains out of school after the oral and
17 documented or written warning has been given to the parent,
18 guardian, custodian, child or other person or the child has been
19 ordered to school by the juvenile court shall constitute a separate
20 offense.

21 E. At the trial of any person charged with violating the
22 provisions of this section, the attendance records of the child or
23 ward may be presented in court by any authorized employee of the
24 school district.

1 F. The court may order the parent, guardian, or other person
2 having custody of the child to perform community service in lieu of
3 the fine set forth in this section. The court may require that all
4 or part of the community service be performed for a public school
5 district.

6 G. The court may order as a condition of a deferred sentence or
7 as a condition of sentence upon conviction of the parent, guardian,
8 or other person having custody of the child any conditions as the
9 court considers necessary to obtain compliance with school
10 attendance requirements. The conditions may include, but are not
11 limited to, the following:

- 12 1. Verifying attendance of the child with the school;
- 13 2. Attending meetings with school officials;
- 14 3. Taking the child to school;
- 15 4. Taking the child to the bus stop;
- 16 5. Attending school with the child;
- 17 6. Undergoing an evaluation for drug, alcohol, or other
18 substance abuse and following the recommendations of the evaluator;
19 and

20 7. Taking the child for drug, alcohol, or other substance abuse
21 evaluation and following the recommendations of the evaluator,
22 unless excused by the court.

23 H. It shall be the duty of the district superintendent or
24 designee to identify, monitor, and intervene when necessary on

1 behalf of any student determined to be at-risk of dropping out and
2 not completing the requirements for graduation from high school.

3 SECTION 4. This act shall become effective July 1, 2008.

4 SECTION 5. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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