

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3384 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Randy Terrill \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3384

By: Terrill

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to schools; creating the Quality of  
9 Education Assessment for Oklahoma Citizens Act of  
10 2010; providing legislative intent; requiring  
11 elementary and secondary schools to determine  
12 citizenship status of enrolled students; providing  
13 guidelines for making determination; requiring  
14 parents notify school of citizen or immigration  
15 status of child under certain circumstances;  
16 directing school or school districts to collect and  
17 compile certain data; directing school districts to  
18 submit certain data to State Department of Education;  
19 directing State Superintendent of Public Instruction  
20 to submit certain annual report to State Board of  
21 Education; requiring certain data be contained within  
22 report; directing State Board of Education to prepare  
23 and issue certain regulations; authorizing Office of  
24 Accountability to contract for certain services;  
prohibiting public disclosure of certain information;  
providing for waiver of confidentiality under certain  
circumstances; providing civil remedy under certain  
circumstances; defining term; providing for  
codification; providing for noncodification; and  
providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be  
codified in the Oklahoma Statutes reads as follows:

1 This act shall be known and may be cited as the "Quality of  
2 Education Assessment for Oklahoma Citizens Act of 2010".

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 3-167 of Title 70, unless there  
5 is created a duplication in numbering, reads as follows:

6 The State of Oklahoma has a compelling interest and strong  
7 public policy that each school district shall account for its annual  
8 expenditures to the State Department of Education. Additionally,  
9 the State of Oklahoma recognizes the compelling interest of the  
10 federal government in ensuring that the provision of public services  
11 by agencies of the state does not encourage or abet illegal  
12 immigration.

13 The State of Oklahoma determines that the costs incurred by  
14 school districts for the public elementary and secondary education  
15 of children not lawfully present can have adverse impacts on the  
16 availability of public education resources to students who are  
17 lawfully present in the state, and thereby adversely affect the  
18 quality of education and educational opportunities available to such  
19 children.

20 The State of Oklahoma determines that there is a compelling need  
21 for the State Department of Education to accurately measure and  
22 assess the population of students who are not lawfully present in  
23 this country, in order to forecast and plan for any impacts that the  
24

1 presence of such population may have on publicly funded education in  
2 this state.

3 SECTION 3. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 3-168 of Title 70, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. Every public elementary and secondary school in this state  
7 shall, at the time of enrollment in kindergarten or any grade in  
8 such school, determine whether the child enrolling in such public  
9 school was:

- 10 1. Born outside the jurisdiction of the United States; or
- 11 2. Qualifies for assignment to an English as a Second Language  
12 remedial program.

13 B. The public school shall rely, when making the determination  
14 required by paragraph 1 of subsection A of this section, upon  
15 presentation of the original birth certificate of the child or a  
16 certified copy thereof.

17 C. 1. If upon review of the birth certificate of the child it  
18 is determined that the child was born outside the jurisdiction of  
19 the United States, or where the birth certificate is not available  
20 for any reason, the parent, guardian or legal custodian of the child  
21 shall notify the school, within thirty (30) days of the date of the  
22 enrollment of the child, of the actual citizenship or immigration  
23 classification of the child under federal law.

24 2. Notification shall consist of:

- 1           a.    the presentation for inspection, to a school official  
2                    designated for such purpose by the school district in  
3                    which the child is enrolled, of official  
4                    documentation establishing the citizenship or  
5                    immigration status of such child, or alternatively by  
6                    submission of a notarized copy of such documentation  
7                    to such official, and
- 8           b.    attestation by the parent, guardian, or legal  
9                    custodian, under penalty of perjury, that the  
10                  document states the true identity of the child.

11           D.   Each school district subject to the requirements of this  
12 section shall collect and compile data as required by this section.

13           E.   Each school district shall submit to the State Department of  
14 Education an annual report listing all data compiled pursuant to  
15 this section.

16           F.   The State Superintendant of Public Instruction shall compile  
17 and submit an annual public report to the State Board of Education.  
18 The report shall provide data, aggregated by public school district,  
19 on the numbers of citizens, of noncitizens by immigration  
20 classification, and of students participating in English as a Second  
21 Language programs enrolled at such school. The report shall analyze  
22 and identify the impacts upon the standard or quality of education  
23 provided to children who are citizens of Oklahoma that may have  
24 occurred, or are expected to occur in the future, as a consequence

1 of the enrollment of children who are not lawfully present in the  
2 United States.

3 G. The State Board of Education shall prepare and issue  
4 regulations, subject to public notice and comment, to establish  
5 objective baseline criteria for identifying and assessing the other  
6 educational impacts on the quality of education provided to students  
7 who are citizens of Oklahoma of noncitizen enrollments, in addition  
8 to the statistical data on citizenship and immigration status and  
9 English as a Second Language enrollment required by this act.

10 H. In preparing draft regulations in compliance with subsection  
11 G of this section, the State Superintendent of Public Instruction  
12 may authorize the Office of Accountability to contract with  
13 reputable scholars and research institutions to identify and  
14 validate such criteria.

15 I. 1. Public disclosure by any person of information obtained  
16 pursuant to this section which personally identifies any student  
17 shall be unlawful, except for purposes permitted pursuant to Title  
18 8, Sections 1373 or 1644 of the United States Code. Any person  
19 intending to make a public disclosure of information that is  
20 classified as confidential under this act, on the ground that such  
21 disclosure constitutes a use permitted by federal law, shall first  
22 apply to the State Superintendent of Public Instruction and receive  
23 a waiver of confidentiality from the requirements of this  
24 subsection.

1           2. A student whose personal identity has been negligently or  
2 intentionally disclosed in violation of this subsection shall be  
3 deemed to have suffered an invasion of the right to privacy of the  
4 student. The student shall have a civil remedy for such violation  
5 against the agency or person that has made the unauthorized  
6 disclosure.

7           3. The provisions of this section shall be enforced without  
8 regard to race, religion, gender, ethnicity, or national origin.

9           J. For purposes of the this act, the term "lawfully present"  
10 shall be construed to mean the status of having been lawfully  
11 accorded the privilege of residing permanently in the United States  
12 as an immigrant in accordance with the immigration laws, such status  
13 not having changed; or having been accorded the privilege to  
14 temporarily live in the United States as a nonimmigrant in  
15 accordance with immigration laws, such status not having changed; or  
16 having the status of U.S. citizenship or national.

17           SECTION 4. This act shall become effective November 1, 2010.

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