

1 ENGROSSED HOUSE
2 BILL NO. 3384

By: Terrill, Christian, Duncan
and Tibbs of the House

3 and

4 Sykes of the Senate

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8 (schools - creating the Quality of Education
9 Assessment for Oklahoma Citizens Act of 2010 -
10 requiring elementary and secondary schools to
11 determine citizenship status of enrolled students -
12 requiring parents notify school of citizen or
13 immigration status of child under certain
14 circumstances - providing for waiver of
15 confidentiality under certain circumstances -
16 codification - noncodification -
17 effective date)

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

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

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

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

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

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

18 The State of Oklahoma determines that there is a compelling need
19 for the State Department of Education to accurately measure and
20 assess the population of students who are not lawfully present in
21 the United States, in order to forecast and plan for any impacts the
22 presence of that population may have on publicly funded education in
23 this state.

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

4 A. Every public elementary and secondary school in this state
5 shall, at the time of enrollment in any grade offered by the school,
6 determine whether the child enrolling in the public school:

- 7 1. Was born outside the jurisdiction of the United States; and
- 8 2. May be identified as bilingual or an English language
9 learner and may qualify to participate in a language instruction
10 program.

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

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

22 Notification shall consist of:

- 23 1. The presentation for inspection to a designated school
24 official at the school in which the child is enrolled of official

1 documentation establishing the citizenship or immigration status of
2 the child, or alternatively by submission of a notarized copy of the
3 documentation to the designated official; and

4 2. Attestation by the parent, guardian, or legal custodian,
5 under penalty of perjury, that the document states the true identity
6 of the child.

7 D. Each public school district shall compile the information
8 collected as required by this section by school site in an aggregate
9 form that does not allow for identification of individual students.

10 E. Each public school district shall submit to the State
11 Department of Education an annual report listing the information
12 compiled pursuant to this section.

13 F. The State Superintendent of Public Instruction shall compile
14 the information submitted by each public school district into an
15 annual public statewide report. The report shall contain data,
16 aggregated by public school district, on the numbers of students who
17 are citizens, of students who are noncitizens by immigration
18 classification, and of students identified as bilingual or English
19 language learners who are eligible to participate in a language
20 instruction program and are enrolled in each public school district.
21 The report shall analyze and identify the impacts upon the standard
22 or quality of education provided to children who are citizens of
23 Oklahoma that may have occurred, or are expected to occur in the

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1 future, as a consequence of the enrollment of children who are not
2 lawfully present in the United States.

3 G. The State Board of Education shall prepare and promulgate
4 rules to establish objective baseline criteria for identifying and
5 assessing the educational impacts on the quality of education
6 provided to students who are citizens of Oklahoma of noncitizen
7 enrollments, in addition to the statistical data on the citizenship
8 and immigration status of students and participation in language
9 instruction programs as required by this act.

10 H. In preparing draft rules in compliance with subsection G of
11 this section, the State Board of Education may contract with
12 reputable scholars and research institutions to identify and
13 validate the baseline criteria.

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

23 2. A student whose personal identity has been negligently or
24 intentionally disclosed in violation of this subsection shall be

1 deemed to have suffered an invasion of the right to privacy of the
2 student. The student shall have a civil remedy for the violation
3 against the agency or person that has made the unauthorized
4 disclosure.

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

7 J. For purposes of this section, "lawfully present" shall mean
8 the status of having been lawfully accorded the privilege of
9 residing permanently in the United States as an immigrant in
10 accordance with immigration laws if that status has not changed,
11 having been lawfully accorded the privilege of temporarily living in
12 the United States as a nonimmigrant in accordance with immigration
13 laws if that status has not changed, having United States
14 citizenship, or having United States nationality.

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

16 Passed the House of Representatives the 10th day of March, 2010.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2010.

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Presiding Officer of the Senate