

THE HOUSE OF REPRESENTATIVES
Monday, March 1, 2010

Committee Substitute for
House Bill No. 3384

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3384 - By: TERRILL of the House.

(schools - creating the Quality of Education Assessment for Oklahoma
Citizens Act of 2010 - requiring elementary and secondary schools to
determine citizenship status of enrolled students - requiring parents notify
school of citizen or immigration status of child under certain circumstances -
providing for waiver of confidentiality under certain circumstances –
codification – noncodification -
effective date)

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

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

3 This act shall be known and may be cited as the “Quality of Education Assessment
4 for Oklahoma Citizens Act of 2010”.

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

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

1 The State of Oklahoma determines that the costs incurred by school districts for the
2 public elementary and secondary education of children not lawfully present can have
3 adverse impacts on the availability of public education resources to students who are
4 lawfully present in the state, and thereby adversely affect the quality of education and
5 educational opportunities available to such children.

6 The State of Oklahoma determines that there is a compelling need for the State
7 Department of Education to accurately measure and assess the population of students
8 who are not lawfully present in this country, in order to forecast and plan for any
9 impacts that the presence of such population may have on publicly funded education in
10 this state.

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

6 2. Notification shall consist of:

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

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

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

21 F. The State Superintendent of Public Instruction shall compile and submit an
22 annual public report to the State Board of Education. The report shall provide data,

1 aggregated by public school district, on the numbers of citizens, of noncitizens by
2 immigration classification, and of students participating in English as a Second
3 Language programs enrolled at such school. The report shall analyze and identify the
4 impacts upon the standard or quality of education provided to children who are citizens
5 of Oklahoma that may have occurred, or are expected to occur in the future, as a
6 consequence of the enrollment of children who are not lawfully present in the United
7 States.

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

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

18 I. 1. Public disclosure by any person of information obtained pursuant to this
19 section which personally identifies any student shall be unlawful, except for purposes
20 permitted pursuant to Title 8, Sections 1373 or 1644 of the United States Code. Any
21 person intending to make a public disclosure of information that is classified as
22 confidential under this act, on the ground that such disclosure constitutes a use

1 permitted by federal law, shall first apply to the State Superintendent of Public
2 Instruction and receive a waiver of confidentiality from the requirements of this
3 subsection.

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

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
18 dated 02-25-10 - DO PASS, As Amended.