

1 ENGROSSED SENATE
2 BILL NO. 497

By: Brecheen of the Senate

3 and

4 McNiel and Hardin of the
5 House

6
7 An Act relating to school attendance; stating
8 legislative purpose; amending 70 O.S. 2001, Section
9 10-106, as amended by Section 157, Chapter 234,
10 O.S.L. 2009 (70 O.S. Supp. 2010, Section 10-106),
11 which relates to compulsory attendance; adding
12 certain definition; specifying certain addition to
13 rules; providing for noncodification; providing an
14 effective date; and declaring an emergency.

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

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

18 The purpose of this act is to define "valid excuse" in relation
19 to school attendance and to encourage extracurricular learning.

20 SECTION 2. AMENDATORY 70 O.S. 2001, Section 10-106, as
21 amended by Section 157, Chapter 234, O.S.L. 2009 (70 O.S. Supp.
22 2010, Section 10-106), is amended to read as follows:

23 Section 10-106. A. It shall be the duty of the principal or
24 head teacher of each public, private or other school in the State of
Oklahoma to keep a full and complete record of the attendance of all
children at such school and to notify the attendance officer of the

1 district in which such school is located of the absence of such
2 children from the school together with the causes thereof, if known;
3 and it shall be the duty of any parent, guardian or other person
4 having charge of any child of compulsory attendance age to notify
5 the child's teacher concerning the cause of any absences of such
6 child. It shall be the duty of the principal or head teacher to
7 notify the parent, guardian or responsible person of the absence of
8 the child for any part of the school day, unless the parent,
9 guardian or other responsible person notifies the principal or head
10 teacher of such absence. Such attendance officer and teacher shall
11 be required to report to the school health officer all absences on
12 account of illness with such information respecting the same as may
13 be available by report or investigation; and the attendance officer
14 shall, if justified by the circumstances, promptly give to the
15 parent, guardian or custodian of any child who has not complied with
16 the provisions of this article oral and documented or written
17 warning to the last-known address of such person that the attendance
18 of such child is required at some public, private or other school as
19 herein provided. If within five (5) days after the warning has been
20 received, the parent, guardian or custodian of such child does not
21 comply with the provisions of this article, then such attendance
22 officer shall make complaint against the parent, guardian or
23 custodian of such child in a court of competent jurisdiction for
24 such violation, which violation shall be a misdemeanor. If a child

1 is absent without valid excuse four (4) or more days or parts of
2 days within a four-week period or is absent without valid excuse for
3 ten (10) or more days or parts of days within a semester, the
4 attendance officer shall notify the parent, guardian or custodian of
5 the child and immediately report such absences to the district
6 attorney in the county wherein the school is located for juvenile
7 proceedings pursuant to Title 10A of the Oklahoma Statutes.

8 B. For purposes of this section "valid excuse" means any
9 absence due to the following:

10 1. Medical treatment that is substantiated by a physician's
11 written statement and received within five (5) school days of the
12 absence;

13 2. Any school approved activity;

14 3. The death of a family member;

15 4. Observance of a nationally recognized religious holiday or
16 activity;

17 5. Participation in extracurricular activities approved by the
18 school principal, provided that the student requesting approval is
19 in the 10th, 11th and/or 12th grade and has at least a 3.25 grade
20 point average (GPA) on a 4.0 scale. Extracurricular activities
21 should be designed to broaden the students educational horizons and
22 provide educational opportunities outside the classroom; or

23 6. Any other reason deemed appropriate by each local school
24 district.

1 C. The provisions of subsection B of this section shall be in
2 addition to the rules promulgated by the State Board of Education.

3 SECTION 3. This act shall become effective July 1, 2011.

4 SECTION 4. 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.

8 Passed the Senate the 15th day of March, 2011.

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Presiding Officer of the Senate

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12 Passed the House of Representatives the ____ day of _____,
13 2011.

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Presiding Officer of the House
of Representatives

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