

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 537

By: Shortey

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6 AS INTRODUCED

7 An Act relating to schools; creating the Quality of
8 Education Assessment for Oklahoma Citizens Act of
9 2011; providing legislative findings and intent;
10 requiring elementary and secondary schools to
11 determine citizenship status of enrolled students;
12 providing guidelines for making determination;
13 requiring parents notify school of citizen or
14 immigration status of child under certain
15 circumstances; directing school or school districts
16 to collect and compile certain data; directing school
17 districts to submit certain data to State Department
18 of Education; directing State Superintendent of
19 Public Instruction to compile certain information and
20 prepare certain annual report; requiring certain data
21 be contained within report; directing State Board of
22 Education to prepare and issue certain rules;
23 authorizing the Board to contract for certain
24 services; prohibiting public disclosure of certain
information; making disclosure of certain information
unlawful; making an exception; providing for waiver
of confidentiality under certain circumstances;
providing civil remedy for certain disclosure under
certain circumstances; providing for enforcement;
defining term; providing for codification; providing
for noncodification; and providing an effective date.

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

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

3 This act shall be known and may be cited as the "Quality of
4 Education Assessment for Oklahoma Citizens Act of 2011".

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 10-111 of Title 70, unless there
7 is created a duplication in numbering, reads as follows:

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

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

22 The State of Oklahoma determines that there is a compelling need
23 for the State Department of Education to accurately measure and
24 assess the population of students who are not lawfully present in

1 the United States, in order to forecast and plan for any impacts the
2 presence of that population may have on publicly funded education in
3 this state.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 10-112 of Title 70, unless there
6 is created a duplication in numbering, reads as follows:

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

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

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

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

2 Notification shall consist of:

3 1. The presentation for inspection to a designated school
4 official at the school in which the child is enrolled of official
5 documentation establishing the citizenship or immigration status of
6 the child, or alternatively by submission of a notarized copy of the
7 documentation to the designated official; and

8 2. Attestation by the parent, guardian, or legal custodian,
9 under penalty of perjury, that the document states the true identity
10 of the child.

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

14 E. Each public school district shall submit to the State
15 Department of Education an annual report listing the information
16 compiled pursuant to this section.

17 F. The State Superintendent of Public Instruction shall compile
18 the information submitted by each public school district into an
19 annual statewide report that shall be made available to the public.
20 The report shall contain, aggregated by public school district, the
21 numbers of students who are citizens, the number of students who are
22 noncitizens by immigration classification, and the number of
23 students identified as bilingual or English language learners who
24 are eligible to participate in a language instruction program and

1 are enrolled in each public school district. The report shall
2 analyze and identify the impacts upon the standard or quality of
3 education provided to children who are citizens of Oklahoma that may
4 have occurred, or are expected to occur in the future, as a
5 consequence of the enrollment of children who are not lawfully
6 present in the United States.

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

14 H. In preparing draft rules in compliance with subsection G of
15 this section, the State Board of Education may contract with
16 reputable scholars and research institutions to identify and
17 validate the baseline criteria.

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

1 Superintendent of Public Instruction and receive a waiver of
2 confidentiality from the requirements of this subsection.

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

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

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

19 SECTION 4. This act shall become effective November 1, 2011.

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