

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3384

By: Terrill

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7 COMMITTEE SUBSTITUTE

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 school districts for the public elementary and secondary education
13 of children not lawfully present can have adverse impacts on the
14 availability of public education resources to students who are
15 lawfully present in the state, and thereby adversely affect the
16 quality of education and educational opportunities available to such
17 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 this country, in order to forecast and plan for any impacts that the
22 presence of such population may have on publicly funded education in
23 this state.

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 kindergarten or any grade in
6 such school, determine whether the child enrolling in such public
7 school was:

8 1. Born outside the jurisdiction of the United States; or

9 2. Qualifies for assignment to an English as a Second Language
10 remedial 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 thereof.

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

22 2. Notification shall consist of:

23 a. the presentation for inspection, to a school official
24 designated for such purpose by the school district in

1 which the child is enrolled, of official
2 documentation establishing the citizenship or
3 immigration status of such child, or alternatively by
4 submission of a notarized copy of such documentation
5 to such official, and

6 b. attestation by the parent, guardian, or legal
7 custodian, under penalty of perjury, that the
8 document states the true identity of the child.

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

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

14 F. The State Superintendant of Public Instruction shall compile
15 and submit an annual public report to the State Board of Education.
16 The report shall provide data, aggregated by public school district,
17 on the numbers of citizens, of noncitizens by immigration
18 classification, and of students participating in English as a Second
19 Language programs enrolled at such school. The report shall analyze
20 and identify the impacts upon the standard or quality of education
21 provided to children who are citizens of Oklahoma that may have
22 occurred, or are expected to occur in the future, as a consequence
23 of the enrollment of children who are not lawfully present in the
24 United States.

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

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

13 I. 1. Public disclosure by any person of information obtained
14 pursuant to this section which personally identifies any student
15 shall be unlawful, except for purposes permitted pursuant to Title
16 8, Sections 1373 or 1644 of the United States Code. Any person
17 intending to make a public disclosure of information that is
18 classified as confidential under this act, on the ground that such
19 disclosure constitutes a use permitted by federal law, shall first
20 apply to the State Superintendent of Public Instruction and receive
21 a waiver of confidentiality from the requirements of this
22 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 such 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 the this act, the term "lawfully present"
8 shall be construed to mean the status of having been lawfully
9 accorded the privilege of residing permanently in the United States
10 as an immigrant in accordance with the immigration laws, such status
11 not having changed; or having been accorded the privilege to
12 temporarily live in the United States as a nonimmigrant in
13 accordance with immigration laws, such status not having changed; or
14 having the status of U.S. citizenship or national.

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

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