

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1144

By: Rosecrants

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,  
8 Sections 1-111, as last amended by Section 1, Chapter  
9 4, O.S.L. 2024, and 10-105, as amended by Section 1,  
10 Chapter 128, O.S.L. 2024 (70 O.S. Supp. 2024,  
11 Sections 1-111 and 10-105), which relate to  
12 attendance; allowing an excused absence for mental  
13 health; authorizing one day per semester for mental  
14 health absences; making documentation optional;  
15 exempting a certain amount of mental health excused  
16 absences from compulsory attendance requirement;  
17 clarifying valid excuse application for attendance  
18 recording purposes; providing an effective date; and  
19 declaring an emergency.

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

21 SECTION 1. AMENDATORY 70 O.S. 2021, Section 1-111, as  
22 last amended by Section 1, Chapter 4, O.S.L. 2024 (70 O.S. Supp.  
23 2024, Section 1-111), is amended to read as follows:

24 Section 1-111. A. Except as otherwise provided for by law, a  
school day shall consist of not less than six (6) hours devoted to  
school activities. A district board of education may elect to  
extend the length of one (1) or more school days to more than six  
(6) hours and reduce the number of school days as long as the total

1 amount of classroom instruction time is not less than one thousand  
2 eighty (1,080) hours per year as required pursuant to Section 1-109  
3 of this title.

4 B. A school day for nursery, early childhood education,  
5 kindergarten, and alternative education programs shall be as  
6 otherwise defined by law or as defined by the State Board of  
7 Education. Except as otherwise provided for in this subsection, not  
8 more than one (1) school day shall be counted for attendance  
9 purposes in any twenty-four-hour period. Two (2) school days, each  
10 consisting of not less than six (6) hours, may be counted for  
11 attendance purposes in any twenty-four-hour period only if one of  
12 the school days is for the purpose of parent-teacher conferences  
13 held as provided for in Section 1-109 of this title.

14 C. Except as provided in subsection D of this section, students  
15 absent from school in which they are regularly enrolled may be  
16 considered as being in attendance if the reason for such absence is  
17 to participate in scheduled school activities under the direction  
18 and supervision of a regular member of the faculty or to participate  
19 in an online course approved by the district board of education.  
20 The State Board of Education shall adopt rules to provide for the  
21 implementation of supplemental online courses which shall include,  
22 but not be limited to, provisions addressing the following:

23 1. Criteria for student admissions eligibility;

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1           2. A student admission process administered through the  
2 district of residence, which provides the ability for the student to  
3 enroll in individual courses;

4           3. A process by which students are not denied the opportunity  
5 to enroll in educationally appropriate courses by school districts.  
6 For the purposes of this section, "educationally appropriate" means  
7 any instruction that is not substantially a repeat of a course or  
8 portion of a course that the student has successfully completed,  
9 regardless of the grade of the student, and regardless of whether a  
10 course is similar to or identical to the instruction that is  
11 currently offered in the school district;

12           4. Creation of a system which provides ongoing enrollment  
13 access for students throughout the school year;

14           5. A grace period of fifteen (15) calendar days from the first  
15 day of an online course for student withdrawal from an online course  
16 without academic penalty;

17           6. Mastery of competencies for course completion rather than  
18 Carnegie units;

19           7. Student participation in extracurricular activities in  
20 accordance with school district eligibility rules and policies and  
21 any rules and policies of a private organization or association  
22 which provides the coordination, supervision, and regulation of the  
23 interscholastic activities and contests of schools;

24

1 8. Parent authorization for release of state test results to  
2 online course providers, on a form developed by the State Department  
3 of Education; and

4 9. A review process to identify and certify online course  
5 providers and a uniform payment processing system.

6 D. Except as provided in paragraph 3 of this subsection,  
7 students absent from school in which they are regularly enrolled  
8 shall be given an excused absence if the reason for such absence is  
9 to participate in scheduled 4-H activities or programs as approved  
10 by the county 4-H educator. The number of excused absences allowed  
11 pursuant to this subsection shall be subject to the attendance  
12 policy of the school district board of education.

13 1. Upon request from a school principal or attendance officer,  
14 a 4-H educator shall provide documentation as proof of student  
15 participation in an activity or program sponsored by 4-H.

16 2. Students shall be given the opportunity to make up any  
17 schoolwork missed while they are participating in activities or  
18 programs sponsored by 4-H. Students shall not have their class  
19 grades adversely affected for lack of attendance or participation  
20 due to their participation in activities or programs sponsored by 4-  
21 H.

22 3. A school principal or his or her designee shall not credit a  
23 student who participates in an activity or program sponsored by 4-H  
24 with an excused absence if the participation occurs during:

1 a. the schedule established by the State Board of  
2 Education for the administration of statewide student  
3 assessments, or

4 b. any period of time for which the student has been  
5 disciplined, suspended, or expelled, if the terms of  
6 punishment would preclude the student from  
7 participating in an educational field trip or  
8 extracurricular activity.

9 E. Students absent from school in which they are regularly  
10 enrolled shall be given an excused absence if the reason for such  
11 absence is to support the mental health of the student. The number  
12 of excused absences allowed pursuant to this subsection shall be one  
13 (1) full school day per semester. Students and parents shall not be  
14 required to provide any documentation in support of the student's  
15 mental health day absence.

16 F. Each district board of education shall adopt policies and  
17 procedures that conform to rules for online courses as adopted by  
18 the State Board. Such policies shall include criteria for approval  
19 of the course, the appropriateness of the course for a particular  
20 student, authorization for full-time students to enroll in online  
21 courses, and establishing fees or charges. No district shall be  
22 liable for payment of any fees or charges for any online course for  
23 a student who has not complied with the district's policies and  
24 procedures. School districts shall not deny students the

1 opportunity to enroll in educationally appropriate courses and shall  
2 provide an admissions process which includes input from the student,  
3 the parent or legal guardian of the student, and school faculty.

4 ~~F.~~ G. Districts shall require students enrolled in online  
5 courses to participate in the Oklahoma School Testing Program Act.  
6 Students participating in online courses from a remote site will be  
7 responsible for providing their own equipment and Internet access,  
8 unless the district chooses to provide the equipment. Credit may  
9 not be granted for such courses except upon approval of the State  
10 Board of Education and the district board of education.

11 ~~G.~~ H. Nothing in this section shall prohibit a student who  
12 transfers from the district in which the student resides to another  
13 school district pursuant to the Education Open Transfer Act from  
14 enrolling in a full-time virtual education program offered by the  
15 receiving school district. A student who enrolls pursuant to this  
16 subsection shall be subject to the provisions of Section 8-103.2 of  
17 this title. The board of education of a school district with a  
18 full-time virtual education program shall adopt a policy to  
19 determine the number of transfer students the program has the  
20 capacity to accept in each grade level, as provided for in Section  
21 8-101.2 of this title.

22 ~~H.~~ I. Districts may provide students with opportunities for  
23 blended instruction. "Blended instruction" shall mean a combination  
24 of brick-and-mortar learning and virtual learning environments that

1 includes elements of a student's control over place, pace, and path  
2 of learning. A student in blended instruction may work on virtual  
3 courses at home or at school in a blended flex lab but shall  
4 participate in at least one unit or set of competencies as defined  
5 by Section 11-103.6 of this title at a physical school building in a  
6 traditional classroom setting which is the academic equivalent of  
7 one (1) hour per day for each instructional day in the school year  
8 as defined by Section 1-109 of this title.

9 ~~I.~~ J. The school day for kindergarten may consist of six (6)  
10 hours devoted to school activities.

11 SECTION 2. AMENDATORY 70 O.S. 2021, Section 10-105, as  
12 amended by Section 1, Chapter 128, O.S.L. 2024 (70 O.S. Supp. 2024,  
13 Section 10-105), is amended to read as follows:

14 Section 10-105. A. It shall be unlawful for a parent,  
15 guardian, or other person having custody of a child who is over the  
16 age of five (5) years, and under the age of eighteen (18) years, to  
17 neglect or refuse to cause or compel the child to attend and comply  
18 with the rules of some public, private, or other school, unless  
19 other means of education are provided for the full term the schools  
20 of the district are in session or the child is excused as provided  
21 in this section. One-half (1/2) day of kindergarten shall be  
22 required of all children five (5) years of age or older unless the  
23 child is excused from kindergarten attendance as provided in this  
24 section. A child who is five (5) years of age shall be excused from

1 kindergarten attendance until the next school year after the child  
2 is six (6) years of age if a parent, guardian, or other person  
3 having custody of the child notifies the superintendent of the  
4 district where the child is a resident by certified mail prior to  
5 enrollment in kindergarten, or at any time during the first school  
6 year that the child is required to attend kindergarten pursuant to  
7 this section, of election to withhold the child from kindergarten  
8 until the next school year after the child is six (6) years of age.  
9 A kindergarten program shall be directed toward developmentally  
10 appropriate objectives for such children. The program shall require  
11 that any teacher employed on and after January 1, 1993, to teach a  
12 kindergarten program within the public school system shall be  
13 certified in early childhood education. All teachers hired to teach  
14 a kindergarten program within the public school system prior to  
15 January 1, 1993, shall be required to obtain certification in early  
16 childhood education on or before the 1996-97 school year in order to  
17 continue to teach a kindergarten program.

18 B. It shall be unlawful for any child who is over the age of  
19 twelve (12) years and under the age of eighteen (18) years, and who  
20 has not finished four (4) years of high school work, to neglect or  
21 refuse to attend and comply with the rules of some public, private,  
22 or other school, or receive an education by other means for the full  
23 term the schools of the district are in session.

24 Provided, that this section shall not apply:



1           1. If any child is prevented from attending school by reason of  
2 mental or physical disability, to be determined by the board of  
3 education of the district upon a certificate of the school physician  
4 or public health physician, or, if no such physician is available, a  
5 duly licensed and practicing physician;

6           2. If any child is excused from attendance at school, due to an  
7 emergency, by the principal teacher of the school in which the child  
8 is enrolled, at the request of the parent, guardian, custodian, or  
9 other person having custody of the child;

10          3. If any child who has attained his or her sixteenth birthday  
11 is excused from attending school by written, joint agreement  
12 between:

- 13           a. the school administrator of the school district where
- 14               the child attends school, and
- 15           b. the parent, guardian, or custodian of the child.

16           Provided, further, that no child shall be excused from  
17 attending school by the joint agreement between a  
18 school administrator and the parent, guardian, or  
19 custodian of the child unless and until it has been  
20 determined that the action is for the best interest of  
21 the child and/or the community, and that the child  
22 shall thereafter be under the supervision of the  
23 parent, guardian, or custodian until the child has  
24 reached the age of eighteen (18) years;

1 4. If any child is excused from attending school for the  
2 purpose of observing religious holy days if before the absence, the  
3 parent, guardian, or other person having custody or control of the  
4 child submits a written request for the excused absence. The school  
5 district shall excuse a child pursuant to this subsection for the  
6 days on which the religious holy days are observed and for the days  
7 on which the child must travel to and from the site where the child  
8 will observe the holy days;

9 5. If any child is excused from attending school for the  
10 purpose of participating in a military funeral honors ceremony upon  
11 approval of the school principal; ~~or~~

12 6. If any child is excused from attending school for the  
13 purpose of receiving speech therapy, occupational therapy, or any  
14 other service related to the child's individualized education  
15 program developed pursuant to the Individuals with Disabilities  
16 Education Act and the parent, guardian, or other person having  
17 custody or control of the child submits a written request for the  
18 excused absence. The school district shall excuse the child  
19 pursuant to this subsection upon receipt of documentation from the  
20 provider of the therapy or other service; or

21 7. If any child is excused from attending school for the  
22 purpose of supporting the child's mental health. The school  
23 district shall excuse the child pursuant to this subsection  
24 regardless of whether the school received any documentation in

1 support of the absence. One (1) mental health day per semester  
2 shall be considered a valid excuse for purposes of recording  
3 attendance as provided for in Section 10-106 of this title.

4 C. It shall be the duty of the attendance officer to enforce  
5 the provisions of this section. In the prosecution of a parent,  
6 guardian, or other person having custody of a child for violation of  
7 any provision of this section, it shall be an affirmative defense  
8 that the parent, guardian, or other person having custody of the  
9 child has made substantial and reasonable efforts to comply with the  
10 compulsory attendance requirements of this section but is unable to  
11 cause the child to attend school. If the court determines the  
12 affirmative defense is valid, it shall dismiss the complaint against  
13 the parent, guardian, or other person having custody of the child  
14 and shall notify the school attendance officer who shall refer the  
15 child to the district attorney for the county in which the child  
16 resides for the filing of a Child in Need of Supervision petition  
17 against the child pursuant to the Oklahoma Juvenile Code.

18 D. Any parent, guardian, custodian, child, or other person  
19 violating any of the provisions of this section, upon conviction,  
20 shall be guilty of a misdemeanor, and shall be punished as follows:

21 1. For the first offense, a fine not less than Twenty-five  
22 Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), or  
23 imprisonment for not more than five (5) days, or both such fine and  
24 imprisonment;

1           2. For the second offense, a fine not less than Fifty Dollars  
2 (\$50.00) nor more than One Hundred Dollars (\$100.00), or  
3 imprisonment for not more than ten (10) days, or both such fine and  
4 imprisonment; and

5           3. For the third or subsequent offense, a fine not less than  
6 One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty  
7 Dollars (\$250.00), or imprisonment for not more than fifteen (15)  
8 days, or both such fine and imprisonment.

9           Each day the child remains out of school after an oral and  
10 documented or written warning has been given to the parent,  
11 guardian, custodian, child, or other person or the child has been  
12 ordered to school by the juvenile court shall constitute a separate  
13 offense.

14           E. At the trial of any person charged with violating the  
15 provisions of this section, the attendance records of the child or  
16 ward may be presented in court by any authorized employee of the  
17 school district.

18           F. The court may order the parent, guardian, or other person  
19 having custody of the child to perform community service in lieu of  
20 the fine set forth in this section. The court may require that all  
21 or part of the community service be performed for a public school  
22 district.

23           G. The court may order as a condition of a deferred sentence or  
24 as a condition of sentence upon conviction of the parent, guardian,

1 or other person having custody of the child any conditions as the  
2 court considers necessary to obtain compliance with school  
3 attendance requirements. The conditions may include, but are not  
4 limited to, the following:

- 5 1. Verifying attendance of the child with the school;
- 6 2. Attending meetings with school officials;
- 7 3. Taking the child to school;
- 8 4. Taking the child to the bus stop;
- 9 5. Attending school with the child;
- 10 6. Undergoing an evaluation for drug, alcohol, or other  
11 substance abuse and following the recommendations of the evaluator;  
12 and

13 7. Taking the child for drug, alcohol, or other substance abuse  
14 evaluation and following the recommendations of the evaluator,  
15 unless excused by the court.

16 SECTION 3. This act shall become effective July 1, 2025.

17 SECTION 4. It being immediately necessary for the preservation  
18 of the public peace, health or safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

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22 60-1-11394 SW 01/11/25  
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