

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1527

By: Weaver

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2021, Section 10-105, which relates to school attendance; updating statutory language; directing a school district to excuse the absence of a child for the purpose of receiving certain therapy or other service related to an individualized education program; requiring submission of written request for excused absence; requiring documentation from provider; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 10-105, is amended to read as follows:

Section 10-105. A. It shall be unlawful for a parent, guardian, or other person having custody of a child who is over the age of five (5) years, and under the age of eighteen (18) years, to neglect or refuse to cause or compel ~~such~~ the child to attend and comply with the rules of some public, private, or other school, unless other means of education are provided for the full term the schools of the district are in session or the child is excused as provided in this section. One-half (1/2) day of kindergarten shall

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

21 B. It shall be unlawful for any child who is over the age of  
22 twelve (12) years and under the age of eighteen (18) years, and who  
23 has not finished four (4) years of high school work, to neglect or  
24 refuse to attend and comply with the rules of some public, private,

1 or other school, or receive an education by other means for the full  
2 term the schools of the district are in session.

3 Provided, that this section shall not apply:

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

9 2. If any child is excused from attendance at school, due to an  
10 emergency, by the principal teacher of the school in which ~~such~~ the  
11 child is enrolled, at the request of the parent, guardian,  
12 custodian, or other person having ~~control~~ custody of ~~such~~ the child;

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

16 a. the school administrator of the school district where  
17 the child attends school, and

18 b. the parent, guardian, or custodian of the child.

19 Provided, further, that no child shall be excused from  
20 attending school by ~~such~~ the joint agreement between a  
21 school administrator and the parent, guardian, or  
22 custodian of the child unless and until it has been  
23 determined that ~~such~~ the action is for the best  
24 interest of the child and/or the community, and that

1           ~~said~~ the child shall thereafter be under the  
2           supervision of the parent, guardian, or custodian  
3           until the child has reached the age of eighteen (18)  
4           years;

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

14          5. If any child is excused from attending school for the  
15          purpose of participating in a military funeral honors ceremony upon  
16          approval of the school principal; or

17          6. If any child is excused from attending school for the  
18          purpose of receiving speech therapy, occupational therapy, or any  
19          other service related to the child's individualized education  
20          program developed pursuant to the Individuals with Disabilities  
21          Education Act and the parent, guardian, or other person having  
22          custody or control of the child submits a written request for the  
23          excused absence. The school district shall excuse the child

1 pursuant to this subsection upon receipt of documentation from the  
2 provider of the therapy or other service.

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

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

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

1           2. For the second offense, a fine ~~of~~ not less than Fifty  
2 Dollars (\$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 ~~of~~ 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 ~~the~~ 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,  
25

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 2. This act shall become effective July 1, 2024.

17 SECTION 3. 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.

21  
22 59-2-2675 EB 12/28/2023 3:28:57 PM  
23  
24  
25