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To Custer County children and their parents, guardians or custodians:

With the arrival of a new school year it is a good time to remind parents that Oklahoma has a compulsory school attendance law. It is a crime for a parent, guardian, or other person having custody of a child who is over the age of 5 and under the age of 18 to neglect or refuse to cause or compel the child to attend school and comply with the rules of a 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 otherwise excused under the law. Custer County has established a Truancy Court to expedite the cases of those prosecuted for violating Oklahoma's compulsory attendance laws.

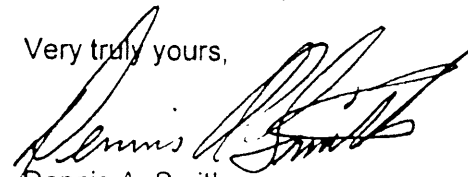
The punishment range for a violation of the compulsory school attendance laws increase with each violation and include the possibility of both fines and imprisonment. Each day the child remains out of school may constitute a separate offense after a documented oral or written warning has been given to the parent, guardian, custodian, child or other person or the child has been ordered to school by the juvenile court. In addition to a possible fine and imprisonment, a parent found guilty of violating the law can also be placed on probation and, as a condition of that probation, be required to attend parenting classes, anger management classes or counseling; perform community service; submit to random drug tests; and/or any other type of services of the Court deems appropriate.

It is not the intention of anyone associated with the Truancy Court system to add to your problems or otherwise harass you. Truancy costs children more than their education, it costs them their future. Studies have shown that children who attend school regularly: a) make better grades, b) develop and maintain friendships, c) are more likely to make good choices, and most importantly, d) children are more likely to become responsible citizens by being in school. We want all students to excel and be successful with their education. Being in school helps make that happen!

Included with this letter is additional information about the law and the Custer County Truancy Court.

If you have any questions about Truancy Court, please do not hesitate to contact Assistant District Attorney Angela Marsee at (580) 323-3232.

Very truly yours,


Dennis A. Smith
District Attorney

Oklahoma's Compulsory Attendance Education Law (70 O.S. §§ 10-105 and 10-106) requires that Oklahoma children, under most circumstances be in school. It is a crime for a parent, guardian, or other person having custody of a child who is over the age of 5 and under the age of 18 to neglect or refuse to cause or compel the child to attend school 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 otherwise excused under the law. Every child from the age of 5 to 18 is required to attend school although a 5 year old may be excused under some circumstances.

"Truancy" is an unexcused absence of the child for a school day or any part of a school day. In other words, a child who is late or tardy to any class is truant. The determination as to whether an absence is excused or unexcused is made by the school district. If you have any questions regarding your school's policy on what constitutes an excused or unexcused absence, ask your school. It is important to note that what is excused and unexcused may vary from school district to school district.

Custer County has established a Truancy Court. If a Child is absent without a valid excuse four (4) or more days or parts of days within a semester, the school is required to notify the District Attorney. Upon receiving notice, the District Attorney will generally place the case on the Truancy Docket although the law gives the District Attorney other options.

Any parent, guardian, custodian, child or other person violating any of the provisions of the compulsory attendance law, upon conviction, shall be guilty of a misdemeanor, and shall be punished as follows:

1. For the first offense, a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), or imprisonment for not more than (5) five days, or both such fine and imprisonment;
2. For the second offense, a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), or imprisonment for not more than ten (10) days, or both such fine and imprisonment; and
3. For the third or subsequent offense, a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00), or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment.

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

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

The Court may order the parent, guardian or other person having custody of the child to perform community service in lieu of a fine. The Court may require that all or part of the community service be performed for a public school district.

OKLAHOMA STATUTES ANNOTATED

70 Section 10-105. Neglect or refusal to compel child to attend school – Exceptions

- 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 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 be required of all children five (5) years of age or older unless the child is excused from kindergarten attendance as provided by this section. A child who is five (5) years of age shall be excused from kindergarten attendance until the next school year after the child is six (6) years of age if a parent, guardian or other person having custody of the child notifies the superintendent of the district where the child is a resident by certified mail prior to enrollment in kindergarten, or at any time during the first school year that the child is required to attend kindergarten pursuant to this section, of election to withhold the child from kindergarten until the next school year after the child is six (6) years of age. A kindergarten program shall be directed toward developmentally appropriate objectives for such children. The program shall require that any teacher employed on and after January 1, 1993, to teach a kindergarten program within the public school system shall be certified in early childhood education. All teachers hired to teach a kindergarten program within the public school system prior to January 1, 1993, shall be required to obtain certification in early childhood education on or before the 1996-97 school year in order to continue to teach a kindergarten program.
- B. It shall be unlawful for any child who is over the age of twelve (12) years and under the age of eighteen (18) years, and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive and education by other means for the full term the schools of the district are in session.

Provided, that this section shall not apply:

1. If any such child is prevented from attending school by reason of mental or physical disability, to be determined by the board of education of the district upon a certificate of the school physician or public health physician, or, if no such physician is available, a duly licensed and practicing physician;
2. If any such child is excused from attendance at school, due to an emergency, by the principal teacher of the school in which such child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;