STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1077 BY: HAMILTON (Jeff)

AS INTRODUCED

AN ACT RELATING TO SCHOOLS; AMENDING 70 O.S. 1981, SECTION 1-114, AS LAST AMENDED BY SECTION 61, CHAPTER 263, O.S.L. 1990 (70 O.S. SUPP. 1990, SECTION 1-114), WHICH RELATES TO SCHOOL AGE OF CHILDREN, KINDERGARTEN AND EARLY CHILDHOOD PROGRAMS; PROVIDING FOR CALCULATION OF ALL CHILDREN IN EARLY CHILDHOOD EDUCATION PROGRAMS FOR PURPOSES OF STATE AID FUNDING; AMENDING 70 O.S. 1981, SECTIONS 18-107, AS AMENDED BY SECTION 11, CHAPTER 330, O.S.L. 1983 AND 18-111, AS LAST AMENDED BY SECTION 29, CHAPTER 296, O.S.L. 1984 (70 O.S. SUPP. 1990, SECTIONS 18-107 AND 18-111), WHICH RELATE TO DEFINITIONS AND CALCULATION OF AVERAGE DAILY ATTENDANCE; INCLUDING CHILDREN IN EARLY CHILDHOOD EDUCATION PROGRAMS WITHIN PURVIEW OF STATUTES; 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. 1981, Section 1-114, as last amended by Section 61, Chapter 263, O.S.L. 1990 (70 O.S. Supp. 1990, Section 1-114), is amended to read as follows:

Section 1-114. A. All children between the ages of five (5) years on or before September 1, and twenty-one (21) years on or before September 1, shall be entitled to attend school free of charge in the district in which they reside. Provided that children who have reached the age of five (5) years on or before September 1 of the school year may be admitted to kindergarten classes approved by the State Board of Education. Beginning with the 1990-91 school year, all children who are at least four (4) years of age on or before September 1 and who have not attended a public school kindergarten shall be entitled to attend early childhood programs at any public school in the state where such programs are offered; provided no child shall be required to attend any early childhood education program. Children who meet the qualifications for federally sponsored Head Start programs shall be entitled to attend free of charge and shall be given priority for acceptance into the early childhood programs over children who do not meet the qualifications for the federally sponsored Head Start programs. Those children who do not meet the qualifications for a federally sponsored Head Start program shall be accepted into a program based on the date of receipt of application and upon payment of a sliding scale tuition which shall be set by the local board of education of the district where the child has applied to attend. For purposes of calculation of State Aid, ~~no~~ a child in an early childhood education program ~~who does not meet the qualifications for federally sponsored Head Start programs~~ shall be included in the average daily membership of the district providing the program. ~~For those early childhood program students who qualify to be included in the~~ The average daily membership of a child in an early childhood education program of the school district for State Aid funding~~, the weight~~ shall be limited to the early childhood grade weight, as provided in Section 18-201 of this title, for purposes of reimbursement for early childhood programs. Except as otherwise provided by law, no

child shall be enrolled in the first grade unless he or she will have reached the age of six (6) years on or before September 1 of the school year. Children who have not reached the age of five (5) years on or before September 1 may be admitted to nursery or early childhood education classes approved by the State Board of Education and conducted by the school district in which the child resides. A child accepted for enrollment in an early childhood education program outside of the district of residence shall be eligible for transfer to a district where such program is offered. Provided, however, any receiving district may object to a proposed transfer on the grounds that said district does not have the physical facilities or the teaching personnel to accommodate the kindergarten student, early childhood education student or students proposed to be transferred. Children who are underage not in attendance in a kindergarten or nursery or early childhood education class approved by the State Board of Education may be admitted to the schools of such district on a tuition basis only; and no such nonresident and nontransferred pupil, or any such underage pupil, shall be allowed to attend school in any school district unless there shall have been paid in advance yearly or by semester as determined by the local board of education, to such district, before such attendance during any period, a tuition fee equal to the per capita cost of education for a similar period in such district during the preceding year. Provided, tuition shall not be required for attendance in the first grade if tuition was paid on an underage child to attend an accredited kindergarten in the same school district, and such first grade attendance shall be a legal attendance. If the State Board of Education discovers that such attendance has been allowed without prior payment of the tuition fee in advance as herein required, no further payment of any State Aid Funds shall be made to the district until such district has shown to the satisfaction of the State Board of Education that all such tuition fees have been paid or that such

tuition pupil will no longer be allowed to attend school until the required tuition fee has been paid.

B. Any parent, guardian, person or institution having care and custody of a child who pays ad valorem tax on real property in any other school district other than that in which he resides may, with the approval of the receiving board, enroll the child in any school district in which ad valorem tax is paid and receive a credit on the nonresident tuition fee equal to the amount of the ad valorem tax paid for school district purposes in the school district in which the child is enrolled. Provided, the credit shall not exceed the total amount required for the tuition payment.

SECTION 2. AMENDATORY 70 O.S. 1981, Section 18-107, as amended by Section 11, Chapter 330, O.S.L. 1983 (70 O.S. Supp. 1990, Section 18-107), is amended to read as follows:

Section 18-107. As used in this title:

1. "Average Daily Attendance" (ADA) means the legal average number of pupils, ~~kindergarten~~ early childhood program level through grade twelve, in a school district during a school year as determined pursuant to the provisions of Section 18-111 of this title. A day of school for kindergarten shall be two and one-half (2 1/2) hours.

2. "Average Daily Membership" (ADM) means the average number of pupils present and absent in a school district during a school year. Average Daily Membership shall be calculated by dividing the sum of the pupil's total days present and total days absent by the number of days taught. Provided, a pupil who has been absent twenty (20) consecutive days shall be taken off the roll beginning the 21st day and thereafter shall not be considered in a district's average daily membership calculation until the pupil is placed on the roll in the district.

3. "Total Adjusted Assessed Valuation" means the sum of public service property assessed valuation, personal property assessed

valuation and real property assessed valuation as adjusted pursuant to the provisions of Section 18-109.1 of this title.

SECTION 3. AMENDATORY 70 O.S. 1981, Section 18-111, as last amended by Section 29, Chapter 296, O.S.L. 1984 (70 O.S. Supp. 1990, Section 18-111), is amended to read as follows:

Section 18-111. No pupil shall be counted in the average daily attendance of any district for the purpose set out in this ~~article~~ title unless said pupil is a legal resident of said district as provided for in Section 1-113 of this title or has been transferred to said district. A pupil moving from a school district during a school term shall be entitled to attend such school for the remainder of that school term. School districts shall not include out-of-state pupils in their average daily attendance for the purpose set out in this article. The following pupils shall not be counted: Those who have attained twenty-one (21) years of age by September 1 of that school year, or who have completed the twelfth grade, except as elsewhere provided for by law for veterans of World War II, the Korean War, or the Vietnam Conflict~~, and those who have not attained five (5) years of age by September 1 of that school year~~. In determining the ages of pupils for State Aid purposes, birth certificates shall be presented, if obtainable, as proof of age. Underage pupils who have been in legal school attendance in a public or private school in another state or in a Department of Defense School for military dependents may be legally enrolled and attend an Oklahoma school.

SECTION 4. This act shall become effective July 1, 1991.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-5601 KVR