

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1353

BY: KEY

AS INTRODUCED

AN ACT RELATING TO SCHOOLS; AMENDING 70 O.S. 1981, SECTIONS 1-114, AS LAST AMENDED BY SECTION 61, CHAPTER 263, O.S.L. 1990, 5-131, 5-132, AS AMENDED BY SECTION 1, CHAPTER 211, O.S.L. 1988, SECTION 1, CHAPTER 223, 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 1-114, 5-132, 5-132.1 AND 18-111), WHICH RELATE TO AGES OF STUDENTS TO ATTEND SCHOOL; MODIFYING AGE LIMIT FOR CERTAIN STUDENTS TO ATTEND SCHOOL; AND PROVIDING AN EFFECTIVE DATE.

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)~~ nineteen (19) 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 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 average daily membership 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 5-131, is amended to read as follows:

Section 5-131. The board of education of every school district in this state is hereby authorized to provide educational courses for all persons and said board is authorized to provide necessary buildings, equipment, and other facilities for such persons. Such educational courses may include grades one to twelve, inclusive, for persons between the ages of six (6) and ~~twenty-one (21)~~ nineteen (19) years and may also include nursery and kindergarten classes, junior college grades, vocational and technical instruction, adult and part-time classes and other special classes. The curricula and qualifications of teachers shall be determined by the State Board of Education except as otherwise provided herein. Provided, any district offering educational courses shall charge tuition fees for such courses unless the school district has funds available to pay the cost thereof which are not needed to maintain the common school program.

SECTION 3. AMENDATORY 70 O.S. 1981, Section 5-132, as amended by Section 1, Chapter 211, O.S.L. 1988 (70 O.S. Supp. 1990, Section 5-132), is amended to read as follows:

Section 5-132. A. Any person who is of legal age and a resident of Oklahoma, over the age of ~~twenty-one (21)~~ nineteen (19) and under the age of twenty-six (26), and who has not completed the twelfth grade in school shall be given the same educational privileges and opportunities provided by law for children over the age of five (5) and under the age of ~~twenty-one (21)~~ nineteen (19), upon submitting to the board of education of the school district in which said person resides evidence satisfactory to that board

showing that during the time before he was ~~twenty-one (21)~~ nineteen (19) years of age he was unable to attend school for a definite period or periods of time because of physical disability, or service in the United States Armed Forces or Auxiliary Organizations, by reason whereof it was impossible for him to complete the twelfth grade before reaching the age of ~~twenty-one (21)~~ nineteen (19). Provided, further, said pupil shall be counted in the average daily ~~attendance~~ membership of the district where he attends school during the period of time provided for in this article for the purpose of calculating State Aid for the district.

B. Any resident of the state who is nineteen (19) years of age or older, who is not enrolled in any high school program, and who has not completed the twelfth grade may attend any adult high school completion program which is established by a school district and approved by the State Board of Education if such attendance has the approval of the district offering the program. Such attendance shall not be counted in the average daily ~~attendance~~ membership of the district unless the Legislature appropriates monies for adult high school completion programs. Such attendance shall not be counted to meet minimum numbers for accreditation of the school district involved, and such students shall not attend classes which are a part of the normal class structure of the district.

SECTION 4. AMENDATORY Section 1, Chapter 223, O.S.L. 1983 (70 O.S. Supp. 1990, Section 5-132.1), is amended to read as follows:

Section 5-132.1 A. Any person other than those persons provided for in Section 5-132 of ~~Title 70 of the Oklahoma Statutes~~ this title who is ~~twenty-one (21)~~ nineteen (19) years of age or older and who has not completed the requirements for a high school diploma or received a General Education Diploma, upon proper application to an independent school district may be given the

opportunity to complete the requirements for and receive a regular high school diploma.

B. The school district or area vocational-technical school district in which such person resides may give the person the option of attending regular classes if class size restrictions are not violated, or of participating in other programs which may be provided pursuant to provisions of the Oklahoma Statutes or rules and regulations promulgated by the State Board of Education or State Board of Vocational and Technical Education. ~~Providing~~ Provided, however, that the school district may deny admittance of persons over ~~twenty-one (21)~~ nineteen (19) to its classes.

C. The school district or area vocational-technical school district may charge such person an amount of tuition not to exceed the average expenditure per pupil of the district for the preceding school year. Said tuition may be prorated by the number of contact hours for which the person is enrolled.

SECTION 5. 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~~ membership of any district for the purpose set out in this article 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~~ membership for the purpose set out in this article. The following pupils shall not be counted: Those who have attained ~~twenty-one (21)~~ nineteen (19) 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 6. This act shall become effective July 1, 1993.

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