

ENROLLED HOUSE
BILL NO. 1983

By: Boyd (Betty) of the
House

and

Williams (Penny) of the
Senate

An Act relating to schools; amending 70 O.S., 1991, Sections 1-114, as last amended by Section 1, Chapter 333, O.S.L. 1993, 10-105, as amended by Section 5, Chapter 262, O.S.L. 1992, 18-108, 1210.273, as amended by Section 22, Chapter 116, O.S.L. 1993, and 1210.282, as last amended by Section 30, Chapter 116, O.S.L. 1993 (70 O.S. Supp. 1993, Sections 1-114, 10-105, 1210.273, and 1210.282), which relate to school age, school attendance, regional education service centers, kindergarten, and kindergarten and first grade readiness screening; providing age limits and eligibility requirements for admission to early childhood programs; requiring certain children be given priority for early childhood programs; providing for interdistrict transfer for enrollment in early childhood programs; providing conditions for refusal of transfer; requiring payment of tuition for early childhood programs by certain children; allowing certain children to be included in average daily membership of districts providing early childhood programs; providing for admission to kindergarten classes; allowing underage children to be admitted to kindergarten classes; providing certain definition; establishing procedure for admission of underage children to kindergarten classes; allowing interdistrict transfer for attendance in kindergarten classes; allowing certain children to be included in average daily membership of districts providing kindergarten classes; requiring payment of tuition by certain children attending kindergarten classes outside district of residence; deleting obsolete language; allowing underage children to enroll in first grade; allowing certain underage children to be included in average daily membership of district providing first grade classes; modifying attendance requirements for school; modifying date for offering kindergarten to certain children; deleting certain payment requirements for transferring a kindergarten child; modifying definition of certain screening; clarifying statutory reference; removing requirement of kindergarten readiness screening; providing effective dates; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 1-114, as last amended by Section 1, Chapter 333, O.S.L. 1993 (70 O.S. Supp. 1993, 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~~

B. All children who are at least four (4) years of age but not more than five (5) 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. The following paragraphs shall govern admission to and eligibility for early childhood programs:

1. Children who are at least four (4) years of age but not more than five (5) years of age on or before September 1 who meet the qualifications for federally sponsored Head Start programs shall be entitled to attend early childhood programs in their district of residence 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~~ Children who are at least four (4) years of age but not more than five (5) years of age on or before September 1 who do not meet the qualifications for a federally sponsored Head Start program shall be accepted into a an early childhood program in their district of residence as long as the district has the physical facilities and teaching personnel to accommodate the child. Admission of children who are not Head Start-eligible shall be based on the date of receipt of application and upon payment of a sliding scale tuition which shall be set by the ~~local~~ district board of education ~~of the district where the child has applied to attend.~~ For purposes of calculation of State Aid, ~~no child~~ children 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.

2. A child who has not reached the age of five (5) years on or before September 1 and who resides in a district which does not offer an early childhood program shall be eligible for transfer to a district where an early childhood program is offered if the district that offers the early childhood program agrees to the transfer. A district offering early childhood programs may refuse to accept a nonresident child if the district does not have the physical facilities or teaching personnel to accommodate the child in an early childhood education class. If the child requesting the transfer has not reached the age of four (4) years on or before September 1, the district may refuse to accept the nonresident child if the district determines the child is not ready for an early

childhood program. Children who are accepted in a program outside their district of residence as provided in this paragraph and who are Head Start-eligible shall be entitled to attend the early childhood program free of charge and shall be included in the average daily membership of the district providing the program for State Aid funding subject to the weight limitations as set forth in paragraph 1 of this subsection. Children eligible for transfer as provided in this paragraph who are not Head Start-eligible shall pay tuition on a sliding scale set by the district offering the program.

C. Underage children, defined as children who have reached the age of four (4) years but have not reached the age of five (5) years on or before September 1 of the school year, may be admitted to kindergarten subject to the provisions of the following paragraphs:

1. Underage children may be admitted to kindergarten classes in the district of the child's residence if class size of the district permits. An underage child who is a resident of the district shall not be required to pay tuition. Underage resident children who are admitted to kindergarten classes shall be included in the average daily membership of the district for State Aid funding, as provided in Section 18-201 of this title.

2. Underage children may be admitted to kindergarten classes in a district other than the district of the child's residence if the class size of the district permits and the district of residence and the nonresident district agree to the transfer. If a transfer is agreed upon, the underage child shall be included in the average daily membership of the receiving district for State Aid funding, as provided in Section 18-201 of this title. If the districts do not agree to a transfer, the child shall not be allowed to attend kindergarten classes in the nonresident district unless a tuition fee is paid as set forth in subsection E of this section.

3. Prior to admittance in kindergarten classes a school district may through appropriate screening determine if the underage child is ready for enrollment in kindergarten classes.

D. 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 if class size of such schools permit and if the child is found to be ready for enrollment in kindergarten through appropriate readiness screening, as provided for in Section 1210.282 of this title, and if the enrollment of the child is approved by a psychometrist. Those underage children who qualify and are admitted in a kindergarten class of a school district shall be included in the average daily membership of the school district for State Aid funding, as provided for in Section 18-201 of this title. No such nonresident six (6) years on or before September 1 of the school year, who were admitted to a kindergarten class as underage children, who have

satisfactorily completed kindergarten and who have been recommended for promotion to first grade shall be permitted to enroll in first grade. Underage children who are enrolled in first grade shall be included in the average daily membership of the school district for State Aid funding, as provided in Section 18-201 of this title.

~~E. No nonresident and nontransferred 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 has been paid to the receiving district in advance yearly or by semester as determined by the district board of education of the receiving district. Provided, tuition shall not be required for attendance in the first grade if an underage child was authorized pursuant to this section 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. F.~~ 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. 1991, Section 10-105, as amended by Section 5, Chapter 262, O.S.L. 1992 (70 O.S. Supp. 1993, 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 child to attend and comply with the rules of some public, private or other school, unless ~~such child has been screened as provided for in Section 1210.282 of this title and such child is determined not to be ready for kindergarten, or a parent, guardian, or other person having custody of the child, provides by certified mail prior to enrollment or at any time during that first year, notification of election to withhold the child from kindergarten until the next school year after the child is six (6) years of age, or 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 as ~~appropriately provided for by Section 1210.282 of this title, or as otherwise excepted unless the child is excused from same by kindergarten attendance as provided in 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 sixteen (16) 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 an 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;

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

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

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

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

4. If any such child is excused pursuant to subsection C of this section.

C. A school district shall excuse a student from attending school for the purpose of observing religious holy days if before the absence, the parent, guardian, or person having custody or control of the student submits a written request for the excused absence. The school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days.

D. It shall be the duty of the attendance officer to enforce the provisions of this section. Any parent, guardian, custodian, child or other person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00) for the first

offense, not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) for the second offense, and not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each subsequent offense. Each day the child remains out of school after the written warning has been given or the child has been ordered to school by the juvenile court may constitute a separate offense. 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.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 18-108, is amended to read as follows:

Section 18-108. It is the intention of the Legislature to provide a free public kindergarten for every five-year-old child in this state.

1. Each day during which a child attends a kindergarten for two and one-half hours or more shall be counted as one hundred percent (100%) of one (1) day of average daily attendance. Each day a kindergarten student is on the membership roll in a school district shall be counted as one hundred percent (100%) of one (1) day of average daily membership. ~~Provided for the school year 1981-82, State Aid based on average daily membership shall be calculated at seventy-five percent (75%) of one (1) day for each kindergarten student on the membership roll.~~

2. It shall be the duty of every school district in this state to provide and offer kindergarten free of tuition for every child residing in such district who attains the age of five (5) years ~~by the second on or before the first~~ day of September during the school year such kindergarten is offered or who is underage and is admitted to kindergarten classes as provided for in Section 1-114 of this title, provided that this duty may be satisfied by transferring kindergarten children to other school districts which accept them and provide kindergarten for such children, ~~with the district in which the child resides paying seventy-five percent (75%) of the average daily attendance per capita cost of the receiving district. The average daily attendance of such child shall be credited to the transferring district of the transferee. All acts or parts of acts inconsistent with paragraph 2 are hereby repealed but only to the extent of such inconsistency.~~

SECTION 4. AMENDATORY 70 O.S. 1991, Section 1210.273, as amended by Section 22, Chapter 116, O.S.L. 1993 (70 O.S. Supp. 1993, Section 1210.273), is amended to read as follows:

Section 1210.273 As used in the Regional Education Service Center Act, except as the context may otherwise require:

1. "Regional education service centers" means educational, administrative, service and evaluation centers, hereinafter referred to as "centers" or "service centers";

2. "Department" means the State Department of Education;

3. "Board" means the Oklahoma State Board of Education;

4. "IDEA" means the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476;

5. "Educational screening" means the implementation of accepted procedures for identification of children who may have special learning needs and may be eligible for special education and related services in accordance with the IDEA;

6. "Evaluation" means procedures used in accordance with federal laws and regulations to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. The term means procedures used selectively with an individual child and does not include basic

tests administered to or procedures used with all children in a school, grade, or class. Provided, however, that no child shall be initially evaluated whose parent or legal guardian has not filed a written consent for such evaluation with the local board of education; and

7. "Readiness screening" means the implementation of procedures for assessing readiness for ~~kindergarten or~~ first grade as provided in Section ~~30~~ 1210.282 of this ~~act~~ title.

SECTION 5. AMENDATORY 70 O.S. 1991, Section 1210.282, as last amended by Section 30, Chapter 116, O.S.L. 1993 (70 O.S. Supp. 1993, Section 1210.282), is amended to read as follows:

Section 1210.282 A. ~~The State Board of Education shall develop and implement a readiness screening program to screen children for readiness prior to entry into public school kindergarten. Students who have been enrolled in kindergarten without prior screening or who are expected to enroll in a public school kindergarten class shall be screened for kindergarten readiness. Results of the screening shall be made available to the child's parent or legal guardian, teacher and school district administration. A parent or legal guardian may also provide information and shall assist in making recommendations concerning a child's readiness for enrollment in kindergarten class. If a child is found to be unready for kindergarten, the report may include a recommendation that the child be enrolled in an appropriate pre-school program.~~

~~B.~~ The State Board of Education shall develop and implement a readiness screening program to screen students enrolled in kindergarten in the public schools of the state for readiness prior to entry into first grade in a public school. Results of the screening shall be made available to the child's parent or legal guardian, teacher and school district administration.

~~C.~~ B. The service centers shall provide assistance and training to local schools to ensure effective procedures for readiness screening ~~for kindergarten and~~ prior to first grade. Current knowledge and research information concerning screening procedures, readiness, and disabilities in early childhood shall be disseminated by the service centers.

SECTION 6. Sections 1, 2, 4 and 5 of this act shall become effective July 1, 1994.

SECTION 7. Section 3 of this act shall become effective July 1, 1995.

SECTION 8. 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.

Passed the House of Representatives the 11th day of May, 1994.

Speaker of the House of
Representatives

Passed the Senate the 17th day of May, 1994.

President of the Senate