

SHORT TITLE: Schools; removing screening requirements for underage children to enroll in kindergarten; removing kindergarten readiness screening requirement; effective date; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)
SENATE BILL NO. 1158 By: Long (Ed)

AS INTRODUCED

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, 1210.273, as amended by Section 22, Chapter 116, O.S.L. 1993, and Section 1210.282, as last amended by Section 30, Chapter 116, O.S.L. 1993 (70 O.S. Supp. 1993, Sections 1-114, 1210.273 and 1210.282), which relate to free attendance, early childhood programs, Regional Education Service Centers, educational screening, and kindergarten and first grade readiness screening; removing certain requirement for enrollment of underage child in kindergarten; removing requirement for kindergarten readiness screening; specifying certain members of certain readiness screening team; 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. 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 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 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 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. 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. 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 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 3. 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. The screening team shall include the child's kindergarten teacher and a first grade teacher from the district in which the child attends kindergarten. 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 first grade. Current knowledge and research information concerning screening procedures, readiness, and disabilities in early childhood shall be disseminated by the service centers.

SECTION 4. This act shall become effective July 1, 1994.

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.