

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2437

By: Eddins

AS INTRODUCED

An Act relating to education; amending 70 O.S. 1991, Section 1-114, as last amended by Section 1, Chapter 220, O.S.L. 1994 (70 O.S. Supp. 1995, Section 1-114), which relates to school attendance; modifying criteria for an underage child to be admitted to kindergarten; requiring school districts to adopt a written kindergarten plan; providing for contents of the plan; requiring plan to be included as part of the four-year school improvement plan; amending 70 O.S. 1991, Section 5-117.4, as amended by Section 5, Chapter 307, O.S.L. 1995 (70 O.S. Supp. 1995, Section 5-117.4), which relates to the four-year school improvement plan; requiring incorporation of the required kindergarten plan; 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 220, O.S.L. 1994 (70 O.S. Supp. 1995, 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.

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. 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 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 district board of education. For purposes of calculation of State Aid, children in an early childhood education program who 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~~ shall, through appropriate ~~screening~~ developmental assessments which are approved by the State Department of Education, determine if the underage child is ready for enrollment in kindergarten classes.

4. The board of education of any school district which admits underage children to kindergarten classes in the district shall develop and adopt a written plan which outlines the kindergarten program offered for underage children. The plan shall describe how the program is directed toward developmentally appropriate objectives for underage children rather than objectives suitable for older children. The plan shall also describe how the kindergarten program environment is arranged to allow for a wide range of developmental interests and abilities within the same classroom or how the programs are divided among different classrooms. The written plan shall be included as part of the four-year school

improvement plan of the district as provided for in Section 5-117.4 of this title.

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 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 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. If the State Board of Education discovers that such attendance has been allowed without prior payment of the tuition fee in advance as 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.

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 5-117.4, as amended by Section 5, Chapter 307, O.S.L. 1995 (70 O.S. Supp. 1995, Section 5-117.4), is amended to read as follows:

Section 5-117.4 A. Each local board of education shall, after convening an advisory planning committee which includes teachers and parents, and after holding at least one public hearing, adopt a four-year school improvement plan for the district. Each plan shall include stated goals that clearly delineate educational expectations, and shall be updated on an annual basis. The plan shall also include a specific program of improvement through academic skill reinforcement and/or remediation pursuant to the provisions of the Oklahoma School Testing Program Act. Such plan shall include an evaluation of the instructional program in the basic skills areas as specified in paragraphs 1 and 2 of subsection A of Section 11-103 of this title and specific plans whereby schools within the district will initiate the planning process of meeting or exceeding the accreditation requirements in Section 3-104.4 of this title. The four-year school improvement plan shall include a consideration of the feasibility of participation in any programs which consist of state exemption from educational-related statutes or rules. The plan shall also incorporate the written plan developed for kindergarten programs as provided for in Section 1-114 of this title.

B. The school improvement plan shall be submitted to the State Board of Education as provided in Section 3-104.2 of this title.

SECTION 3. This act shall become effective July 1, 1996.

SECTION 4. 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.

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