

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1465

By: Johnson

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,  
8 Section 1-114, which relates to school attendance;  
9 changing date for determining age for school  
attendance purposes; updating statutory language; and  
providing an effective date.

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

13 SECTION 1. AMENDATORY 70 O.S. 2001, Section 1-114, is  
14 amended to read as follows:

15 Section 1-114. A. All children between the ages of five (5)  
16 years on or before ~~September~~ June 1, and twenty-one (21) years on or  
17 before ~~September~~ June 1, shall be entitled to attend school free of  
18 charge in the district in which they reside.

19 B. All children who are at least four (4) years of age but not  
20 more than five (5) years of age on or before ~~September~~ June 1 and  
21 who have not attended a public school kindergarten shall be entitled  
22 to attend half-day or full-day early childhood programs at any  
23 public school in the state where ~~such~~ programs are offered; ~~provided~~  
24 ~~no.~~ No child shall be required to attend any early childhood

1 education program. The following paragraphs shall govern early  
2 childhood programs:

3 1. Children who are at least four (4) years of age but not more  
4 than five (5) years of age on or before ~~September~~ June 1 shall be  
5 entitled to attend either half-day or full-day early childhood  
6 programs in their district of residence free of charge as long as  
7 the district has the physical facilities and teaching personnel to  
8 accommodate the child. For purposes of calculation of State Aid,  
9 children in an early childhood education program shall be included  
10 in the average daily membership of the district providing the  
11 program.

12 2. A child who has not reached the age of five (5) years on or  
13 before ~~September~~ June 1 and who resides in a district which does not  
14 offer an early childhood program shall be eligible for transfer to a  
15 district where an early childhood program is offered if the district  
16 that offers the early childhood program agrees to the transfer. A  
17 district offering early childhood programs may refuse to accept a  
18 nonresident child if the district does not have the physical  
19 facilities or teaching personnel to accommodate the child in an  
20 early childhood education class. If the child requesting the  
21 transfer has not reached the age of four (4) years on or before  
22 ~~September~~ June 1, the district may refuse to accept the nonresident  
23 child if the district determines the child is not ready for an early  
24 childhood program. Children who are accepted in a program outside

1 their district of residence as provided in this paragraph shall be  
2 included in the average daily membership of the district providing  
3 the program for State Aid funding subject to the State Aid formula  
4 weight limitations set forth in paragraph 1 of this subsection.

5 C. No child shall be enrolled in kindergarten unless he or she  
6 will have reached the age of five (5) years on or before ~~September~~  
7 June 1 of the school year. No child shall be enrolled in the first  
8 grade unless he or she will have reached the age of six (6) years on  
9 or before ~~September~~ June 1 of the school year.

10 D. No nonresident and nontransferred pupil shall be allowed to  
11 attend school in any school district unless a tuition fee equal to  
12 the per capita cost of education for a similar period in ~~such~~ the  
13 district during the preceding year has been paid to the receiving  
14 district in advance yearly or by semester as determined by the  
15 district board of education of the receiving district. If the State  
16 Board of Education discovers that ~~such~~ attendance has been allowed  
17 without prior payment of the tuition fee in advance as required, no  
18 further payment of any State Aid funds shall be made to the district  
19 until ~~such~~ the district has shown to the satisfaction of the State  
20 Board of Education that all ~~such~~ tuition fees have been paid or that  
21 ~~such~~ the tuition pupil will no longer be allowed to attend school  
22 until the required tuition fee has been paid.

23 E. Any parent, guardian, person or institution having care and  
24 custody of a child who pays ad valorem tax on real property in any

1 other school district other than that in which that person resides  
2 may, with the approval of the receiving board, enroll the child in  
3 any school district in which ad valorem tax is paid and receive a  
4 credit on the nonresident tuition fee equal to the amount of the ad  
5 valorem tax paid for school district purposes in the school district  
6 in which the child is enrolled. Provided, the credit shall not  
7 exceed the total amount required for the tuition payment.

8 SECTION 2. This act shall become effective November 1, 2011.

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