

1 ENGROSSED HOUSE
2 BILL NO. 2404

By: Faught of the House

3 and

4 Stanislawski of the Senate

5
6
7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 1-114, which relates to free attendance at
9 public schools for children of certain age; requiring
10 State Board of Education to promulgate certain rules;
11 and providing an effective date.

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

13 SECTION 1. AMENDATORY 70 O.S. 2011, 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 1, and twenty-one (21) years on or
17 before September 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 1 and who
21 have not attended a public school kindergarten shall be entitled to
22 attend half-day or full-day early childhood programs at any public
23 school in the state where such programs are offered; provided, no
24 child shall be required to attend any early childhood education

1 program. The following paragraphs shall govern early childhood
2 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 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 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 1, the district may refuse to accept the nonresident child
23 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; and

5 3. The State Board of Education shall promulgate rules that
6 create exemptions relating to the maximum age at which a child may
7 attend half-day or full-day early childhood programs.

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

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

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