

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 3027

By: Jordan

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,  
8 Section 1-114, which relates to free public school  
9 attendance; allowing residents to participate in  
10 extracurricular activities offered by public school  
11 district of their residence under certain  
12 circumstance; permitting school district to charge  
13 certain fee; repealing Section 5, Chapter 367, O.S.L.  
14 2012, as last amended by Section 1, Chapter 293,  
15 O.S.L. 2015 (70 O.S. Supp. 2015, Section 3-145.3),  
16 which relates to the powers and duties of the  
17 Statewide Virtual Charter School Board; and providing  
18 an effective date.

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

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-114, is  
21 amended to read as follows:

22 Section 1-114. A. All children between the ages of five (5)  
23 years on or before September 1, and twenty-one (21) years on or  
24 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

1 attend half-day or full-day early childhood programs at any public  
2 school in the state where such programs are offered; provided, no  
3 child shall be required to attend any early childhood education  
4 program. The following paragraphs shall govern early childhood  
5 programs:

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

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

1 September 1, the district may refuse to accept the nonresident child  
2 if the district determines the child is not ready for an early  
3 childhood program. Children who are accepted in a program outside  
4 their district of residence as provided in this paragraph shall be  
5 included in the average daily membership of the district providing  
6 the program for State Aid funding subject to the State Aid formula  
7 weight limitations set forth in paragraph 1 of this subsection.

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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1 tuition pupil will no longer be allowed to attend school until the  
2 required tuition fee has been paid.

3 E. Any parent, guardian, person or institution having care and  
4 custody of a child who pays ad valorem tax on real property in any  
5 other school district other than that in which that person resides  
6 may, with the approval of the receiving board, enroll the child in  
7 any school district in which ad valorem tax is paid and receive a  
8 credit on the nonresident tuition fee equal to the amount of the ad  
9 valorem tax paid for school district purposes in the school district  
10 in which the child is enrolled. Provided, the credit shall not  
11 exceed the total amount required for the tuition payment.

12 F. Any resident of this state that meets the residency  
13 requirements may participate in any extracurricular activity or  
14 activities offered by his or her public school district of residence  
15 if the school he or she attends does not offer the extracurricular  
16 activity or activities. Local academic eligibility requirements  
17 shall apply equally to all participants in the extracurricular  
18 activities and shall not prohibit any resident within the boundaries  
19 of the school district who is academically eligible from  
20 participating. School districts may charge participants in  
21 extracurricular activities a fee to recover the individual  
22 participant's portion of the cumulative cost of offering the  
23 extracurricular activity or activities. Furthermore, to accomplish  
24 the purposes of this subsection, schools may cooperate to eliminate

1 duplication, save costs and maximize the number of extracurricular  
2 activities available to students in a particular geographic area or  
3 areas of the state.

4 SECTION 2. REPEALER Section 5, Chapter 367, O.S.L. 2012,  
5 as last amended by Section 1, Chapter 293, O.S.L. 2015 (70 O.S.  
6 Supp. 2015, Section 3-145.3), is hereby repealed.

7 SECTION 3. This act shall become effective November 1, 2016.

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