

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1020

By: McCortney of the Senate

and

Thomsen of the House

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Section 1-114, as amended by Section 1, Chapter 4, O.S.L. 2016 (70 O.S. Supp. 2017, Section 1-114), which relates to free school attendance; modifying date by which children must turn certain age to attend certain grades; amending 70 O.S. 2011, Section 11-103.7, as amended by Section 3, Chapter 217, O.S.L. 2015 (70 O.S. Supp. 2017, Section 11-103.7), which relates to early childhood education standards; modifying date by which children must turn certain age to attend certain grade; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-114, as amended by Section 1, Chapter 4, O.S.L. 2016 (70 O.S. Supp. 2017, 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~~ August 1, and twenty-one (21) years

1 on or before ~~September 1~~ August 1, shall be entitled to attend
2 school free of charge in the district in which they reside.

3 B. All children who are at least four (4) years of age but not
4 more than five (5) years of age on or before ~~September 1~~ August 1
5 and who have not attended a public school kindergarten shall be
6 entitled to attend half-day or full-day early childhood programs at
7 any public school in the state where such programs are offered;
8 provided, no child shall be required to attend any early childhood
9 education program. The following paragraphs shall govern early
10 childhood programs:

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

20 2. A child who has not reached the age of five (5) years on or
21 before ~~September 1~~ August 1 and who resides in a district which does
22 not offer an early childhood program shall be eligible for transfer
23 to a district where an early childhood program is offered if the
24 district that offers the early childhood program agrees to the

1 transfer. A district offering early childhood programs may refuse
2 to accept a nonresident child if the district does not have the
3 physical facilities or teaching personnel to accommodate the child
4 in an early childhood education class. If the child requesting the
5 transfer has not reached the age of four (4) years on or before
6 ~~September 1~~ August 1, the district may refuse to accept the
7 nonresident child if the district determines the child is not ready
8 for an early childhood program. Children who are accepted in a
9 program outside their district of residence as provided in this
10 paragraph shall be included in the average daily membership of the
11 district providing the program for State Aid funding subject to the
12 State Aid formula weight limitations set forth in paragraph 1 of
13 this subsection; and

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

17 C. No child shall be enrolled in kindergarten unless he or she
18 will have reached the age of five (5) years on or before ~~September 1~~
19 August 1 of the school year. No child shall be enrolled in the
20 first grade unless he or she will have reached the age of six (6)
21 years on or before ~~September 1~~ August 1 of the school year.

22 D. No nonresident and nontransferred pupil shall be allowed to
23 attend school in any school district unless a tuition fee equal to
24 the per capita cost of education for a similar period in such

1 district during the preceding year has been paid to the receiving
2 district in advance yearly or by semester as determined by the
3 district board of education of the receiving district. If the State
4 Board of Education discovers that such attendance has been allowed
5 without prior payment of the tuition fee in advance as required, no
6 further payment of any State Aid Funds shall be made to the district
7 until such district has shown to the satisfaction of the State Board
8 of Education that all such tuition fees have been paid or that such
9 tuition pupil will no longer be allowed to attend school until the
10 required tuition fee has been paid.

11 E. Any parent, guardian, person or institution having care and
12 custody of a child who pays ad valorem tax on real property in any
13 other school district other than that in which that person resides
14 may, with the approval of the receiving board, enroll the child in
15 any school district in which ad valorem tax is paid and receive a
16 credit on the nonresident tuition fee equal to the amount of the ad
17 valorem tax paid for school district purposes in the school district
18 in which the child is enrolled. Provided, the credit shall not
19 exceed the total amount required for the tuition payment.

20 SECTION 2. AMENDATORY 70 O.S. 2011, Section 11-103.7, as
21 amended by Section 3, Chapter 217, O.S.L. 2015 (70 O.S. Supp. 2017,
22 Section 11-103.7), is amended to read as follows:
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1 Section 11-103.7. A. Each school district may offer to four-
2 year-old children the opportunity to participate in an early
3 childhood education program.

4 B. The State Board of Education shall promulgate standards for
5 early childhood education programs for children who are at least
6 four (4) years of age on or before ~~September 1~~ August 1 of the
7 ensuing school year. The standards shall include both half-day
8 programs consisting of not less than two and one-half (2 1/2) hours
9 per school day, and full-day programs of six (6) hours. The
10 standards for all early childhood education programs shall require a
11 certified teacher, as specified in this section, to be present in
12 the classroom for the length of the school day. Such program shall:

13 1. Be directed toward developmentally appropriate objectives
14 for such children, rather than toward academic objectives suitable
15 for older children;

16 2. Accommodate the needs of all children and families
17 regardless of socioeconomic circumstances; and

18 3. Require that any teacher employed by a public school to
19 teach in such early childhood education program shall be certified
20 in early childhood education.

21 C. The superintendent of any school district providing
22 classroom space or other school facilities for a federally sponsored
23 Head Start program that is planning to make a material change in the
24 arrangement, shall give notice to the director of the Head Start

1 program at least seven (7) days prior to a school board hearing on
2 the matter.

3 D. A school district may offer such early childhood education
4 program within the district, in cooperation with other districts,
5 through the use of transfers as specified by law, or by contracting
6 with a private or public provider of early childhood education
7 programs, or by contracting for classroom space with a licensed
8 public or private child care provider based upon selection criteria
9 established by the district. If the program is provided through
10 contract with a private or public provider other than a school
11 district, the contract may only be continued if each teacher serving
12 the school on and after January 1, 1993, is certified in early
13 childhood education, except that all teachers, without such
14 certification, hired by such provider prior to January 1, 1993, and
15 serving in the school as an early childhood education teacher shall
16 be required to obtain certification on or before the beginning of
17 the 1996-97 school year. Any person who has been employed as an
18 early childhood educator with the Head Start Program, has a child
19 development associate degree (CDA) and has at least five (5) years
20 of experience in such employment shall be certified in early
21 childhood education for purposes of employment in the public schools
22 of this state to teach in early childhood education for children
23 four (4) years of age and younger; if such person is recertified in
24 child development by the Council for Early Childhood Professional

1 Recognition within five (5) years prior to the expiration of the
2 person's early childhood certificate that was issued by the State
3 Board of Education, such person shall be granted a renewal
4 certificate in early childhood education by the State Board of
5 Education upon expiration of the early childhood certificate.
6 Provided, private or public providers shall meet such other
7 standards required by law and by the State Board of Education.

8 E. If an early childhood program is provided by a private or
9 public provider pursuant to a contract as authorized in this
10 section, the contract shall address the requirements for
11 implementing the residency program for resident teachers as required
12 in Section 6-195 of this title. Teachers employed by a private or
13 public provider in an early childhood education program provided
14 through contract with a public school district shall receive in
15 salary and/or fringe benefits amounts not less than the amounts
16 specified in the schedule set forth in Section 18-114.14 of this
17 title.

18 F. The State Board of Education shall promulgate rules to
19 provide for the implementation of such program.

20 G. An early childhood education program may be offered jointly
21 by school districts that have formed interlocal cooperative
22 agreements pursuant to Section 5-117b of this title.

23 H. The term "prekindergarten" shall mean early childhood
24 education for purposes of this title.

1 I. The State Board of Education shall ensure that the standards
2 for early childhood education are aligned with any new subject
3 matter standards adopted pursuant to Section 11-103.6a of this
4 title.

5 SECTION 3. This act shall become effective November 1, 2018.

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