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February 19, 2018

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1020

By: McCortney of the Senate

and

Thomsen of the House

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[ schools - free school attendance - age to attend -
effective date ]
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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 on or before ~~September 1~~ August 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~~ August 1 and who have not attended a public school kindergarten shall be entitled to attend half-day or full-day early childhood programs at any public school in the state where such programs are offered;

1 provided, no child shall be required to attend any early childhood
2 education program. The following paragraphs shall govern early
3 childhood programs:

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

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

1 for an early childhood program. Children who are accepted in a
2 program outside their district of residence as provided in this
3 paragraph shall be included in the average daily membership of the
4 district providing the program for State Aid funding subject to the
5 State Aid formula weight limitations set forth in paragraph 1 of
6 this subsection; and

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

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

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

1 of Education that all such tuition fees have been paid or that such
2 tuition pupil will no longer be allowed to attend school until the
3 required tuition fee has been paid.

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

13 SECTION 2. AMENDATORY 70 O.S. 2011, Section 11-103.7, as
14 amended by Section 3, Chapter 217, O.S.L. 2015 (70 O.S. Supp. 2017,
15 Section 11-103.7), is amended to read as follows:

16 Section 11-103.7. A. Each school district may offer to four-
17 year-old children the opportunity to participate in an early
18 childhood education program.

19 B. The State Board of Education shall promulgate standards for
20 early childhood education programs for children who are at least
21 four (4) years of age on or before ~~September 1~~ August 1 of the
22 ensuing school year. The standards shall include both half-day
23 programs consisting of not less than two and one-half (2 1/2) hours
24 per school day, and full-day programs of six (6) hours. The

standards for all early childhood education programs shall require a certified teacher, as specified in this section, to be present in the classroom for the length of the school day. Such program shall:

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

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

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

C. The superintendent of any school district providing classroom space or other school facilities for a federally sponsored Head Start program that is planning to make a material change in the arrangement, shall give notice to the director of the Head Start program at least seven (7) days prior to a school board hearing on the matter.

D. A school district may offer such early childhood education program within the district, in cooperation with other districts, through the use of transfers as specified by law, or by contracting with a private or public provider of early childhood education programs, or by contracting for classroom space with a licensed public or private child care provider based upon selection criteria established by the district. If the program is provided through

1 contract with a private or public provider other than a school
2 district, the contract may only be continued if each teacher serving
3 the school on and after January 1, 1993, is certified in early
4 childhood education, except that all teachers, without such
5 certification, hired by such provider prior to January 1, 1993, and
6 serving in the school as an early childhood education teacher shall
7 be required to obtain certification on or before the beginning of
8 the 1996-97 school year. Any person who has been employed as an
9 early childhood educator with the Head Start Program, has a child
10 development associate degree (CDA) and has at least five (5) years
11 of experience in such employment shall be certified in early
12 childhood education for purposes of employment in the public schools
13 of this state to teach in early childhood education for children
14 four (4) years of age and younger; if such person is recertified in
15 child development by the Council for Early Childhood Professional
16 Recognition within five (5) years prior to the expiration of the
17 person's early childhood certificate that was issued by the State
18 Board of Education, such person shall be granted a renewal
19 certificate in early childhood education by the State Board of
20 Education upon expiration of the early childhood certificate.
21 Provided, private or public providers shall meet such other
22 standards required by law and by the State Board of Education.
23 E. If an early childhood program is provided by a private or
24 public provider pursuant to a contract as authorized in this

1 section, the contract shall address the requirements for
2 implementing the residency program for resident teachers as required
3 in Section 6-195 of this title. Teachers employed by a private or
4 public provider in an early childhood education program provided
5 through contract with a public school district shall receive in
6 salary and/or fringe benefits amounts not less than the amounts
7 specified in the schedule set forth in Section 18-114.14 of this
8 title.

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

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

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

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
22 February 19, 2018 - DO PASS AS AMENDED
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