

1 **SENATE FLOOR VERSION**

2 February 25, 2020

3 SENATE BILL NO. 1252

By: Hicks of the Senate

4 and

5 Hasenbeck of the House

6
7
8 An Act relating to early childhood programs; amending
9 70 O.S. 2011, Section 1-114, as amended by Section 1,
10 Chapter 4, O.S.L. 2016 (70 O.S. Supp. 2019, Section
11 1-114), which relates to enrollment in early
12 childhood programs; directing children enrolled in
13 certain early education programs to attend, subject
14 to certain provisions for absences; providing an
15 effective date; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-114, as
18 amended by Section 1, Chapter 4, O.S.L. 2016 (70 O.S. Supp. 2019,
19 Section 1-114), is amended to read as follows:

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

24 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;

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; ~~and~~

8 3. Beginning with the 2020-2021 school year, a child who
9 enrolls in a half-day or full-day early childhood program shall
10 attend the program, subject to the provisions for absences provided
11 by Sections 10-105 and 10-106 of this title; and

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

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

20 D. No nonresident and nontransferred pupil shall be allowed to
21 attend school in any school district unless a tuition fee equal to
22 the per capita cost of education for a similar period in such
23 district during the preceding year has been paid to the receiving
24 district in advance yearly or by semester as determined by the

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

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

18 SECTION 2. This act shall become effective July 1, 2020.

19 SECTION 3. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
24 February 25, 2020 - DO PASS