

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1252

By: Hicks

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5  
6 AS INTRODUCED

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

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

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

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

23 B. All children who are at least four (4) years of age but not  
24 more than five (5) years of age on or before September 1 and who  
25 have not attended a public school kindergarten shall be entitled to  
attend half-day or full-day early childhood programs at any public

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

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

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

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

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

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

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

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

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

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

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

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

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