

1 ENGROSSED SENATE
2 BILL NO. 1651

By: Pederson of the Senate

3 and

4 Patzkowsky of the House

5
6 An Act relating to schools; amending 70 O.S. 2021,
7 Section 1-114, which relates to free attendance of
8 public schools; updating statutory language regarding
9 student transfers pursuant to certain act; exempting
10 from certain tuition fee requirement school districts
11 that enroll certain students, do not receive certain
funds, and have certain per-pupil expenditure;
prohibiting certain students from being eligible for
State Aid; prohibiting allocation or transfer of
certain local funding; providing an effective date;
and declaring an emergency.

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

15 SECTION 1. AMENDATORY 70 O.S. 2021, Section 1-114, is
16 amended to read as follows:

17 Section 1-114. A. All children between the ages of five (5)
18 years on or before September 1⁷ and twenty-one (21) years on or
19 before September 1⁷ shall be entitled to attend school free of
20 charge in the district in which they reside.

21 B. All children who are at least four (4) years of age but not
22 more than five (5) years of age on or before September 1 and who
23 have not attended a public school kindergarten shall be entitled to
24 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~~ has
19 the capacity to accept the child as provided for in the Education
20 Open Transfer Act. A district offering early childhood programs may
21 refuse to accept a nonresident child if the district does not have
22 ~~the physical facilities or teaching personnel~~ the capacity to
23 accommodate the child in an early childhood education class, as
24 provided for in the Education Open Transfer Act. If the child

1 requesting the transfer has not reached the age of four (4) years on
2 or before September 1, the district may refuse to accept the
3 nonresident child if the district determines the child is not ready
4 for an early childhood program. Children who are accepted in a
5 program outside their district of residence as provided in this
6 paragraph shall be included in the average daily membership of the
7 district providing the program for State Aid funding subject to the
8 State Aid formula weight limitations set forth in paragraph 1 of
9 this subsection; and

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

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

18 D. 1. No nonresident and nontransferred pupil shall be allowed
19 to attend school in any school district unless a tuition fee equal
20 to the per capita cost of education for a similar period in such
21 district during the preceding year has been paid to the receiving
22 district in advance yearly or by semester as determined by the
23 district board of education of the receiving district. If the State
24 Board of Education discovers that ~~such~~ the attendance has been

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

8 2. The provisions of paragraph 1 of this subsection shall not
9 apply to a school district that enrolls nonresident students from a
10 contiguous, out-of-state school district if the district:

11 a. does not receive payment of any State Aid funds, and

12 b. has a per-pupil expenditure, as defined by Section 1-
13 124 of this title, that is above the state average
14 per-pupil expenditure.

15 A nonresident student whose resident district, as determined by
16 Section 1-113 of this title, is not within this state shall not be
17 eligible for State Aid. No local funding associated with the
18 nonresident student's out-of-state resident district shall be
19 allocated or transferred to the receiving school district.

20 E. Any parent, guardian, person, or institution having care and
21 custody of a child who pays ad valorem tax on real property in any
22 other school district other than that in which that person resides
23 may, with the approval of the receiving ~~board~~ school district,
24 enroll the child in any school district in which ad valorem tax is

1 paid and receive a credit on the nonresident tuition fee equal to
2 the amount of the ad valorem tax paid for school district purposes
3 in the school district in which the child is enrolled. Provided,
4 the credit shall not exceed the total amount required for the
5 tuition payment.

6 SECTION 2. This act shall become effective July 1, 2024.

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

11 Passed the Senate the 4th day of March, 2024.

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14 Presiding Officer of the Senate

15 Passed the House of Representatives the ____ day of _____,
16 2024.

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19 Presiding Officer of the House
20 of Representatives
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