

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 ENGROSSED SENATE
5 BILL NO. 1651

By: Pederson of the Senate

and

Patzkowsky of the House

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

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

24 SECTION 1. AMENDATORY 70 O.S. 2021, 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 1⁷ and twenty-one (21) years on or
before September 1⁷ shall be entitled to attend school free of
charge in the district in which they reside.

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

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

18 2. A child who has not reached the age of five (5) years on or
19 before September 1 and who resides in a district which does not
20 offer an early childhood program shall be eligible for transfer to a
21 district where an early childhood program is offered if the district
22 that offers the early childhood program ~~agrees to the transfer~~ has
23 the capacity to accept the child as provided for in the Education
24 Open Transfer Act. A district offering early childhood programs may

1 refuse to accept a nonresident child if the district does not have
2 ~~the physical facilities or teaching personnel~~ the capacity to
3 accommodate the child in an early childhood education class, as
4 provided for in the Education Open Transfer Act. If the child
5 requesting the transfer has not reached the age of four (4) years on
6 or before September 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 of the school year. No child shall be enrolled in the first grade
20 unless he or she will have reached the age of six (6) years on or
21 before September 1 of the school year.

22 D. 1. No nonresident and nontransferred pupil shall be allowed
23 to attend school in any school district unless a tuition fee equal
24 to 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~~ the attendance has been
5 allowed without prior payment of the tuition fee in advance as
6 required, no further payment of any State Aid ~~Funds~~ funds shall be
7 made to the district until ~~such~~ the district has shown to the
8 satisfaction of the State Board of Education that all ~~such~~ tuition
9 fees have been paid or that ~~such tuition~~ the pupil will no longer be
10 allowed to attend school until the required tuition fee has been
11 paid.

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

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

16 b. has a per-pupil expenditure, as defined by Section 1-
17 124 of this title, that is above the state average
18 per-pupil expenditure.

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

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

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

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

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17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
18 04/18/2024 - DO PASS.

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