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February 20, 2024

SENATE BILL NO. 1651

By: Pederson of the Senate

and

Patzkowsky of the House

An Act relating to schools; amending 70 O.S. 2021, Section 1-114, which relates to free attendance of public schools; updating statutory language regarding student transfers pursuant to certain act; exempting from certain tuition fee requirement school districts 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.

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

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 1st and twenty-one (21) years on or before September 1st 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 and who

1 have not attended a public school kindergarten shall be entitled to
2 attend half-day or full-day early childhood programs at any public
3 school in the state where such programs are offered; provided, no
4 child shall be required to attend any early childhood education
5 program. The following paragraphs shall govern early childhood
6 programs:

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

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

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

12 3. 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. 1. No nonresident and nontransferred pupil shall be allowed
21 to attend school in any school district unless a tuition fee equal
22 to 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~~ the attendance has been
3 allowed without prior payment of the tuition fee in advance as
4 required, no further payment of any State Aid ~~Funds~~ funds shall be
5 made to the district until ~~such~~ the district has shown to the
6 satisfaction of the State Board of Education that all ~~such~~ tuition
7 fees have been paid or that ~~such tuition~~ the pupil will no longer be
8 allowed to attend school until the required tuition fee has been
9 paid.

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

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

14 b. has a per-pupil expenditure, as defined by Section 1-
15 124 of this title, that is above the state average
16 per-pupil expenditure.

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

22 E. Any parent, guardian, person, or institution having care and
23 custody of a child who pays ad valorem tax on real property in any
24 other school district other than that in which that person resides

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

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
14 February 20, 2024 - DO PASS
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