

COMMITTEE AMENDMENT  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB382 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu  
thereof the following language:  
marilyn

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: \_\_\_\_\_  
\_\_\_\_\_  
Reading Clerk

Amendment submitted by: Marilyn Stark  
\_\_\_\_\_

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

PROPOSED POLICY  
COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 382

By: Bullard of the Senate

and

Stark of the House

PROPOSED POLICY COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2021, Section 1-114, as amended by Section 1, Chapter 258, O.S.L. 2024 (70 O.S. Supp. 2024, Section 1-114), which relates to the right to attend school; requiring a child to be toilet trained prior to enrolling in prekindergarten beginning in the next school year; requiring a parent or legal guardian to provide toilet training assurances; directing the State Department of Education to create follow-up process; defining term; providing contents of process; providing exemption for certain students; updating statutory language; 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, as amended by Section 1, Chapter 258, O.S.L. 2024 (70 O.S. Supp. 2024, Section 1-114), is amended to read as follows:

1       Section 1-114. A. ~~All~~ Except as provided for in subsection D  
2 of this section, all children between the ages of five (5) years on  
3 or before September 1 and twenty-one (21) years on or before  
4 September 1 shall be entitled to attend school free of charge in the  
5 district in which they reside.

6       B. ~~All~~ Except as provided for in subsection D of this section,  
7 all 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 and who have not  
9 attended a public school kindergarten shall be entitled to attend  
10 half-day or full-day early childhood programs at any public school  
11 in the state where such programs are offered; provided, no child  
12 shall be required to attend any early childhood education program.  
13 The following paragraphs shall govern early childhood programs:

14       1. ~~Children~~ Except as provided for in subsection D of this  
15 section, children who are at least four (4) years of age but not  
16 more than five (5) years of age on or before September 1 shall be  
17 entitled to attend either half-day or full-day early childhood  
18 programs in their district of residence free of charge as long as  
19 the district has the physical facilities and teaching personnel to  
20 accommodate the child. For purposes of calculation of State Aid,  
21 children in an early childhood education program shall be included  
22 in the average daily membership of the district providing the  
23 program;

1        2. A Except as provided for in subsection D of this section, a  
2 child who has not reached the age of five (5) years on or before  
3 September 1 and who resides in a district which does not offer an  
4 early childhood program shall be eligible for transfer to a district  
5 where an early childhood program is offered if the district that  
6 offers the early childhood program has the capacity to accept the  
7 child as provided for in the Education Open Transfer Act. A  
8 district offering early childhood programs may refuse to accept a  
9 nonresident child if the district does not have the capacity to  
10 accommodate the child in an early childhood education class, as  
11 provided for in the Education Open Transfer Act. If the child  
12 requesting the transfer has not reached the age of four (4) years on  
13 or before September 1, the district may refuse to accept the  
14 nonresident child if the district determines the child is not ready  
15 for an early childhood program. Children who are accepted in a  
16 program outside their district of residence as provided in this  
17 paragraph shall be included in the average daily membership of the  
18 district providing the program for State Aid funding subject to the  
19 State Aid formula weight limitations set forth in paragraph 1 of  
20 this subsection; and

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

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

6 D. 1. Beginning with the 2025-2026 school year, a child shall  
7 be toilet trained prior to enrolling in prekindergarten. Upon  
8 enrolling a child in the district in which he or she resides or  
9 enrolling a child in a district to which he or she transferred in  
10 accordance with the Education Open Transfer Act, a parent or legal  
11 guardian of the child shall provide assurances that the child is  
12 toilet trained on a form prescribed by the State Department of  
13 Education.

14 2. The State Department of Education shall create a process for  
15 school districts to follow upon determining that a student who  
16 enrolls in prekindergarten is not toilet trained. For the purposes  
17 of this section, "not toilet trained" means three or more documented  
18 incidents of the child soiling or urinating himself or herself over  
19 a four-week period. The process shall allow for a school district  
20 to:

21 a. temporarily withdraw a child until he or she has been  
22 toilet trained and provide for reintegration of the  
23 child once he or she is toilet trained,  
24

- 1           b.   refer the child's parents or legal guardians to family  
2           supports and resources to aid in toilet training, and  
3           c.   allow a parent or legal guardian or his or her  
4           designee to aid in toilet training as needed.

5       3.   A student who is unable to be toilet trained or whose toilet  
6 training is delayed due to a disability that would be recognized by  
7 an individualized education program (IEP) in accordance with the  
8 Individuals with Disabilities Education Act (IDEA) or a Section 504  
9 Plan in accordance with the Rehabilitation Act of 1973 prior to  
10 enrolling in prekindergarten shall be exempt from the provisions of  
11 this subsection.

12       E.   1.   No nonresident and nontransferred pupil shall be allowed  
13 to attend school in any school district unless a tuition fee equal  
14 to the per capita cost of education for a similar period in such  
15 district during the preceding year has been paid to the receiving  
16 district in advance yearly or by semester as determined by the  
17 district board of education of the receiving district. If the State  
18 Board of Education discovers that the attendance has been allowed  
19 without prior payment of the tuition fee in advance as required, no  
20 further payment of any State Aid funds shall be made to the district  
21 until the district has shown to the satisfaction of the State Board  
22 of Education that all tuition fees have been paid or that the pupil  
23 will no longer be allowed to attend school until the required  
24 tuition fee has been paid.

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

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

5            b. has a per-pupil expenditure, as defined by Section 1-  
6                124 of this title, that is above the state average  
7                per-pupil expenditure.

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

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

23        SECTION 2. This act shall become effective July 1, 2025.  
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1       SECTION 3. It being immediately necessary for the preservation  
2 of the public peace, health, or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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