

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SUBCOMMITTEE RECOMMENDATION  
FOR

HOUSE BILL NO. 2395

By: Hill

SUBCOMMITTEE RECOMMENDATION

An Act relating to education; amending 70 O.S. 2021, Sections 11-103.7 and 1-114, as amended by Section 1, Chapter 258, O.S.L. 2024 (70 O.S. Supp. 2024, Section 1-114), which relate to early childhood education programs; expanding programs to children three years of age; 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 11-103.7, is amended to read as follows:

Section 11-103.7. A. Each school district may offer to three-  
and four-year-old children the opportunity to participate in an early childhood education program.

B. The State Board of Education shall promulgate standards for early childhood education programs for children who are at least ~~four~~ ~~(4)~~ three (3) years of age but not more than five (5) years of  
age on or before September 1 of the ensuing school year. The standards shall include both half-day programs consisting of not

1 less than two and one-half (2 1/2) hours per school day, and full-  
2 day programs of six (6) hours. The standards for all early  
3 childhood education programs shall require a certified teacher, as  
4 specified in this section, to be present in the classroom for the  
5 length of the school day. Such program shall:

6 1. Be directed toward developmentally appropriate objectives  
7 for such children, rather than toward academic objectives suitable  
8 for older children;

9 2. Accommodate the needs of all children and families  
10 regardless of socioeconomic circumstances; and

11 3. Require that any teacher employed by a public school to  
12 teach in such early childhood education program shall be certified  
13 in early childhood education.

14 C. The superintendent of any school district providing  
15 classroom space or other school facilities for a federally sponsored  
16 Head Start program that is planning to make a material change in the  
17 arrangement, shall give notice to the director of the Head Start  
18 program at least seven (7) days prior to a school board hearing on  
19 the matter.

20 D. A school district may offer such early childhood education  
21 program within the district, in cooperation with other districts,  
22 through the use of transfers as specified by law, or by contracting  
23 with a private or public provider of early childhood education  
24 programs, or by contracting for classroom space with a licensed

1 public or private child care provider based upon selection criteria  
2 established by the district. If the program is provided through  
3 contract with a private or public provider other than a school  
4 district, the contract may only be continued if each teacher serving  
5 the school on and after January 1, 1993, is certified in early  
6 childhood education, except that all teachers, without such  
7 certification, hired by such provider prior to January 1, 1993, and  
8 serving in the school as an early childhood education teacher shall  
9 be required to obtain certification on or before the beginning of  
10 the 1996-97 school year. Any person who has been employed as an  
11 early childhood educator with the Head Start Program, has a child  
12 development associate degree (CDA) and has at least five (5) years  
13 of experience in such employment shall be certified in early  
14 childhood education for purposes of employment in the public schools  
15 of this state to teach in early childhood education for children  
16 four (4) years of age and younger; if such person is recertified in  
17 child development by the Council for Early Childhood Professional  
18 Recognition within five (5) years prior to the expiration of the  
19 person's early childhood certificate that was issued by the State  
20 Board of Education, such person shall be granted a renewal  
21 certificate in early childhood education by the State Board of  
22 Education upon expiration of the early childhood certificate.  
23 Provided, private or public providers shall meet such other  
24 standards required by law and by the State Board of Education.

1 E. If an early childhood program is provided by a private or  
2 public provider pursuant to a contract as authorized in this  
3 section, the contract shall address the requirements for  
4 implementing the induction program as required in Section 6-195 of  
5 this title. Teachers employed by a private or public provider in an  
6 early childhood education program provided through contract with a  
7 public school district shall receive in salary and/or fringe  
8 benefits amounts not less than the amounts specified in the schedule  
9 set forth in Section ~~18-114.14~~ 18-114.15 of this title.

10 F. The State Board of Education shall promulgate rules to  
11 provide for the implementation of such program.

12 G. An early childhood education program may be offered jointly  
13 by school districts that have formed interlocal cooperative  
14 agreements pursuant to Section 5-117b of this title.

15 H. The term "prekindergarten" shall mean early childhood  
16 education for purposes of this title.

17 I. The State Board of Education shall ensure that the standards  
18 for early childhood education are aligned with any new subject  
19 matter standards adopted pursuant to Section 11-103.6a of this  
20 title.

21 SECTION 2. AMENDATORY 70 O.S. 2021, Section 1-114, as  
22 amended by Section 1, Chapter 258, O.S.L. 2024 (70 O.S. Supp. 2024,  
23 Section 1-114), is amended to read as follows:  
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1       Section 1-114. A. All children between the ages of five (5)  
2 years on or before September 1 and twenty-one (21) years on or  
3 before September 1 shall be entitled to attend school free of charge  
4 in the district in which they reside.

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

13       1. Children who are at least ~~four (4)~~ three (3) years of age  
14 but not more than five (5) years of age on or before September 1  
15 shall be entitled to attend either half-day or full-day early  
16 childhood programs in their district of residence free of charge as  
17 long as the district has the physical facilities and teaching  
18 personnel to accommodate the child. For purposes of calculation of  
19 State Aid, children in an early childhood education program shall be  
20 included in the average daily membership of the district providing  
21 the program;

22       2. A child who has not reached the age of five (5) years on or  
23 before September 1 and who resides in a district which does not  
24 offer an early childhood program shall be eligible for transfer to a

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

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

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

1 D. 1. No nonresident and nontransferred pupil shall be allowed  
2 to attend school in any school district unless a tuition fee equal  
3 to the per capita cost of education for a similar period in such  
4 district during the preceding year has been paid to the receiving  
5 district in advance yearly or by semester as determined by the  
6 district board of education of the receiving district. If the State  
7 Board of Education discovers that the attendance has been allowed  
8 without prior payment of the tuition fee in advance as required, no  
9 further payment of any State Aid funds shall be made to the district  
10 until the district has shown to the satisfaction of the State Board  
11 of Education that all tuition fees have been paid or that the pupil  
12 will no longer be allowed to attend school until the required  
13 tuition fee has been paid.

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

- 17 a. does not receive payment of any State Aid funds, and
- 18 b. has a per-pupil expenditure, as defined by Section 1-  
19 124 of this title, that is above the state average  
20 per-pupil expenditure.

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

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

13 SECTION 3. This act shall become effective July 1, 2025.

14 SECTION 4. It being immediately necessary for the preservation  
15 of the public peace, health or safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

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