

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 142

6 By: Pederson

7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; amending 70 O.S. 2011,
9 Section 1-114, as amended by Section 1, Chapter 4,
10 O.S.L. 2016 (70 O.S. Supp. 2020, Section 1-114),
11 which relates to free attendance of public schools;
12 exempting from certain tuition fee requirement school
13 districts that enroll certain students, do not
14 receive certain funds and have certain per-pupil
15 expenditure; prohibiting certain students from being
16 eligible for State Aid; prohibiting allocation or
17 transfer of certain local funding; providing an
18 effective date; and declaring an emergency.

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

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-114, as
21 amended by Section 1, Chapter 4, O.S.L. 2016 (70 O.S. Supp. 2020,
22 Section 1-114), is amended to read as follows:

23 Section 1-114. A. All children between the ages of five (5)
24 years on or before September 1, and twenty-one (21) years on or
before September 1, 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. A
23 district offering early childhood programs may refuse to accept a
24 nonresident child if the district does not have the physical

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

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

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

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

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

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

- 12 a. does not receive payment of any State Aid funds, and
13 b. has a per-pupil expenditure, as defined by Section 1-
14 124 of this title, that is above the state average
15 per-pupil expenditure.

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

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

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

7 SECTION 2. This act shall become effective July 1, 2021.

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

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