STATE OF OKLAHOMA
1st Session of the 57th Legislature (2019)

SENATE BILL NO. 11
By: McCortney

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2011, Section 1-114, as amended by Section 1, Chapter 4, O.S.L. 2016 (70 O.S. Supp. 2018, Section 1-114), which relates to free school attendance; modifying date by which children must turn certain age to attend certain grades; amending 70 O.S. 2011, Section 11-103.7, as last amended by Section 5, Chapter 165, O.S.L. 2018 (70 O.S. Supp. 2018, Section 11-103.7), which relates to early childhood education standards; modifying date by which children must turn certain age to attend certain grades; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-114, as amended by Section 1, Chapter 4, O.S.L. 2016 (70 O.S. Supp. 2018, 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 1 July 1, and twenty-one (21) years on or before September 1 July 1, 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 July 1 and
who have not attended a public school kindergarten shall be entitled
to attend half-day or full-day early childhood programs at any
public school in the state where such programs are offered;
provided, no child shall be required to attend any early childhood
education program. The following paragraphs shall govern early
childhood programs:

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

2. A child who has not reached the age of five (5) years on or
before September 1, July 1 and who resides in a district which does
not offer an early childhood program shall be eligible for transfer
to a district where an early childhood program is offered if the
district that offers the early childhood program agrees to the
transfer. A district offering early childhood programs may refuse
to accept a nonresident child if the district does not have the
physical facilities or teaching personnel to accommodate the child
in an early childhood education class. If the child requesting the
transfer has not reached the age of four (4) years on or before September 1 July 1, the district may refuse to accept the nonresident child if the district determines the child is not ready for an early childhood program. Children who are accepted in a program outside their district of residence as provided in this paragraph shall be included in the average daily membership of the district providing the program for State Aid funding subject to the State Aid formula weight limitations set forth in paragraph 1 of this subsection; and

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

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

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

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

SECTION 2. AMENDATORY 70 O.S. 2011, Section 11-103.7, as last amended by Section 5, Chapter 165, O.S.L. 2018 (70 O.S. Supp. 2018, Section 11-103.7), is amended to read as follows:

Section 11-103.7. A. Each school district may offer to 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) years of age on or before September 1 or July 1 of the ensuing
school year. The standards shall include both half-day programs consisting of not less than two and one-half (2 1/2) hours per school day, and full-day programs of six (6) hours. The standards for all early childhood education programs shall require a certified teacher, as specified in this section, to be present in the classroom for the length of the school day. Such program shall:

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

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

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

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

D. A school district may offer such early childhood education program within the district, in cooperation with other districts, through the use of transfers as specified by law, or by contracting with a private or public provider of early childhood education.
programs, or by contracting for classroom space with a licensed
public or private child care provider based upon selection criteria
established by the district. If the program is provided through
contract with a private or public provider other than a school
district, the contract may only be continued if each teacher serving
the school on and after January 1, 1993, is certified in early
childhood education, except that all teachers, without such
certification, hired by such provider prior to January 1, 1993, and
serving in the school as an early childhood education teacher shall
be required to obtain certification on or before the beginning of
the 1996-97 school year. Any person who has been employed as an
early childhood educator with the Head Start Program, has a child
development associate degree (CDA) and has at least five (5) years
of experience in such employment shall be certified in early
childhood education for purposes of employment in the public schools
of this state to teach in early childhood education for children
four (4) years of age and younger; if such person is recertified in
child development by the Council for Early Childhood Professional
Recognition within five (5) years prior to the expiration of the
person's early childhood certificate that was issued by the State
Board of Education, such person shall be granted a renewal
certificate in early childhood education by the State Board of
Education upon expiration of the early childhood certificate.
Provided, private or public providers shall meet such other standards required by law and by the State Board of Education.

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

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

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

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

I. The State Board of Education shall ensure that the standards for early childhood education are aligned with any new subject matter standards adopted pursuant to Section 11-103.6a of this title.
SECTION 3. This act shall become effective November 1, 2019.

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