

1 **SENATE FLOOR VERSION**

2 February 26, 2019

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 11

6 By: McCortney

7
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. 2018, Section 1-114),
11 which relates to free school attendance; modifying
12 date by which children must turn certain age to
13 attend certain grades; amending 70 O.S. 2011, Section
14 11-103.7, as last amended by Section 5, Chapter 165,
15 O.S.L. 2018 (70 O.S. Supp. 2018, Section 11-103.7),
16 which relates to early childhood education standards;
17 modifying date by which children must turn certain
18 age to attend certain grades; and providing an
19 effective date.

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

21 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-114, as
22 amended by Section 1, Chapter 4, O.S.L. 2016 (70 O.S. Supp. 2018,
23 Section 1-114), is amended to read as follows:

24 Section 1-114. A. All children between the ages of five (5)
years on or before ~~September 1~~ August 1, and twenty-one (21) years
on or before ~~September 1~~ August 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~~ August 1
3 and who have not attended a public school kindergarten shall be
4 entitled to attend half-day or full-day early childhood programs at
5 any public school in the state where such programs are offered;
6 provided, no child shall be required to attend any early childhood
7 education program. The following paragraphs shall govern early
8 childhood 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~~ August 1 shall
11 be 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~~ August 1 and who resides in a district which does
20 not offer an early childhood program shall be eligible for transfer
21 to a district where an early childhood program is offered if the
22 district that offers the early childhood program agrees to the
23 transfer. A district offering early childhood programs may refuse
24 to accept a nonresident child if the district does not have the

1 physical facilities or teaching personnel to accommodate the child
2 in an 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~~ August 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 August 1 of the school year. No child shall be enrolled in the
18 first grade unless he or she will have reached the age of six (6)
19 years on or before ~~September 1~~ August 1 of the school year.

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

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

18 SECTION 2. AMENDATORY 70 O.S. 2011, Section 11-103.7, as
19 last amended by Section 5, Chapter 165, O.S.L. 2018 (70 O.S. Supp.
20 2018, Section 11-103.7), is amended to read as follows:

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

24

1 B. The State Board of Education shall promulgate standards for
2 early childhood education programs for children who are at least
3 four (4) years of age on or before ~~September 1~~ August 1 of the
4 ensuing school year. The standards shall include both half-day
5 programs consisting of not less than two and one-half (2 1/2) hours
6 per school day, and full-day programs of six (6) hours. The
7 standards for all early childhood education programs shall require a
8 certified teacher, as specified in this section, to be present in
9 the classroom for the length of the school day. Such program shall:

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

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

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

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

24

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

1 Board of Education, such person shall be granted a renewal
2 certificate in early childhood education by the State Board of
3 Education upon expiration of the early childhood certificate.
4 Provided, private or public providers shall meet such other
5 standards required by law and by the State Board of Education.

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

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

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

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

22 I. The State Board of Education shall ensure that the standards
23 for early childhood education are aligned with any new subject
24

1 matter standards adopted pursuant to Section 11-103.6a of this
2 title.

3 SECTION 3. This act shall become effective November 1, 2019.

4 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
5 February 26, 2019 - DO PASS AS AMENDED
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24