

1 **SENATE FLOOR VERSION**

2 February 19, 2025

3 SENATE BILL NO. 382

By: Bullard of the Senate

4 and

5 Stark of the House

6
7
8 An Act relating to schools; amending 70 O.S. 2021,
9 Section 1-114, as amended by Section 1, Chapter 258,
10 O.S.L. 2024 (70 O.S. Supp. 2024, Section 1-114),
11 which relates to the right to attend school;
12 requiring a child to be toilet trained prior to
13 enrolling in certain grade beginning in certain
14 school year; requiring a parent or legal guardian to
15 provide certain assurances on certain form; directing
16 the State Department of Education to create certain
17 process; defining term; providing contents of
18 process; providing exemption for certain students;
19 updating statutory language; providing an effective
20 date; and declaring an emergency.

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

22 SECTION 1. AMENDATORY 70 O.S. 2021, Section 1-114, as
23 amended by Section 1, Chapter 258, O.S.L. 2024 (70 O.S. Supp. 2024,
24 Section 1-114), is amended to read as follows:

25 Section 1-114. A. All Except as provided for in subsection D
26 of this section, all children between the ages of five (5) years on
27 or before September 1 and twenty-one (21) years on or before

1 September 1 shall be entitled to attend school free of charge in the
2 district in which they reside.

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

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

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

1 where an early childhood program is offered if the district that
2 offers the early childhood program has the capacity to accept the
3 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) years on
9 or before September 1, the district may refuse to accept the
10 nonresident child if the district determines the child is not ready
11 for an early childhood program. Children who are accepted in a
12 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. Beginning with the 2025-2026 school year, a child shall
2 be toilet trained prior to enrolling in prekindergarten. Upon
3 enrolling a child in the district in which he or she resides or
4 enrolling a child in a district to which he or she transferred in
5 accordance with the Education Open Transfer Act, a parent or legal
6 guardian of the child shall provide assurances that the child is
7 toilet trained on a form prescribed by the State Department of
8 Education.

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

- 16 a. temporarily unenroll a child until he or she has been
17 toilet trained and provide for reintegration of the
18 child once he or she is toilet trained,
19 b. refer the child's parents or legal guardians to family
20 supports and resources to aid in toilet training, and
21 c. allow a parent or legal guardian or his or her
22 designee to aid in toilet training as needed.

23 3. A student who is incapable of being toilet trained prior to
24 enrolling in prekindergarten due to a disability that would be

1 recognized by an individualized education program (IEP) in
2 accordance with the Individuals with Disabilities Education Act
3 (IDEA) or a Section 504 Plan in accordance with the Rehabilitation
4 Act of 1973 shall be exempt from the provisions of this subsection.

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

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

- 21 a. does not receive payment of any State Aid funds, and
22 b. has a per-pupil expenditure, as defined by Section 1-
23 124 of this title, that is above the state average
24 per-pupil expenditure.

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

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

16 SECTION 2. This act shall become effective July 1, 2025.

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

21 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
22 February 19, 2025 - DO PASS
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