

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 382

By: Bullard

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2021, Section 1-114, as amended by Section 1, Chapter 258, O.S.L. 2024 (70 O.S. Supp. 2024, Section 1-114), which relates to the right to attend school; requiring a child to be toilet trained prior to enrolling in certain grade beginning in certain school year; requiring a parent or legal guardian to provide certain assurances on certain form; directing the State Department of Education to create certain process; defining term; providing contents of process; providing exemption for certain students; updating statutory language; 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 1-114, as amended by Section 1, Chapter 258, O.S.L. 2024 (70 O.S. Supp. 2024, Section 1-114), is amended to read as follows:

Section 1-114. A. ~~All~~ Except as provided for in subsection D of this section, all children between the ages of five (5) 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~~ Except as provided for in subsection D of this section,  
2 all children who are at least four (4) years of age but not more  
3 than five (5) years of age on or before September 1 and who have not  
4 attended a public school kindergarten shall be entitled to attend  
5 half-day or full-day early childhood programs at any public school  
6 in the state where such programs are offered; provided, no child  
7 shall be required to attend any early childhood education program.  
8 The following paragraphs shall govern early childhood programs:

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

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

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

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

23 D. 1. Beginning with the 2025-2026 school year, a child shall  
24 be toilet trained prior to enrolling in prekindergarten. Upon

1 enrolling a child in the district in which he or she resides or  
2 enrolling a child in a district to which he or she transferred in  
3 accordance with the Education Open Transfer Act, a parent or legal  
4 guardian of the child shall provide assurances that the child is  
5 toilet trained on a form prescribed by the State Department of  
6 Education.

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

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

21       3. A student who is incapable of being toilet trained prior to  
22 enrolling in prekindergarten due to a disability that would be  
23 recognized by an individualized education program (IEP) in  
24 accordance with the Individuals with Disabilities Education Act

1 (IDEA) or a Section 504 Plan in accordance with the Rehabilitation  
2 Act of 1973 shall be exempt from the provisions of this subsection.

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

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

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

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

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

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

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

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