

1 STATE OF OKLAHOMA

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

3 SENATE BILL 517

By: Montgomery

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5  
6 AS INTRODUCED

7 An Act relating to students; amending 70 O.S. 2011,  
8 Section 1-114, as amended by Section 1, Chapter 4,  
9 O.S.L. 2016 (70 O.S. Supp. 2020, Section 1-114),  
10 which relates to free attendance of public schools;  
11 directing governing boards of certain schools to  
12 exempt from certain tuition fee requirement certain  
13 students who attend a full-time virtual education  
14 program; amending 70 O.S. 2011, Section 8-103.1, as  
15 amended by Section 2, Chapter 285, O.S.L. 2013 (70  
16 O.S. Supp. 2020, Section 8-103.1), which relates to  
17 transfer of students; directing governing boards of  
18 certain schools to adopt a policy regarding the  
19 continued virtual education of certain students;  
20 allowing virtual education of certain students for  
21 certain time period; providing an effective date; and  
22 declaring an emergency.

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

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

27 Section 1-114. A. All children between the ages of five (5)  
28 years on or before September 1, and twenty-one (21) years on or  
29 before September 1, shall be entitled to attend school free of  
30 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. No nonresident and nontransferred pupil shall be allowed to  
20 attend school in any school district unless a tuition fee equal to  
21 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 attendance has been allowed  
2 without prior payment of the tuition fee in advance as required, no  
3 further payment of any State Aid Funds shall be made to the district  
4 until such district has shown to the satisfaction of the State Board  
5 of Education that all such tuition fees have been paid or that such  
6 tuition pupil will no longer be allowed to attend school until the  
7 required tuition fee has been paid.

8 E. The board of education of a school district that offers  
9 full-time virtual education, the governing board of a public charter  
10 school that offers full-time virtual education and the governing  
11 board of a statewide virtual charter school shall exempt from the  
12 tuition fee requirement of subsection D of this section students who  
13 attend a full-time virtual education program pursuant to the  
14 provisions of subsection C of Section 8-103.1 of this title.

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

1 SECTION 2. AMENDATORY 70 O.S. 2011, Section 8-103.1, as  
2 amended by Section 2, Chapter 285, O.S.L. 2013 (70 O.S. Supp. 2020,  
3 Section 8-103.1), is amended to read as follows:

4 Section 8-103.1. A. A local school district board of education  
5 which receives a request for a transfer for a student who does not  
6 reside in the school district may refuse the transfer in accordance  
7 with the provisions of the open transfer policy adopted by the local  
8 school district board of education and subject to the provisions of  
9 subsection B of this section. Each local board of education shall  
10 adopt an open transfer policy for the school district which  
11 specifies its criteria and standards for approval of transfers of  
12 students who do not reside in the district. The policy shall  
13 include, but shall not be limited to, provisions relating to the  
14 availability of programs, staff, or space as criteria for approval  
15 or denial of transfers. A school district may include in the policy  
16 as the basis for denial of a transfer, the reasons outlined in  
17 Section 24-101.3 of this title.

18 In considering requests for students to transfer into a school  
19 district, the board of education shall consider the requests on a  
20 first-come, first-serve basis. A school district shall not accept  
21 or deny a transfer based on ethnicity, national origin, gender,  
22 income level, disabling condition, proficiency in the English  
23 language, measure of achievement, aptitude, or athletic ability.  
24

1           Notwithstanding the provisions of the Education Open Transfer  
2 Act, transfers of children with disabilities shall be granted as  
3 authorized in Section 13-103 of this title.

4           B. A local school district board of education shall adopt a  
5 policy for the school district regarding the transfer of students  
6 who are the dependent children of a member of the active uniformed  
7 military services of the United States on full-time active duty  
8 status and for whom Oklahoma is the home of record and students who  
9 are the dependent children of a member of the military reserve on  
10 active duty orders and for whom Oklahoma is the home of record. The  
11 policy shall provide for the approval of the transfer if:

12           1. At least one parent of the student has a Department of  
13 Defense-issued identification card;

14           2. At least one parent can provide evidence that he or she will  
15 be on active duty status or active duty orders, meaning the parent  
16 will be temporarily transferred in compliance with official orders  
17 to another location in support of combat, contingency operation or a  
18 natural disaster requiring the use of orders for more than thirty  
19 (30) consecutive days; and

20           3. The student will be residing with a relative of the student  
21 who lives in the receiving school district or who will be living in  
22 the receiving school district within six (6) months of the filing of  
23 the application for transfer.

1        C. The board of education of a school district that offers  
2 full-time virtual education, the governing board of a public charter  
3 school that offers full-time virtual education and the governing  
4 board of a statewide virtual charter school shall adopt a policy  
5 regarding the continued virtual education of:

6        1. Students who are the dependent children of a member of the  
7 active uniformed military services of the United States on full-time  
8 active duty status who has been transferred to a military  
9 installation outside of this state; and

10       2. Students who are the dependent children of a member of the  
11 military reserve on active duty orders who has been transferred to a  
12 military installation outside of this state.

13       The policy shall allow the students to continue participating in  
14 virtual education offered by the school district, public charter  
15 school or statewide virtual charter school for the remainder of the  
16 school year in which the transfer takes place.

17       SECTION 3. This act shall become effective July 1, 2021.

18       SECTION 4. It being immediately necessary for the preservation  
19 of the public peace, health or safety, an emergency is hereby  
20 declared to exist, by reason whereof this act shall take effect and  
21 be in full force from and after its passage and approval.

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