

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1756

By: Nelson

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5
6 AS INTRODUCED

7 An Act relating to schools; amending Section 2,
8 Chapter 381, O.S.L. 2010 (70 O.S. Supp. 2010, Section
9 13-101.2), which relates to the Lindsey Nicole Henry
10 Scholarships for Students with Disabilities Program
11 Act; clarifying language; and providing an effective
12 date.

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

13 SECTION 1. AMENDATORY Section 2, Chapter 381, O.S.L.
14 2010 (70 O.S. Supp. 2010, Section 13-101.2), is amended to read as
15 follows:

16 Section 13-101.2 A. There is hereby created the Lindsey Nicole
17 Henry Scholarships for Students with Disabilities Program. The
18 Lindsey Nicole Henry Scholarships for Students with Disabilities
19 Program is established to provide a scholarship to a private school
20 of choice for students with disabilities for whom an individualized
21 education program (IEP) in accordance with the Individuals with
22 Disabilities Education Act (IDEA) has been developed. Scholarships
23 shall be awarded beginning with the 2010-2011 school year.
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1 B. The parent or legal guardian of a public school student with
2 a disability may exercise their parental option and request to have
3 a Lindsey Nicole Henry Scholarship awarded for the child to enroll
4 in and attend a private school in accordance with this section and
5 the scholarship shall be awarded if:

6 1. The student has spent the prior school year in attendance at
7 a public school in this state. For purposes of this section, "prior
8 school year in attendance" means that the student was enrolled in
9 and reported by a school district for funding purposes during the
10 preceding school year; and

11 2. The parent or legal guardian has obtained acceptance for
12 admission of the student to a private school that is eligible for
13 the program as provided in subsection D of this section and has
14 notified, in writing, the school district of the request for a
15 scholarship at least sixty (60) days prior to the date of the first
16 scholarship payment. For purposes of continuity of educational
17 choice, the scholarship shall remain in force until the student
18 returns to a public school or graduates from high school. If the
19 residence of the student changes, the district of residence shall
20 assume responsibility for the scholarship. At any time, the parent
21 or legal guardian of the student may remove the student from the
22 private school and place the student in another private school that
23 is eligible for the program as provided in subsection D of this
24 section.

1 C. If the parent or legal guardian requests a Lindsey Nicole
2 Henry Scholarship and the student is accepted by the private school
3 pending the availability of a space for the student, the parent or
4 legal guardian of the student shall notify the school district sixty
5 (60) days prior to the first scholarship payment and before entering
6 the private school in order to be eligible for the scholarship when
7 a space becomes available for the student in the private school.

8 D. To be eligible to participate in the Lindsey Nicole Henry
9 Scholarships for Students with Disabilities Program, a private
10 school shall notify the State Department of Education of its intent
11 to participate. The notice shall specify the grade levels and
12 services that the private school has available for students with
13 disabilities who are participating in the scholarship program. The
14 State Department of Education shall approve a private school as
15 eligible to participate in the scholarship program upon
16 determination that the private school:

17 1. Meets the accreditation requirements set by the State Board
18 of Education or another accrediting association approved by the
19 State Board of Education;

20 2. Demonstrates fiscal soundness by having been in operation
21 for one (1) school year or providing the State Department of
22 Education with a statement by a certified public accountant
23 confirming that the private school desiring to participate is
24 insured and the owner or owners have sufficient capital or credit to

1 operate the school for the upcoming year by serving the number of
2 students anticipated with expected revenues from tuition and other
3 sources that may be reasonably expected. In lieu of a statement, a
4 surety bond or letter of credit for the amount equal to the
5 scholarship funds for any quarter may be filed with the Department;

6 3. Complies with the antidiscrimination provisions of 42
7 U.S.C., Section 2000d;

8 4. Meets state and local health and safety laws and codes;

9 5. Will be academically accountable to the parent or legal
10 guardian for meeting the educational needs of the student;

11 6. Employs or contracts with teachers who hold baccalaureate or
12 higher degrees, or have at least three (3) years of teaching
13 experience in public or private schools, or have special skills,
14 knowledge, or expertise that qualifies them to provide instruction
15 in subjects taught;

16 7. Complies with all state laws relating to general regulation
17 of private schools; and

18 8. Adheres to the tenets of its published disciplinary
19 procedures prior to the expulsion of a scholarship student.

20 E. 1. Lindsey Nicole Henry Scholarship Program participants
21 shall comply with the following:

22 a. the parent or legal guardian shall select the private
23 school from the schools approved for eligibility

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1 pursuant to subsection D of this section and apply for
2 the admission of the child,

3 b. the parent or legal guardian shall request the
4 scholarship at least sixty (60) days prior to the date
5 of the first scholarship payment,

6 c. any student participating in the scholarship program
7 shall attend throughout the school year, unless
8 excused by the school for illness or other good cause,
9 and shall comply fully with the code of conduct for
10 the school,

11 d. the parent or legal guardian shall fully comply with
12 the parental involvement requirements of the private
13 school, unless excused by the school for illness or
14 other good cause, and

15 e. upon issuance of a scholarship warrant, the parent or
16 legal guardian to whom the warrant is made shall
17 restrictively endorse the warrant to the private
18 school for deposit into the account of the private
19 school.

20 2. A participant who fails to comply with this subsection
21 forfeits the scholarship.

22 F. Provisions governing payment of a Lindsey Nicole Henry
23 Scholarship shall be as follows:

1 1. The maximum scholarship granted for an eligible student with
2 disabilities shall be a calculated amount equivalent to the local
3 and county revenue for the school district which is chargeable in
4 the State Aid formula, state-dedicated revenue, and state-
5 appropriated funds per weighted average daily membership generated
6 by that student for the applicable school year. The weighted
7 average daily membership shall be determined using the grade and
8 disability weights only. The maximum scholarship amount shall be
9 calculated by the State Board of Education for each year the student
10 is participating in the scholarship program;

11 2. The amount of the scholarship shall be the amount calculated
12 in paragraph 1 of this subsection or the amount of tuition and fees
13 for the private school, whichever is less, minus up to five percent
14 (5%) of the scholarship amount which may be retained by the school
15 district as a fee for administrative services rendered;

16 3. The school district shall annually report for child-count
17 and funding purposes all students who are attending a private school
18 under the Lindsey Nicole Henry Scholarships for Students with
19 Disabilities Program to the State Department of Education;

20 4. The initial payment shall be made after the school district
21 verifies admission acceptance and enrollment. Quarterly payments
22 shall be made upon verification of continued enrollment and
23 attendance at the private school. Payment shall be made by the
24 school district with an individual warrant made payable to the

1 parent or legal guardian of the student and mailed by the school
2 district to the private school that the parent or legal guardian
3 chooses. The parent or legal guardian shall restrictively endorse
4 the warrant to the private school for deposit into the account of
5 the private school; and

6 5. A school district shall not be responsible for any
7 additional costs associated with special education and related
8 services incurred by the private school for the student including
9 the cost of teachers, equipment, material, and special costs
10 associated with the special education class.

11 G. No liability shall arise on the part of the ~~state~~ State of
12 Oklahoma or a school district based on the award or use of any
13 scholarship provided through the Lindsey Nicole Henry Scholarships
14 for Students with Disabilities Program.

15 SECTION 2. This act shall become effective November 1, 2011.

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