

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1846

By: Shelton

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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; requiring participating private schools to adopt
12 an antidiscrimination policy; providing an effective
13 date; and declaring an emergency.

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

15 SECTION 1. AMENDATORY Section 2, Chapter 381, O.S.L.
16 2010 (70 O.S. Supp. 2010, Section 13-101.2), is amended to read as
17 follows:

18 Section 13-101.2 A. There is hereby created the Lindsey Nicole
19 Henry Scholarships for Students with Disabilities Program. The
20 Lindsey Nicole Henry Scholarships for Students with Disabilities
21 Program is established to provide a scholarship to a private school
22 of choice for students with disabilities for whom an individualized
23 education program (IEP) in accordance with the Individuals with
24 Disabilities Education Act (IDEA) has been developed. Scholarships
shall be awarded beginning with the 2010-2011 school year.

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 and has adopted an antidiscrimination policy
8 which ensures that the private school does not limit admission based
9 on ethnicity, national origin, gender, income level, disabling
10 condition, proficiency in the English language, measures of
11 achievement, aptitude or athletic ability;

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

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

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

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

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

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

- 3 a. the parent or legal guardian shall select the private
4 school from the schools approved for eligibility
5 pursuant to subsection D of this section and apply for
6 the admission of the child,
- 7 b. the parent or legal guardian shall request the
8 scholarship at least sixty (60) days prior to the date
9 of the first scholarship payment,
- 10 c. any student participating in the scholarship program
11 shall attend throughout the school year, unless
12 excused by the school for illness or other good cause,
13 and shall comply fully with the code of conduct for
14 the school,
- 15 d. the parent or legal guardian shall fully comply with
16 the parental involvement requirements of the private
17 school, unless excused by the school for illness or
18 other good cause, and
- 19 e. upon issuance of a scholarship warrant, the parent or
20 legal guardian to whom the warrant is made shall
21 restrictively endorse the warrant to the private
22 school for deposit into the account of the private
23 school.
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1 2. A participant who fails to comply with this subsection
2 forfeits the scholarship.

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

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

15 2. The amount of the scholarship shall be the amount calculated
16 in paragraph 1 of this subsection or the amount of tuition and fees
17 for the private school, whichever is less, minus up to five percent
18 (5%) of the scholarship amount which may be retained by the school
19 district as a fee for administrative services rendered;

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

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1 4. The initial payment shall be made after the school district
2 verifies admission acceptance and enrollment. Quarterly payments
3 shall be made upon verification of continued enrollment and
4 attendance at the private school. Payment shall be made by the
5 school district with an individual warrant made payable to the
6 parent or legal guardian of the student and mailed by the school
7 district to the private school that the parent or legal guardian
8 chooses. The parent or legal guardian shall restrictively endorse
9 the warrant to the private school for deposit into the account of
10 the private school; and

11 5. A school district shall not be responsible for any
12 additional costs associated with special education and related
13 services incurred by the private school for the student including
14 the cost of teachers, equipment, material, and special costs
15 associated with the special education class.

16 G. No liability shall arise on the part of the state or a
17 school district based on the award or use of any scholarship
18 provided through the Lindsey Nicole Henry Scholarships for Students
19 with Disabilities Program.

20 SECTION 2. This act shall become effective July 1, 2011.

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

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