

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1135

By: Standridge

AS INTRODUCED

An Act relating to scholarships; creating the Wellness Scholarship Program Act; providing short title; creating the Wellness Scholarship Program; providing purpose; allowing certain parents and legal guardians to request a Wellness Scholarship; providing eligibility criteria for students; establishing requirements for scholarship award; requiring school districts to provide certain notification about the Wellness Scholarship Program; requiring certain parents and legal guardians to assume certain financial responsibility; providing for notification if certain acceptance is pending space availability; establishing eligibility criteria for private schools to participate in the Wellness Scholarship Program; establishing compliance parameters for Wellness Scholarship Program participants; providing for calculation of payment of Wellness Scholarships; directing the State Superintendent to suspend participation of a private school under certain circumstances; providing for notification; allowing request of administrative hearing; providing for action by the State Board of Education; providing immunity from liability for certain entities based on the use or award of certain funds; prohibiting the expansion of certain regulatory authority over private schools; providing for codification; providing an effective date; and declaring an emergency.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 24-100.9 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 This act shall be known and may be cited as the "Wellness
5 Scholarship Program Act".

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 24-100.10 of Title 70, unless
8 there is created a duplication in numbering, reads as follows:

9 A. There is hereby created the Wellness Scholarship Program to
10 provide a scholarship to an eligible private school of choice for
11 students who have health-related concerns as provided for in
12 subsection B of this section. Scholarships shall be awarded
13 beginning with the 2023-2024 school year.

14 B. Beginning with the 2023-2024 school year, the parent or
15 legal guardian of a student enrolled in a public school district in
16 this state may exercise their parental option and request to have a
17 Wellness Scholarship awarded for the student to enroll in and attend
18 a private school in accordance with this section. A student shall
19 be deemed eligible if:

20 1. The parent or legal guardian of the student objects to a
21 requirement adopted by the school district board of education or by
22 school district administration to require a vaccination or a vaccine
23 passport as a condition of enrollment and attendance; or
24

1 2. The parent or legal guardian of the student objects to a
2 requirement adopted by the school district board of education or by
3 school district administration to require the wearing of a mask or
4 other face covering as a condition of attendance.

5 C. The parent or legal guardian of a public school student may
6 exercise their parental option and request to have a Wellness
7 Scholarship awarded for the student to enroll in and attend a
8 private school in accordance with this section, and the scholarship
9 shall be awarded if:

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

15 2. The parent or legal guardian has obtained acceptance for
16 admission of the student to a private school and has notified the
17 State Department of Education of the request for a scholarship.
18 Requests to participate in the program made after December 1 shall
19 be granted, but funding for scholarships requested after December 1
20 shall not be available until the beginning of the next school year.
21 The request shall be through a communication directly to the State
22 Department of Education in a manner that creates a written or
23 electronic record of the request and the date of receipt of the
24 request. The State Department of Education shall notify the school

1 district upon receipt of the request. For purposes of continuity of
2 educational choice, the Wellness Scholarship shall remain in force
3 until the student returns to a public school, graduates from high
4 school, or reaches the age of twenty-one (21), whichever comes
5 first. At any time, the parent or legal guardian of the student may
6 remove the student from the private school and place the student in
7 another private school or place the student in a public school.

8 D. School districts shall notify the parent or legal guardian
9 of all enrolled students about Wellness Scholarship Program
10 information made available from the State Department of Education
11 through a toll-free telephone number or website.

12 E. Upon acceptance of a Wellness Scholarship, the parent or
13 legal guardian of a student shall assume full financial
14 responsibility for the education of the student including but not
15 limited to transportation to and from the private school.

16 F. If the parent or legal guardian requests a Wellness
17 Scholarship and the student is accepted by the private school
18 pending the availability of a space for the student, the parent or
19 legal guardian of the student shall notify the State Department of
20 Education before entering the private school and before December 1
21 to be eligible for the scholarship during the school year when a
22 space becomes available in the private school. If notification is
23 made after December 1, payment of the scholarship shall not begin
24 until the following school year.

1 G. To be eligible to participate in the Wellness Scholarship
2 Program, a private school shall notify the State Department of
3 Education of its intent to participate. The notice shall specify
4 the grade levels and services that the private school has available
5 for students who are participating in the program. The State
6 Department of Education shall approve a private school as eligible
7 to participate in the Wellness Scholarship Program upon
8 determination that the private school:

9 1. Demonstrates fiscal soundness by having been in operation
10 for one (1) school year or providing the State Department of
11 Education with a written statement prepared by a certified public
12 accountant confirming that the private school seeking to participate
13 is insured and the owner or owners have sufficient capital or credit
14 to operate the school for the upcoming year by serving the number of
15 students anticipated with expected revenues from tuition and other
16 sources that may be reasonably expected. In lieu of a statement, a
17 surety bond or letter of credit for the amount equal to the
18 scholarship funds for any quarter may be filed with the Department;

19 2. Meets state and local health and safety laws and codes;

20 3. Will be academically accountable to the parent or legal
21 guardian of the student for meeting the educational needs of the
22 student;

23 4. Employs or contracts with teachers who hold baccalaureate or
24 higher degrees, have at least three (3) years of teaching experience
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1 in public or private schools, or have special skills, knowledge, or
2 expertise that, in the judgment of the school administration,
3 qualifies them to provide instruction in subjects taught;

4 5. Complies with all state laws relating to general regulation
5 of private schools; and

6 6. Adheres to the tenets of its published disciplinary
7 procedures prior to the expulsion of an eligible student.

8 H. 1. Wellness Scholarship Program participants shall comply
9 with the following:

10 a. the parent or legal guardian of the student shall
11 select the private school from those approved for
12 eligibility pursuant to subsection F of this section
13 and apply for the admission of the student,

14 b. the parent or legal guardian of the student shall
15 request the Wellness Scholarship no later than
16 December 1 of the school year during which the
17 scholarship is requested,

18 c. any student participating in the Wellness Scholarship
19 Program shall attend throughout the school year,
20 unless excused by the school for illness or other good
21 cause, and shall comply fully with the code of conduct
22 for the school,

23 d. the parent or legal guardian of the student shall
24 fully comply with the parental involvement

1 requirements of the private school, unless excused by
2 the school for illness or other good cause, and
3 e. upon issuance of a Wellness Scholarship warrant, the
4 parent or legal guardian to whom the warrant for
5 tuition is made shall restrictively endorse the
6 warrant to the private school for deposit into the
7 account of the private school. The parent or legal
8 guardian of the student may not designate any entity
9 or individual associated with the private school as
10 the attorney in fact for the parent or legal guardian
11 to endorse a warrant. A parent or legal guardian of a
12 student who fails to comply with this subparagraph
13 shall forfeit the scholarship.

14 2. A Wellness Scholarship Program participant who fails to
15 comply with this subsection forfeits the scholarship.

16 I. Provisions governing payment of a Wellness Scholarship shall
17 be as follows:

18 1. The State Department of Education shall calculate the total
19 cost of all scholarships for all eligible students in this state.
20 The State Department of Education shall then reserve or retain from
21 the total amount appropriated to the State Board of Education for
22 State Aid purposes and any other revenue available for allocation
23 for State Aid purposes the total cost for all scholarship payments;
24

1 2. The maximum scholarship granted for an eligible student
2 shall be a calculated amount equivalent to the total State Aid
3 factors for the applicable school year multiplied by the grade
4 weight generated by the student for the applicable school year. The
5 maximum scholarship amount shall be calculated by the State Board of
6 Education for each year the student is participating in the Wellness
7 Scholarship Program;

8 3. The amount of the scholarship shall be the amount calculated
9 in paragraph 2 of this subsection or the amount of tuition and fees
10 for the private school, whichever is less, minus up to two and one-
11 half percent (2 1/2%) of the scholarship amount, which may be
12 retained by the State Department of Education as a fee for
13 administrative services rendered. The amount of the scholarship
14 shall be prorated to reflect the number of days remaining in the
15 current school year, if the scholarship is granted after the
16 beginning of the school year;

17 4. The State Department of Education shall notify the private
18 school of the amount of the scholarship within ten (10) days after
19 receiving the request for a scholarship, when the total State Aid
20 factors have been determined for the current fiscal year. The
21 initial payment shall be made after the Department verifies
22 admission acceptance and enrollment of the student. Quarterly
23 payments shall be made upon verification of continued enrollment and
24 attendance at the private school. Payment shall be made by the

1 Department with an individual warrant made payable to the parent or
2 legal guardian of the student and mailed by the Department to the
3 private school that the parent or legal guardian chooses. The
4 parent or legal guardian shall restrictively endorse the warrant to
5 the private school for deposit into the account of the private
6 school;

7 5. The State Department of Education shall not be responsible
8 for any additional costs associated with the education services
9 incurred by the private school for the student including the cost of
10 teachers, equipment, and materials;

11 6. The State Department of Education shall establish a toll-
12 free telephone number or website that provides parents or legal
13 guardians and private schools with information about the program;

14 7. The State Department of Education shall require an annual,
15 notarized, sworn compliance statement by participating private
16 schools certifying compliance with state laws and shall retain all
17 records received from a participating private school; and

18 8. The State Department of Education shall cross-check the list
19 of participating scholarship students with the public school
20 enrollments prior to each scholarship payment to avoid duplication.

21 J. 1. The State Superintendent of Public Instruction shall
22 deny, suspend, or revoke the participation of a private school in
23 the Wellness Scholarship Program if it is determined that the
24 private school has failed to comply with the provisions of this

1 section. However, in instances in which the noncompliance is
2 correctable within a reasonable amount of time and in which the
3 health, safety, or welfare of the students is not threatened, the
4 Superintendent may issue a notice of noncompliance which shall
5 provide the private school with a time frame within which to provide
6 evidence of compliance prior to taking action to suspend or revoke
7 participation in the Wellness Scholarship Program.

8 2. If the Superintendent intends to deny, suspend, or revoke
9 the participation of a private school in the Wellness Scholarship
10 Program, the State Department of Education shall notify the private
11 school of the proposed action in writing by certified mail and
12 regular mail to the private school's address of record with the
13 Department. The Department shall also notify the parents or legal
14 guardians of students granted a Wellness Scholarship who are
15 attending the private school. The notification shall include the
16 reasons for the proposed action and notice of the timelines and
17 procedures set forth in this subsection.

18 3. The private school that is adversely affected by the
19 proposed action shall have fifteen (15) days from receipt of the
20 notice of proposed action to file with the Department a request for
21 an administrative hearing pursuant to the Administrative Procedures
22 Act.

23 4. Upon receipt of a request for a hearing, the State Board of
24 Education shall commence a hearing within sixty (60) days after the

1 receipt of the formal written request and enter an order within
2 thirty (30) days after the hearing.

3 5. The Board may immediately suspend payment of Wellness
4 Scholarship funds if it is determined that there is probable cause
5 to believe that there is an imminent threat to the health, safety,
6 or welfare of the students or fraudulent activity on the part of the
7 private school.

8 K. No liability shall arise on the part of the state, the State
9 Board of Education, the State Department of Education, or a school
10 district based on the award or use of funds provided through the
11 Wellness Scholarship Program.

12 L. The inclusion of private schools within options available to
13 public school students in Oklahoma shall not expand the regulatory
14 authority of the state or any school district to impose any
15 additional regulation of private schools beyond those reasonably
16 necessary to enforce the requirements expressly set forth in this
17 section.

18 SECTION 3. This act shall become effective July 1, 2022.

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

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