

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1583

By: Treat

AS INTRODUCED

An Act relating to schools; allowing the parent or legal guardian of a student enrolled in a school site with certain overview grade to request a transfer allowance; establishing requirements for transfer allowance; establishing criteria for approval of private schools; requiring the State Department of Education to provide certain information on its website; providing for calculation of transfer allowance; directing the State Board of Education to deny, suspend, or revoke private school participation for certain noncompliance; providing immunity from liability for certain entities based on award or use of transfer allowance; prohibiting the expansion of certain regulatory authority over participating private schools; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-114 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The parent or legal guardian of a student enrolled in a resident district school site that has received an "F" overview grade pursuant to the provisions of Section 1210.545 of Title 70 of

1 the Oklahoma Statutes in the immediately preceding school year may  
2 exercise his or her parental option and request to have a transfer  
3 allowance awarded for the student to enroll in and attend a private  
4 school in accordance with this section. Transfer allowances shall  
5 be awarded beginning with the 2022-2023 school year.

6 B. A transfer allowance shall be awarded pursuant to this  
7 section if the parent or legal guardian has obtained acceptance for  
8 admission of the student to an approved private school pursuant to  
9 subsection C of this section and has notified the State Department  
10 of Education of the request for a transfer allowance.

11 1. Requests for a transfer allowance made after December 1  
12 shall be granted, but funding for transfer allowances requested  
13 after December 1 shall not be available until the beginning of the  
14 next school year. The request shall be through a communication  
15 directly to the Department in a manner that creates a written or  
16 electronic record of the request and shall include the date of  
17 receipt of the request. The Department shall notify the school  
18 district in which the student is enrolled upon receipt of the  
19 request.

20 2. For purposes of continuity of educational choice, the  
21 transfer allowance shall remain in force until the student returns  
22 to a public school, graduates from high school, or reaches the age  
23 of twenty-two (22), whichever occurs first. At any time, the parent  
24 or legal guardian of the student may remove the student from the

1 private school and place the student in another private school  
2 approved by the State Department of Education as provided for in  
3 subsection C of this section or place the student in a public  
4 school.

5 3. Upon acceptance of a transfer allowance, the parent or legal  
6 guardian shall assume full financial responsibility for the  
7 education of the student including but not limited to transportation  
8 to and from the private school.

9 4. If the parent or legal guardian requests a transfer  
10 allowance and the student is accepted by the private school pending  
11 the availability of a space for the student, the parent or legal  
12 guardian of the student shall notify the State Department of  
13 Education before entering the private school and before December 1  
14 in order to be eligible for the transfer allowance during the school  
15 year when a space becomes available for the student in the private  
16 school. If notification is made after December 1, payment of the  
17 transfer allowance shall not begin until the next school year.

18 C. For purposes of this section, "private school" shall mean a  
19 school that offers a course of instruction for students in one or  
20 more grades from pre-kindergarten through grade twelve that is not  
21 operated by a governmental entity and that is approved by the State  
22 Department of Education pursuant to this subsection. The State  
23 Department of Education shall approve a private school upon request  
24 by the private school and determination that the private school:

1        1. Meets the accreditation requirements set by the State Board  
2 of Education or another accrediting association approved by the  
3 State Board of Education. The State Department of Education shall  
4 list on its website all accrediting associations approved by the  
5 Board;

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

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

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

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

21        6. Employs or contracts with teachers who hold baccalaureate or  
22 higher degrees, have at least three (3) years of teaching experience  
23 in public or private schools, or have special skills, knowledge, or  
24

1 expertise that qualifies them to provide instruction in subjects  
2 taught;

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

5 8. Adheres to the tenets of its published disciplinary  
6 procedures prior to the expulsion of a student.

7 D. Upon approval of a private school, the State Department of  
8 Education shall provide on its website all information and material  
9 submitted by the private school with its application. Students  
10 transferring pursuant to this section shall comply with the  
11 following:

12 1. The parent or legal guardian shall select the private school  
13 from the schools approved pursuant to subsection C of this section  
14 and apply for the admission of the child;

15 2. The parent or legal guardian shall request the transfer  
16 allowance no later than December 1 of the school year during which  
17 the transfer allowance is requested;

18 3. Any student receiving a transfer allowance pursuant to this  
19 section shall attend the school throughout the school year, unless  
20 excused by the school for illness or other good cause, and shall  
21 comply fully with the code of conduct for the school;

22 4. The parent or legal guardian shall fully comply with the  
23 parental involvement requirements of the private school, unless  
24 excused by the school for illness or other good cause; and

1        5. Upon issuance of a transfer allowance, the parent or legal  
2 guardian to whom the allowance is made shall restrictively endorse  
3 the funds to the private school for deposit into the account of the  
4 private school. The parent or legal guardian may not designate any  
5 entity or individual associated with the private school as the  
6 attorney in fact for the parent or legal guardian to endorse an  
7 allowance. A parent or legal guardian who fails to comply with this  
8 paragraph shall forfeit the transfer allowance.

9        E. Provisions governing payment of a transfer allowance shall  
10 be as follows:

11        1. The State Department of Education shall calculate the total  
12 cost of all transfer allowances for all eligible students in the  
13 state. The State Department of Education shall then reserve or  
14 retain from the total amount appropriated to the State Board of  
15 Education for State Aid purposes and any other revenue available for  
16 allocation for State Aid purposes the total cost for all transfer  
17 allowance payments;

18        2. The maximum transfer allowance granted for an eligible  
19 student shall be a calculated amount equivalent to the total State  
20 Aid factors for the applicable school year multiplied by the grade  
21 and disability weights, if applicable, generated by that student for  
22 the applicable school year. The maximum transfer allowance amount  
23 shall be calculated by the State Board of Education for each year  
24 the student receives a transfer allowance;

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

10       4. The State Department of Education shall notify the private  
11 school of the amount of the transfer allowance within ten (10) days  
12 after receiving the request for a transfer allowance, when the total  
13 State Aid factors have been determined for the current fiscal year.  
14 The initial payment shall be made after the Department verifies  
15 admission acceptance and enrollment. Quarterly payments shall be  
16 made upon verification of continued enrollment and attendance at the  
17 private school. Payment shall be made by the Department with an  
18 individual warrant made payable to the parent or legal guardian of  
19 the student and mailed by the Department to the private school that  
20 the parent or legal guardian chooses. The parent or legal guardian  
21 shall restrictively endorse the warrant to the private school for  
22 deposit into the account of the private school;

23       5. The State Department of Education shall require an annual,  
24 notarized, sworn compliance statement by participating private  
25

1 schools certifying compliance with state laws and shall retain all  
2 records received from a participating private school. The State  
3 Department of Education shall post on its website the annual  
4 compliance statement for each participating private school; and

5 6. The State Department of Education shall cross-check the list  
6 of participating students with the public school enrollments prior  
7 to each transfer allowance payment to avoid duplication.

8 F. The State Board of Education shall deny, suspend, or revoke  
9 the approval of a private school granted in subsection C of this  
10 section if it is determined that the private school has failed to  
11 comply with the provisions of this section.

12 G. No liability shall arise on the part of the state, the State  
13 Board of Education, the State Department of Education, or a school  
14 district based on the award or use of any transfer allowance  
15 provided pursuant to this section.

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

22 SECTION 2. This act shall become effective July 1, 2022.

23 SECTION 3. It being immediately necessary for the preservation  
24 of the public peace, health or safety, an emergency is hereby  
25

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.  
3

4 58-2-2710 EB 1/20/2022 12:54:34 PM  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25