

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 358 By: Daniels of the Senate  
3 and  
4 Echols and Conley of the  
5 House  
6

7 An Act relating to the Lindsey Nicole Henry  
8 Scholarships for Students with Disabilities Program;  
9 amending 70 O.S. 2021, Section 13-101.2, which  
10 relates to eligibility for the program; removing  
11 requirement for prior public school year attendance;  
12 providing certain exemption to certain students;  
13 modifying reference to weights to be used in certain  
14 calculation; providing for calculation of scholarship  
15 amount if certain private school does not charge  
16 tuition; and updating statutory language.

17 AUTHOR: Add the following House Coauthor: Hill and Hays

18 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill  
19 and insert:

20 "An Act relating to the Lindsey Nicole Henry  
21 Scholarships for Students with Disabilities Program;  
22 amending 70 O.S. 2021, Section 13-101.2, which  
23 relates to eligibility for the program; providing  
24 eligibility for certain students experiencing  
homelessness; modifying reference to weights to be  
used in certain calculation; providing for  
calculation of scholarship amount if certain private

1 school does not charge tuition; and updating  
2 statutory language.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 70 O.S. 2021, Section 13-101.2, is  
6 amended to read as follows:

7 Section 13-101.2. A. There is hereby created the Lindsey  
8 Nicole Henry Scholarships for Students with Disabilities Program.  
9 The Lindsey Nicole Henry Scholarships for Students with Disabilities  
10 Program is established to provide a scholarship to a private school  
11 of choice for students with disabilities for whom an individualized  
12 education program (IEP) in accordance with the Individuals with  
13 Disabilities Education Act (IDEA) or an individualized service plan  
14 pursuant to Section 1-4-704 of Title 10A of the Oklahoma Statutes  
15 has been developed at any time prior to notifying the State  
16 Department of Education of the intent to participate in the Program  
17 and the IEP is in effect at the time the request for a scholarship  
18 is received by the State Department of Education. Scholarships  
19 shall be awarded beginning with the 2010-2011 school year.

20 B. The parent or legal guardian of a public school student with  
21 a disability may exercise their parental option and request to have  
22 a Lindsey Nicole Henry Scholarship awarded for the child to enroll  
23 in and attend a private school in accordance with this section and  
24 the scholarship shall be awarded if:

1        1. The student has spent the prior school year in attendance at  
2 a public school in this state. For purposes of this section, "prior  
3 school year in attendance" means that the student was enrolled in  
4 and reported by a school district for funding purposes during the  
5 preceding school year regardless of whether or not the student had  
6 an IEP at the time the student was counted for funding purposes. A  
7 student who is a child of a member of the United States Armed Forces  
8 who transfers to a school in this state from out of state or from a  
9 foreign country pursuant to a permanent change of station orders of  
10 the parent shall be exempt from the requirements of this paragraph  
11 but shall be required to meet all other eligibility requirements to  
12 participate as provided for in this section. A student who has been  
13 provided services under an Individual Family Service Plan through  
14 the SoonerStart program and during transition was evaluated and  
15 determined to be eligible for school district services shall be  
16 exempt from the requirements of this paragraph but shall be required  
17 to meet all other eligibility requirements to participate as  
18 provided for in this section. A student who was in out-of-home  
19 placement with the Department of Human Services~~r~~i; who was adopted  
20 while in the permanent custody of the Department of Human Services;  
21 who is enrolling or is enrolled in a school that exclusively serves  
22 students experiencing homelessness; or who was in out-of-home  
23 placement with the Office of Juvenile Affairs shall be exempt from  
24 the requirements of this paragraph but shall be required to meet all

1 other eligibility requirements to participate as provided for in  
2 this section; and

3       2. The parent or legal guardian has obtained acceptance for  
4 admission of the student to a private school that is eligible for  
5 the program as provided in subsection H of this section and has  
6 notified the State Department of Education of the request for a  
7 scholarship. Requests to participate in the program made after  
8 December 1 shall be granted, but funding for scholarships requested  
9 after December 1 shall not be available until the beginning of the  
10 next school year. The request shall be through a communication  
11 directly to the Department in a manner that creates a written or  
12 electronic record of the request and the date of receipt of the  
13 request. The Department shall notify the school district in which  
14 the student is enrolled, if applicable, upon receipt of the request.  
15 For purposes of continuity of educational choice, the scholarship  
16 shall remain in force until the student ~~returns to~~ enrolls in a  
17 public school, graduates from high school, or reaches the age of  
18 twenty-two (22), whichever occurs first. At any time, the parent or  
19 legal guardian of the student may remove the student from the  
20 private school and place the student in another private school that  
21 is eligible for the program as provided in subsection H of this  
22 section or place the student in a public school.

23       C. A student shall be eligible for a scholarship if the parent  
24 or legal guardian of the student made a request for a scholarship

1 for the 2010-2011 school year and the student transferred to an  
2 eligible private school but was subsequently denied a scholarship  
3 because the student did not have an IEP in effect on October 1,  
4 2009, but did meet all other eligibility requirements as set forth  
5 in the Lindsey Nicole Henry Scholarships for Students with  
6 Disabilities Program Act.

7 D. A student shall not be eligible for a Lindsey Nicole Henry  
8 Scholarship if the student is not having regular and direct contact  
9 with the private school teachers at the physical location of the  
10 private school.

11 E. School districts shall notify the parent or legal guardian  
12 of a public school student with a disability of all options  
13 available pursuant to this section and inform the parent or legal  
14 guardian of the availability of information about the program from  
15 the State Department of Education through the toll-free telephone  
16 number or website. The notification shall be provided with or  
17 included in the copy of the "Parents Rights in Special Education:  
18 Notice of Procedural Safeguards" document given to parents at least  
19 annually or as otherwise required by law.

20 F. 1. Acceptance of a Lindsey Nicole Henry Scholarship shall  
21 have the same effect as a parental revocation of consent to service  
22 pursuant to 20 U.S.C., Sections 1414(a)(1)(D) and 1414(C) of the  
23 IDEA.  
24

1        2. Upon acceptance of a Lindsey Nicole Henry Scholarship, the  
2 parent or legal guardian shall assume full financial responsibility  
3 for the education of the student, including, but not limited to,  
4 transportation to and from the private school.

5        G. If the parent or legal guardian requests a Lindsey Nicole  
6 Henry Scholarship and the student is accepted by the private school  
7 pending the availability of a space for the student, the parent or  
8 legal guardian of the student shall notify the State Department of  
9 Education before entering the private school and before December 1  
10 in order to be eligible for the scholarship during the school year  
11 when a space becomes available for the student in the private  
12 school. If notification is made after December 1, payment of the  
13 scholarship shall not begin until the next school year.

14        H. 1. To be eligible to participate in the Lindsey Nicole  
15 Henry Scholarships for Students with Disabilities Program, a private  
16 school shall notify the State Department of Education of its intent  
17 to participate. The notice shall specify the grade levels and  
18 services that the private school has available for students with  
19 disabilities who are participating in the scholarship program. The  
20 State Department of Education shall approve a private school as  
21 eligible to participate in the scholarship program upon  
22 determination that the private school:

- 23            a. meets the accreditation requirements set by the State  
24                Board of Education or another accrediting association

- approved by the State Board of Education. The State Department of Education shall list on its website all accrediting associations approved by the Board,
- b. demonstrates fiscal soundness by having been in operation for one (1) school year or providing the State Department of Education with a statement by a certified public accountant confirming that the private school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year by serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter may be filed with the Department,
  - c. complies with the antidiscrimination provisions of 42 U.S.C., Section 2000d,
  - d. meets state and local health and safety laws and codes,
  - e. will be academically accountable to the parent or legal guardian for meeting the educational needs of the student,

- f. employs or contracts with teachers who hold  
baccalaureate or higher degrees, or have at least  
three (3) years of teaching experience in public or  
private schools, or have special skills, knowledge, or  
expertise that qualifies them to provide instruction  
in subjects taught,
- g. complies with all state laws relating to general  
regulation of private schools, and
- h. adheres to the tenets of its published disciplinary  
procedures prior to the expulsion of a scholarship  
student.

2. Upon approval of a private school, the State Department of  
Education shall provide on its website all information and material  
submitted by the private school with its application.

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

- a. the parent or legal guardian shall select the private  
school from the schools approved for eligibility  
pursuant to subsection H of this section and apply for  
the admission of the child,
- b. the parent or legal guardian shall request the  
scholarship no later than December 1 of the school  
year during which the scholarship is requested,



- 1           c.   any student participating in the scholarship program  
2               shall attend throughout the school year, unless  
3               excused by the school for illness or other good cause,  
4               and shall comply fully with the code of conduct for  
5               the school,
- 6           d.   the parent or legal guardian shall fully comply with  
7               the parental involvement requirements of the private  
8               school, unless excused by the school for illness or  
9               other good cause, and
- 10          e.   upon issuance of a scholarship warrant, the parent or  
11               legal guardian to whom the warrant is made shall  
12               restrictively endorse the warrant to the private  
13               school for deposit into the account of the private  
14               school. The parent or legal guardian may not  
15               designate any entity or individual associated with the  
16               private school as the attorney in fact for the parent  
17               or legal guardian to endorse a warrant. A parent or  
18               legal guardian who fails to comply with this  
19               subparagraph shall forfeit the scholarship.

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

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

1        1. The State Department of Education shall calculate the total  
2 cost of all scholarships for all eligible students in the state.

3 The State Department of Education shall then reserve or retain from  
4 the total amount appropriated to the State Board of Education for  
5 State Aid purposes and any other revenue available for allocation  
6 for State Aid purposes the total cost for all scholarship payments;

7        2. The maximum scholarship granted for an eligible student with  
8 disabilities shall be a calculated amount equivalent to the total  
9 State Aid factors for the applicable school year multiplied by the  
10 grade and disability weights ~~generated by that~~ for which the student  
11 is eligible for the applicable school year. The disability weights  
12 used in calculating the scholarship amount shall include all  
13 disability weights which correspond to the disabilities included in  
14 the multidisciplinary evaluation and eligibility group summary for  
15 the student at the time the request for a scholarship is made by the  
16 parent or legal guardian. The maximum scholarship amount shall be  
17 calculated by the State Board of Education for each year the student  
18 is participating in the scholarship program;

19        3. The amount of the scholarship shall be the amount calculated  
20 in paragraph 2 of this subsection or the amount of tuition and fees  
21 for the private school, whichever is less, minus up to two and one-  
22 half percent (2 1/2%) of the scholarship amount which may be  
23 retained by the State Department of Education as a fee for  
24 administrative services rendered. If a private school does not

1 charge tuition, the amount of the scholarship shall be the amount  
2 calculated in paragraph 2 of this subsection minus up to two and  
3 one-half percent (2 1/2%) of the scholarship amount which may be  
4 retained by the State Department of Education as a fee for  
5 administrative services rendered. The amount of any assessment fee  
6 required by the private school and the amount associated with  
7 providing services and therapies to address the disabilities of the  
8 student may be paid from the total amount of the scholarship. The  
9 amount of the scholarship shall be prorated to reflect the number of  
10 days remaining in the current school year, if the scholarship  
11 request is granted after the beginning of the school year;

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

1        5. The State Department of Education shall not be responsible  
2 for any additional costs associated with special education and  
3 related services incurred by the private school for the student  
4 including the cost of teachers, equipment, material, and special  
5 costs associated with the special education class;

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

9        7. The State Department of Education shall require an annual,  
10 notarized, sworn compliance statement by participating private  
11 schools certifying compliance with state laws and shall retain all  
12 records received from a participating private school. The State  
13 Department of Education shall post on its website the annual  
14 compliance statement for each participating private school; and

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

18        K. 1. The State Superintendent of Public Instruction shall  
19 deny, suspend, or revoke the participation of a private school in  
20 the scholarship program if it is determined that the private school  
21 has failed to comply with the provisions of this section. However,  
22 in instances in which the noncompliance is correctable within a  
23 reasonable amount of time and in which the health, safety, or  
24 welfare of the students is not threatened, the Superintendent may

1 issue a notice of noncompliance which shall provide the private  
2 school with a time frame within which to provide evidence of  
3 compliance prior to taking action to suspend or revoke participation  
4 in the scholarship program.

5 2. If the Superintendent intends to deny, suspend, or revoke  
6 the participation of a private school in the scholarship program,  
7 the Department shall notify the private school of the proposed  
8 action in writing by certified mail and regular mail to the private  
9 school's address of record with the Department. The Department  
10 shall also notify any parents or legal guardians of scholarship  
11 students attending the private school. The notification shall  
12 include the reasons for the proposed action and notice of the  
13 timelines and procedures set forth in this subsection.

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

19 4. Upon receipt of a request for a hearing, the State Board of  
20 Education shall commence a hearing within sixty (60) days after the  
21 receipt of the formal written request and enter an order within  
22 thirty (30) days after the hearing.

23 5. The Board may immediately suspend payment of scholarship  
24 funds if it is determined that there is probable cause to believe

1 that there is an imminent threat to the health, safety, or welfare  
2 of the students or fraudulent activity on the part of the private  
3 school.

4 L. No liability shall arise on the part of the state, the State  
5 Board of Education, the State Department of Education, or a school  
6 district based on the award or use of any scholarship provided  
7 through the Lindsey Nicole Henry Scholarships for Students with  
8 Disabilities Program.

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

15 N. If the State Department of Education determines that a  
16 school district prior to ~~the effective date of this act~~ August 26,  
17 2011, has failed to comply with the provisions of the Lindsey Nicole  
18 Henry Scholarships for Students with Disabilities Program Act and  
19 has failed to make full or partial scholarship payments for eligible  
20 students, the Department shall have authority to reduce the amount  
21 of State Aid allocated to the school district or require the school  
22 district to make repayment to the Department of State Aid  
23 allocations in an amount equal to the amount of scholarship payments  
24 the school district failed to make. The Department shall make

1 payment to the parent or legal guardian in the amount the school  
2 district failed to make in the manner as provided for in subsection  
3 J of this section.

4 O. The State Department of Education shall annually prepare and  
5 post on its website a report of Lindsey Nicole Henry Scholarships  
6 for Students with Disabilities Program. The annual report shall  
7 include, but not be limited to, the following information:

8 1. The total number and amount of scholarships awarded and  
9 reported for each participating private school;

10 2. The total number of scholarships denied;

11 3. The total number and amount of scholarship payments  
12 suspended for each participating private school; and

13 4. Data on participating students, disaggregated by years of  
14 participation in the program, grade level, economically  
15 disadvantaged status, racial and ethnic groups, and disability  
16 category."

1 Passed the House of Representatives the 24th day of April, 2024.

2  
3  
4 Presiding Officer of the House of  
Representatives  
5

6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

7  
8  
9 Presiding Officer of the Senate  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24



1 ENGROSSED SENATE  
2 BILL NO. 358

By: Daniels of the Senate

3 and

4 Echols and Conley of the  
5 House

6 An Act relating to the Lindsey Nicole Henry  
7 Scholarships for Students with Disabilities Program;  
8 amending 70 O.S. 2021, Section 13-101.2, which  
9 relates to eligibility for the program; removing  
10 requirement for prior public school year attendance;  
11 providing certain exemption to certain students;  
12 modifying reference to weights to be used in certain  
13 calculation; providing for calculation of scholarship  
14 amount if certain private school does not charge  
15 tuition; and updating statutory language.

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

17 SECTION 2. AMENDATORY 70 O.S. 2021, Section 13-101.2, is  
18 amended to read as follows:

19 Section 13-101.2. A. There is hereby created the Lindsey  
20 Nicole Henry Scholarships for Students with Disabilities Program.  
21 The Lindsey Nicole Henry Scholarships for Students with Disabilities  
22 Program is established to provide a scholarship to a private school  
23 of choice for students with disabilities for whom an individualized  
24 education program (IEP) in accordance with the Individuals with  
Disabilities Education Act (IDEA) or an individualized service plan  
pursuant to Section 1-4-704 of Title 10A of the Oklahoma Statutes  
has been developed at any time prior to notifying the State

1 Department of Education of the intent to participate in the Program  
2 and the IEP is in effect at the time the request for a scholarship  
3 is received by the State Department of Education. Scholarships  
4 shall be awarded beginning with the 2010-2011 school year.

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

10 1. The student has ~~spent the prior school year in attendance at~~  
11 ~~a 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 regardless of whether or not the student had~~  
15 ~~an IEP at the time the student was counted for funding purposes. A~~  
16 ~~student who is a child of a member of the United States Armed Forces~~  
17 ~~who transfers to a school in this state from out of state or from a~~  
18 ~~foreign country pursuant to a permanent change of station orders of~~  
19 ~~the parent shall be exempt from the requirements of this paragraph~~  
20 ~~but shall be required to meet all other eligibility requirements to~~  
21 ~~participate as provided for in this section. A student who has been~~  
22 ~~provided services under an Individual Family Service Plan through~~  
23 ~~the SoonerStart program and during transition was evaluated and~~  
24 ~~determined to be eligible for school district services shall be~~

~~exempt from the requirements of this paragraph but shall be required to meet all other eligibility requirements to participate as provided for in this section. A~~ an IEP or individualized service plan as provided for in subsection A of this section; provided, however, a student who was in out-of-home placement with the Department of Human Services,~~;~~ who was adopted while in the permanent custody of the Department of Human Services, an international child-placing agency, a child-placing agency in this state, or a federally recognized Indian tribe; who is enrolling or is enrolled in a school that exclusively serves students experiencing homelessness; or who was in out-of-home placement with the Office of Juvenile Affairs shall ~~be exempt from the requirements of this paragraph but shall be required to meet all other eligibility requirements to participate as provided for in this section~~ not be required to have an IEP or an individualized service plan; and

2. The parent or legal guardian has obtained acceptance for admission of the student to a private school that is eligible for the program as provided in subsection H of this section and has notified the State Department of Education of the request for a scholarship. Requests to participate in the program made after December 1 shall be granted, but funding for scholarships requested after December 1 shall not be available until the beginning of the next school year. The request shall be through a communication

1 directly to the Department in a manner that creates a written or  
2 electronic record of the request and the date of receipt of the  
3 request. The Department shall notify the school district in which  
4 the student is enrolled, if applicable, upon receipt of the request.  
5 For purposes of continuity of educational choice, the scholarship  
6 shall remain in force until the student ~~returns to~~ enrolls in a  
7 public school, graduates from high school, or reaches the age of  
8 twenty-two (22), whichever occurs first. At any time, the parent or  
9 legal guardian of the student may remove the student from the  
10 private school and place the student in another private school that  
11 is eligible for the program as provided in subsection H of this  
12 section or place the student in a public school.

13 C. A student shall be eligible for a scholarship if the parent  
14 or legal guardian of the student made a request for a scholarship  
15 for the 2010-2011 school year and the student transferred to an  
16 eligible private school but was subsequently denied a scholarship  
17 because the student did not have an IEP in effect on October 1,  
18 2009, but did meet all other eligibility requirements as set forth  
19 in the Lindsey Nicole Henry Scholarships for Students with  
20 Disabilities Program Act.

21 D. A student shall not be eligible for a Lindsey Nicole Henry  
22 Scholarship if the student is not having regular and direct contact  
23 with the private school teachers at the physical location of the  
24 private school.

1 E. School districts shall notify the parent or legal guardian  
2 of a public school student with a disability of all options  
3 available pursuant to this section and inform the parent or legal  
4 guardian of the availability of information about the program from  
5 the State Department of Education through the toll-free telephone  
6 number or website. The notification shall be provided with or  
7 included in the copy of the "Parents Rights in Special Education:  
8 Notice of Procedural Safeguards" document given to parents at least  
9 annually or as otherwise required by law.

10 F. 1. Acceptance of a Lindsey Nicole Henry Scholarship shall  
11 have the same effect as a parental revocation of consent to service  
12 pursuant to 20 U.S.C., Sections 1414(a)(1)(D) and 1414(C) of the  
13 IDEA.

14 2. Upon acceptance of a Lindsey Nicole Henry Scholarship, the  
15 parent or legal guardian shall assume full financial responsibility  
16 for the education of the student, including but not limited to  
17 transportation to and from the private school.

18 G. If the parent or legal guardian requests a Lindsey Nicole  
19 Henry Scholarship and the student is accepted by the private school  
20 pending the availability of a space for the student, the parent or  
21 legal guardian of the student shall notify the State Department of  
22 Education before entering the private school and before December 1  
23 in order to be eligible for the scholarship during the school year  
24 when a space becomes available for the student in the private

1 school. If notification is made after December 1, payment of the  
2 scholarship shall not begin until the next school year.

3 H. 1. To be eligible to participate in the Lindsey Nicole  
4 Henry Scholarships for Students with Disabilities Program, a private  
5 school shall notify the State Department of Education of its intent  
6 to participate. The notice shall specify the grade levels and  
7 services that the private school has available for students with  
8 disabilities who are participating in the scholarship program. The  
9 State Department of Education shall approve a private school as  
10 eligible to participate in the scholarship program upon  
11 determination that the private school:

12 a. meets the accreditation requirements set by the State  
13 Board of Education or another accrediting association  
14 approved by the State Board of Education. The State  
15 Department of Education shall list on its website all  
16 accrediting associations approved by the Board,

17 b. demonstrates fiscal soundness by having been in  
18 operation for one (1) school year or providing the  
19 State Department of Education with a statement by a  
20 certified public accountant confirming that the  
21 private school desiring to participate is insured and  
22 the owner or owners have sufficient capital or credit  
23 to operate the school for the upcoming year by serving  
24 the number of students anticipated with expected

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

6 c. complies with the antidiscrimination provisions of 42  
7 U.S.C., Section 2000d,

8 d. meets state and local health and safety laws and  
9 codes,

10 e. will be academically accountable to the parent or  
11 legal guardian for meeting the educational needs of  
12 the student,

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

19 g. complies with all state laws relating to general  
20 regulation of private schools, and

21 h. adheres to the tenets of its published disciplinary  
22 procedures prior to the expulsion of a scholarship  
23 student.  
24

1        2. Upon approval of a private school, the State Department of  
2 Education shall provide on its website all information and material  
3 submitted by the private school with its application.

4        I. 1. Lindsey Nicole Henry Scholarship Program participants  
5 shall comply with the following:

- 6            a. the parent or legal guardian shall select the private  
7                school from the schools approved for eligibility  
8                pursuant to subsection H of this section and apply for  
9                the admission of the child,
- 10           b. the parent or legal guardian shall request the  
11                scholarship no later than December 1 of the school  
12                year during which the scholarship is requested,
- 13           c. any student participating in the scholarship program  
14                shall attend throughout the school year, unless  
15                excused by the school for illness or other good cause,  
16                and shall comply fully with the code of conduct for  
17                the school,
- 18           d. the parent or legal guardian shall fully comply with  
19                the parental involvement requirements of the private  
20                school, unless excused by the school for illness or  
21                other good cause, and
- 22           e. upon issuance of a scholarship warrant, the parent or  
23                legal guardian to whom the warrant is made shall  
24                restrictively endorse the warrant to the private



1 school for deposit into the account of the private  
2 school. The parent or legal guardian may not  
3 designate any entity or individual associated with the  
4 private school as the attorney in fact for the parent  
5 or legal guardian to endorse a warrant. A parent or  
6 legal guardian who fails to comply with this  
7 subparagraph shall forfeit the scholarship.

8 2. A participant who fails to comply with this subsection  
9 forfeits the scholarship.

10 J. Provisions governing payment of a Lindsey Nicole Henry  
11 Scholarship shall be as follows:

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

18 2. The maximum scholarship granted for an eligible student with  
19 disabilities shall be a calculated amount equivalent to the total  
20 State Aid factors for the applicable school year multiplied by the  
21 grade and disability weights ~~generated by that~~ for which the student  
22 is eligible for the applicable school year. The disability weights  
23 used in calculating the scholarship amount shall include all  
24 disability weights which correspond to the disabilities included in

1 the multidisciplinary evaluation and eligibility group summary for  
2 the student at the time the request for a scholarship is made by the  
3 parent or legal guardian. The maximum scholarship amount shall be  
4 calculated by the State Board of Education for each year the student  
5 is participating in the scholarship program;

6 3. The amount of the scholarship shall be the amount calculated  
7 in paragraph 2 of this subsection or the amount of tuition and fees  
8 for the private school, whichever is less, minus up to two and one-  
9 half percent (2 1/2%) of the scholarship amount which may be  
10 retained by the State Department of Education as a fee for  
11 administrative services rendered. If a private school does not  
12 charge tuition, the amount of the scholarship shall be the amount  
13 calculated in paragraph 2 of this subsection minus up to two and  
14 one-half percent (2 1/2%) of the scholarship amount which may be  
15 retained by the State Department of Education as a fee for  
16 administrative services rendered. The amount of any assessment fee  
17 required by the private school and the amount associated with  
18 providing services and therapies to address the disabilities of the  
19 student may be paid from the total amount of the scholarship. The  
20 amount of the scholarship shall be prorated to reflect the number of  
21 days remaining in the current school year, if the scholarship  
22 request is granted after the beginning of the school year;

23 4. The State Department of Education shall notify the private  
24 school of the amount of the scholarship within ten (10) days after

1 receiving the request for a scholarship, when the total State Aid  
2 factors have been determined for the current fiscal year. The  
3 initial payment shall be made after the Department verifies  
4 admission acceptance and enrollment. Quarterly payments shall be  
5 made upon verification of continued enrollment and attendance at the  
6 private school. Payment shall be made by the Department with an  
7 individual warrant made payable to the parent or legal guardian of  
8 the student and mailed by the Department to the private school that  
9 the parent or legal guardian chooses. The parent or legal guardian  
10 shall restrictively endorse the warrant to the private school for  
11 deposit into the account of the private school;

12 5. The State Department of Education shall not be responsible  
13 for any additional costs associated with special education and  
14 related services incurred by the private school for the student  
15 including the cost of teachers, equipment, material, and special  
16 costs associated with the special education class;

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

20 7. The State Department of Education shall require an annual,  
21 notarized, sworn compliance statement by participating private  
22 schools certifying compliance with state laws and shall retain all  
23 records received from a participating private school. The State  
24

1 Department of Education shall post on its website the annual  
2 compliance statement for each participating private school; and

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

6 K. 1. The State Superintendent of Public Instruction shall  
7 deny, suspend, or revoke the participation of a private school in  
8 the scholarship program if it is determined that the private school  
9 has failed to comply with the provisions of this section. However,  
10 in instances in which the noncompliance is correctable within a  
11 reasonable amount of time and in which the health, safety, or  
12 welfare of the students is not threatened, the Superintendent may  
13 issue a notice of noncompliance which shall provide the private  
14 school with a time frame within which to provide evidence of  
15 compliance prior to taking action to suspend or revoke participation  
16 in the scholarship program.

17 2. If the Superintendent intends to deny, suspend, or revoke  
18 the participation of a private school in the scholarship program,  
19 the Department shall notify the private school of the proposed  
20 action in writing by certified mail and regular mail to the private  
21 school's address of record with the Department. The Department  
22 shall also notify any parents or legal guardians of scholarship  
23 students attending the private school. The notification shall  
24

1 include the reasons for the proposed action and notice of the  
2 timelines and procedures set forth in this subsection.

3 3. The private school that is adversely affected by the  
4 proposed action shall have fifteen (15) days from receipt of the  
5 notice of proposed action to file with the Department a request for  
6 an administrative hearing proceeding pursuant to the Administrative  
7 Procedures Act.

8 4. Upon receipt of a request for a hearing, the State Board of  
9 Education shall commence a hearing within sixty (60) days after the  
10 receipt of the formal written request and enter an order within  
11 thirty (30) days after the hearing.

12 5. The Board may immediately suspend payment of scholarship  
13 funds if it is determined that there is probable cause to believe  
14 that there is an imminent threat to the health, safety, or welfare  
15 of the students or fraudulent activity on the part of the private  
16 school.

17 L. No liability shall arise on the part of the state, the State  
18 Board of Education, the State Department of Education, or a school  
19 district based on the award or use of any scholarship provided  
20 through the Lindsey Nicole Henry Scholarships for Students with  
21 Disabilities Program.

22 M. The inclusion of private schools within options available to  
23 public school students in Oklahoma shall not expand the regulatory  
24 authority of the state or any school district to impose any

1 additional regulation of private schools beyond those reasonably  
2 necessary to enforce the requirements expressly set forth in this  
3 section.

4 N. If the State Department of Education determines that a  
5 school district prior to ~~the effective date of this act~~ August 26,  
6 2011, has failed to comply with the provisions of the Lindsey Nicole  
7 Henry Scholarships for Students with Disabilities Program Act and  
8 has failed to make full or partial scholarship payments for eligible  
9 students, the Department shall have authority to reduce the amount  
10 of State Aid allocated to the school district or require the school  
11 district to make repayment to the Department of State Aid  
12 allocations in an amount equal to the amount of scholarship payments  
13 the school district failed to make. The Department shall make  
14 payment to the parent or legal guardian in the amount the school  
15 district failed to make in the manner as provided for in subsection  
16 J of this section.

17 O. The State Department of Education shall annually prepare and  
18 post on its website a report of Lindsey Nicole Henry Scholarships  
19 for Students with Disabilities Program. The annual report shall  
20 include, but not be limited to, the following information:

21 1. The total number and amount of scholarships awarded and  
22 reported for each participating private school;

23 2. The total number of scholarships denied;

3. The total number and amount of scholarship payments suspended for each participating private school; and

4. Data on participating students, disaggregated by years of participation in the program, grade level, economically disadvantaged status, racial and ethnic groups, and disability category.

Passed the Senate the 13th day of March, 2023.

---

Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2023.

Presiding Officer of the House  
of Representatives