

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3718 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Chad Caldwell

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

PROPOSED POLICY
COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 3718

By: Caldwell (Chad)

PROPOSED POLICY COMMITTEE SUBSTITUTE

An Act related to education; amending 70 O.S. 2021, Section 13-101.2, as last amended by Section 1, Chapter 246, O.S.L. 2025 (70 O.S. Supp. 2025, Section 13-101.2), which relates to the Lindsey Nicole Henry Scholarships for Students with Disabilities Program; requiring school districts to make an eligibility decision for special education services within sixty days of receiving parental request; determining student eligibility when the sixty-day timeline is not met; providing maximum scholarship calculations for certain eligible students; requiring supplement of scholarship award after certain determination; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 13-101.2, as last amended by Section 1, Chapter 246, O.S.L. 2025 (70 O.S. Supp. 2025, Section 13-101.2), is amended to read as follows:

Section 13-101.2. A. There is hereby created the Lindsey Nicole Henry Scholarships for Students with Disabilities Program.

1 The Lindsey Nicole Henry Scholarships for Students with Disabilities
2 Program is established to provide a scholarship to a private school
3 of choice for students with special needs who meet at least one of
4 the criteria of subparagraph a, b, c, d, e, f, or g of paragraph 1
5 of subsection B of this section. Scholarships shall be awarded
6 beginning with the 2010-2011 school year.

7 B. The parent or legal guardian of a student with a special
8 need may exercise his or her parental option and request to have a
9 Lindsey Nicole Henry Scholarship awarded for the child to enroll in
10 and attend a private school in accordance with this section and the
11 scholarship shall be awarded if:

- 12 1. a. the student has an individualized education program
13 (IEP), an individualized service plan (ISP), or meets
14 the eligibility standards for special education
15 services in accordance with the Individuals with
16 Disabilities Education Act (IDEA),
- 17 b. the student has had an individualized service plan
18 pursuant to Section 1-4-704 of Title 10A of the
19 Oklahoma Statutes any time prior to notifying the
20 State Department of Education of the intent to
21 participate in the program,
- 22 c. the student is a child of a member of the United
23 States Armed Forces who transfers to a school in this
24 state from out of state or from a foreign country

1 pursuant to a permanent change of station orders of
2 the parent,

3 d. the student was in out-of-home placement with the
4 Department of Human Services,

5 e. the student was adopted while in the permanent custody
6 of the Department of Human Services,

7 f. the student is enrolling or is enrolled in a school
8 that exclusively serves students experiencing
9 homelessness, or

10 g. the student was in out-of-home placement with the
11 Office of Juvenile Affairs; and

12 2. The parent or legal guardian has obtained acceptance for
13 admission of the student to a private school that is eligible for
14 the program as provided in subsection # I of this section and has
15 notified the State Department of Education of the request for a
16 scholarship. Requests to participate in the program made after
17 December 1 shall be granted, but funding for scholarships requested
18 after December 1 shall not be available until the beginning of the
19 next school year. The request shall be through a communication
20 directly to the Department in a manner that creates a written or
21 electronic record of the request and the date of receipt of the
22 request. The Department shall notify the school district in which
23 the student is enrolled, if applicable, upon receipt of the request.
24 For purposes of continuity of educational choice, the scholarship

1 shall remain in force until the student enrolls in a public school,
2 graduates from high school, or reaches the age of twenty-two (22),
3 whichever occurs first. At any time, the parent or legal guardian
4 of the student may remove the student from the private school and
5 place the student in another private school that is eligible for the
6 program as provided in subsection # I of this section or place the
7 student in a public school.

8 C. 1. Upon receiving a request from a parent or legal guardian
9 to conduct a special education evaluation, school districts shall
10 determine eligibility for special education services within sixty
11 (60) days. If a school district fails to reach a decision on
12 eligibility within sixty (60) days of receiving the request, the
13 student shall be deemed eligible for purposes of receiving a Lindsey
14 Nicole Henry Scholarship.

15 2. The maximum scholarship granted for a student found eligible
16 under this subsection shall be a calculated amount equivalent to the
17 total State Aid factors for the applicable school year multiplied by
18 the grade weight for which the student is eligible for the
19 applicable school year.

20 3. Once a school district reaches an eligibility decision and
21 determines that the student is eligible for special education
22 services, the student shall receive the remaining maximum
23 scholarship amount allowed under paragraphs 2 and 3 of subsection K
24 of this section.

1 D. A student shall be eligible for a scholarship if the parent
2 or legal guardian of the student made a request for a scholarship
3 for the 2010-2011 school year and the student transferred to an
4 eligible private school but was subsequently denied a scholarship
5 because the student did not have an IEP in effect on October 1,
6 2009, but did meet all other eligibility requirements as set forth
7 in the Lindsey Nicole Henry Scholarships for Students with
8 Disabilities Program Act.

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

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

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

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

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

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

- 1 Department of Education shall list on its website all
2 accrediting associations approved by the Board,
- 3 b. demonstrates fiscal soundness by having been in
4 operation for one (1) school year or providing the
5 State Department of Education with a statement by a
6 certified public accountant confirming that the
7 private school desiring to participate is insured and
8 the owner or owners have sufficient capital or credit
9 to operate the school for the upcoming year by serving
10 the number of students anticipated with expected
11 revenues from tuition and other sources that may be
12 reasonably expected. In lieu of a statement, a surety
13 bond or letter of credit for the amount equal to the
14 scholarship funds for any quarter may be filed with
15 the Department,
- 16 c. complies with the antidiscrimination provisions of 42
17 U.S.C., Section 2000d,
- 18 d. meets state and local health and safety laws and
19 codes,
- 20 e. will be academically accountable to the parent or
21 legal guardian for meeting the educational needs of
22 the student,
- 23 f. employs or contracts with teachers who hold
24 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.~~ J. 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~~ I 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,

c. any student participating in the scholarship program shall attend throughout the school year, unless excused by the school for illness or other good cause,

1 and shall comply fully with the code of conduct for
2 the school,

3 d. the parent or legal guardian of a student who
4 qualifies pursuant to subparagraph a of paragraph 1 of
5 subsection B of this section shall agree to meet
6 annually with a representative of the private school
7 to identify the services necessary to support the
8 special needs of the student participating in the
9 scholarship program,

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

14 f. upon issuance of a scholarship warrant, the parent or
15 legal guardian to whom the warrant is made shall
16 restrictively endorse the warrant to the private
17 school for deposit into the account of the private
18 school. The parent or legal guardian may not
19 designate any entity or individual associated with the
20 private school as the attorney in fact for the parent
21 or legal guardian to endorse a warrant. A parent or
22 legal guardian who fails to comply with this
23 subparagraph shall forfeit the scholarship.
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1 2. A participant who fails to comply with this subsection
2 forfeits the scholarship.

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

5 1. The State Department of Education shall calculate the total
6 cost of all scholarships for all eligible students in the state.
7 The State Department of Education shall then reserve or retain from
8 the total amount appropriated to the State Board of Education for
9 State Aid purposes and any other revenue available for allocation
10 for State Aid purposes the total cost for all scholarship payments;

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

23 3. The amount of the scholarship shall be the amount calculated
24 in paragraph 2 of this subsection or the amount of tuition and fees

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

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

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

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

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

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

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

22 ~~K.~~ L. 1. The State Superintendent of Public Instruction shall
23 deny, suspend, or revoke the participation of a private school in
24 the scholarship program if it is determined that the private school

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

9 2. If the Superintendent intends to deny, suspend, or revoke
10 the participation of a private school in the scholarship program,
11 the Department shall notify the private school of the proposed
12 action in writing by certified mail and regular mail to the private
13 school's address of record with the Department. The Department
14 shall also notify any parents or legal guardians of scholarship
15 students attending the private school. The notification shall
16 include the reasons for the proposed action and notice of the
17 timelines and 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 proceeding pursuant to the Administrative
22 Procedures 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 scholarship
4 funds if it is determined that there is probable cause to believe
5 that there is an imminent threat to the health, safety, or welfare
6 of the students or fraudulent activity on the part of the private
7 school.

8 ~~H.~~ M. No liability shall arise on the part of the state, the
9 State Board of Education, the State Department of Education, or a
10 school district based on the award or use of any scholarship
11 provided through the Lindsey Nicole Henry Scholarships for Students
12 with Disabilities Program.

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

19 ~~N.~~ O. If the State Department of Education determines that a
20 school district prior to August 26, 2011, has failed to comply with
21 the provisions of the Lindsey Nicole Henry Scholarships for Students
22 with Disabilities Program Act and has failed to make full or partial
23 scholarship payments for eligible students, the Department shall
24 have authority to reduce the amount of State Aid allocated to the

1 school district or require the school district to make repayment to
2 the Department of State Aid allocations in an amount equal to the
3 amount of scholarship payments the school district failed to make.
4 The Department shall make payment to the parent or legal guardian in
5 the amount the school district failed to make in the manner as
6 provided for in subsection ~~¶~~ K of this section.

7 ~~Θ.~~ P. The State Department of Education shall annually prepare
8 and post on its website a report of Lindsey Nicole Henry
9 Scholarships for Students with Disabilities Program. The annual
10 report shall include, but not be limited to, the following
11 information:

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

14 2. The total number of scholarships denied;

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

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

21 SECTION 2. This act shall become effective July 1, 2026.

22 SECTION 3. It being immediately necessary for the preservation
23 of the public peace, health or 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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