

**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**

Adopted: \_\_\_\_\_

Amendment submitted by: Chad Caldwell  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 PROPOSED POLICY  
4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3718

7 By: Caldwell (Chad)

8 PROPOSED POLICY COMMITTEE SUBSTITUTE

9 An Act related to education; amending 70 O.S. 2021,  
10 Section 13-101.2, as last amended by Section 1,  
11 Chapter 246, O.S.L. 2025 (70 O.S. Supp. 2025, Section  
12 13-101.2), which relates to the Lindsey Nicole Henry  
13 Scholarships for Students with Disabilities Program;  
14 requiring school districts to make an eligibility  
15 decision for special education services within sixty  
16 days of receiving parental request; determining  
17 student eligibility when the sixty-day timeline is  
18 not met; providing maximum scholarship calculations  
19 for certain eligible students; requiring supplement  
20 of scholarship award after certain determination;  
21 providing an effective date; and declaring an  
22 emergency.

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

24 SECTION 1. AMENDATORY 70 O.S. 2021, Section 13-101.2, as

25 last amended by Section 1, Chapter 246, O.S.L. 2025 (70 O.S. Supp.  
26 2025, Section 13-101.2), is amended to read as follows:

27 Section 13-101.2. A. There is hereby created the Lindsey  
28 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:

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

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

- d. the student was in out-of-home placement with the Department of Human Services,
- e. the student was adopted while in the permanent custody of the Department of Human Services,
- f. the student is enrolling or is enrolled in a school that exclusively serves students experiencing homelessness, or
- g. the student was in out-of-home placement with the Office of Juvenile Affairs; and

2. The parent or legal guardian has obtained acceptance for admission of the student to a private school that is eligible for program as provided in subsection H I 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 directly to the Department in a manner that creates a written or electronic record of the request and the date of receipt of the request. The Department shall notify the school district in which the student is enrolled, if applicable, upon receipt of the request. 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 H 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  
24

1 responsibility for the education of the student including, but not  
2 limited to, transportation to and from the private school.

3       G. 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:

Department of Education shall list on its website all accrediting associations approved by the Board, 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

- 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

11 Education shall provide on its website all information and material  
12 submitted by the private school with its application.

13       **H.** 1. Lindsey Nicole Henry Scholarship Program participants  
14 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

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

- d. the parent or legal guardian of a student who qualifies pursuant to subparagraph a of paragraph 1 of subsection B of this section shall agree to meet annually with a representative of the private school to identify the services necessary to support the special needs of the student participating in the scholarship program,
- e. the parent or legal guardian shall fully comply with the parental involvement requirements of the private school, unless excused by the school for illness or other good cause, and
- f. upon issuance of a scholarship warrant, the parent or legal guardian to whom the warrant is made shall restrictively endorse the warrant to the private school for deposit into the account of the private school. The parent or legal guardian may not designate any entity or individual associated with the private school as the attorney in fact for the parent or legal guardian to endorse a warrant. A parent or legal guardian who fails to comply with this subparagraph shall forfeit the scholarship.

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       5. 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 J K of this section.

7 O. 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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