

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB105 _____
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

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

FLOOR SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 105

By: Daniels and Murdock of the
Senate

and

Caldwell (Chad) of the
House

FLOOR SUBSTITUTE

An Act relating to the Lindsey Nicole Henry Scholarships for Students with Disabilities Program; amending 70 O.S. 2021, Section 13-101.2, as amended by Section 1, Chapter 337, O.S.L. 2024 (70 O.S. Supp. 2024, Section 13-101.2), which relates to the Lindsey Nicole Henry Scholarships for Student with Disabilities; deleting references to public school; replacing references to disability with special need; removing prior enrollment in public school requirement; modifying eligibility requirements for scholarships; removing certain effect after acceptance of a scholarship; requiring certain meeting with private school to identify necessary services for students participating in the scholarship program; 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 amended by Section 1, Chapter 337, O.S.L. 2024 (70 O.S. Supp. 2024, Section 13-101.2), is amended to read as follows:

1 Section 13-101.2. A. There is hereby created the Lindsey
2 Nicole Henry Scholarships for Students with Disabilities Program.
3 The Lindsey Nicole Henry Scholarships for Students with Disabilities
4 Program is established to provide a scholarship to a private school
5 of choice for students with ~~disabilities for whom an individualized~~
6 ~~education program (IEP) in accordance with the Individuals with~~
7 ~~Disabilities Education Act (IDEA) or an individualized service plan~~
8 ~~pursuant to Section 1-4-704 of Title 10A of the Oklahoma Statutes~~
9 ~~has been developed at any time prior to notifying the State~~
10 ~~Department of Education of the intent to participate in the Program~~
11 ~~and the IEP is in effect at the time the request for a scholarship~~
12 ~~is received by the State Department of Education~~ special needs who
13 meet at least one of the criteria of subparagraph a, b, c, d, e, f,
14 or g of paragraph 1 of subsection B of this section. Scholarships
15 shall be awarded beginning with the 2010-2011 school year.

16 B. The parent or legal guardian of a ~~public school~~ student with
17 a ~~disability~~ special need may exercise ~~their~~ his or her parental
18 option and request to have a Lindsey Nicole Henry Scholarship
19 awarded for the child to enroll in and attend a private school in
20 accordance with this section and the scholarship shall be awarded
21 if:

22 1. ~~The~~

23 a. the student has ~~spent the prior school year in~~

24 ~~attendance at a public school in this state. For~~

1 ~~purposes of this section, "prior school year in~~
2 ~~attendance" means that the student was enrolled in and~~
3 ~~reported by a school district for funding purposes~~
4 ~~during the preceding school year regardless of whether~~
5 ~~or not the student had an IEP at the time the student~~
6 ~~was counted for funding purposes. A an individualized~~
7 ~~education program (IEP), an individualized service~~
8 ~~plan (ISP), or meets the eligibility standards for~~
9 ~~special education services in accordance with the~~
10 ~~Individuals with Disabilities Education Act (IDEA),~~

11 b. the student has had an individualized service plan
12 pursuant to Section 1-4-704 of Title 10A of the
13 Oklahoma Statutes any time prior to notifying the
14 State Department of Education of the intent to
15 participate in the program,

16 c. the student ~~who~~ is a child of a member of the United
17 States Armed Forces who transfers to a school in this
18 state from out of state or from a foreign country
19 pursuant to a permanent change of station orders of
20 the parent ~~shall be exempt from the requirements of~~
21 this paragraph but shall be required to meet all other
22 eligibility requirements to participate as provided
23 for in this section. A student who has been provided
24 services under an Individual Family Service Plan

~~through the SoonerStart program and during transition was evaluated and 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,~~

d. the student ~~who~~ was in out-of-home placement with the Department of Human Services; ~~who,~~

e. the student was adopted while in the permanent custody of the Department of Human Services; ~~who,~~

f. the student is enrolling or is enrolled in a school that exclusively serves students experiencing homelessness; ~~or who~~

g. the student 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;~~ 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

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

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

23 D. A student shall not be eligible for a Lindsey Nicole Henry
24 Scholarship if the student is not having regular and direct contact

1 with the private school teachers at the physical location of the
2 private school.

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

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

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

20 G. If the parent or legal guardian requests a Lindsey Nicole
21 Henry Scholarship and the student is accepted by the private school
22 pending the availability of a space for the student, the parent or
23 legal guardian of the student shall notify the State Department of
24 Education before entering the private school and before December 1

1 in order to be eligible for the scholarship during the school year
2 when a space becomes available for the student in the private
3 school. If notification is made after December 1, payment of the
4 scholarship shall not begin until the next school year.

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

- 14 a. meets the accreditation requirements set by the State
15 Board of Education or another accrediting association
16 approved by the State Board of Education. The State
17 Department of Education shall list on its website all
18 accrediting associations approved by the Board,
- 19 b. demonstrates fiscal soundness by having been in
20 operation for one (1) school year or providing the
21 State Department of Education with a statement by a
22 certified public accountant confirming that the
23 private school desiring to participate is insured and
24 the owner or owners have sufficient capital or credit

1 to operate the school for the upcoming year by serving
2 the number of students anticipated with expected
3 revenues from tuition and other sources that may be
4 reasonably expected. In lieu of a statement, a surety
5 bond or letter of credit for the amount equal to the
6 scholarship funds for any quarter may be filed with
7 the Department,

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

10 d. meets state and local health and safety laws and
11 codes,

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

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

21 g. complies with all state laws relating to general
22 regulation of private schools, and
23
24

1 h. adheres to the tenets of its published disciplinary
2 procedures prior to the expulsion of a scholarship
3 student.

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

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

9 a. the parent or legal guardian shall select the private
10 school from the schools approved for eligibility
11 pursuant to subsection H of this section and apply for
12 the admission of the child,

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

16 c. any student participating in the scholarship program
17 shall attend throughout the school year, unless
18 excused by the school for illness or other good cause,
19 and shall comply fully with the code of conduct for
20 the school,

21 d. the parent or legal guardian of a student who
22 qualifies pursuant to subparagraph a of paragraph 1 of
23 subsection B of this section shall agree to meet
24 annually with a representative of the private school

1 to identify the services necessary to support the
2 special needs of the student participating in the
3 scholarship program,

4 e. the parent or legal guardian shall fully comply with
5 the parental involvement requirements of the private
6 school, unless excused by the school for illness or
7 other good cause, and

8 ~~e.~~

9 f. upon issuance of a scholarship warrant, the parent or
10 legal guardian to whom the warrant is made shall
11 restrictively endorse the warrant to the private
12 school for deposit into the account of the private
13 school. The parent or legal guardian may not
14 designate any entity or individual associated with the
15 private school as the attorney in fact for the parent
16 or legal guardian to endorse a warrant. A parent or
17 legal guardian who fails to comply with this
18 subparagraph shall forfeit the scholarship.

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

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

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

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

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

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

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

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

24

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 August 26, 2011, has failed to comply with
17 the provisions of the Lindsey Nicole Henry Scholarships for Students
18 with Disabilities Program Act and has failed to make full or partial
19 scholarship payments for eligible students, the Department shall
20 have authority to reduce the amount of State Aid allocated to the
21 school district or require the school district to make repayment to
22 the Department of State Aid allocations in an amount equal to the
23 amount of scholarship payments the school district failed to make.
24 The Department shall make payment to the parent or legal guardian in

1 the amount the school district failed to make in the manner as
2 provided for in subsection J of this section.

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

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

9 2. The total number of scholarships denied;

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

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

16 SECTION 2. This act shall become effective July 1, 2025.

17 SECTION 3. It being immediately necessary for the preservation
18 of the public peace, health, or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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22 60-1-13643 AQH 04/25/25
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