

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 247

By: Deevers

AS INTRODUCED

An Act relating to students; stating legislative findings; creating the Fund Students, Not Systems Act; providing short title; defining terms; creating the Fund Students, Not Systems Education Savings Account Program to be administered by the State Department of Education; providing application procedures; providing for contents of application; providing deadline for submission of application; directing the State Board of Education to establish procedures and timelines for application approval; providing for calculation of education savings account amount; directing the Department to make quarterly transfers; allowing accrual of funds; directing the Department to calculate the total cost of all education savings accounts and reserve or retain certain amount from the amount appropriated for State Aid purposes; prohibiting the act from limiting certain independence or autonomy of private schools and homeschool families; prohibiting the act from requiring private schools or homeschool families be subject to certain requirements; directing the Department to electronically submit a report by certain date; providing for contents of report; allowing the Legislature to use the report to make certain fund adjustments; providing for promulgation of rules; prohibiting certain rules or actions from imposing certain requirements, oversight, or regulations on private schools or homeschool families; providing for severability; providing for noncodification; providing for codification; providing an effective date; and declaring an emergency.

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

3 SECTION 1. NEW LAW A new section of law not to be
4 codified in the Oklahoma Statutes reads as follows:

5 The Legislature finds and declares the following:

6 1. Strengthening public education is a cornerstone of democracy
7 and must be supported, improved, and made more efficient to serve
8 all students effectively. The Fund Students, Not Systems Act
9 created in Section 2 of this act is designed to provide families
10 with options while incentivizing innovation and excellence within
11 public schools in this state;

12 2. This state's education system must prioritize meeting the
13 diverse needs of every student, whether the student thrives in a
14 traditional public school, charter school, or alternative
15 educational setting. Providing families with additional options
16 will help ensure that no child is left behind or underserved;

17 3. Taxpayers in this state invest heavily in education, and the
18 provisions of this act ensure that funding is allocated fairly to
19 benefit the students it is intended to serve. Public schools shall
20 continue to receive robust funding, and families shall have the
21 flexibility to choose the best educational setting for their
22 children;

23 4. Teachers and administrators are the backbone of the
24 education system in this state. The provisions of this act support
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1 their mission by reducing overcrowding, allowing them to focus on
2 students who thrive in public school environments, and providing
3 opportunities for public schools to innovate and compete;

4 5. By encouraging parental choice and educational flexibility,
5 the provisions of this act provide opportunities for public schools
6 to highlight their strengths, develop new programs, and attract
7 families seeking high-quality education;

8 6. The ultimate goal of the provisions of this act is to
9 improve student outcomes across all educational settings. By
10 focusing resources on the individual needs of students, this state
11 shall foster a culture of academic excellence and lifelong success;
12 and

13 7. A more dynamic and competitive educational landscape will
14 encourage the development of cutting-edge programs and teaching
15 methods that benefit public school teachers and administrators.

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 28-200 of Title 70, unless there
18 is created a duplication in numbering, reads as follows:

19 A. This act shall be known and may be cited as the "Fund
20 Students, Not Systems Act".

21 B. As used in this act:

22 1. "Compulsory attendance compliance" means adherence to the
23 provisions of Section 10-105 of Title 70 of the Oklahoma Statutes,
24 ensuring that all students meet attendance requirements through
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1 public, private, or charter school, or the other means of education
2 exception provided for in subsection A of Section 10-105 of Title 70
3 of the Oklahoma Statutes;

4 2. "Department" means the State Department of Education;

5 3. "Education savings account" or "ESA" means an account
6 established to receive state education funds for the benefit of an
7 eligible student;

8 4. "Eligible student" means a resident of this state who is
9 eligible to enroll in a public school in this state and is over the
10 age of five (5) and under the age of eighteen (18). Eligible
11 student includes students who have not reached the age of twenty-two
12 (22) if they are subject to the provisions of the Individuals with
13 Disabilities Education Act (IDEA);

14 5. "Participating educational provider" means any public,
15 private, charter, or virtual charter school chosen by the parent or
16 legal guardian or the other means of education exception provided
17 for in subsection A of Section 10-105 of Title 70 of the Oklahoma
18 Statutes;

19 6. "Program" means the Fund Students, Not Systems Education
20 Savings Account Program; and

21 7. "Qualified expense" means the following services provided by
22 a participating educational provider:

23 a. tuition and/or fees for curriculum and instruction,

24 b. instructional materials, textbooks, and supplies,

- c. tutoring or educationally necessary occupational, physical, or speech therapy,
- d. fees for nationally standardized assessments including, but not limited to, assessments used to determine college admission and advanced placement examinations,
- e. fees for transportation related to travel to and from a participating educational service provider, up to One Thousand Dollars (\$1,000.00) per school year,
- f. tuition for a curriculum or program offered by a technology center school,
- g. fees associated with participation in extracurricular activities, and
- h. admission fees for state parks, museums, and other educational field trips.

C. There is hereby created the Fund Students, Not Systems Education Savings Account Program to be administered by the State Department of Education to provide an education savings account (ESA) for qualified expenses to support the education of an eligible student in this state.

D. 1. To apply for an ESA, the parent or legal guardian of an eligible student shall submit an application to the State Department of Education on a form prescribed by the Department and published on its website. The form shall include, at a minimum, the eligible

1 student's name, the name of the eligible student's parent or legal
2 guardian, proof of the eligible student's residency in this state,
3 and an attestation that the ESA will only be used for qualified
4 expenses. The application shall be submitted online or by mail by
5 April 1 preceding the school year for which an ESA is sought.

6 2. The State Board of Education shall establish procedures and
7 timelines to approve applications submitted pursuant to paragraph 1
8 of this subsection.

9 3. ESA renewal applications shall include confirmation of
10 continued eligibility and an attestation that the ESA will only be
11 used for qualified expenses.

12 E. 1. For each eligible student approved to participate in the
13 program, the State Department of Education shall calculate an amount
14 equivalent to the total State Aid factors for the applicable school
15 year multiplied by the grade and disability weights for which the
16 student is eligible for the applicable school year. The Department
17 on a quarterly basis shall transfer the amount calculated pursuant
18 to this paragraph into an ESA in the name of the eligible student.
19 Funds deposited into an ESA but unused shall accrue from quarter to
20 quarter and from year to year unless the ESA is closed or the
21 student is no longer eligible to participate in the program.

22 2. The State Department of Education shall calculate the total
23 costs of all ESAs for all eligible students in this state and shall
24 reserve or retain from the total amount appropriated to the State

1 Board of Education for State Aid purposes and any other revenue
2 available for allocation for State Aid purposes the total cost for
3 all ESAs.

4 F. 1. Nothing in this act shall limit the independence or
5 autonomy of private schools or homeschool families who provide
6 another means of education pursuant to the exception provided for in
7 subsection A of Section 10-105 of Title 70 of the Oklahoma Statutes.

8 2. Nothing in this act shall require private schools or
9 homeschool families who provide another means of education pursuant
10 to the exception provided for in subsection A of Section 10-105 of
11 Title 70 of the Oklahoma Statutes to:

- 12 a. adhere to subject matter standards provided for in
13 Section 11-103.6 of Title 70 of the Oklahoma Statutes,
- 14 b. obtain accreditation from the State Board of Education
15 or another accrediting association,
- 16 c. employ teachers who are certified pursuant to Sections
17 6-190 or 6-122.3 of Title 70 of the Oklahoma Statutes,
18 or
- 19 d. be subject to auditing or financial reporting
20 requirements of the State Board of Education.

21 G. By December 31, 2026, and each December 31 thereafter, the
22 State Department of Education shall electronically submit a report
23 on the program to the Governor, the President Pro Tempore of the
24 Senate, and the Speaker of the House of Representatives. The report

1 shall include the total amount of funds allocated to ESAs for the
2 prior school year and the average amount allocated per ESA. The
3 Legislature may use the report to make adjustments to the amount of
4 funds allocated for the financial support of public schools for the
5 ensuing fiscal year.

6 H. 1. The State Board of Education shall promulgate rules to
7 implement the provisions of this act.

8 2. No administrative rule promulgated by the Board or action of
9 the Board shall impose additional requirements, oversight, or
10 regulations on private schools or homeschool families who provide
11 another means of education pursuant to the exception provided for in
12 subsection A of Section 10-105 of Title 70 of the Oklahoma Statutes
13 beyond those explicitly stated in this act.

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 28-201 of Title 70, unless there
16 is created a duplication in numbering, reads as follows:

17 The provisions of the Fund Students, Not Systems Act created
18 pursuant to Section 2 of this act are severable and if any part or
19 provision shall be held void, the decision of the court so holding
20 shall not affect or impair any of the remaining parts or provisions
21 of the Fund Students, Not Systems Act.

22 SECTION 4. This act shall become effective July 1, 2025.

23 SECTION 5. It being immediately necessary for the preservation
24 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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