

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2949 _____
Page3-10;12-14;19-20 Sections 2,3,4,6 & 11 lines _____
Of the printed Bill
Of the Engrossed Bill

By deleting Sections 2, 3, 4, 6 and 11 and by inserting in lieu thereof
new Sections 2, 3, 4, 6 and 11 to read as follows:

(See Attached)

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Jason Nelson _____

Reading Clerk

1 "SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 28-102 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 A. There is hereby created the Education Savings Account
5 Program.

6 B. The purpose of the Oklahoma Education Savings Account Act is
7 to provide additional educational options to parents for the
8 education of students in this state, by creating education accounts
9 for individual students empowering parents to make educational
10 decisions for their children.

11 C. Education savings accounts shall be established for
12 individual students beginning with the 2017-2018 school year.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 28-103 of Title 70, unless there
15 is created a duplication in numbering, reads as follows:

16 As used in the Oklahoma Education Savings Account Act:

- 17 1. "Account" means an education savings account established for
18 an eligible student pursuant to this act;
- 19 2. "Board" means the State Board of Education;
- 20 3. "Department" means the State Department of Education;
- 21 4. "Eligible postsecondary institution" means an accredited
22 public or private postsecondary institution;
- 23 5. "Eligible private school" means any school recognized by the
24 Oklahoma Private School Accreditation Commission or that meets the

1 accreditation requirements set by the State Board of Education or
2 other nationally recognized accreditation association that has
3 notified the Department of its intention to accept students who are
4 in the Program and comply with the antidiscrimination provisions of
5 42 U.S.C., Section 2000d;

6 6. "Eligible student" means a person who is a resident of
7 Oklahoma and is eligible to attend a public school in Oklahoma and
8 either:

9 a. is a member of a household where the total annual
10 income is equal to or less than two times the amount
11 required to qualify for the federal free or reduced-
12 price lunch program and who has been enrolled full
13 time in the public school where the student is being
14 counted for funding purposes for at least ninety (90)
15 days or was enrolled in the same manner and counted
16 for funding purposes during the most recently
17 concluded school year if the public school is not yet
18 enrolling students for the next school year,

19 b. is a member of a household where the total annual
20 income is greater than two times the amount required
21 to qualify for the federal free or reduced-priced
22 lunch program and who has been enrolled full time in
23 the public school where the student is being counted
24 for funding purposes for at least ninety (90) days or

1 was enrolled in the same manner and counted for
2 funding purposes during the most recently concluded
3 school year if the public school is not yet enrolling
4 students for the next school year, or

5 c. meets any of the following:

6 (1) is participating in or was participating in the
7 Lindsey Nicole Henry Scholarships for Students
8 with Disabilities Program during the current or a
9 previous school year. A student shall not be
10 eligible to participate in both the Education
11 Savings Account Program and the Lindsey Nicole
12 Henry Scholarships for Students with Disabilities
13 Program concurrently, or

14 (2) is a child in the household of a member of the
15 United States Armed Forces transferred from out
16 of state or from a foreign country pursuant to a
17 permanent change-of-station order of the parent;

18 7. "Parent" means a resident of the state who is a parent,
19 legal guardian or other person with the authority to act on behalf
20 of an eligible student;

21 8. "Program" means the Education Savings Account Program;

22 9. "Resident school district" means the public school district
23 in which the student resides as defined in Section 1-113 of Title 70

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1 of the Oklahoma Statutes or the public school district where the
2 student was most recently enrolled; and

3 10. "Treasurer" means the Office of the State Treasurer.

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 28-104 of Title 70, unless there
6 is created a duplication in numbering, reads as follows:

7 A. To enroll an eligible student in the Education Savings
8 Account Program, the parent of the eligible student shall sign an
9 agreement to do all the following:

10 1. Provide an education for the eligible student in at least
11 the subjects of English language arts, mathematics, social studies
12 and science or provide eligible students with special needs an
13 organized appropriate educational program with measurable annual
14 goals;

15 2. Notify the State Board of Education of the date the eligible
16 student withdraws from the public school to participate in the
17 Program, the date the eligible student stops participating in the
18 Program and the date the eligible student enrolls or reenrolls in a
19 public school or graduates;

20 3. Not enroll the eligible student in a public school or
21 charter school full-time without first notifying the Board of the
22 decision to discontinue participation in the Program;

23 4. Sign a document releasing the resident school district from
24 all obligation to educate the eligible student;

1 5. Use the money deposited in the education savings account
2 established for the eligible student only for the following expenses
3 of the student:

- 4 a. tuition and fees to an eligible private school,
5 virtual school or virtual coursework provider, or
6 eligible postsecondary institution,
- 7 b. purchasing, renting or subscribing to a service that
8 provides textbooks, other learning materials or
9 programs, or curriculum for a complete course of study
10 for a particular content area or grade level including
11 any supplementary materials recommended by the
12 curriculum,
- 13 c. educational therapies or services for the eligible
14 student from a licensed or accredited practitioner or
15 provider, including licensed or accredited
16 paraprofessionals or educational aides. The State
17 Board of Education shall promulgate rules defining
18 which therapies and services are eligible under the
19 Program and setting the required qualifications for
20 paraprofessionals and aides,
- 21 d. tutoring services. The Board shall promulgate rules
22 setting the required qualifications for tutors.
23 Tutors shall be required to notify the Board of their
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1 intention to provide tutoring services to students in
2 the Program,

3 e. services provided by a public school, including
4 individual classes and extracurricular programs,

5 f. fees for a nationally standardized norm-referenced
6 achievement test, advanced placement examinations or
7 any exams related to college or university admissions,

8 g. contributions to a Coverdell Savings Account
9 established pursuant to 26 U.S.C., Section 530 for the
10 benefit of the eligible student, except that money
11 used for elementary or secondary education expenses
12 shall be for expenses otherwise allowed by this act,

13 h. fees for management of the account by firms or
14 institutions selected by the Treasurer, and

15 i. insurance or surety bond payments as required by the
16 Board; and

17 6. Not use monies deposited in the account of an eligible
18 student for any of the following:

19 a. purchasing computer hardware, electronic equipment,
20 assistive technological devices, or educational
21 equipment or instruments. Nothing shall prohibit the
22 renting of such items, and

23 b. consumable educational supplies including but not
24 limited to paper, pens or markers.

1 B. A parent shall renew the account of an eligible student on
2 an annual basis by submitting a renewal request to the Department.
3 The renewal request shall also include documentation showing the
4 results of the student on a nationally standardized norm-referenced
5 achievement test taken during that school year.

6 C. A signed agreement under this section shall be deemed school
7 attendance and shall constitute compliance with the compulsory
8 attendance law as set forth in Section 10-105 of Title 70 of the
9 Oklahoma Statutes.

10 D. 1. For the 2017-2018 school year, the parents of an
11 eligible student shall submit a request to participate in the
12 Education Savings Account Program no later than May 31, 2017 in
13 order to receive funding for the 2017-2018 school year. If a
14 request is made after May 31, 2017 the account will not begin
15 receiving funds until the 2018-2019 school year.

16 2. For the 2018-2019 school year, the parents of an eligible
17 student shall submit a request to participate in the Education
18 Savings Account Program no later than May 31, 2018 in order to
19 receive funding for the 2018-2019 school year. If a request is made
20 after May 31, 2018 the account will not begin receiving funds until
21 the 2019-2020 school year.

22 3. For the 2019-2020 school year and each school year
23 thereafter, the parent of an eligible student shall submit a request
24 to participate in the Education Savings Account Program no later

1 than December 1 of the school year during which an account is
2 requested, in order to receive funding for the same school year. If
3 a request is made after December 1 the account will not begin
4 receiving funds until the following school year.

5 E. Students may continue in the Program once they are
6 determined to be eligible pursuant to this act until they graduate,
7 return to public school or it has been found by the Board that the
8 agreement required in this section has been violated.

9 SECTION 6. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 28-106 of Title 70, unless there
11 is created a duplication in numbering, reads as follows:

12 A. Upon submission of the signed agreement by the parent as
13 required pursuant to Section 4 of this act, the State Department of
14 Education shall transfer the amount of funds calculated pursuant to
15 Section 5 of this act to the State Treasurer for deposit into the
16 education savings account for each eligible student pursuant to a
17 schedule established by the State Board of Education. The total
18 calculated amount shall be transferred in equal allocations
19 according to the schedule established by the Board for such
20 transfers and deposits, but such transfers shall not be made less
21 often than quarterly. Monies for deposit into the accounts shall be
22 from the funds set aside by the Board as provided for in Section 11
23 of this act for purposes of the Education Savings Account Program
24 and as directed by the Oklahoma Education Savings Account Act.

1 B. The Department may retain an amount equal to five percent
2 (5%) of the total amount set aside for the Program for
3 administrative services. The retained funds shall be deposited in
4 the Education Savings Account Administrative Fund established in
5 subsection C of this section. The Department shall transfer one
6 percent (1%) of the total deposited into the Education Savings
7 Account Administrative Fund to the Treasurer's Education Savings
8 Account Administrative Fund established in subsection D of this
9 section.

10 C. There is hereby established the Education Savings Account
11 Administrative Fund. The fund shall consist of monies retained by
12 the Department pursuant to subsection B of this section. The
13 Department shall administer the fund. Monies in the fund shall be
14 used by the Department for the costs in administering the Education
15 Savings Account Program. Monies in the fund shall be exempt from
16 the provisions of law relating to lapsing of appropriations. If the
17 number of education savings accounts significantly increases after
18 the fiscal year ending June 30, 2018, the Department may request the
19 Legislature to increase the amount allowed to be retained as set
20 forth in subsection B of this section to cover administrative costs
21 for the additional accounts.

22 D. There is hereby established the Treasurer's Education
23 Savings Account Administrative Fund. The fund shall consist of
24 monies transferred by the Department pursuant to subsection B of

1 this section for use by the Treasurer. The Treasurer shall
2 administer the fund. Monies in the fund shall be used by the
3 Treasurer for the costs of administering education savings accounts.
4 Monies in the fund shall be exempt from the provisions of law
5 relating to lapsing of appropriations. If the number of education
6 savings accounts significantly increases after the fiscal year
7 ending June 30, 2018, the Treasurer may request the Legislature to
8 increase the amount allowed to be retained as set forth in
9 subsection B of this section to cover administrative costs for the
10 additional accounts.

11 E. The Department shall maintain and publish a list of
12 nationally norm-referenced tests identified for purposes of
13 satisfying the testing requirements of subsection B of Section 4 of
14 this act. The tests shall meet industry standards of quality in
15 accordance with rules promulgated by the State Board of Education.

16 SECTION 11. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 28-111 of Title 70, unless there
18 is created a duplication in numbering, reads as follows:

19 A. For the 2017-2018 and 2018-2019 school years, the State
20 Board of Education shall set aside an amount of money from the total
21 amount appropriated to the State Board of Education for State Aid
22 purposes and any other revenue available for allocation for State
23 Aid purposes to cover expected demand for education savings accounts
24 during the 2017-2018 and 2018-2019 school years. At the beginning

1 of each subsequent school year the Board shall set aside one hundred
2 twenty percent (120%) of the total amount deposited into education
3 savings accounts the previous school year and of the total amount
4 for which applications were received but for which no funds were
5 available, to allow for potential growth in participation.

6 B. 1. For the 2017-2018 and 2018-2019 school year, the Board
7 shall determine the amount of funding that was set aside during that
8 fiscal year for deposit into education savings accounts but was not
9 needed and was not deposited into individual student education
10 savings accounts and shall allocate that amount to school districts
11 through the State Aid funding formula prior to the end of the fiscal
12 year.

13 2. For the 2019-2020 school year and each school year
14 thereafter, the Board shall determine the amount of funding that was
15 set aside for deposit into education savings accounts but was not
16 needed and was not deposited into individual student education
17 savings accounts and shall allocate that amount to school district
18 through the State Aid funding formula after December 1 of that year
19 but prior to the time that mid-year adjustments are made to the
20 State Aid funding allocations.

21 C. In the event that the Director of the Office of Management
22 and Enterprise Services declares a General Revenue Fund revenue
23 failure pursuant to Section 34.49 of Title 62 of the Oklahoma
24 Statutes, the State Board of Education shall reduce the amount

1 deposited into education savings accounts by a percentage equal to
2 that required of the General Revenue Fund appropriations reductions
3 to state agencies. The education savings account reductions shall
4 occur for any month during which reductions are required by the
5 Office of Management and Enterprise Services and by the same
6 percentages each month that is required of the agencies for the
7 General Revenue Fund appropriations.

8 D. The Board shall promulgate rules necessary for the
9 administration of the Education Savings Account Program, including:

10 1. Provisions for conducting or contracting for examinations of
11 the use of education savings account monies by eligible students;

12 2. Provisions for conducting or contracting for random,
13 quarterly and annual reviews or audits of education savings
14 accounts;

15 3. Establishing or contracting for the establishment of an
16 online anonymous fraud-reporting service;

17 4. Establishing a telephone number to receive anonymous fraud
18 reporting; and

19 5. Requirements for a surety bond or insurance for education
20 savings account holders.”

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