

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1172

By: Standridge

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6 AS INTRODUCED

7 An Act relating to scholarships; creating the Freedom
8 from Racial Discrimination Scholarship Program Act;
9 providing short title; creating the Freedom from
10 Racial Discrimination Scholarship Program; providing
11 purpose; allowing certain parents and legal guardians
12 to request a Freedom from Racial Discrimination
13 Scholarship; providing eligibility criteria for
14 students; establishing requirements for scholarship
15 award; requiring school districts to provide certain
16 notification about the Freedom from Racial
17 Discrimination Scholarship Program; requiring certain
18 parents and legal guardians to assume certain
19 financial responsibility; providing for notification
20 if certain acceptance is pending space availability;
21 establishing eligibility criteria for private schools
22 to participate in the Freedom from Racial
23 Discrimination Scholarship Program; establishing
24 compliance parameters for Freedom from Racial
25 Discrimination Scholarship Program participants;
26 providing for calculation of payment of Freedom from
27 Racial Discrimination Scholarships; directing the
28 State Superintendent to suspend participation of a
29 private school under certain circumstances; providing
30 for notification; allowing request of administrative
31 hearing; providing for action by the State Board of
32 Education; providing immunity from liability for
33 certain entities based on the use or award of certain
34 funds; prohibiting the expansion of certain
35 regulatory authority over private schools; providing
36 for codification; providing an effective date; and
37 declaring an emergency.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 24-159 of Title 70, unless there
4 is created a duplication in numbering, reads as follows:

5 This act shall be known and may be cited as the "Freedom from
6 Racial Discrimination Scholarship Program Act".

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 24-160 of Title 70, unless there
9 is created a duplication in numbering, reads as follows:

10 A. There is hereby created the Freedom from Racial
11 Discrimination Scholarship Program to provide a scholarship to an
12 eligible private school of choice for students who have concerns
13 related to the teaching of gender or race diversity concepts as
14 provided for in subsection B of this section. Scholarships shall be
15 awarded beginning with the 2023-2024 school year.

16 B. Beginning with the 2023-2024 school year, the parent or
17 legal guardian of a student enrolled in a public school district in
18 this state may exercise their parental option and request to have a
19 Freedom from Racial Discrimination Scholarship awarded for the
20 student to enroll in and attend a private school in accordance with
21 this section. A student shall be deemed eligible if:

22 1. The parent or legal guardian of the student objects to
23 instruction or curriculum provided by the school district that he or
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1 she believes violates the provisions of Section 24-157 of Title 70
2 of the Oklahoma Statutes; and

3 2. The parent or legal guardian of the student has written
4 documentation including but not limited to a project or class
5 assignment from a teacher employed by the school district that
6 includes concepts prohibited by Section 24-157 of Title 70 of the
7 Oklahoma Statutes.

8 C. The parent or legal guardian of a public school student may
9 exercise their parental option and request to have a Freedom from
10 Racial Discrimination Scholarship awarded for the student to enroll
11 in and attend a private school in accordance with this section, and
12 the scholarship shall be awarded if:

13 1. The student has spent the prior year in attendance at a
14 public school in this state. For purposes of this section, "prior
15 school year in attendance" means that the student was enrolled in
16 and reported by a school district for funding purposes during the
17 preceding school year; and

18 2. The parent or legal guardian has obtained acceptance for
19 admission of the student to a private school and has notified the
20 State Department of Education of the request for a scholarship.
21 Requests to participate in the program made after December 1 shall
22 be granted, but funding for scholarships requested after December 1
23 shall not be available until the beginning of the next school year.
24 The request shall be through a communication directly to the State

1 Department of Education in a manner that creates a written or
2 electronic record of the request and the date of receipt of the
3 request. The State Department of Education shall notify the school
4 district upon receipt of the request. For purposes of continuity of
5 educational choice, the Freedom from Racial Discrimination
6 Scholarship shall remain in force until the student returns to a
7 public school, graduates from high school, or reaches the age of
8 twenty-one (21), whichever comes first. At any time, the parent or
9 legal guardian of the student may remove the student from the
10 private school and place the student in another private school or
11 place the student in a public school.

12 D. School districts shall notify the parent or legal guardian
13 of all enrolled students about Freedom from Racial Discrimination
14 Scholarship Program information made available from the State
15 Department of Education through a toll-free telephone number or
16 website.

17 E. Upon acceptance of a Freedom from Racial Discrimination
18 Scholarship, the parent or legal guardian of a student shall assume
19 full financial responsibility for the education of the student
20 including but not limited to transportation to and from the private
21 school.

22 F. If the parent or legal guardian requests a Freedom from
23 Racial Discrimination Scholarship and the student is accepted by the
24 private school pending the availability of a space for the student,

1 the parent or legal guardian of the student shall notify the State
2 Department of Education before entering the private school and
3 before December 1 to be eligible for the scholarship during the
4 school year when a space becomes available in the private school.
5 If notification is made after December 1, payment of the scholarship
6 shall not begin until the following school year.

7 G. To be eligible to participate in the Freedom from Racial
8 Discrimination Scholarship Program, a private school shall notify
9 the State Department of Education of its intent to participate. The
10 notice shall specify the grade levels and services that the private
11 school has available for students who are participating in the
12 program. The State Department of Education shall approve a private
13 school as eligible to participate in the Freedom from Racial
14 Discrimination Scholarship Program upon determination that the
15 private school:

16 1. Demonstrates fiscal soundness by having been in operation
17 for one (1) school year or providing the State Department of
18 Education with a written statement prepared by a certified public
19 accountant confirming that the private school seeking to participate
20 is insured and the owner or owners have sufficient capital or credit
21 to operate the school for the upcoming year by serving the number of
22 students anticipated with expected revenues from tuition and other
23 sources that may be reasonably expected. In lieu of a statement, a
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1 surety bond or letter of credit for the amount equal to the
2 scholarship funds for any quarter may be filed with the Department;

3 2. Meets state and local health and safety laws and codes;

4 3. Will be academically accountable to the parent or legal
5 guardian of the student for meeting the educational needs of the
6 student;

7 4. Employs or contracts with teachers who hold baccalaureate or
8 higher degrees, have at least three (3) years of teaching experience
9 in public or private schools or have special skills, knowledge or
10 expertise that, in the judgment of the school administration,
11 qualifies them to provide instruction in subjects taught;

12 5. Complies with all state laws relating to general regulation
13 of private schools; and

14 6. Adheres to the tenets of its published disciplinary
15 procedures prior to the expulsion of an eligible student.

16 H. 1. Freedom from Racial Discrimination Scholarship Program
17 participants shall comply with the following:

18 a. the parent or legal guardian of the student shall
19 select the private school from those approved for
20 eligibility pursuant to subsection G of this section
21 and apply for the admission of the student,

22 b. the parent or legal guardian of the student shall
23 request the Freedom from Racial Discrimination
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Scholarship no later than December 1 of the school year during which the scholarship is requested,

c. any student participating in the Freedom from Racial Discrimination 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 the student shall fully comply with the parental involvement requirements of the private school, unless excused by the school for illness or other good cause, and

e. upon issuance of a Freedom from Racial Discrimination Scholarship warrant, the parent or legal guardian to whom the warrant for tuition 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 of the student 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 of a student who fails to comply with this subparagraph shall forfeit the scholarship.

1 2. A Freedom from Racial Discrimination Scholarship Program
2 participant who fails to comply with this subsection forfeits the
3 scholarship.

4 I. Provisions governing payment of a Freedom from Racial
5 Discrimination Scholarship shall be as follows:

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

12 2. The maximum scholarship granted for an eligible student
13 shall be a calculated amount equivalent to the total State Aid
14 factors for the applicable school year multiplied by the grade
15 weight generated by the student for the applicable school year. The
16 maximum scholarship amount shall be calculated by the State Board of
17 Education for each year the student is participating in the Freedom
18 from Racial Discrimination Scholarship Program;

19 3. The amount of the scholarship shall be the amount calculated
20 in paragraph 2 of this subsection or the amount of tuition and fees
21 for the private school, whichever is less, minus up to two and one-
22 half percent (2 1/2%) of the scholarship amount, which may be
23 retained by the State Department of Education as a fee for
24 administrative services rendered. The amount of the scholarship

1 shall be prorated to reflect the number of days remaining in the
2 current school year, if the scholarship is granted after the
3 beginning of the school year;

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

18 5. The State Department of Education shall not be responsible
19 for any additional costs associated with the education services
20 incurred by the private school for the student including the cost of
21 teachers, equipment, and materials;

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

1 7. The State Department of Education shall require an annual,
2 notarized, sworn compliance statement by participating private
3 schools certifying compliance with state laws and shall retain all
4 records received from a participating private school; and

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

8 J. 1. The State Superintendent of Public Instruction shall
9 deny, suspend, or revoke the participation of a private school in
10 the Freedom from Racial Discrimination Scholarship Program if it is
11 determined that the private school has failed to comply with the
12 provisions of this section. However, in instances in which the
13 noncompliance is correctable within a reasonable amount of time and
14 in which the health, safety, or welfare of the students is not
15 threatened, the Superintendent may issue a notice of noncompliance
16 which shall provide the private school with a time frame within
17 which to provide evidence of compliance prior to taking action to
18 suspend or revoke participation in the Freedom from Racial
19 Discrimination Scholarship Program.

20 2. If the Superintendent intends to deny, suspend, or revoke
21 the participation of a private school in the Freedom from Racial
22 Discrimination Scholarship Program, the State Department of
23 Education shall notify the private school of the proposed action in
24 writing by certified mail and regular mail to the private school's

1 address of record with the Department. The Department shall also
2 notify the parents or legal guardians of students granted a Freedom
3 from Racial Discrimination Scholarship who are attending the private
4 school. The notification shall include the reasons for the proposed
5 action and notice of the timelines and procedures set forth in this
6 subsection.

7 3. The private school that is adversely affected by the
8 proposed action shall have fifteen (15) days from receipt of the
9 notice of proposed action to file with the Department a request for
10 an administrative hearing pursuant to the Administrative Procedures
11 Act.

12 4. Upon receipt of a request for a hearing, the State Board of
13 Education shall commence a hearing within sixty (60) days after the
14 receipt of the formal written request and enter an order within
15 thirty (30) days after the hearing.

16 5. The Board may immediately suspend payment of Freedom from
17 Racial Discrimination Scholarship funds if it is determined that
18 there is probable cause to believe that there is an imminent threat
19 to the health, safety, or welfare of the students or fraudulent
20 activity on the part of the private school.

21 K. No liability shall arise on the part of the state, the State
22 Board of Education, the State Department of Education, or a school
23 district based on the award or use of funds provided through the
24 Freedom from Racial Discrimination Scholarship Program.

1 L. The inclusion of private schools within options available to
2 public school students in Oklahoma shall not expand the regulatory
3 authority of the state or any school district to impose any
4 additional regulation of private schools beyond those reasonably
5 necessary to enforce the requirements expressly set forth in this
6 section.

7 SECTION 3. This act shall become effective July 1, 2022.

8 SECTION 4. It being immediately necessary for the preservation
9 of the public peace, health, or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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