

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1270

By: Standridge

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5  
6 AS INTRODUCED

7 An Act relating to scholarships; creating the  
8 Education Freedom Act; providing short title;  
9 creating the Education Freedom Program; providing  
10 purpose; providing definition; allowing certain  
11 parents and legal guardians to request an Education  
12 Freedom Program scholarship; establishing  
13 requirements for scholarship; requiring certain  
14 parents and legal guardians to assume certain  
15 financial responsibility; providing for notification  
16 if certain acceptance is pending space availability;  
17 establishing eligibility criteria for private school  
18 participation; providing for calculation of  
19 scholarship amount; providing immunity from liability  
20 for certain entities based on the use or award of  
21 certain funds; prohibiting the expansion of certain  
22 regulatory authority over private schools; providing  
23 for codification; providing an effective date; and  
24 declaring an emergency.

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

19 SECTION 1. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 28-101 of Title 70, unless there  
21 is created a duplication in numbering, reads as follows:

22 A. This act shall be known and may be cited as the "Education  
23 Freedom Act".  
24

1 B. There is hereby created the Education Freedom Program to  
2 provide a scholarship to a private school of choice that meets the  
3 requirements of subsection F of this section for an eligible  
4 student. For the purposes of this section, "eligible student" means  
5 a resident of the state in a county having more than one hundred  
6 twenty thousand (120,000) population according to the latest Federal  
7 Decennial Census and who is between the ages of five (5) years on or  
8 before September 1 and twenty-one (21) years on or before September  
9 1.

10 C. 1. Beginning with the 2022-2023 school year, the parent or  
11 legal guardian of an eligible student may exercise their parental  
12 option and request to have an Education Freedom Program scholarship  
13 awarded for an eligible student to enroll in and attend a private  
14 school. The scholarship shall be awarded if the parent or legal  
15 guardian has obtained acceptance for admission of an eligible  
16 student to a private school that meets the requirements of  
17 subsection F of this section and has notified the State Department  
18 of Education of the request for a scholarship. Requests to  
19 participate in the Program made after December 1 shall be granted,  
20 but funding for scholarships requested after December 1 shall not be  
21 available until the beginning of the next school year. The request  
22 shall be through a communication directly to the State Department of  
23 Education in a manner that creates a written or electronic record of  
24 the request and the date of the receipt of the request. The

1 Department shall notify the eligible student's resident district, as  
2 defined in Section 1-113 of Title 70 of the Oklahoma Statutes, of  
3 the request.

4 2. For purposes of continuity of educational choice, the  
5 scholarship shall remain in force until the eligible student returns  
6 to a public school, graduates from high school, or reaches the age  
7 of twenty-one (21), whichever occurs first. At any time, the parent  
8 or legal guardian of the eligible student may remove the student  
9 from the private school and place the student in another private  
10 school that meets the requirements of subsection F of this section  
11 or place the student in a public school.

12 D. Upon acceptance of an Education Freedom Program scholarship,  
13 the parent or legal guardian of the eligible student shall assume  
14 full financial responsibility for the education of the eligible  
15 student including but not limited to transportation to and from the  
16 private school. The parent or legal guardian of the eligible  
17 student shall sign a document releasing the student's resident  
18 school district from all obligations to educate the eligible  
19 student.

20 E. If a parent or legal guardian requests an Education Freedom  
21 Program scholarship and the eligible student is accepted by a  
22 private school pending the availability of a space for the student,  
23 the parent or legal guardian shall notify the State Department of  
24 Education before entering the private school and before December 1

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

5 F. To be eligible to participate in the Education Freedom  
6 Program, a private school shall notify the State Department of  
7 Education of its intent to participate. The private school shall:

8 1. Meet the accreditation requirements set by the State Board  
9 of Education or another accrediting association approved by the  
10 State Board of Education. The State Department of Education shall  
11 list on its website all accrediting associations approved by the  
12 Board;

13 2. Demonstrate fiscal soundness by having been in operation for  
14 a minimum of one school year; and

15 3. Meet state and local health and safety laws and codes.

16 G. Provisions governing payment of an Education Freedom Program  
17 scholarship shall be as follows:

18 1. The State Department of Education shall calculate the total  
19 cost of all scholarships for all eligible students in this state.  
20 The State Department of Education shall then reserve or retain from  
21 the total amount appropriated to the State Board of Education for  
22 State Aid purposes and any other revenue available for allocation  
23 for State Aid purposes the total cost for all scholarship payments;

1           2. The maximum scholarship granted for an eligible student  
2 shall be a calculated amount equivalent to the total State Aid  
3 factors for the applicable school year multiplied by the grade  
4 weight generated by the student for the applicable school year. The  
5 maximum scholarship amount shall be calculated by the State Board of  
6 Education for each year the student is participating in the  
7 Education Freedom Program;

8           3. The amount of the scholarship shall be the amount calculated  
9 in paragraph 2 of this subsection or the amount of tuition and fees  
10 for the private school, whichever is less, minus five percent (5%)  
11 of the scholarship amount, which shall be distributed to the  
12 resident district of the eligible student. If the scholarship is  
13 granted after the beginning of the school year, the amount of the  
14 scholarship shall be prorated to reflect the number of days  
15 remaining in the current 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 of the eligible student.  
22 Quarterly payments shall be made upon verification of continued  
23 enrollment and attendance at the private school. Payment shall be  
24 made by the Department with an individual warrant made payable to

1 the parent or legal guardian of the eligible student and mailed by  
2 the Department to the private school that the parent or legal  
3 guardian chooses. The parent or legal guardian shall restrictively  
4 endorse the warrant to the private school for deposit into the  
5 account of the private school. The parent or legal guardian may not  
6 designate any entity or individual associated with the private  
7 school as the attorney in fact for the parent or legal guardian to  
8 endorse a warrant. A parent or legal guardian who fails to comply  
9 with this paragraph shall forfeit the scholarship;

10 5. The State Department of Education shall not be responsible  
11 for any additional costs associated with the education services  
12 incurred by the private school for the eligible student including  
13 the cost of teachers, equipment, and materials; and

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

17 H. No liability shall arise on the part of the state, the State  
18 Board of Education, the State Department of Education, or a school  
19 district based on the award or use of funds provided through the  
20 Education Freedom Program.

21 I. The inclusion of private schools within options available to  
22 public school students in Oklahoma pursuant to this section shall  
23 not expand the regulatory authority of the state or any school  
24 district to impose any additional regulation of private schools

1 beyond those reasonably necessary to enforce the requirements  
2 expressly set forth in this section.

3 J. The State Board of Education shall promulgate rules to  
4 implement the provisions of this act.

5 SECTION 2. This act shall become effective July 1, 2022.

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

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