

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 221

By: Standridge

4
5
6 AS INTRODUCED

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

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 24-100.9 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 This act shall be known and may be cited as the "Wellness
5 Scholarship Program Act".

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 24-100.10 of Title 70, unless
8 there is created a duplication in numbering, reads as follows:

9 A. There is hereby created the Wellness Scholarship Program to
10 provide a scholarship to an eligible private school of choice for
11 students who have health-related concerns as provided for in
12 subsection B of this section. Scholarships shall be awarded
13 beginning with the 2022-2023 school year.

14 B. Beginning with the 2022-2023 school year, the parent or
15 legal guardian of a student enrolled in a public school district in
16 this state may exercise their parental option and request to have a
17 Wellness Scholarship awarded for the student to enroll in and attend
18 a private school in accordance with this section. A student shall
19 be deemed eligible if:

20 1. The parent or legal guardian of the student is concerned
21 that the student is in danger of contracting an infection including
22 but not limited to COVID-19 while attending in-person classes and
23 that the student may place a parent, legal guardian, sibling or
24 other household member at risk; or

1 2. The parent or legal guardian of the student is concerned
2 that the student might pose a risk of exposing school employees to
3 an infection including but not limited to COVID-19 due to the
4 student's many potential contacts.

5 C. The parent or legal guardian of a public school student may
6 exercise their parental option and request to have a Wellness
7 Scholarship awarded for the student to enroll in and attend a
8 private school in accordance with this section, and the scholarship
9 shall be awarded if:

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

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

1 district upon receipt of the request. For purposes of continuity of
2 educational choice, the Wellness Scholarship shall remain in force
3 until the student returns to a public school, graduates from high
4 school or reaches the age of twenty-one (21), whichever comes first.
5 At any time, the parent or legal guardian of the student may remove
6 the student from the private school and place the student in another
7 private school or place the student in a public school.

8 D. School districts shall notify the parent or legal guardian
9 of all enrolled students about Wellness Scholarship Program
10 information made available from the State Department of Education
11 through a toll-free telephone number or website.

12 E. Upon acceptance of a Wellness Scholarship, the parent or
13 legal guardian of a student shall assume full financial
14 responsibility for the education of the student including but not
15 limited to transportation to and from the private school.

16 F. If the parent or legal guardian requests a Wellness
17 Scholarship and the student is accepted by the private school
18 pending the availability of a space for the student, the parent or
19 legal guardian of the student shall notify the State Department of
20 Education before entering the private school and before December 1
21 to be eligible for the scholarship during the school year when a
22 space becomes available in the private school. If notification is
23 made after December 1, payment of the scholarship shall not begin
24 until the following school year.

1 G. To be eligible to participate in the Wellness Scholarship
2 Program, a private school shall notify the State Department of
3 Education of its intent to participate. The notice shall specify
4 the grade levels and services that the private school has available
5 for students who are participating in the program. The State
6 Department of Education shall approve a private school as eligible
7 to participate in the Wellness Scholarship Program upon
8 determination that the private school:

9 1. Meets the accreditation requirements set by the State Board
10 of Education or another accrediting association approved by the
11 Board;

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

22 3. Complies with the antidiscrimination provisions of 42
23 U.S.C., Section 2000d;

24 4. Meets state and local health and safety laws and codes;

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

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

9 7. Complies with all state laws relating to general regulation
10 of private schools; and

11 8. Adheres to the tenets of its published disciplinary
12 procedures prior to the expulsion of an eligible student.

13 H. 1. Wellness Scholarship Program participants shall comply
14 with the following:

15 a. the parent or legal guardian of the student shall
16 select the private school from those approved for
17 eligibility pursuant to subsection F of this section
18 and apply for the admission of the student,

19 b. the parent or legal guardian of the student shall
20 request the Wellness Scholarship no later than
21 December 1 of the school year during which the
22 scholarship is requested,

23 c. any student participating in the Wellness Scholarship
24 Program shall attend throughout the school year,

1 unless excused by the school for illness or other good
2 cause, and shall comply fully with the code of conduct
3 for the school,

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

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

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

21 I. Provisions governing payment of a Wellness Scholarship shall
22 be as follows:

23 1. The State Department of Education shall calculate the total
24 cost of all scholarships for all eligible students in this 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
6 shall be a calculated amount equivalent to the total State Aid
7 factors for the applicable school year multiplied by the grade
8 weight generated by the student for the applicable school year. The
9 maximum scholarship amount shall be calculated by the State Board of
10 Education for each year the student is participating in the Wellness
11 Scholarship Program;

12 3. The amount of the scholarship shall be the amount calculated
13 in paragraph 2 of this subsection or the amount of tuition and fees
14 for the private school, whichever is less, minus up to two and one-
15 half percent (2 1/2%) of the scholarship amount, which may be
16 retained by the State Department of Education as a fee for
17 administrative services rendered. The amount of the scholarship
18 shall be prorated to reflect the number of days remaining in the
19 current school year, if the scholarship is granted after the
20 beginning of the school year;

21 4. The State Department of Education shall notify the private
22 school of the amount of the scholarship within ten (10) days after
23 receiving the request for a scholarship, when the total State Aid
24 factors have been determined for the current fiscal year. The

1 initial payment shall be made after the Department verifies
2 admission acceptance and enrollment of the student. Quarterly
3 payments shall be made upon verification of continued enrollment and
4 attendance at the private school. Payment shall be made by the
5 Department with an individual warrant made payable to the parent or
6 legal guardian of the student and mailed by the Department to the
7 private school that the parent or legal guardian chooses. The
8 parent or legal guardian shall restrictively endorse the warrant to
9 the private school for deposit into the account of the private
10 school;

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

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

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

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

1 J. 1. The State Superintendent of Public Instruction shall
2 deny, suspend or revoke the participation of a private school in the
3 Wellness Scholarship Program if it is determined that the private
4 school has failed to comply with the provisions of this section.
5 However, in instances in which the noncompliance is correctable
6 within a reasonable amount of time and in which the health, safety
7 or welfare of the students is not threatened, the Superintendent may
8 issue a notice of noncompliance which shall provide the private
9 school with a time frame within which to provide evidence of
10 compliance prior to taking action to suspend or revoke participation
11 in the Wellness Scholarship Program.

12 2. If the Superintendent intends to deny, suspend or revoke the
13 participation of a private school in the Wellness Scholarship
14 Program, the State Department of Education shall notify the private
15 school of the proposed action in writing by certified mail and
16 regular mail to the private school's address of record with the
17 Department. The Department shall also notify the parents or legal
18 guardians of students granted a Wellness Scholarship who are
19 attending the private school. The notification shall include the
20 reasons for the proposed action and notice of the timelines and
21 procedures set forth in this subsection.

22 3. The private school that is adversely affected by the
23 proposed action shall have fifteen (15) days from receipt of the
24 notice of proposed action to file with the Department a request for
25

1 an administrative hearing pursuant to the Administrative Procedures
2 Act.

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

7 5. The Board may immediately suspend payment of Wellness
8 Scholarship funds if it is determined that there is probable cause
9 to believe that there is an imminent threat to the health, safety or
10 welfare of the students or fraudulent activity on the part of the
11 private school.

12 K. No liability shall arise on the part of the state, the State
13 Board of Education, the State Department of Education or a school
14 district based on the award or use of funds provided through the
15 Wellness Scholarship Program.

16 L. The inclusion of private schools within options available to
17 public school students in Oklahoma shall not expand the regulatory
18 authority of the state or any school district to impose any
19 additional regulation of private schools beyond those reasonably
20 necessary to enforce the requirements expressly set forth in this
21 section.

22 SECTION 3. This act shall become effective July 1, 2021.

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby
25

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.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

58-1-582 EB 1/4/2021 9:49:51 AM