

1 STATE OF OKLAHOMA

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

3 SENATE BILL 222

By: Standridge

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5
6 AS INTRODUCED

7 An Act relating to scholarships; creating the Hope
8 Scholarship Program Act; providing short title;
9 creating the Hope Scholarship Program; providing
10 purpose; allowing certain parents and legal guardians
11 to request a Hope Scholarship; providing eligibility
12 criteria for students; establishing requirements for
13 scholarship award; requiring school districts to
14 provide certain notification about the Hope
15 Scholarship Program; requiring certain parents and
16 legal guardians to assume certain financial
17 responsibility; providing for notification if certain
18 acceptance is pending space availability;
19 establishing eligibility criteria for private schools
20 to participate in the Hope Scholarship Program;
21 establishing compliance parameters for Hope
22 Scholarship Program participants; providing for
23 calculation of payment of Hope Scholarships;
24 directing the State Superintendent to suspend
25 participation of a private school under certain
26 circumstances; providing for notification; allowing
27 request of administrative hearing; providing for
28 action by the State Board of Education; providing
29 immunity from liability for certain entities based on
30 the use or award of certain funds; prohibiting the
31 expansion of certain regulatory authority over
32 private schools; providing for codification;
33 providing an effective date; and declaring an
34 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 "Hope
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 Hope Scholarship Program to
10 provide a scholarship to an eligible private school of choice for
11 students who have experienced bullying incidents 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 Hope Scholarship awarded for the student to enroll in and attend a
18 private school in accordance with this section. A student shall be
19 deemed eligible if he or she has been the victim of harassment,
20 intimidation or bullying as defined in Section 24-100.3 of Title 70
21 of the Oklahoma Statutes a minimum of three (3) times within a
22 school year for which the parent or legal guardian has written
23 documentation with confirmation from a licensed mental health
24 professional or physician.

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

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

11 2. The parent or legal guardian has obtained acceptance for
12 admission of the student to a private school and has notified the
13 State Department of Education of the request for a scholarship.
14 Requests to participate in the program made after December 1 shall
15 be granted, but funding for scholarships requested after December 1
16 shall not be available until the beginning of the next school year.
17 The request shall be through a communication directly to the State
18 Department of Education in a manner that creates a written or
19 electronic record of the request and the date of receipt of the
20 request. The State Department of Education shall notify the school
21 district upon receipt of the request. For purposes of continuity of
22 educational choice, the Hope Scholarship shall remain in force until
23 the student returns to a public school, graduates from high school
24 or reaches the age of twenty-one (21), whichever comes first. At

1 any time, the parent or legal guardian of the student may remove the
2 student from the private school and place the student in another
3 private school or place the student in a public school.

4 D. School districts shall notify the parent or legal guardian
5 of all enrolled students about Hope Scholarship Program information
6 made available from the State Department of Education through a
7 toll-free telephone number or website.

8 E. Upon acceptance of a Hope Scholarship, the parent or legal
9 guardian of a student shall assume full financial responsibility for
10 the education of the student, including but not limited to
11 transportation to and from the private school.

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

21 G. To be eligible to participate in the Hope Scholarship
22 Program, a private school shall notify the State Department of
23 Education of its intent to participate. The notice shall specify
24 the grade levels and services that the private school has available

1 for students who are participating in the program. The State
2 Department of Education shall approve a private school as eligible
3 to participate in the Hope Scholarship Program upon determination
4 that the private school:

5 1. Meets the accreditation requirements set by the State Board
6 of Education or another accrediting association approved by the
7 Board;

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

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

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

21 5. Will be academically accountable to the parent or legal
22 guardian of the student for meeting the educational needs of the
23 student;

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

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

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

10 H. 1. Hope Scholarship Program participants shall comply with
11 the following:

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

16 b. the parent or legal guardian of the student shall
17 request the Hope Scholarship no later than December 1
18 of the school year during which the scholarship is
19 requested,

20 c. any student participating in the Hope Scholarship
21 Program shall attend throughout the school year,
22 unless excused by the school for illness or other good
23 cause, and shall comply fully with the code of conduct
24 for the school,

1 d. the parent or legal guardian of the student shall
2 fully comply with the parental involvement
3 requirements of the private school, unless excused by
4 the school for illness or other good cause, and
5 e. upon issuance of a Hope Scholarship warrant, the
6 parent or legal guardian to whom the warrant for
7 tuition is made shall restrictively endorse the
8 warrant to the private school for deposit into the
9 account of the private school. The parent or legal
10 guardian of the student may not designate any entity
11 or individual associated with the private school as
12 the attorney in fact for the parent or legal guardian
13 to endorse a warrant. A parent or legal guardian of a
14 student who fails to comply with this subparagraph
15 shall forfeit the scholarship.

16 2. A Hope Scholarship Program participant who fails to comply
17 with this subsection forfeits the scholarship.

18 I. Provisions governing payment of a Hope Scholarship shall be
19 as follows:

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

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

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

19 4. The State Department of Education shall notify the private
20 school of the amount of the scholarship within ten (10) days after
21 receiving the request for a scholarship, when the total State Aid
22 factors have been determined for the current fiscal year. The
23 initial payment shall be made after the Department verifies
24 admission acceptance and enrollment of the student. Quarterly

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

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

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

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

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

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

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

20 3. The private school that is adversely affected by the
21 proposed action shall have fifteen (15) days from receipt of the
22 notice of proposed action to file with the Department a request for
23 an administrative hearing pursuant to the Administrative Procedures
24 Act.

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

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

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

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

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

21 SECTION 4. It being immediately necessary for the preservation
22 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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