

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB105 _____
 _____ Of the printed Bill
 Page _____ Section _____ Lines _____
 _____ Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Chad Caldwell

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 PROPOSED OVERSIGHT
4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 105

By: Daniels and Murdock of the
Senate

7 and

Caldwell (Chad) of the
House

8
9
10 PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE

11 An Act relating to the Lindsey Nicole Henry
12 Scholarships for Students with Disabilities Program;
13 deleting references to public school; replacing
14 references to disability with special need; removing
15 prior enrollment in public school requirement;
16 modifying eligibility requirements for scholarships;
17 removing certain effect after acceptance of a
18 scholarship; providing an effective date; and
19 declaring an emergency.

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

21 SECTION 1. AMENDATORY 70 O.S. 2021, Section 13-101.2, as
22 amended by Section 1, Chapter 337, O.S.L. 2024 (70 O.S. Supp. 2024,
23 Section 13-101.2), is amended to read as follows:

24 Section 13-101.2. A. There is hereby created the Lindsey
Nicole Henry Scholarships for Students with Disabilities Program.
The Lindsey Nicole Henry Scholarships for Students with Disabilities

1 Program is established to provide a scholarship to a private school
2 of choice for students with ~~disabilities for whom an individualized~~
3 ~~education program (IEP) in accordance with the Individuals with~~
4 ~~Disabilities Education Act (IDEA) or an individualized service plan~~
5 ~~pursuant to Section 1-4-704 of Title 10A of the Oklahoma Statutes~~
6 ~~has been developed at any time prior to notifying the State~~
7 ~~Department of Education of the intent to participate in the Program~~
8 ~~and the IEP is in effect at the time the request for a scholarship~~
9 ~~is received by the State Department of Education~~ special needs who
10 meet at least one of the criteria of subparagraphs a, b, c, d, e, f,
11 or g of paragraph 1 of subsection B of this section. Scholarships
12 shall be awarded beginning with the 2010-2011 school year.

13 B. The parent or legal guardian of a ~~public school~~ student with
14 a ~~disability~~ special need may exercise ~~their~~ his or her parental
15 option and request to have a Lindsey Nicole Henry Scholarship
16 awarded for the child to enroll in and attend a private school in
17 accordance with this section and the scholarship shall be awarded
18 if:

19 1. ~~The~~ a. the student has ~~spent the prior school year in~~
20 ~~attendance at a public school in this state. For~~
21 ~~purposes of this section, "prior school year in~~
22 ~~attendance"~~ means that the student was enrolled in and
23 ~~reported by a school district for funding purposes~~
24 ~~during the preceding school year regardless of whether~~

1 ~~or not the student had an IEP at the time the student~~
2 ~~was counted for funding purposes. A an individualized~~
3 ~~education program (IEP), an individualized service~~
4 ~~plan (ISP), or meets the eligibility standards for~~
5 ~~special education services in accordance with the~~
6 ~~Individuals with Disabilities Education Act (IDEA),~~

7 b. the student has had an individualized service plan
8 pursuant to Section 1-4-704 of Title 10A of the
9 Oklahoma Statutes any time prior to notifying the
10 State Department of Education of the intent to
11 participate in the program,

12 c. the student ~~who~~ is a child of a member of the United
13 States Armed Forces who transfers to a school in this
14 state from out of state or from a foreign country
15 pursuant to a permanent change of station orders of
16 the parent ~~shall be exempt from the requirements of~~
17 this paragraph but shall be required to meet all other
18 eligibility requirements to participate as provided
19 for in this section. A student who has been provided
20 services under an Individual Family Service Plan
21 through the SoonerStart program and during transition
22 was evaluated and determined to be eligible for school
23 district services shall be exempt from the
24 requirements of this paragraph but shall be required

1 ~~to meet all other eligibility requirements to~~
2 ~~participate as provided for in this section. A,~~

3 d. the student ~~who~~ was in out-of-home placement with the
4 Department of Human Services; ~~who,~~

5 e. the student was adopted while in the permanent custody
6 of the Department of Human Services; ~~who,~~

7 f. the student is enrolling or is enrolled in a school
8 that exclusively serves students experiencing
9 homelessness; ~~or who~~

10 g. the student was in out-of-home placement with the
11 Office of Juvenile Affairs ~~shall be exempt from the~~
12 ~~requirements of this paragraph but shall be required~~
13 ~~to meet all other eligibility requirements to~~
14 ~~participate as provided for in this section; and~~

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

1 request. The Department shall notify the school district in which
2 the student is enrolled, if applicable, upon receipt of the request.
3 For purposes of continuity of educational choice, the scholarship
4 shall remain in force until the student enrolls in a public school,
5 graduates from high school, or reaches the age of twenty-two (22),
6 whichever occurs first. At any time, the parent or legal guardian
7 of the student may remove the student from the private school and
8 place the student in another private school that is eligible for the
9 program as provided in subsection H of this section or place the
10 student in a public school.

11 C. A student shall be eligible for a scholarship if the parent
12 or legal guardian of the student made a request for a scholarship
13 for the 2010-2011 school year and the student transferred to an
14 eligible private school but was subsequently denied a scholarship
15 because the student did not have an IEP in effect on October 1,
16 2009, but did meet all other eligibility requirements as set forth
17 in the Lindsey Nicole Henry Scholarships for Students with
18 Disabilities Program Act.

19 D. A student shall not be eligible for a Lindsey Nicole Henry
20 Scholarship if the student is not having regular and direct contact
21 with the private school teachers at the physical location of the
22 private school.

23 E. School districts shall notify the parent or legal guardian
24 of a public school student with a ~~disability~~ special need of all

1 options available pursuant to this section and inform the parent or
2 legal guardian of the availability of information about the program
3 from the State Department of Education through the toll-free
4 telephone number or website. The notification shall be provided
5 with or included in the copy of the "Parents Rights in Special
6 Education: Notice of Procedural Safeguards" document given to
7 parents at least annually or as otherwise required by law.

8 F. ~~1. Acceptance of a Lindsey Nicole Henry Scholarship shall~~
9 ~~have the same effect as a parental revocation of consent to service~~
10 ~~pursuant to 20 U.S.C., Sections 1414(a)(1)(D) and 1414(C) of the~~
11 ~~IDEA.~~

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

16 G. If the parent or legal guardian requests a Lindsey Nicole
17 Henry 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 in order to be eligible for the scholarship during the school year
22 when a space becomes available for the student in the private
23 school. If notification is made after December 1, payment of the
24 scholarship shall not begin until the next school year.

1 H. 1. To be eligible to participate in the Lindsey Nicole
2 Henry Scholarships for Students with Disabilities Program, a private
3 school shall notify the State Department of Education of its intent
4 to participate. The notice shall specify the grade levels and
5 services that the private school has available for students with
6 ~~disabilities~~ special needs who are participating in the scholarship
7 program. The State Department of Education shall approve a private
8 school as eligible to participate in the scholarship program upon
9 determination that the private school:

- 10 a. meets the accreditation requirements set by the State
11 Board of Education or another accrediting association
12 approved by the State Board of Education. The State
13 Department of Education shall list on its website all
14 accrediting associations approved by the Board,
- 15 b. demonstrates fiscal soundness by having been in
16 operation for one (1) school year or providing the
17 State Department of Education with a statement by a
18 certified public accountant confirming that the
19 private school desiring to participate is insured and
20 the owner or owners have sufficient capital or credit
21 to operate the school for the upcoming year by serving
22 the number of students anticipated with expected
23 revenues from tuition and other sources that may be
24 reasonably expected. In lieu of a statement, a surety

1 bond or letter of credit for the amount equal to the
2 scholarship funds for any quarter may be filed with
3 the Department,

4 c. complies with the antidiscrimination provisions of 42
5 U.S.C., Section 2000d,

6 d. meets state and local health and safety laws and
7 codes,

8 e. will be academically accountable to the parent or
9 legal guardian for meeting the educational needs of
10 the student,

11 f. employs or contracts with teachers who hold
12 baccalaureate or higher degrees, or have at least
13 three (3) years of teaching experience in public or
14 private schools, or have special skills, knowledge, or
15 expertise that qualifies them to provide instruction
16 in subjects taught,

17 g. complies with all state laws relating to general
18 regulation of private schools, and

19 h. adheres to the tenets of its published disciplinary
20 procedures prior to the expulsion of a scholarship
21 student.

22 2. Upon approval of a private school, the State Department of
23 Education shall provide on its website all information and material
24 submitted by the private school with its application.

1 I. 1. Lindsey Nicole Henry Scholarship Program participants
2 shall comply with the following:

- 3 a. the parent or legal guardian shall select the private
4 school from the schools approved for eligibility
5 pursuant to subsection H of this section and apply for
6 the admission of the child,
- 7 b. the parent or legal guardian shall request the
8 scholarship no later than December 1 of the school
9 year during which the scholarship is requested,
- 10 c. any student participating in the scholarship program
11 shall attend throughout the school year, unless
12 excused by the school for illness or other good cause,
13 and shall comply fully with the code of conduct for
14 the school,
- 15 d. the parent or legal guardian shall fully comply with
16 the parental involvement requirements of the private
17 school, unless excused by the school for illness or
18 other good cause, and
- 19 e. upon issuance of a scholarship warrant, the parent or
20 legal guardian to whom the warrant is made shall
21 restrictively endorse the warrant to the private
22 school for deposit into the account of the private
23 school. The parent or legal guardian may not
24 designate any entity or individual associated with the

1 private school as the attorney in fact for the parent
2 or legal guardian to endorse a warrant. A parent or
3 legal guardian who fails to comply with this
4 subparagraph shall forfeit the scholarship.

5 2. A participant who fails to comply with this subsection
6 forfeits the scholarship.

7 J. Provisions governing payment of a Lindsey Nicole Henry
8 Scholarship shall be as follows:

9 1. The State Department of Education shall calculate the total
10 cost of all scholarships for all eligible students in the state.

11 The State Department of Education shall then reserve or retain from
12 the total amount appropriated to the State Board of Education for
13 State Aid purposes and any other revenue available for allocation
14 for State Aid purposes the total cost for all scholarship payments;

15 2. The maximum scholarship granted for an eligible student with
16 ~~disabilities~~ special needs shall be a calculated amount equivalent
17 to the total State Aid factors for the applicable school year
18 multiplied by the grade and disability weights for which the student
19 is eligible for the applicable school year. The disability weights
20 used in calculating the scholarship amount shall include all
21 disability weights which correspond to the disabilities included in
22 the multidisciplinary evaluation and eligibility group summary for
23 the student at the time the request for a scholarship is made by the
24 parent or legal guardian. The maximum scholarship amount shall be

1 calculated by the State Board of Education for each year the student
2 is participating in the scholarship program;

3 3. The amount of the scholarship shall be the amount calculated
4 in paragraph 2 of this subsection or the amount of tuition and fees
5 for the private school, whichever is less, minus up to two and one-
6 half percent (2 1/2%) of the scholarship amount which may be
7 retained by the State Department of Education as a fee for
8 administrative services rendered. If a private school does not
9 charge tuition, the amount of the scholarship shall be the amount
10 calculated in paragraph 2 of this subsection minus up to two and
11 one-half percent (2 1/2%) of the scholarship amount which may be
12 retained by the State Department of Education as a fee for
13 administrative services rendered. The amount of any assessment fee
14 required by the private school and the amount associated with
15 providing services and therapies to address the ~~disabilities~~ special
16 needs of the student may be paid from the total amount of the
17 scholarship. The amount of the scholarship shall be prorated to
18 reflect the number of days remaining in the current school year, if
19 the scholarship request is granted after the beginning of the school
20 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. Quarterly payments shall be
3 made upon verification of continued enrollment and attendance at the
4 private school. Payment shall be made by the Department with an
5 individual warrant made payable to the parent or legal guardian of
6 the student and mailed by the Department to the private school that
7 the parent or legal guardian chooses. The parent or legal guardian
8 shall restrictively endorse the warrant to the private school for
9 deposit into the account of the private school;

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

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. The State
22 Department of Education shall post on its website the annual
23 compliance statement for each participating private school; and
24

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

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

15 2. If the Superintendent intends to deny, suspend, or revoke
16 the participation of a private school in the scholarship program,
17 the Department shall notify the private school of the proposed
18 action in writing by certified mail and regular mail to the private
19 school's address of record with the Department. The Department
20 shall also notify any parents or legal guardians of scholarship
21 students attending the private school. The notification shall
22 include the reasons for the proposed action and notice of the
23 timelines and procedures set forth in this subsection.

24

1 3. The private school that is adversely affected by the
2 proposed action shall have fifteen (15) days from receipt of the
3 notice of proposed action to file with the Department a request for
4 an administrative hearing proceeding pursuant to the Administrative
5 Procedures Act.

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

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

15 L. No liability shall arise on the part of the state, the State
16 Board of Education, the State Department of Education, or a school
17 district based on the award or use of any scholarship provided
18 through the Lindsey Nicole Henry Scholarships for Students with
19 Disabilities Program.

20 M. The inclusion of private schools within options available to
21 public school students in Oklahoma shall not expand the regulatory
22 authority of the state or any school district to impose any
23 additional regulation of private schools beyond those reasonably
24

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

3 N. If the State Department of Education determines that a
4 school district prior to August 26, 2011, has failed to comply with
5 the provisions of the Lindsey Nicole Henry Scholarships for Students
6 with Disabilities Program Act and has failed to make full or partial
7 scholarship payments for eligible students, the Department shall
8 have authority to reduce the amount of State Aid allocated to the
9 school district or require the school district to make repayment to
10 the Department of State Aid allocations in an amount equal to the
11 amount of scholarship payments the school district failed to make.
12 The Department shall make payment to the parent or legal guardian in
13 the amount the school district failed to make in the manner as
14 provided for in subsection J of this section.

15 O. The State Department of Education shall annually prepare and
16 post on its website a report of Lindsey Nicole Henry Scholarships
17 for Students with Disabilities Program. The annual report shall
18 include, but not be limited to, the following information:

19 1. The total number and amount of scholarships awarded and
20 reported for each participating private school;

21 2. The total number of scholarships denied;

22 3. The total number and amount of scholarship payments
23 suspended for each participating private school; and

24

1 4. Data on participating students, disaggregated by years of
2 participation in the program, grade level, economically
3 disadvantaged status, racial and ethnic groups, and disability
4 category.

5 SECTION 2. This act shall become effective July 1, 2025.

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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11 60-1-13438 AQH 04/08/25

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