

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2928

By: Pittman

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,  
8 Section 13-101.2, as amended by Section 1, Chapter  
9 337, O.S.L. 2024 (70 O.S. Supp. 2024, Section 13-  
10 101.2), which relates to the Lindsey Nicole Henry  
11 Scholarships for Students with Disabilities Program;  
12 extending eligibility to children with incarcerated  
13 parents; requiring certain parents or legal guardians  
14 to submit documentation of parental incarceration;  
15 and providing an effective date.

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

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

20 Section 13-101.2. A. There is hereby created the Lindsey  
21 Nicole Henry Scholarships for Students with Disabilities Program.  
22 The Lindsey Nicole Henry Scholarships for Students with Disabilities  
23 Program is established to provide a scholarship to a private school  
24 of choice for students with disabilities for whom an individualized  
education program (IEP) in accordance with the Individuals with  
Disabilities Education Act (IDEA) or an individualized service plan

1 (ISP) pursuant to Section 1-4-704 of Title 10A of the Oklahoma  
2 Statutes has been developed at any time prior to notifying the State  
3 Department of Education of the intent to participate in the Program  
4 and the IEP or ISP is in effect at the time the request for a  
5 scholarship is received by the State Department of Education, or for  
6 students who have at least one incarcerated parent at the time the  
7 request for a scholarship is received by the Department.

8 Scholarships shall be awarded beginning with the 2010-2011 school  
9 year.

10 B. The parent or legal guardian of a public school student with  
11 a disability, on an individualized service plan, or with at least  
12 one incarcerated parent may exercise their parental option and  
13 request to have a Lindsey Nicole Henry Scholarship awarded for the  
14 child to enroll in and attend a private school in accordance with  
15 this section and the scholarship shall be awarded if:

16 1. The student has spent the prior school year in attendance at  
17 a public school in this state. For purposes of this section, "prior  
18 school year in attendance" means that the student was enrolled in  
19 and reported by a school district for funding purposes during the  
20 preceding school year regardless of whether or not the student had  
21 an IEP at the time the student was counted for funding purposes. A  
22 student who is a child of a member of the United States Armed Forces  
23 who transfers to a school in this state from out of state or from a  
24 foreign country pursuant to a permanent change of station orders of

1 the parent shall be exempt from the requirements of this paragraph  
2 but shall be required to meet all other eligibility requirements to  
3 participate as provided for in this section. A student who has been  
4 provided services under an Individual Family Service Plan through  
5 the SoonerStart program and during transition was evaluated and  
6 determined to be eligible for school district services shall be  
7 exempt from the requirements of this paragraph but shall be required  
8 to meet all other eligibility requirements to participate as  
9 provided for in this section. A student who was in out-of-home  
10 placement with the Department of Human Services; who was adopted  
11 while in the permanent custody of the Department of Human Services;  
12 who is enrolling or is enrolled in a school that exclusively serves  
13 students experiencing homelessness; ~~or~~ who was in out-of-home  
14 placement with the Office of Juvenile Affairs; or who has at least  
15 one incarcerated parent shall be exempt from the requirements of  
16 this paragraph but shall be required to meet all other eligibility  
17 requirements to participate as provided for in this section; and  
18 2. The parent or legal guardian has obtained acceptance for  
19 admission of the student to a private school that is eligible for  
20 the program as provided in subsection H of this section and has  
21 notified the State Department of Education of the request for a  
22 scholarship. Requests to participate in the program made after  
23 December 1 shall be granted, but funding for scholarships requested  
24 after December 1 shall not be available until the beginning of the

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

14 C. A student shall be eligible for a scholarship if the parent  
15 or legal guardian of the student made a request for a scholarship  
16 for the 2010-2011 school year and the student transferred to an  
17 eligible private school but was subsequently denied a scholarship  
18 because the student did not have an IEP or ISP in effect on October  
19 1, 2009, but did meet all other eligibility requirements as set  
20 forth in the Lindsey Nicole Henry Scholarships for Students with  
21 Disabilities Program Act.

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

3 E. School districts shall notify the parent or legal guardian  
4 of a public school student with a disability or a student who has at  
5 least one incarcerated parent of all options available pursuant to  
6 this section and inform the parent or legal guardian of the  
7 availability of information about the program from the State  
8 Department of Education through the toll-free telephone number or  
9 website. The notification shall be provided with or included in the  
10 copy of the "Parents Rights in Special Education: Notice of  
11 Procedural Safeguards" document given to parents at least annually  
12 or as otherwise required by law.

13 F. 1. Acceptance of a Lindsey Nicole Henry Scholarship shall  
14 have the same effect as a parental revocation of consent to service  
15 pursuant to 20 U.S.C., Sections 1414(a)(1)(D) and 1414(C) of the  
16 IDEA.

17 2. Upon acceptance of a Lindsey Nicole Henry Scholarship, the  
18 parent or legal guardian shall assume full financial responsibility  
19 for the education of the student including, but not limited to,  
20 transportation to and from the private school.

21 G. If the parent or legal guardian requests a Lindsey Nicole  
22 Henry Scholarship and the student is accepted by the private school  
23 pending the availability of a space for the student, the parent or  
24 legal guardian of the student shall notify the State Department of

1 Education before entering the private school and before December 1  
2 in order to be eligible for the scholarship during the school year  
3 when a space becomes available for the student in the private  
4 school. If notification is made after December 1, payment of the  
5 scholarship shall not begin until the next school year.

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

- 15 a. meets the accreditation requirements set by the State  
16 Board of Education or another accrediting association  
17 approved by the State Board of Education. The State  
18 Department of Education shall list on its website all  
19 accrediting associations approved by the Board,
- 20 b. demonstrates fiscal soundness by having been in  
21 operation for one (1) school year or providing the  
22 State Department of Education with a statement by a  
23 certified public accountant confirming that the  
24 private school desiring to participate is insured and

1 the owner or owners have sufficient capital or credit  
2 to operate the school for the upcoming year by serving  
3 the number of students anticipated with expected  
4 revenues from tuition and other sources that may be  
5 reasonably expected. In lieu of a statement, a surety  
6 bond or letter of credit for the amount equal to the  
7 scholarship funds for any quarter may be filed with  
8 the Department,

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

11 d. meets state and local health and safety laws and  
12 codes,

13 e. will be academically accountable to the parent or  
14 legal guardian for meeting the educational needs of  
15 the student,

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

22 g. complies with all state laws relating to general  
23 regulation of private schools, and  
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1           h.    adheres to the tenets of its published disciplinary  
2                    procedures prior to the expulsion of a scholarship  
3                    student.

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

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

9           a.    the parent or legal guardian shall select the private  
10                   school from the schools approved for eligibility  
11                   pursuant to subsection H of this section and apply for  
12                   the admission of the child,

13           b.    the parent or legal guardian shall request the  
14                   scholarship no later than December 1 of the school  
15                   year during which the scholarship is requested,

16           c.    any student participating in the scholarship program  
17                   shall attend throughout the school year, unless  
18                   excused by the school for illness or other good cause,  
19                   and shall comply fully with the code of conduct for  
20                   the school,

21           d.    the parent or legal guardian shall fully comply with  
22                   the parental involvement requirements of the private  
23                   school, unless excused by the school for illness or  
24                   other good cause, and



1 e. upon issuance of a scholarship warrant, the parent or  
2 legal guardian to whom the warrant is made shall  
3 restrictively endorse the warrant to the private  
4 school for deposit into the account of the private  
5 school. The parent or legal guardian may not  
6 designate any entity or individual associated with the  
7 private school as the attorney in fact for the parent  
8 or legal guardian to endorse a warrant. A parent or  
9 legal guardian who fails to comply with this  
10 subparagraph shall forfeit the scholarship.

11 2. A participant who fails to comply with this subsection  
12 forfeits the scholarship.

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

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

21 2. The maximum scholarship granted for an eligible student with  
22 disabilities shall be a calculated amount equivalent to the total  
23 State Aid factors for the applicable school year multiplied by the  
24 grade and disability weights for which the student is eligible for

1 the applicable school year. The disability weights used in  
2 calculating the scholarship amount shall include all disability  
3 weights which correspond to the disabilities included in the  
4 multidisciplinary evaluation and eligibility group summary for the  
5 student at the time the request for a scholarship is made by the  
6 parent or legal guardian. The maximum scholarship amount shall be  
7 calculated by the State Board of Education for each year the student  
8 is participating in the scholarship program;

9 3. The amount of the scholarship shall be the amount calculated  
10 in paragraph 2 of this subsection or the amount of tuition and fees  
11 for the private school, whichever is less, minus up to two and one-  
12 half percent (2 1/2%) of the scholarship amount which may be  
13 retained by the State Department of Education as a fee for  
14 administrative services rendered. If a private school does not  
15 charge tuition, the amount of the scholarship shall be the amount  
16 calculated in paragraph 2 of this subsection minus up to two and  
17 one-half percent (2 1/2%) of the scholarship amount which may be  
18 retained by the State Department of Education as a fee for  
19 administrative services rendered. The amount of any assessment fee  
20 required by the private school and the amount associated with  
21 providing services and therapies to address the disabilities of the  
22 student may be paid from the total amount of the scholarship. The  
23 amount of the scholarship shall be prorated to reflect the number of  
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1 days remaining in the current school year, if the scholarship  
2 request is granted after the beginning of the school year;

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

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

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

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

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

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

21          2. If the Superintendent intends to deny, suspend, or revoke  
22 the participation of a private school in the scholarship program,  
23 the Department shall notify the private school of the proposed  
24 action in writing by certified mail and regular mail to the private

1 school's address of record with the Department. The Department  
2 shall also notify any parents or legal guardians of scholarship  
3 students attending the private school. The notification shall  
4 include the reasons for the proposed action and notice of the  
5 timelines and procedures set forth in this subsection.

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

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

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

20 L. A parent or legal guardian who applies for a Lindsey Nicole  
21 Henry Scholarship for a public school student who has at least one  
22 incarcerated parent shall, in support of the application, provide  
23 documentation verifying a parent is incarcerated and in the custody  
24 of the Department of Corrections, another out-of-state prison

1 system, or the Federal Bureau of Prisons. The documentation shall  
2 include, but not be limited to, the active Department of Corrections  
3 inmate number for the incarcerated parent.

4 M. No liability shall arise on the part of the state, the State  
5 Board of Education, the State Department of Education, or a school  
6 district based on the award or use of any scholarship provided  
7 through the Lindsey Nicole Henry Scholarships for Students with  
8 Disabilities Program.

9 ~~M.~~ N. The inclusion of private schools within options available  
10 to public school students in Oklahoma shall not expand the  
11 regulatory authority of the state or any school district to impose  
12 any additional regulation of private schools beyond those reasonably  
13 necessary to enforce the requirements expressly set forth in this  
14 section.

15 ~~N.~~ O. If the State Department of Education determines that a  
16 school district prior to August 26, 2011, has failed to comply with  
17 the provisions of the Lindsey Nicole Henry Scholarships for Students  
18 with Disabilities Program Act and has failed to make full or partial  
19 scholarship payments for eligible students, the Department shall  
20 have authority to reduce the amount of State Aid allocated to the  
21 school district or require the school district to make repayment to  
22 the Department of State Aid allocations in an amount equal to the  
23 amount of scholarship payments the school district failed to make.  
24 The Department shall make payment to the parent or legal guardian in

1 the amount the school district failed to make in the manner as  
2 provided for in subsection J of this section.

3 ~~Θ.~~ P. The State Department of Education shall annually prepare  
4 and post on its website a report of Lindsey Nicole Henry  
5 Scholarships for Students with Disabilities Program. The annual  
6 report shall include, but not be limited to, the following  
7 information:

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

10 2. The total number of scholarships denied;

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

13 4. Data on participating students, disaggregated by years of  
14 participation in the program, grade level, economically  
15 disadvantaged status, racial and ethnic groups, and disability  
16 category.

17 SECTION 2. This act shall become effective November 1, 2025.

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