

1 STATE OF OKLAHOMA

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

3 SENATE BILL 532

By: Standridge

4  
5  
6 AS INTRODUCED

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

34 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 28-101 of Title 70, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. This act shall be known and may be cited as the "School  
5 Choice for Disadvantaged Children Program Act".

6           B. As used in this act:

7           1. "Eligible student" means a resident of the state whose  
8 parent or legal guardian has a household income equal to or less  
9 than one hundred eighty-five percent (185%) of the federal poverty  
10 level or whose parents or legal guardians have a combined household  
11 income equal to or less than three hundred percent (300%) of the  
12 federal poverty level at the time of application and:

- 13           a. who is not being provided an education by other means  
14           and who otherwise is eligible to enroll in pre-  
15           kindergarten in a public school district site that has  
16           received an "F" on the annual report issued pursuant  
17           to Section 1210.545 of Title 70 of the Oklahoma  
18           Statutes for the previous two school years, or  
19           b. who spent the previous school year enrolled in a  
20           school district site that has received an "F" on the  
21           annual report issued pursuant to Section 1210.545 of  
22           Title 70 of the Oklahoma Statutes for the previous two  
23           school years.

1 Eligible student shall also mean the sibling(s) of any student  
2 who meets the requirements of this paragraph.

3 2. "Participating private school" means a private school  
4 accredited or in the process of obtaining accreditation by the  
5 Oklahoma Private School Accrediting Council that has been approved  
6 by the State Board of Education as eligible to participate in the  
7 School Choice for Disadvantaged Children Program pursuant to  
8 subsection G of this act.

9 C. There is hereby created the School Choice for Disadvantaged  
10 Children Program to provide:

11 1. A scholarship to a participating private school of choice  
12 for an eligible student as provided for in subsection D of this  
13 section. Scholarships shall be awarded beginning with the 2022-2023  
14 school year; or

15 2. Notwithstanding the provisions of the Education Open  
16 Transfer Act, an approved transfer for an eligible student to a  
17 public school district or public charter school of choice as  
18 provided for in subsection E of this section.

19 D. Beginning with the 2022-2023 school year, the parent or  
20 legal guardian of an eligible student may exercise their parental  
21 option and request to have a scholarship awarded for the student to  
22 enroll in and attend a participating private school according to the  
23 following provisions:

1           1. The scholarship shall be awarded if the parent or legal  
2 guardian has obtained acceptance for admission of the eligible  
3 student to a participating private school and has notified the State  
4 Department of Education of the request for a scholarship. Requests  
5 for a scholarship made after December 1 shall be granted, but  
6 funding for scholarships requested after December 1 shall not be  
7 available until the beginning of the next school year. The request  
8 shall be through a communication directly to the State Department of  
9 Education in a manner that creates a written or electronic record of  
10 the request and the date of receipt of the request;

11           2. If an eligible student meets the provisions of subparagraph  
12 b of paragraph 1 of subsection B of this section, the State  
13 Department of Education shall notify the eligible student's resident  
14 district, as defined in Section 1-113 of Title 70 of the Oklahoma  
15 Statutes, upon receipt of the request;

16           3. An eligible student shall remain eligible for the School  
17 Choice for Disadvantaged Children Program scholarship regardless of  
18 whether:

- 19           a. the annual report issued pursuant to Section 1210.545  
20           of Title 70 of the Oklahoma Statutes for the school  
21           district site in which the student was enrolled  
22           improves above an "F", or
- 23           b. the household income of the eligible student's  
24           parent(s) or legal guardian(s) increases above the

1                   levels established by paragraph 1 of subsection B of  
2                   this section;

3           4. For purposes of continuity of educational choice, the  
4 scholarship shall remain in force until the eligible student returns  
5 to a public school, graduates from high school or reaches the age of  
6 twenty-one (21), whichever comes first. At any time, the parent or  
7 legal guardian of the eligible student may remove the student from  
8 the participating private school and place the student in another  
9 participating private school or place the student in a public  
10 school;

11           5. Upon acceptance of a scholarship, the parent or legal  
12 guardian of an eligible student shall assume full financial  
13 responsibility for the education of the student including but not  
14 limited to transportation to and from the participating private  
15 school; and

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

1 E. Beginning with the 2022-2023 school year, the parent or  
2 legal guardian of an eligible student who does not request a  
3 scholarship pursuant to the provisions of subsection D of this  
4 section may request a transfer for an eligible student to a public  
5 school district or public charter school of choice according to the  
6 following provisions:

7 1. The transfer shall be granted if the parent or legal  
8 guardian of an eligible student submits a transfer request no later  
9 than August 1 through a communication directly to the State  
10 Department of Education in a manner that creates a written or  
11 electronic record of the request and the date of receipt of the  
12 request;

13 2. If an eligible student meets the provisions of subparagraph  
14 b of paragraph 1 of subsection B of this section, the State  
15 Department of Education shall notify the eligible student's resident  
16 district, as defined in Section 1-113 of Title 70 of the Oklahoma  
17 Statutes, upon receipt of the request;

18 3. At any time, the parent or legal guardian of the eligible  
19 student may remove the student from the school district or charter  
20 school to which the student was transferred and place the student in  
21 his or her resident district; or

22 4. The parent or legal guardian of an eligible student who  
23 meets the provisions of paragraph 3 of this subsection may request a  
24 scholarship as provided for in subsection D of this section.

1 F. School districts shall notify the parent or legal guardian  
2 of all enrolled students about the School Choice for Disadvantaged  
3 Children Program information made available from the State  
4 Department of Education through a toll-free telephone number or  
5 website.

6 G. To be eligible to participate in the School Choice for  
7 Disadvantaged Children Program, a private school shall notify the  
8 State Department of Education of its intent to participate. The  
9 notice shall specify the grade levels and services that the private  
10 school has available for students who are participating in the  
11 program. The State Department of Education shall approve a private  
12 school as eligible to participate in the School Choice for  
13 Disadvantaged Children Program upon determination that the private  
14 school:

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

1           2. Complies with the antidiscrimination provisions of 42  
2 U.S.C., Section 2000d;

3           3. Meets state and local health and safety laws and codes;

4           4. Will be academically accountable to the parent or legal  
5 guardian of the eligible student for meeting the educational needs  
6 of the student;

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

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

14           7. Adheres to the tenets of its published disciplinary  
15 procedures prior to the expulsion of an eligible student.

16           H. 1. School Choice for Disadvantaged Children Program  
17 scholarship recipients shall comply with the following:

18               a. the parent or legal guardian of the eligible student  
19 shall select the private school from those approved  
20 for eligibility pursuant to subsection G of this  
21 section and apply for the admission of the student,

22               b. the parent or legal guardian of the eligible student  
23 shall request the scholarship no later than December 1  
24



1 of the school year during which the scholarship is  
2 requested,

3 c. any eligible student who receives a School Choice for  
4 Disadvantaged Children Program scholarship shall  
5 attend the participating private school throughout the  
6 school year, unless excused by the school for illness  
7 or other good cause, and shall comply fully with the  
8 code of conduct for the school,

9 d. the parent or legal guardian of the eligible student  
10 shall fully comply with the parental involvement  
11 requirements of the participating private school,  
12 unless excused by the school for illness or other good  
13 cause, and

14 e. upon issuance of a scholarship warrant, the parent or  
15 legal guardian to whom the warrant for tuition is made  
16 shall restrictively endorse the warrant to the  
17 participating private school for deposit into the  
18 account of the private school. The parent or legal  
19 guardian of the eligible student may not designate any  
20 entity or individual associated with the participating  
21 private school as the attorney in fact for the parent  
22 or legal guardian to endorse a warrant. A parent or  
23 legal guardian of an eligible student who fails to  
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1                   comply with this subparagraph shall forfeit the  
2                   scholarship.

3           2. A School Choice for Disadvantaged Children Program  
4 scholarship recipient who fails to comply with this subsection  
5 forfeits the scholarship.

6           I. Provisions governing payment of a School Choice for  
7 Disadvantaged Children Program scholarship shall be as follows:

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

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

14           2. The maximum scholarship granted for an eligible student  
15 shall be an amount equivalent to the state financial support of  
16 public schools per weighted average daily membership as calculated  
17 pursuant to Section 18-200.1 of Title 70 of the Oklahoma Statutes  
18 for the school year preceding the school year for which the  
19 scholarship is awarded. The maximum scholarship amount shall be  
20 calculated by the State Board of Education for each year the student  
21 is participating in the School Choice for Disadvantaged Children  
22 Program;

23           3. The amount of the scholarship shall be the amount calculated  
24 pursuant to paragraph 2 of this subsection or the amount of tuition

1 and fees for the participating private school, whichever is less,  
2 minus up to two and one-half percent (2 1/2%) of the scholarship  
3 amount, which may be retained by the State Department of Education  
4 as a fee for administrative services rendered. The amount of the  
5 scholarship shall be prorated to reflect the number of days  
6 remaining in the current school year, if the scholarship is granted  
7 after the beginning of the school year;

8 4. The State Department of Education shall notify the  
9 participating private school of the amount of the scholarship within  
10 ten (10) days after receiving the request for a scholarship. The  
11 initial payment shall be made after the Department verifies  
12 admission acceptance and enrollment of the eligible student.

13 Quarterly payments shall be made upon verification of continued  
14 enrollment and attendance at the participating private school.

15 Payment shall be made by the Department with an individual warrant  
16 made payable to the parent or legal guardian of the eligible student  
17 and mailed by the Department to the participating private school  
18 that the parent or legal guardian chooses. The parent or legal  
19 guardian shall restrictively endorse the warrant to the  
20 participating private school for deposit into its account;

21 5. The State Department of Education shall not be responsible  
22 for any additional costs associated with the education services  
23 incurred by the participating private school for the eligible  
24 student including the cost of teachers, equipment and materials;

1           6. The State Department of Education shall establish a toll-  
2 free telephone number or website that provides parents or legal  
3 guardians and private schools with information about the School  
4 Choice for Disadvantaged Children Program;

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

9           8. The State Department of Education shall cross-check the list  
10 of eligible students granted a School Choice for Disadvantaged  
11 Children Program scholarship with the public school enrollments  
12 prior to each scholarship payment to avoid duplication.

13           J. 1. The State Superintendent of Public Instruction shall  
14 deny, suspend or revoke the participation of a private school in the  
15 School Choice for Disadvantaged Children Program if it is determined  
16 that the private school has failed to comply with the provisions of  
17 this section. However, in instances in which the noncompliance is  
18 correctable within a reasonable amount of time and in which the  
19 health, safety or welfare of the students is not threatened, the  
20 Superintendent may issue a notice of noncompliance which shall  
21 provide the participating private school with a time frame within  
22 which to provide evidence of compliance prior to taking action to  
23 suspend or revoke participation in the School Choice for  
24 Disadvantaged Children Program.

1           2. If the Superintendent intends to deny, suspend, or revoke  
2 the participation of a private school in the School Choice for  
3 Disadvantaged Children Program, the State Department of Education  
4 shall notify the participating private school of the proposed action  
5 in writing by certified mail and regular mail to the private  
6 school's address of record with the Department. The Department  
7 shall also notify the parents, or legal guardians of eligible  
8 students granted a School Choice for Disadvantaged Children Program  
9 scholarship, who are attending the private school. The notification  
10 shall include the reasons for the proposed action and notice of the  
11 timelines and procedures set forth in this subsection.

12           3. The participating private school that is adversely affected  
13 by the proposed action shall have fifteen (15) days from receipt of  
14 the notice of proposed action to file with the Department a request  
15 for an administrative hearing pursuant to the Administrative  
16 Procedures Act.

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

21           5. The Board may immediately suspend payment of School Choice  
22 for Disadvantaged Children Program scholarship funds, if it is  
23 determined that there is probable cause to believe that there is an  
24 imminent threat to the health, safety or welfare of the eligible  
25

1 students or fraudulent activity on the part of the participating  
2 private school.

3 K. No liability shall arise on the part of the state, the State  
4 Board of Education, the State Department of Education or a school  
5 district based on the award or use of funds provided through the  
6 School Choice for Disadvantaged Children Program.

7 L. The inclusion of participating private schools within  
8 options available to eligible students in Oklahoma shall not expand  
9 the regulatory authority of the state or any school district to  
10 impose any additional regulation of participating private schools  
11 beyond those reasonably necessary to enforce the requirements  
12 expressly set forth in this section.

13 SECTION 2. This act shall become effective July 1, 2021.

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

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