

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1170

By: Standridge

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6 AS INTRODUCED

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

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 10-110 of Title 70, unless there
4 is created a duplication in numbering, reads as follows:

5 This act shall be known and may be cited as the "Religious
6 Freedom Scholarship Program Act".

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 10-111 of Title 70, unless there
9 is created a duplication in numbering, reads as follows:

10 A. There is hereby created the Religious Freedom Scholarship
11 Program to provide a scholarship to an eligible private school of
12 choice for students who have concerns related to their free exercise
13 of religion as provided for in subsection B of this section.
14 Scholarships shall be awarded beginning with the 2023-2024 school
15 year.

16 B. Beginning with the 2023-2024 school year, the parent or
17 legal guardian of a student enrolled in a public school district in
18 this state may exercise their parental option and request to have a
19 Religious Freedom Scholarship awarded for the student to enroll in
20 and attend a private school in accordance with this section. A
21 student shall be deemed eligible if:

22 1. The parent or legal guardian of the student objects to
23 instruction or curriculum provided by the school district that he or
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1 she believes is in opposition to his or her closely held religious
2 beliefs; or

3 2. The parent or legal guardian of the student objects to
4 instruction or curriculum provided by the school district that he or
5 she believes promotes anti-religious sentiment and is in opposition
6 to his or her closely held religious beliefs.

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

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

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

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

11 D. School districts shall notify the parent or legal guardian
12 of all enrolled students about Religious Freedom Scholarship Program
13 information made available from the State Department of Education
14 through a toll-free telephone number or website.

15 E. Upon acceptance of a Religious Freedom Scholarship, the
16 parent or legal guardian of a student shall assume full financial
17 responsibility for the education of the student including but not
18 limited to transportation to and from the private school.

19 F. If the parent or legal guardian requests a Religious Freedom
20 Scholarship and the student is accepted by the private school
21 pending the availability of a space for the student, the parent or
22 legal guardian of the student shall notify the State Department of
23 Education before entering the private school and before December 1
24 to be eligible for the scholarship during the school year when a

1 space becomes available in the private school. If notification is
2 made after December 1, payment of the scholarship shall not begin
3 until the following school year.

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

12 1. 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 2. Meets state and local health and safety laws and codes;
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1 3. Will be academically accountable to the parent or legal
2 guardian of the student for meeting the educational needs of the
3 student;

4 4. 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 5. Complies with all state laws relating to general regulation
10 of private schools; and

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

13 H. 1. Religious Freedom Scholarship Program participants shall
14 comply 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 Religious Freedom Scholarship no later
21 than December 1 of the school year during which the
22 scholarship is requested,

23 c. any student participating in the Religious Freedom
24 Scholarship Program shall attend throughout the school
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1 year, unless excused by the school for illness or
2 other good cause, and shall comply fully with the code
3 of conduct 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 Religious Freedom Scholarship
9 warrant, the parent or legal guardian to whom the
10 warrant for tuition is made shall restrictively
11 endorse the warrant to the private school for deposit
12 into the account of the private school. The parent or
13 legal guardian of the student may not designate any
14 entity or individual associated with the private
15 school as the attorney in fact for the parent or legal
16 guardian to endorse a warrant. A parent or legal
17 guardian of a student who fails to comply with this
18 subparagraph shall forfeit the scholarship.

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

21 I. Provisions governing payment of a Religious Freedom
22 Scholarship shall 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
11 Religious Freedom 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
3 the Religious Freedom Scholarship Program if it is determined that
4 the private school has failed to comply with the provisions of this
5 section. However, in instances in which the noncompliance is
6 correctable within a reasonable amount of time and in which the
7 health, safety, or welfare of the students is not threatened, the
8 Superintendent may issue a notice of noncompliance which shall
9 provide the private school with a time frame within which to provide
10 evidence of compliance prior to taking action to suspend or revoke
11 participation in the Religious Freedom Scholarship Program.

12 2. If the Superintendent intends to deny, suspend, or revoke
13 the participation of a private school in the Religious Freedom
14 Scholarship Program, the State Department of Education shall notify
15 the private school of the proposed action in writing by certified
16 mail and regular mail to the private school's address of record with
17 the Department. The Department shall also notify the parents or
18 legal guardians of students granted a Religious Freedom Scholarship
19 who are attending the private school. The notification shall
20 include the reasons for the proposed action and notice of the
21 timelines and 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
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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 Religious
8 Freedom Scholarship funds if it is determined that there is probable
9 cause to believe that there is an imminent threat to the health,
10 safety, or welfare of the students or fraudulent activity on the
11 part of the 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 Religious Freedom 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, 2022.

23 SECTION 4. It being immediately necessary for the preservation
24 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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