

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 15. CURRICULUM AND INSTRUCTION
SUBCHAPTER 13. SPECIAL EDUCATION**

210:15-13-7. Lindsey Nicole Henry Scholarship for Students with Disabilities Program

(a) **Scholarship Requests.** The parent or legal guardian of an eligible student with disabilities who has been admitted to an approved private school may request a Lindsey Nicole Henry Scholarship from the Oklahoma State Department of Education **(OSDE)**.

(1) A complete Lindsey Nicole Henry Scholarship for Students with Disabilities Application and all required documentation must be submitted by **postal mail, email,** or fax to the State Department of Education by December 1 of the year that the scholarship is being requested for. Scholarship requests received after December 1 shall be eligible for consideration, but funding for scholarship requests received after December 1 shall not be available until the beginning of the following school year.

(2) Upon receipt of a Lindsey Nicole Henry Scholarship request, the State Department of Education shall notify the school district of residence.

(3) All recipients of the Lindsey Nicole Henry Scholarship must submit a renewal request for the scholarship each year, by submitting a current Lindsey Nicole Henry Scholarship for Students with Disabilities Application to the State Department of Education. Renewal requests should be submitted in June or July prior to the beginning of the academic year for which the scholarship renewal is requested. If the application is received after the beginning of the school year, the scholarship will be prorated according to the date the renewal request is approved. If a renewal application is not submitted by December 1, the scholarship will be terminated.

(4) If the required annual renewal requests and all other required documentation are submitted to the State Department of Education as provided for in this section and in 70 O.S. § 13-101.2, the scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of twenty-two (22), whichever occurs first.

(5) **70 O.S. § 13-101.2 provides that Acceptanceacceptance** of a Lindsey Nicole Henry Scholarship shall have the same effect as a parental revocation of consent under **20 U.S.C. Section 1414(a)(1)(D) and 1414(C) of** the Individuals with Disabilities Education Act (IDEA). **The State Department of Education will provide a form, available online from the agency website, which a parent/guardian shall complete to indicate that they understand the revocation of consent for service under IDEA. The parent/guardian shall return the completed revocation of consent form to OSDE, and a copy of the form shall be forwarded by OSDE to the school district that most recently served the student.**

(b) **Payments.** Payment of scholarship funds shall be made by the State Department of Education with an individual warrant made payable to the participating student's parent or guardian, and mailed by the Department to the private school where the student is enrolled.

(1) Upon issuance of a Lindsey Nicole Henry Scholarship warrant, the parent or legal guardian to whom the warrant is made shall restrictively endorse the warrant to the private school for deposit into the account of the private school.

(2) The initial payment shall be made after the State Department of Education verifies acceptance and enrollment at the approved private school. Quarterly payments shall be made upon verification of continued enrollment and attendance at the private school.

(3) The parent or legal guardian may not designate any entity or individual associated with the private school as the attorney in fact for the parent or legal guardian to endorse a warrant. Failure to comply with this subsection will result in forfeiture of the scholarship.

(c) **Private School Eligibility.** In order to be eligible to accept students on the scholarship, private schools must be accredited by the State Board of Education or another accrediting association approved by the State Board of Education, and meet all other requirements for participating private schools as listed in 70 O.S. § 13-101.2. No out of state schools are eligible to participate in the scholarship program. The State Department of Education shall maintain a list of private schools that have been determined to be eligible to participate in the Lindsey Nicole Henry scholarship program, to be posted on the State Department of Education website and updated each time a school is added to or removed from the program. Participating schools may be required to periodically provide documentation to OSDE demonstrating that they continue to meet the eligibility requirements for participation in the Lindsey Nicole Henry Scholarship Program. A participating school shall not be required to submit documentation of continued eligibility more than one (1) time per year, unless OSDE receives information that a participating school may no longer meet the program eligibility requirements, in which case documentation of continued eligibility may be requested from the school in question upon receipt of such a complaint. Scholarship requests shall only be considered when the parent of an eligible student submits documentation that the student has been admitted to a school that has been approved as of the date the scholarship request is received by the State Department of Education. Schools that wish to participate in the Lindsey Nicole Henry Scholarship Program should note that the antidiscrimination provisions of 42 U.S.C. § 2000d, which a school must comply with in order to participate in the program, incorporate Executive Order 13160 (2000) and prohibit discrimination on the following bases:

- (1) Race;
- (2) Sex;
- (3) Color;
- (4) National origin;
- (5) Disability;
- (6) Religion;
- (7) Age (except as appropriate in a common education context);
- (8) Sexual orientation; and
- (9) Status as a parent.

(d) **Student Eligibility.** To be eligible for a Lindsey Nicole Henry Scholarship, a student must meet all of the following criteria:

- (1) Has been identified as a student with a disability, and has had an individualized Education Program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA);
- (2) Has an IEP in effect at the time the scholarship request is received by the State Department of Education;
- (3) Has been accepted by a private school approved by the State Department of Education for participation in the Lindsey Nicole Henry scholarship program; and
- (4) Falls within one of the following three categories:
 - (A) Has spent the prior school year in attendance at a public school in Oklahoma; or

(B) Is the child of a member of the United States Armed Forces who transfers to a school in Oklahoma from another state or from a foreign country pursuant to a permanent change of station orders; or

(C) Has been provided services under an Individual Family Service Plan (IFSP) through the SoonerStart program, and during transition was evaluated and determined to be eligible for school district services.

(5) A student who was in out-of-home placement with the Department of Human Services (DHS), a student who was adopted while in the permanent custody of DHS, or a student who was in out-of-home placement with the Office of Juvenile Affairs (OJA) is eligible to apply for the Lindsey Nicole Henry Scholarship regardless of whether they have been identified as a student with disabilities or whether they have spent the prior school year in attendance at an Oklahoma public school.

(e) **Amount of Scholarship.** The maximum scholarship granted for an eligible student with disabilities shall be equivalent to the total State Aid factors for the applicable school year multiplied by the grade and disability weights generated by that student for the applicable school year. For a participating student who is eligible under (d)(5) of this section, the maximum amount of the scholarship shall be equivalent to the total State Aid factors for the applicable school year multiplied by the grade weight and any other factors applicable to the student.

(1) The disability weights used in calculating the scholarship amount shall include all disability weights which correspond to the disabilities included in the multidisciplinary evaluation and eligibility group summary (MEEGS) for the student at the time the request for a scholarship is made by the parent or legal guardian.

(2) The maximum scholarship amount shall be calculated by the State Board of Education for each year the student is participating in the Lindsey Nicole Henry Scholarship program.

(3) Within ten (10) days after receiving a scholarship request, the State Department of Education shall notify the participating private school of the amount of the scholarship, provided the total State Aid factors have been determined for the current fiscal year.

(f) **Tracking.** Lindsey Nicole Henry Scholarship students shall be tracked through the computerized record system used by the State Department of Education.