

**Supplement to Parents Rights in Special Education: Notice of Procedural Safeguards
Lindsey Nicole Henry Scholarships for Students with Disabilities Program Act
(70 O.S. § 13-101.2)**

The Lindsey Nicole Henry Scholarships for Students with Disabilities Program Act ("Act") was established to provide a scholarship to a private school of choice for students with disabilities for whom an individualized education program (IEP) in accordance with the Individuals with Disabilities Education Act (IDEA) has been developed at any time prior to notifying the State Department of Education of the intent to participate in the Program and the IEP is in effect at the time the request for a scholarship is received by the State Department of Education (SDE).

The parent or legal guardian of a public school student with a disability may exercise their parental option and request to have a Lindsey Nicole Henry Scholarship awarded for the child to enroll in and attend a private school in accordance with this section and the scholarship shall be awarded if: (1) The student has spent the prior school year in attendance at a public school in this state. "Prior school year in attendance" means that the student was enrolled in and reported by a school district for funding purposes during the preceding school year regardless of whether or not the student had an IEP at the time the student was counted for funding purposes; and (2) The parent or legal guardian has obtained acceptance for admission of the student to a private school that is eligible for the program and has notified the State Department of Education of the request for a scholarship no later than December 1 of the school year during which the scholarship is requested.

The request shall be through a communication directly to the SDE in a manner that creates a written or electronic record of the request and the date of receipt of the request. The SDE shall notify the school district upon receipt of the request. For purposes of continuity of educational choice, 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. At any time, the parent or legal guardian of the student may remove the student from the private school and place the student in another private school that is eligible for the program or place the student in a public school.

A student who is a child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a permanent change of station orders of the parent shall be exempt from these requirements but shall be required to meet all other eligibility requirements to participate.

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

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

Acceptance of a Lindsey Nicole Henry Scholarship shall have the same effect as a parental refusal to consent to service pursuant to 20 U.S.C. §1414(a)(1) [Section 614(a)(1) of the IDEA]. Upon acceptance of a Lindsey Nicole Henry Scholarship, the parent or legal guardian shall assume full financial responsibility for the education of the student, including but not limited to transportation to and from the private school.

If the parent or legal guardian requests a Lindsey Nicole Henry Scholarship and the student is accepted by the private school pending the availability of a space for the student, the parent or legal guardian of the student shall notify the State Department of Education before entering the private school and before December 1 in order to be eligible for the scholarship during the school year when a space becomes available for the student in the private school. If notification is made after December 1, payment of the scholarship shall not begin until the next school year.

Please submit a completed copy of the Lindsey Nicole Henry Scholarship Application (available at <http://www.sde.state.ok.us/Curriculum/SpecEd/Scholarship.html>) with all required documentation to the Oklahoma State Department of Education (OSDE) to request a Lindsey Nicole Henry Scholarship for your child with a disability. You may also call the OSDE at (405) 521-4865 to receive an application packet by mail. The application process must be completed each year that the parent/guardian chooses to participate in the Lindsey Nicole Henry Scholarship. Please mail the completed scholarship application and required documentation to: Oklahoma State Department of Education, Special Education Services, Attention: Anita Eccard, 2500 North Lincoln Boulevard, Oklahoma City Oklahoma 73105. For assistance with scholarship applications or other questions related to a Lindsey Nicole Henry Scholarship, contact Anita Eccard at the OSDE at (405) 521-4865.