

Frequently Asked Questions about the Lindsey Nicole Henry (LNH) Scholarship for Students with Disabilities

Q What is the LNH Scholarship for Students with Disabilities Program?

A The Lindsey Nicole Henry Scholarship for Students with Disabilities (70 O.S. § 13-101.2) is a new law which became effective August 26, 2011, through HB 1744. This law amended the original scholarship created by HB 3393. The scholarship was created for qualifying students with disabilities for use at a private school that is accredited by the State Board of Education or another accrediting association approved by the State Board of Education. Students with disabilities include PK-12th grade students who are documented as having Autism Spectrum Disorder, Deaf-Blindness, Developmental Delays, Emotional Disturbance, Hearing Impairment including Deafness, Intellectual Disabilities, Multiple Disabilities, Orthopedic Impairments, Other Health Impairments, Specific Learning Disability, Speech or Language Impairment, Traumatic Brain Injury, and/or Visual Impairment including Blindness.

Q Who is eligible for a LNH Scholarship?

A Any parent of a public school student with a disability who has an Individual Education Program (IEP) may receive a LNH Scholarship if the student meets the following requirements:

- *The student has spent the prior school year in attendance at an Oklahoma public school, unless the child's parent or legal guardian is a member of the United States Armed Forces. Prior school year means that the student was enrolled and reported by a school district for funding purposes during the preceding year;*
- *The parent or legal guardian has obtained acceptance for admission of the student to a private school that is eligible for the program; and*
- *The parent or legal guardian completes the application process by December 1 of the year that they are seeking approval for the scholarship.*

Q What is the first step in obtaining the LNH Scholarship?

A The parent or legal guardian must obtain acceptance for the child's admission to an approved private school. Once acceptance has been granted from the private school, the parent or legal guardian must complete the application process with the OSDE and send the OSDE required documentation for consideration by December 1 of the year that the scholarship will take effect. If approved, the OSDE will notify the private school and the parent or legal guardian of the calculation amount for the scholarship within ten (10) days of receipt of the completed application. The private school and the parent or legal guardian will also receive written notification within ten (10) days if the application is denied. Payment of the scholarship will not begin until the next school year if received after December 1.

Q Are private schools required to participate in the LNH Scholarship program?

A No. Private schools are not required to participate in the LNH Scholarship program; however, participation is open to all private schools that wish to take part in the program, as long as the private school meets the eligibility criteria set forth by the Act. Private schools meeting the requirements of the Act may submit an application to the Oklahoma State Board of Education for consideration. If approved, the Oklahoma State Department of Education (OSDE) will notify the private school in writing that they are approved to receive tuition payments for students who qualify for the LNH Scholarship award. Each private school must provide the OSDE with an annual notarized, sworn compliance statement certifying compliance with state laws.

Q **Where can I find a list of approved private schools that are participating in the LNH Scholarship program?**

A Current approved private schools are listed on the LNH Web page of the OSDE Web site located at sde.state.ok.us/Curriculum/SpecEd/Scholarship.html, or you can call the OSDE at (405) 521-4865 for an updated list.

Q **What is the timeline for receiving information about the LNH Scholarship award amount?**

A The parent or legal guardian of an eligible student must request a scholarship by notifying the OSDE through the approved application process. Within ten (10) business days of receipt of the completed parental request, the OSDE must determine the calculation of the maximum amount of the scholarship and report it to the private school in writing. The parent or legal guardian will also be notified of the maximum amount of the scholarship at that time. The amount of the scholarship will be calculated annually as required by 70 O.S. 13-101.2, Section 1(J)(1).

Q **How often do LNH Scholarship students have to reapply for the scholarship?**

A The parent or legal guardian of the LNH Scholarship student must complete and submit to the OSDE an annual application, checking the “Annual Renewal” box, to provide updates concerning the LNH Scholarship student’s current demographic and educational information. This application must be submitted to the OSDE by December 1 of the year that the scholarship is requested, so the scholarship amount can be recalculated for the ensuing year. The application may be obtained on the LNH

Scholarship Web page found on the OSDE Web site at sde.state.ok.us/Curriculum/SpecEd/Scholarship.html or by calling the OSDE at (405) 521-4865.

Q **May LNH Scholarship students who are enrolled in a participating private school attend a public school while they wait for the private school’s first day of school?**

A No. When students enroll in the LNH Scholarship program for the first time, they must wait for classes to begin at the private school for the new school year. Scholarship participants may lose their eligibility for the scholarship if they attend a public school while waiting for their private school to begin classes. Local education agencies (LEA) are responsible for reporting students attending the public school as “returned to public school” students.

Q **If the parent or legal guardian requests a LNH Scholarship and the student is accepted by the private school pending the availability of a space for the student, what should the parent do to ensure that they are eligible for the scholarship when a space becomes available?**

A The parent or legal guardian must notify the OSDE before entering the private school and before December 1 in order to be eligible for the LNH Scholarship during the school year when a space becomes available for the student in the private school.

The Lindsey Nicole Henry Scholarships for Students with Disabilities honors the memory of Governor Brad and Kim Henry’s daughter, who died of a rare neuromuscular disease as an infant.

Q

May LNH Scholarship students attend a participating private school and receive special education services from a public school district?

A

No. LNH Scholarship students may not receive special education services from a public school district except under special circumstances involving a service plan. LNH Scholarship students must formally withdraw from public school after acceptance of the scholarship. If a child is enrolled in both private and public school, the child will be considered to have “returned to public school” and may lose eligibility for the scholarship.

Q

Will a LNH Scholarship student continue to be on an IEP that includes special education and/or related services provided by the public school district?

A

No. Accepting the LNH Scholarship will be the same as revocation of consent for special education services (See “Parents Rights in Special Education: Notice of Procedural Safeguards”). If a parent chooses to revoke consent, the revocation is in its entirety, so acceptance of the LNH scholarship will forfeit all special education services, related services and any other special education supports, including the child’s IEP developed while the child was enrolled in the public school district. If the parent revokes consent by accepting the LNH scholarship, the school district:

- *Is not in violation of the requirement to make available a free and appropriate public education (FAPE) to your child for its failure to provide services to your child;*
- *Will treat your child as a nondisabled student for disciplinary purposes in the public school setting if the child returns to the public school environment; and*
- *Is not required to amend your child’s education records to remove any references to your child’s receipt of special education and related services.*

If you elect to re-enroll your child in a LEA, terminating eligibility for the LNH Scholarship, the parent or legal guardian or the school district may initiate a request for an initial evaluation to determine if your child is a child with a disability.

Q

What happens if the LNH Scholarship student has an address change, transfers to a different school, or has other changes that could affect the child’s educational program?

A

The parent must notify the OSDE of any changes that could affect the child’s educational program within ten (10) business days of the change or the child’s scholarship eligibility may be in jeopardy.

Q

Can the parent withdraw the LNH Scholarship student from an approved private school and re-enroll the child in another approved private school?

A

Yes. At any time the parent or legal guardian of the LNH Scholarship student may withdraw the student from an approved private school and place the student in another private school that is eligible to receive LNH Scholarship students. The OSDE must be notified by the parent or legal guardian within ten (10) business days of this change.

Q

Can the parent or legal guardian withdraw a LNH Scholarship student from private school and re-enroll the child in public school?

A

Yes. The scholarship student may re-enroll in the public school district at any time; however, the scholarship will be forfeited immediately. The parent or legal guardian may request for the child to receive special education services in the public school, and the request will be processed as an initial evaluation. The student will be treated as any student in the child-find process.

Q

Who is responsible to provide transportation to the private school for students receiving the LNH Scholarship?

A

If the parent or legal guardian chooses to place the child in a private school and the child has been awarded the LNH Scholarship, the parent is responsible for the student’s transportation.

Q How long does a LNH Scholarship last?

- A The scholarship will remain in effect until the student:
- Returns to a public school;
 - Graduates from high school, or
 - Reaches the age of 22, whichever occurs first.

Q Can a LNH Scholarship be forfeited?

- A Yes. There are several ways that a LNH Scholarship may be forfeited. The scholarship is forfeited when a parent or legal guardian:
- Enrolls or re-enrolls the student in a public school.
 - Withdraws the student from the private school to home school the student.
 - Fails to fully comply with the parental involvement requirements of the private school.
 - Refuses to restrictively endorse the scholarship payment to the appropriate school for deposit into the account of the participating private school.
- The scholarship is forfeited when a student:
- Does not remain in continued attendance at a participating private school throughout the school year (unless excused by the school for illness or other good cause); or
 - Fails to adhere to the discipline policies of the private school.

Q: If a student who is applying for the scholarship is dismissed from receiving special education services after the parent or legal guardian files a request for the scholarship and before the student enters the private school, is the student eligible for the LNH Scholarship?

- A No. If a student is dismissed from receiving special education services while enrolled in a public school, the student is not eligible for the scholarship. The child must be on a current IEP to meet the requirements of the scholarship.

Q What is the award amount for a LNH Scholarship?

A The maximum scholarship amount granted for an eligible student with disabilities will be a calculated amount 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. The maximum scholarship amount will be calculated by the State Board of Education for each year the student is participating in the scholarship program. The amount of the scholarship will be the preceding amount, less 2 ½ percent for administrative fees, or the amount of tuition and fees for the private school, whichever is less. Each year, the scholarship amount will be recalculated by the OSDE.

Q How is a LNH Scholarship payment made?

A Payments for the LNH Scholarship will be made quarterly on a reimbursement basis by the OSDE, according to the following procedure:

- The private school will provide the OSDE with an annual notarized, sworn affidavit of compliance that is supplied by the OSDE, an annual statement of tuition and fees for each scholarship student upon their enrollment, and an invoice for each child at the end of each quarter that includes a detailed quarterly attendance report. The parent or legal guardian will complete a Vendor/Payee form supplied by the OSDE, and return it to the OSDE before payment is issued.
- The OSDE will cross-check the list of participating scholarship students with public school enrollments prior to each scholarship payment.
- The initial payment will be made after the OSDE verifies admission, acceptance and enrollment. The payment will be made by the OSDE with an individual warrant made payable to the parent or legal guardian of the LNH Scholarship student and mailed to the approved private school where the child attended.
- Upon issuance of the scholarship warrant, the parent or legal guardian to whom the warrant is made will restrictively endorse the warrant to the private school for deposit into the account of the private school. No entity or individual associated with the private school as the attorney in fact for the parent or legal guardian can endorse a warrant.

Q

What are the responsibilities of the public school district where the LNH Scholarship student resides?

A

The public school district is responsible for the following:

- *Annually make available general information about the LNH Scholarship to parents of children with disabilities and provide them with contact information to gain additional information, including an annual copy of the “Parents Rights in Special Education: Notice of Procedural Safeguards”;*
- *Conduct child find activities, including initiation of the re-evaluation process, for all students with disabilities who reside in the school district;*
- *Exit all children from the district special education child count who are known to be parentally placed in a private school and receiving the LNH Scholarship after notification by the parent of acceptance of the scholarship by written confirmation or default.*

Q

Who is responsible for special education services or extra costs that are incurred by the private school for the LNH Scholarship student?

A

Upon acceptance of the LNH Scholarship, the parent or legal guardian shall assume full financial responsibility for the education of the student. The OSDE or the public school district will not be responsible for any additional costs associated with special education and related services incurred by the private school for the student including the cost of teachers, equipment, material, and special costs associated with a special education class.

If you have additional questions regarding the LNH Scholarship for Students with Disabilities, please contact Ms. Anita Eccard at (405) 521-4865.

