

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Special Education

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

SUMMARY:

The State Department of Education (OSDE) rules addressing private school eligibility to participate in the Lindsey Nicole Henry Scholarship Program are being amended to reflect the interpretation and analysis of the Oklahoma Attorney General in Opinion 2020 OK AG 13. Further, because the Opinion determined the current administrative rules at OAC 210:10-15-7(c) are invalid and because the Opinion is binding upon the state official(s) affected by it, OSDE is proposing to amend the administrative rules consistent therewith.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 13-101.2; 2020 OK AG 13.

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from Friday, January 15, 2021 until 4:30 p.m. on Wednesday, February 17, 2021.

Written comments in electronic form will be accepted during the open public comment period via email at Carolyn.Thompson@sde.ok.gov or by fax at (405) 522-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Wednesday, February 17, 2021, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so. Social distancing and other public health precautions will apply to the public hearing if appropriate at that time under federal and state recommendations regarding COVID-19.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Carolyn Thompson, Deputy Chief of Staff & Chief of Government Affairs, State Department of Education, Suite 121, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599, Telephone number: (405) 521-4889