

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
FOR
4 HOUSE BILL NO. 1393

By: Kerbs

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7 COMMITTEE SUBSTITUTE

8 An Act relating to special education; requiring State
9 Board of Education to adopt certain parental consent
forms; prescribing criteria for forms; prohibiting
certain actions without parental consent; providing
exception; requiring certain IEP Team meeting;
requiring certain invitation for meeting; permitting
parental waiver; requiring school district make
certain reasonable effects before certain actions;
requiring parents complete certain actions; requiring
school districts implement IEP after consent;
providing for procedures during due process hearing;
clarifying effect on federal rights; authorizing
State Board of Education to adopt rules; providing
for codification; providing an effective date; and
declaring an emergency.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 13-114.6 of Title 70, unless
21 there is created a duplication in numbering, reads as follows:

22 A. The State Board of Education shall adopt a separate parental
23 consent form that school districts shall use for determining whether
24 a student who has an Individualized Education Program (IEP) will

1 participate in the Oklahoma Alternate Assessment Program (OAAP),
2 pursuant to Section 11-103.6 of Title 70, and be provided with
3 instruction that will be assessed by alternate achievement standards
4 that promote access to and progress in the general education
5 curriculum.

6 B. In accordance with 34 C.F.R. Section 300.503, each parental
7 consent form shall be provided to the parent in the parent's native
8 language, as defined in 34 C.F.R. Section 300.29, and include the
9 following:

10 1. An informal statement describing the benefits, risks, and
11 legal implications of parental consent or refusal to consent
12 including that the parent has the right to consent or refuse consent
13 to the actions described in subsection A of this section. The
14 statement shall include information that refusal of parental consent
15 means that the student will be assessed using the typical district
16 and state assessments with appropriate accommodations,
17 modifications, and supplementary aids and services and that the
18 refusal of parental consent means that the school district shall not
19 proceed with the actions described in subsection A without a school
20 district exhausting Alternative Dispute Resolution (ADR) options
21 before pursuing a due process hearing in accordance with 34 C.F.R.
22 Sections 300.506 through 300.508;

- 23 2. A "does consent" box and a signature line; and
24 3. A "does not consent" box and a signature line.

1 C. 1. A school district shall not proceed with the actions
2 described in subsection A without parental consent unless the school
3 district documents reasonable efforts to obtain the parent's consent
4 and the child's parent has failed to respond or the school district
5 obtains approval through a due process hearing in accordance with 34
6 C.F.R. Sections 300.506 through 300.508 and resolution of appeals.

7 2. Before initiating a due process hearing, the school district
8 shall first attempt Alternative Dispute Resolution (ADR) options
9 including, but not limited to:

- 10 a. facilitated IEP meetings, where a trained facilitator
11 assists the IEP team in reaching consensus,
- 12 b. mediation, as provided under 34 C.F.R. Section 300.506
13 and 20 U.S.C. Section 1415(e),
- 14 c. early resolution meetings, in accordance with 34
15 C.F.R. Section 300.510(a)(1), allowing both parties to
16 resolve disputes before due process is filed, and
- 17 d. other state or local special education dispute
18 resolution programs as provided by Section 13-114.3 of
19 Title 70.

20 If ADR is unsuccessful, the school district may proceed with a due
21 process hearing, provided that documentation of the failed ADR
22 attempt is included in the complaint record.

23 D. 1. Except for a change in placement, if a school district
24 determines that there is a need to change a student's IEP as it

1 | relates to actions described in subsection A, the school shall hold
2 | an IEP team meeting that includes the parent to discuss the reason
3 | for the change. The school shall provide the invitation for a
4 | meeting to the parent at least five (5) school days before the
5 | meeting, indicating the purpose, time, and location of the meeting
6 | and who, by title or position, will attend the meeting.

7 | 2. If the school has developed a draft IEP before the meeting,
8 | a copy of the draft IEP shall be provided to the parent at least
9 | three (3) school days before the meeting to allow for meaningful
10 | parental participation, in accordance with 20 U.S.C. Section 1414
11 | and Oklahoma Administrative Code 210:15-13-4. The draft IEP shall
12 | clearly indicate that it is preliminary and subject to discussion
13 | and revision during the meeting.

14 | 3. A parent may waive the requirements of this subsection in
15 | writing on an individual meeting basis, provided that the waiver is
16 | voluntary, informed, and documented in accordance with Section 13-
17 | 101.2 of Title 70 and Section 504 of the Rehabilitation Act, 29
18 | U.S.C. Section 794. However, such a waiver shall not diminish the
19 | school's obligation to ensure that parents have a meaningful
20 | opportunity to participate in the IEP process, as required by 34
21 | C.F.R. Section 300.322(a).

22 | E. For a change in actions described in subsection A in a
23 | student's IEP, the school district shall not implement the change
24 | without parental consent unless the school district documents

1 reasonable efforts to obtain the parent's consent and the child's
2 parent has failed to respond or the school district obtains approval
3 through a successful ADR agreement or a due process hearing in
4 accordance with 34 C.F.R. Sections 300.506 through 300.508 and
5 resolution of appeals.

6 F. No later than ten (10) schools days after receipt of the
7 proposed IEP and proposed participation in the Oklahoma Alternate
8 Assessment Program (OAAP), the parents shall:

9 1. Accept or reject the IEP in whole or in part, request a
10 meeting to discuss the rejected portions of the IEP or the overall
11 adequacy of the IEP, or if mutually agreed upon, accept an amended
12 proposal; and

13 2. Accept or reject the proposed participation in the Oklahoma
14 Alternate Assessment Program (OAAP).

15 G. Upon parental response to the proposed IEP, the school
16 district shall implement all accepted elements of the IEP without
17 delay.

18 H. Pursuant to 34 C.F.R. Section 300.518, during the pendency
19 of an ADR option or a due process hearing or appellate proceeding
20 regarding a due process complaint, the student shall remain in his
21 or her current educational assignment while awaiting the ADR option
22 outcome or the decision of any impartial due process hearing or
23 court proceeding, unless the parent and the district school board
24 otherwise agree.

1 I. This section does not abrogate any parental right identified
2 in the Individuals with Disabilities Education Act (IDEA) and its
3 implementing regulations.

4 J. The State Board of Education shall adopt rules to implement
5 this section including, but not limited to, developing a parental
6 consent forms and updating relevant policies and procedures.

7 SECTION 2. This act shall become effective July 1, 2025.

8 SECTION 3. It being immediately necessary for the preservation
9 of the public peace, health or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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