

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                   STATE OF OKLAHOMA

3                   1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE  
FOR  
5 HOUSE BILL NO. 1393

By: Kerbs of the House

6                   and

7                   **Daniels** of the Senate

8

9                   COMMITTEE SUBSTITUTE

10                  An Act relating to special education; requiring State  
11 Board of Education to adopt certain parental consent  
12 forms; prescribing criteria for forms; prohibiting  
13 certain actions without parental consent; providing  
14 exception; requiring certain IEP Team meeting;  
15 requiring certain invitation for meeting; permitting  
16 parental waiver; requiring school district make  
17 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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20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21                  SECTION 1.        NEW LAW        A new section of law to be codified  
22 in the Oklahoma Statutes as Section 13-114.6 of Title 70, unless  
23 there is created a duplication in numbering, reads as follows:  
24

1       A. The State Board of Education shall adopt a separate parental  
2 consent form that school districts shall use for determining whether  
3 a student who has an Individualized Education Program (IEP) will  
4 participate in the Oklahoma Alternate Assessment Program (OAAP),  
5 pursuant to Section 11-103.6 of Title 70, and be provided with  
6 instruction that will be assessed by alternate achievement standards  
7 that promote access to and progress in the general education  
8 curriculum.

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

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

1 before pursuing a due process hearing in accordance with 34 C.F.R.  
2 Sections 300.506 through 300.508;

3       2. A "does consent" box and a signature line; and

4       3. A "does not consent" box and a signature line.

5           C. 1. A school district shall not proceed with the actions

6 described in subsection A without parental consent unless the school  
7 district documents reasonable efforts to obtain the parent's consent  
8 and the child's parent has failed to respond or the school district  
9 obtains approval through a due process hearing in accordance with 34  
10 C.F.R. Sections 300.506 through 300.508 and resolution of appeals.

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

14               a. facilitated IEP meetings, where a trained facilitator  
15                   assists the IEP team in reaching consensus,

16               b. mediation, as provided under 34 C.F.R. Section 300.506  
17                   and 20 U.S.C. Section 1415(e),

18               c. early resolution meetings, in accordance with 34  
19                   C.F.R. Section 300.510(a)(1), allowing both parties to  
20                   resolve disputes before due process is filed, and

21               d. other state or local special education dispute  
22                   resolution programs as provided by Section 13-114.3 of  
23                   Title 70.

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

4       D. 1. Except for a change in placement, if a school district  
5 determines that there is a need to change a student's IEP as it  
6 relates to actions described in subsection A, the school shall hold  
7 an IEP team meeting that includes the parent to discuss the reason  
8 for the change. The school shall provide the invitation for a  
9 meeting to the parent at least five (5) school days before the  
10 meeting, indicating the purpose, time, and location of the meeting  
11 and who, by title or position, will attend the meeting.

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

19       3. A parent may waive the requirements of this subsection in  
20 writing on an individual meeting basis, provided that the waiver is  
21 voluntary, informed, and documented in accordance with Section 13-  
22 101.2 of Title 70 and Section 504 of the Rehabilitation Act, 29  
23 U.S.C. Section 794. However, such a waiver shall not diminish the  
24 school's obligation to ensure that parents have a meaningful

1 opportunity to participate in the IEP process, as required by 34  
2 C.F.R. Section 300.322(a).

3       E. For a change in actions described in subsection A in a  
4 student's IEP, the school district shall not implement the change  
5 without parental consent unless the school district documents  
6 reasonable efforts to obtain the parent's consent and the child's  
7 parent has failed to respond or the school district obtains approval  
8 through a successful ADR agreement or a due process hearing in  
9 accordance with 34 C.F.R. Sections 300.506 through 300.508 and  
10 resolution of appeals.

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

14           1. Accept or reject the IEP in whole or in part, request a  
15 meeting to discuss the rejected portions of the IEP or the overall  
16 adequacy of the IEP, or if mutually agreed upon, accept an amended  
17 proposal; and

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

20       G. Upon parental response to the proposed IEP, the school  
21 district shall implement all accepted elements of the IEP without  
22 delay.

23       H. Pursuant to 34 C.F.R. Section 300.518, during the pendency  
24 of an ADR option or a due process hearing or appellate proceeding

1     regarding a due process complaint, the student shall remain in his  
2     or her current educational assignment while awaiting the ADR option  
3     outcome or the decision of any impartial due process hearing or  
4     court proceeding, unless the parent and the district school board  
5     otherwise agree.

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

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

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

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

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18                 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION OVERSIGHT, dated  
19    03/05/2025 - DO PASS, As Amended and Coauthored.  
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