

1 **SENATE FLOOR VERSION**
2 April 8, 2025

3 ENGROSSED HOUSE
4 BILL NO. 1393

By: Kerbs of the House

5 and
6 Daniels of the Senate
7

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; requiring
school district make certain reasonable efforts
before certain actions; requiring certain IEP team
meeting; requiring notice of meeting; authorizing
State Board of Education to adopt rules; providing
for codification; providing an effective date; and
declaring an emergency.

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

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

19 A. The State Board of Education shall adopt a separate parental
20 consent form that school districts shall use for determining whether
21 a student who has an Individualized Education Program (IEP) will
22 participate in the Oklahoma Alternate Assessment Program (OAAP),
23 pursuant to Section 11-103.6 of Title 70 of the Oklahoma Statutes,
24 and be provided with instruction that will be assessed by alternate

1 achievement standards that promote access to and progress in the
2 general education curriculum.

3 B. In accordance with 34 C.F.R., Section 300.503(c), each
4 parental consent form shall be provided to the parent in the
5 parent's native language, as defined in 34 C.F.R., Section 300.29,
6 and include the following:

7 1. An informal statement describing the benefits, risks, and
8 legal implications of parental consent or refusal to consent
9 including that the parent has the right to consent or refuse consent
10 to the actions described in subsection A of this section. The
11 statement shall include information that refusal of parental consent
12 means that the student will be assessed using the regular district
13 and state assessments with appropriate accommodations,
14 modifications, and supplementary aids and services, and that the
15 student will be taught to general education standards and not to
16 alternate academic achievement standards;

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

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

19 C. A school district shall not proceed with the actions
20 described in subsection A of this section without parental consent
21 unless the school district documents reasonable efforts to obtain
22 the parent's consent and the child's parent has failed to respond or
23 the school district obtains approval through a due process hearing

1 in accordance with 34 C.F.R., Sections 300.506 through 300.508 and
2 resolution of appeals.

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

12 E. The State Board of Education shall adopt rules to implement
13 this section including, but not limited to, developing parental
14 consent forms and updating relevant policies and procedures.

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
21 April 8, 2025 - DO PASS