

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1638

By: Boyd (Betty) of the House

and

Shedrick and Rubottom of
the Senate

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 1991, Sections 13-101, 13-102, 13-103, 13-104, 13-105, 13-106, 13-108, 13-110, 13-111, 13-112, 13-113 and 13-114.3, as amended by Section 7, Chapter 262, O.S.L. 1992 (70 O.S. Supp. 1992, Section 13-114.3), 13-122, 13-124, as amended by Section 18, Chapter 373, O.S.L. 1992 (70 O.S. Supp. 1992, Section 13-124), 13-124.1, 13-126, 13-127, 13-128 and 13-129, 1210.271, 1210.272, 1210.273, 1210.274, 1210.275, 1210.276, 1210.277, 1210.278, 1210.279, 1210.280 and 1210.282, as amended by Section 6, Chapter 262, O.S.L. 1992 (70 O.S. Supp. 1992, Section 1210.282), which relate to special education for children with disabilities, the Oklahoma Early Intervention Act and the Prescriptive Teaching Act of 1974; changing certain terms; deleting language; revising certain terminology; changing reference to certain federal act; expanding certain services; adding certain institutions which may provide certain services; requiring certain arrangements to comply with the Individuals with Disabilities Education Act; clarifying responsibility for determining eligibility determinations; allowing reevaluation under certain circumstances; requiring certain services to cease upon graduation; requiring certain considerations before transferring; requiring certain agreements to contain certain information; deleting reference to payment of certain funds; changing certain statutory references; changing reference to certain act; enacting Regional Education Service Center Act; providing short title; deleting certain references; changing certain references; modifying purposes of act; modifying definitions; adding definitions; deleting certain statutory references; requiring compliance with the Individuals with Disabilities Education Act; modifying services offered by centers; deleting requirement for certain therapist services; providing for evaluation services; requiring the acquisition and dissemination of certain information; providing for consultation services; requiring coordination of services; clarifying responsibilities of center relating to certain screening and evaluation; modifying confidentiality requirements; modifying duties of centers in screening and analysis of students; modifying duties of centers for providing certain training; expanding eligibility for certain services; revising duties of centers in kindergarten screening; requiring kindergarten readiness screening; requiring certain notice to certain persons; directing

promulgation of rules; providing for codification;
providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 13-101, is amended to read as follows:

Section 13-101. The several school districts of Oklahoma are hereby authorized to provide special education and related services necessary for ~~exceptional~~ children with disabilities as hereinafter defined. Two or more school districts may establish cooperative programs of special education for ~~exceptional~~ children with disabilities when such arrangement is approved by the State Board of Education. ~~The county superintendent of schools of any county may establish and maintain a special education program, with the approval of the State Board of Education, and county funds may be expended for such purpose. Any school district or districts located wholly or in part in a county may participate in any such program so established by the county superintendent of schools and shall have authority to contribute school district funds, either directly or by reimbursement to the county participating in such program.~~ Funds may be expended for school services for an additional period ~~not to exceed forty (40) days~~ during the summer months for approved programs for qualified children, ~~who are severely or profoundly multiple-handicapped~~ with disabilities, provided their individualized education program (I.E.P.) states the need for ~~a continuing educational experience to prevent loss of educational achievement or basic life skills~~ extended school year special education and related services. Prior to July 1, 1990, ~~exceptional~~ children with disabilities shall mean educable mentally handicapped children, trainable mentally retarded children, speech-defective children, emotionally disturbed or perceptually handicapped children, children with special health problems, children requiring the services of a visiting counselor, children with specific learning disabilities as a result of neurological impairment, multiple-handicapped

children and other handicapped children ~~of~~ with disabilities four (4) years of age as of the first day of September of the school year, and ~~on and~~ after July 1, 1990 ~~of~~, children with disabilities three (3) years of age are included; ~~provided up~~. Prior to July 1, 1991, ~~that~~ there shall be no set minimum age for children who are blind and partially blind children, deaf and hard-of-hearing children and low incidence severely multiple-handicapped children, i.e., deaf-blind, retarded-cerebral palsied, autistic and other children failing to thrive.

Provided, on and after July 1, 1991, children from age birth through two (2) years (0-36 months) of age who meet the eligibility criteria specified in Section ~~3 of the Oklahoma Early Intervention Act~~ 13-123 of this title, shall be served pursuant to the provisions of the Oklahoma Early Intervention Act; ~~further provided that any children served shall be bona fide residents of this state, whose conditions are such that it is impractical or impossible for them to benefit from or participate in the regular classroom program of the public schools in the district in which they reside and whose education requires a modification of the classroom program. Provided, that the.~~ The attendance of said children in special education classes shall be included in the average daily ~~attendance~~ membership computations for State Aid purposes.

The State Board of Education is authorized to modify and redefine by regulation the eligibility definitions whenever such modification is required to receive federal assistance under the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476. Rules developed pursuant to Section 18-109.5 of this title shall provide for such modification and revised definitions.

It shall be the duty of each school district to provide special education and related services for all ~~exceptional~~ children with disabilities as herein defined who reside in that school district in accordance with the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476. This duty may be satisfied by:

1. The district directly providing special education for such children;

2. The district joining in a cooperative program with another district or districts to provide special education for such children;

3. The district joining in a ~~cooperative program~~ written agreement with a private or public institution, licensed residential child care and treatment facility or day treatment facility within such district to provide special education for children who are deaf or hard-of-hearing, ~~or for~~ children who are blind or partially blind or other eligible children with disabilities; or

4. Transferring ~~certified exceptional children~~ eligible children and youth with disabilities to other school districts which accept them and provide special education and related services for such children, with the district in which the child resides paying tuition therefor as hereinafter provided.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 13-102, is amended to read as follows:

Section 13-102. The determination whether a child is eligible for special education and related services shall be ~~made by the board of education~~ the responsibility of the multidisciplinary evaluation team of the school district in which such child ~~resides, under~~ has legal residence in accordance with the provisions of the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476 and the rules and regulations approved by the State Board of Education; provided, however, that the. The eligibility of ~~exceptional~~ children with disabilities shall be reevaluated at least once every three (3) years or more frequently if conditions warrant or if the parent or teacher of the child requests an evaluation as required under the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476.

Any child determined to be eligible shall be permitted to receive such special education and related services for a minimum period of twelve (12) years. Successful completion of a secondary education program must be determined through the individualized

education program (IEP) and transcript records of the student.
Eligibility for special education and related services shall cease
upon a determination and documentation of graduation or completion
of a secondary education program in accordance with the IEP.

~~In those instances involving the proposed transfer of exceptional children from one district to another, the State Board of Education is authorized to promulgate rules and regulations for the reimbursement to the local board of education for payment of charges for the services of psychologists and physicians necessary for ascertaining eligibility of pupils for special education and, as to those accepted for special education instruction, for reimbursement to the local board of education for expenditures made for any subsequent reevaluation deemed desirable by the board of education of the district providing special education instruction of the pupil.~~

SECTION 3. AMENDATORY 70 O.S. 1991, Section 13-103, is amended to read as follows:

Section 13-103. Any school district in the state may provide suitable facilities and employ qualified teachers and therapists for ~~exceptional~~ children with disabilities, either in schools, classrooms, or in such other places as the board of education of the district may deem advisable. When a school district does not provide special educational facilities and qualified teachers, said children may be transferred to another school district, with the consent of the board of education thereof, where suitable facilities and teachers are provided. Transfers authorized by this section shall be made under such rules ~~and regulations~~ as the State Board of Education may prescribe to a result that the sending district sustain an equitable proportion of the operating costs of the program of the district to which the pupil is transferred. When ~~an exceptional~~ a child with disabilities or pregnant child is unable to attend any school or class in the district of ~~which he is a resident~~ residency, the board of education of said district, ~~with the approval of the State Board of Education,~~ may provide for home instruction for such child.

The State Board of Education is further authorized to cooperate

with any school district of the state to make it possible for ~~an exceptional~~ a child with disabilities to attend the regular school by making special provisions for the transportation of such child, or for special equipment, devices, books, supplies or other facilities, or for special instruction within the regular school building. The provisions for services and transfers as provided by this section shall be made with consideration of the least restrictive environment and IEP requirements under the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 13-104, is amended to read as follows:

Section 13-104. Special classes or individual instruction provided for pretubercular, tubercular, convalescent or other ~~physically-handicapped children~~ eligible children with orthopedic impairment or other health impairments in hospitals, sanatoriums and preventoriums may be maintained by a school district in such institutions within or without the boundaries of such district, and the attendance of pupils therein shall be credited to the district providing such instruction. School districts and such institutions shall enter into written agreements which describe the financial and service responsibilities of each in accordance with state and federal regulations.

SECTION 5. AMENDATORY 70 O.S. 1991, Section 13-105, is amended to read as follows:

Section 13-105. A. The State Board of Education is hereby authorized in accordance with state and federal law to determine and prescribe the qualifications of all persons who teach ~~exceptional~~ children with disabilities, to define, classify and determine standards of eligibility of all ~~exceptional~~ children with disabilities to receive special education and related services, to fix minimum requirements for special education and related services of ~~exceptional~~ children with disabilities, and to make such rules ~~and regulations~~ as it deems necessary for the teaching of ~~exceptional~~ children with disabilities.

B. The State Board of Education shall offer all support personnel, including but not limited to assistants who work with a
Req. No. 0968Page 6

trained paraprofessional or special education teacher for ~~multihandicapped or deaf-blind children~~ children with multiple disabilities or deaf-blindness, the same training and education as the trained paraprofessional is required to complete.

SECTION 6. AMENDATORY 70 O.S. 1991, Section 13-106, is amended to read as follows:

Section 13-106. State monies appropriated to carry out the provisions of laws dealing with the education of ~~exceptional children~~ children with disabilities shall be apportioned by the State Board of Education among the various school districts of the state providing such ~~educational facilities~~ education for ~~exceptional children~~ children with disabilities in accordance with Section 18-201 of this title and with the standards and rules ~~and regulations~~ prescribed by the State Board of Education. ~~State funds for the education of such exceptional children shall be distributed on a teaching unit basis in accordance with rules and regulations to be adopted for such purpose by the State Board of Education. The State Board of Education shall determine the size of classes and other requirements for all such teaching units.~~

SECTION 7. AMENDATORY 70 O.S. 1991, Section 13-108, is amended to read as follows:

Section 13-108. A. The State Board of Education is hereby authorized to establish all necessary rules ~~and regulations~~ and set the rate of reimbursement for physical and occupational therapists, teachers of homebound children or home-to-school telephone instruction, board and room for transferred ~~handicapped children~~ children with disabilities to attend a special class, travel for transporting ~~handicapped and exceptional~~ children with disabilities within or without the district, and travel for teachers who are required to travel in fulfilling the services to ~~handicapped children~~ children with disabilities in homebound, cooperative, or county programs for ~~exceptional~~ children with disabilities.

B. The State Board of Education may make provisions for boarding ~~exceptional~~ children with disabilities who must be transferred from their home school districts to school districts providing special education and related services, but in no case

shall the reimbursement from other state funds for this purpose exceed Four Hundred Fifty Dollars (\$450.00) per child per year.

C. The State Board of Education may make provisions and payments therefor from other state funds for the special education of any ~~deaf and blind child,~~ with deaf-blindness, deafness or blindness and a resident of the state, in any private or public institution, either inside or outside of the State of Oklahoma, but in no case shall payment from state funds for such special education and related services, including board and room for such child, exceed Five Thousand Dollars (\$5,000.00) per child per year.

D. None of the funds received by a school district under the provisions of this section shall be considered as a part of the chargeable income of such district for State Aid purposes.

~~E. None of the funds referred to in this section shall be allowed or paid to a school district for any of the following:~~

~~1. For any teaching unit or class organized with less than eight educable mentally-handicapped children.~~

~~2. For any teaching unit or class organized for speech-defective children with a number less than that specified by the State Board of Education.~~

~~3. For any teaching unit or class consisting of children who are both deaf and blind, except as specified in subsection C of this section.~~

~~4. For any teaching unit or class organized with less than five other exceptional children.~~

SECTION 8. AMENDATORY 70 O.S. 1991, Section 13-110, is amended to read as follows:

Section 13-110. Qualified and properly certified teachers of special education shall be paid a minimum of five percent (5%) above the prevailing wage paid teachers of ~~normal~~ children who are nondisabled in the same school district.

SECTION 9. AMENDATORY 70 O.S. 1991, Section 13-111, is amended to read as follows:

Section 13-111. A. The State Board of Education shall:

1. Maintain a federal child count register of children ~~with handicaps~~ with disabilities as defined by ~~P.L. 94-142, as amended~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, as may be amended, and the implementing federal regulations;

2. Monitor efforts of the local public schools to meet the needs of children with ~~handicaps~~ disabilities as provided by each such child's Individualized Education Program; and

3. Coordinate private and public efforts, including efforts of agencies of state and local government to meet educational needs of children with ~~handicaps~~ disabilities.

B. The Department of Mental Health and Substance Abuse Services, the State Department of Health, the Department of Human Services, the State Department of Education, and the State Department of Vocational and Technical Education shall jointly develop and implement through interagency memoranda of agreement as authorized in the Interlocal Cooperation Act, Section 1001 of Title 74 of the Oklahoma Statutes, a plan for the coordinated delivery of related services to ~~exceptional~~ children with disabilities pursuant to the Act for Coordination of Special Services to Children and Youth.

SECTION 10. AMENDATORY 70 O.S. 1991, Section 13-112, is amended to read as follows:

Section 13-112. The State Board of Education is authorized to select school districts in which to establish a special education and related services program for ~~partially-sighted~~ children with visual impairments from the first grade through the ninth grade. The selection of the school districts, the establishment of the special education program and the determination of eligible children shall be in accordance with the provisions ~~in Title 70 of the Oklahoma Statutes 1971, Article 13~~ of Section 13-101 et seq. of this title, and with the rules ~~and regulations~~ to be adopted for such purpose by the State Board of Education.

SECTION 11. AMENDATORY 70 O.S. 1991, Section 13-113, is amended to read as follows:

Section 13-113. State monies appropriated to carry out the provisions of this act shall be apportioned by the State Board of Education among the school districts providing a special education and related services program for ~~partially-sighted~~ children with visual impairments. The apportionment and distribution of state funds shall be on a per student basis and in accordance with the rules ~~and regulations~~ to be adopted for such purpose by the State Board of Education.

SECTION 12. AMENDATORY 70 O.S. 1991, Section 13-114.3, as amended by Section 7, Chapter 262, O.S.L. 1992 (70 O.S. Supp. 1992, Section 13-114.3), is amended to read as follows:

Section 13-114.3 A. A local school district may be eligible to receive monies from the Oklahoma Special Education Assistance Fund to defray costs of serving children who resided at Hisson Memorial Center prior to December 1, 1991, and subsequently established residency in the school district if any such children were served by the district during the 1991-92 school year including extended school year during summer 1992 or the 1992-93 school year including extended school year during summer 1993. Contingent upon available funds in the Oklahoma Special Education Assistance Fund, the district shall receive funds in the amount of the actual costs of serving each child less the district per capita and any other funding received for providing services to the child from another state agency upon timely submission of a claim for such amount, accompanied by verification of residency of each child by the school attendance officer and verification from the Department of Human Services that each child formerly resided at Hisson Memorial Center. Claims for the 1991-92 school year must be submitted on or before June 30, 1992. On or before September 1, 1992, the State Department of Education shall pay valid, timely submitted claims for the 1991-92 school year from the Oklahoma Special Education Assistance Fund. Claims for the 1992-93 school year shall be filed and paid quarterly, with the final claim filed no later than June 1, 1993, and paid no later than June 30, 1993, from the Oklahoma Special Education Assistance Fund.

B. If funds remain in the Oklahoma Special Education Assistance Fund after satisfaction of all valid claims submitted pursuant to subsection A of this section, a local school district may be eligible to receive monies from the Oklahoma Special Education Assistance Fund if a child with disabilities who is being served in that school district:

1. Has been placed in a foster care home, group home, residential hospital, shelter or independent living facility located in that school district by a state agency and a resident school district for the child cannot be determined;

2. Has been previously institutionalized and is eligible to receive funding for the ~~multi-handicapped or trainable mentally retarded~~ children with multiple disabilities or trainable mental retardation and the Special Education Summer Program as defined in Section 18-109.5 of this title; or

3. Requires services pursuant to an individualized education ~~plan program~~ (IEP) pursuant to ~~Public Law 94-142, as amended the~~ Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, which result in extraordinary costs to the local school district and the child's parents, guardian, or person having the legal care and custody of the child holds legal residence in the district. The State Board of Education shall promulgate rules to define extraordinary costs, taking into consideration the funding generated by the weighted calculations relating to students with special needs as provided in paragraph 2 of subsection B of Section 18-201 of this title.

C. The State Board of Education is authorized to promulgate rules ~~and regulations~~ as necessary to establish whether a home district for a child can be determined and the process by which such determination is made.

SECTION 13. AMENDATORY 70 O.S. 1991, Section 13-122, is amended to read as follows:

Section 13-122. A. It is the purpose of the Oklahoma Early Intervention Act, Section 13-121 et seq. of this title, to establish the policy of this state to provide for early intervention services to ~~handicapped~~ infants and toddlers with

disabilities and their families in accordance with ~~federal law~~
~~P.L. 99-457~~ Part H of the Individuals with Disabilities Education
Act (IDEA), as may be amended. These services are deemed to be
necessary in order to:

1. Enhance the development of ~~handicapped~~ infants and
toddlers with disabilities;

2. Reduce the educational costs to our society by minimizing
the need for special education and related services after such
children reach school age;

3. Minimize the likelihood of institutionalization of
~~handicapped~~ individuals with disabilities and maximize their
potential for independent living in society; and

4. Enhance the capacity of families to meet the needs of
their infants and toddlers with ~~handicaps~~ disabilities.

B. The implementation of this policy requires the development
of a system of services to ~~handicapped~~ infants, and toddlers with
disabilities and their families which is:

1. Comprehensive, coordinated, ~~multi-disciplinary~~
multidisciplinary and interagency;

2. Delivered by the State Department of Education, Oklahoma
State Department of Health, the Department of Human Services, the
Department of Mental Health and Substance Abuse Services and other
publicly funded services for handicapped infants and toddlers
subject to the provisions of the Oklahoma Early Intervention Act;
and

3. Intended to fulfill the requirements of Part H of ~~the~~
~~federal Education of the Handicapped Act, 20 U.S.C.A., Section~~
~~1400 et seq.~~ the Individuals with Disabilities Education Act
(IDEA), by providing early intervention services.

SECTION 14. AMENDATORY 70 O.S. 1991, Section 13-124,
as amended by Section 18, Chapter 373, O.S.L. 1992 (70 O.S. Supp.
1992, Section 13-124), is amended to read as follows:

Section 13-124. A. The State Department of Education is
hereby designated as the lead agency for general administration,
supervision and monitoring of programs and activities receiving
federal funds under Part H of ~~P.L. 99-457~~ the Individuals with

Disabilities Education Act (IDEA) and state funds appropriated for early intervention services. To ensure compliance with Part H of ~~P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, the State Department of Education is authorized to monitor and enforce any obligations imposed on agencies participating under Part H of ~~P.L. 99-457~~ the IDEA.

B. In accordance with Part H of ~~P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), the Oklahoma Commission on Children and Youth shall administer the Interagency Coordinating Council for Early Childhood Intervention which shall advise and assist the lead agency in fulfillment of its responsibilities.

C. The State Department of Education, the Oklahoma State Department of Health, the Department of Human Services, the Department of Mental Health and Substance Abuse Services and other publicly funded services shall continue to provide all services within their respective statutory and constitutional responsibilities to the eligible population except as otherwise provided in Section 13-101 of Title 70 of the Oklahoma Statutes. State and local interagency agreements will delineate responsibility for local and regional procedural safeguards, provision of service and related issues. Funds provided for implementation of the Oklahoma Early Intervention Act shall not be used to satisfy a financial commitment for services which would have been paid for or provided by another public or private source, but shall be utilized solely for the enactment of ~~P.L. 99-457~~ Part H of the Individuals with Disabilities Education Act (IDEA) and the Oklahoma Early Intervention Act. Such funds may be used whenever considered necessary to prevent delay in the receipt of appropriate early intervention services by the infant or toddler or family in a timely fashion. Funds provided for implementation of the Oklahoma Early Intervention Act may be used to pay the provider of services pending reimbursement from the agency which has the ultimate responsibility.

D. Pursuant to the requirements of Part H of ~~P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), all financial

resources from federal, state, local and private sources shall be coordinated to fund early intervention services. In order to determine the most effective utilization and achieve coordination, a joint funding plan shall be submitted to the Governor, the Speaker of the House of Representatives, and the Senate President Pro Tempore by the State Department of Education, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services on or before October 1, 1989, and on or before September 1 each year thereafter. The individual components of such plan as they relate to individual agencies shall be incorporated annually into each affected agency's budget request in accordance with the provisions of Section 41.29 of Title 62 of the Oklahoma Statutes. Such plan shall include, but not be limited to:

1. Utilization of State Aid funds appropriated to the State Board of Education for the purpose of providing early intervention services or provided pursuant to the State Aid Formula for special education services and related services to ~~handicapped~~ children with disabilities;

2. Publicly funded personnel and programs in the State Department of Education, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services who are currently serving the eligible population;

3. Feasibility of utilization of federal Title V funds;

4. Utilization of new state funds as may be appropriated by the Legislature for fiscal year 1990 for the purpose of early intervention, and of additional new funds needed to fully implement early intervention services in accordance with the State of Oklahoma's implementation of ~~P.L. 99-457~~ Part H of the Individuals with Disabilities Education Act (IDEA);

5. Amendments to expansion of the Medicaid State Plan to include early intervention services for eligible children utilizing state funds designated for early intervention for the purpose of matching federal funds;

6. Feasibility of application for federal funds appropriated pursuant to P.L. 89-313; and

7. Utilization of funds received under Part H of ~~P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA).

E. The State Department of Education, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services shall be authorized to transfer funds enumerated in subsection D of this section to the Oklahoma Early Intervention Revolving Fund created in Section 13-124.1 of this title to the extent that transfers of such funds are authorized by and directed to the fund by the joint funding plan of the Oklahoma Early Intervention Act or by state or federal law.

F. Monies appropriated to an affected agency and monies identified in the joint funding plan for the purpose of providing early intervention services shall be used by the agency exclusively for the purpose of providing early intervention services.

G. For purposes of implementing the provisions of the Oklahoma Early Intervention Act, the board of education of any school district in this state may execute an agreement with a city/county health department or county health department to share appropriate facilities.

SECTION 15. AMENDATORY 70 O.S. 1991, Section 13-124.1, is amended to read as follows:

Section 13-124.1 There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Oklahoma Early Intervention Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of those monies appropriated to the fund by law or deposited in the fund pursuant to direction or authorization by the joint funding plan required in Section 13-124 of this title. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Education for the purpose of providing early intervention services to ~~handicapped~~ children with disabilities in

accordance with ~~P.L. 99-457~~ Part H of the Individuals with Disabilities Education Act (IDEA) and the Oklahoma Early Intervention Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 16. AMENDATORY 70 O.S. 1991, Section 13-126, is amended to read as follows:

Section 13-126. Procedural safeguards shall be established in fulfillment of the requirements of ~~Section 680 of~~ Part H of ~~P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA) through interagency agreements involving the State Department of Education, the Oklahoma State Department of Health, the Department of Human Services, the Department of Mental Health and Substance Abuse Services and other publicly funded services as appropriate.

SECTION 17. AMENDATORY 70 O.S. 1991, Section 13-127, is amended to read as follows:

Section 13-127. The legal requirements for timely payment and reimbursement for services under contract pursuant to Sections 41.4a through 41.4d of Title 62 of the Oklahoma Statutes shall govern the services, programs and activities for the State of Oklahoma's implementation of ~~P.L. 99-457~~ Part H of the Individuals with Disabilities Education Act (IDEA).

SECTION 18. AMENDATORY 70 O.S. 1991, Section 13-128, is amended to read as follows:

Section 13-128. The data collection requirements concerning ~~handicapped~~ children with disabilities which are currently utilized by the State Department of Education upon the effective date of this act shall also be utilized to meet the data collection and reporting requirements for the State of Oklahoma under Part H of ~~P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA). Further, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services shall fulfill the data collection and reporting requirements established by the United States Department of Education pursuant to Part H of ~~P.L. 99-457~~

the Individuals with Disabilities Education Act (IDEA) for early intervention services provided by their respective agencies pursuant to the purposes of the Oklahoma Early Intervention Act, Section 13-121 et seq. of this title. The lead agency shall provide technical assistance to the agencies in this endeavor.

SECTION 19. AMENDATORY 70 O.S. 1991, Section 13-129, is amended to read as follows:

Section 13-129. A. The Interagency Coordinating Council for Early Childhood Intervention shall assist the State Department of Education in revising the Oklahoma State Plan for Special Education to include areas addressing requirements under Part H of ~~P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA) necessary for full implementation of this act. Such revision shall be completed by April 1, 1990.

B. Contingent upon the enactment of legislation authorizing implementation of an annual budget submitted which is based upon a joint funding plan provided in ~~Section 4,~~ subsection D of ~~the Oklahoma Early Intervention Act~~ Section 13-124 of this title, services in compliance with this act and Part H of ~~P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA) shall be in effect no later than July 1, 1990. Subject to such contingency all children eligible for services pursuant to the provisions of Section ~~3~~ 13-123 of this ~~act~~ title shall be served beginning July 1, 1991.

SECTION 20. AMENDATORY 70 O.S. 1991, Section 1210.271, is amended to read as follows:

Section 1210.271 ~~This~~ Sections 20 through 31 of this act shall be known and may be cited as the Prescriptive Teaching Act of 1974 Regional Education Service Center Act.

SECTION 21. AMENDATORY 70 O.S. 1991, Section 1210.272, is amended to read as follows:

Section 1210.272 The purposes of the ~~Prescriptive Teaching Act of 1974~~ Regional Education Service Center Act are:

1. To expand the services of the ~~present evaluation and prescriptive units,~~ add additional units Regional Education Service Centers, personnel, and certain selected material to

ensure that ~~a student~~ students with a ~~particular~~ learning difficulty or exceptional capability which shall include any gifted child will receive proper screening, diagnosis, and ~~prescription to assist the student in overcoming said difficulty or exception or enriching said talents in order that he may reach his maximum potential~~ evaluation or consultation in order to benefit from an appropriate public education;

2. To provide ~~a~~ an educational screening program for ~~all~~ exceptional students in every school district in the state and services to assist in the identification, location and evaluation of children with disabilities who are in need of special education and related services in accordance with the IDEA; and

3. To provide ~~educational centers and coordination of educational evaluative and prescriptive services to ensure that the educational evaluative and prescriptive needs of every student in the public schools throughout the state are met regardless of the size and limited resources of the district in which he is a student~~ Regional Education Service Centers to assist and coordinate with local educational agencies for educational evaluation and in meeting their obligations for child identification in accordance with federal requirements under the IDEA.

It is not the intent of the ~~Prescriptive Teaching Act of 1974~~ Regional Education Service Center Act to supplant present or future special education appropriations or to reduce the number of present or proposed special education classes.

It is intended by the ~~Prescriptive Teaching Act of 1974~~ Regional Education Service Center Act that the State of Oklahoma meet its responsibility to ensure that every student in the public schools throughout the state has the opportunity to ~~achieve his highest level of learning~~ receive an appropriate education for the benefit of his future life in society.

It is further intended by the ~~Prescriptive Teaching Act of 1974~~ Regional Education Service Center Act that guidelines shall be promulgated to permit curriculum materials to be utilized by

the student's teacher for such period of time as is necessary to assist said student during the school year.

~~It is further intended that the Department make available to all service centers the services of a physical therapist and/or occupational therapist, who is registered by the American Occupational Therapy Association or who is registered and licensed as a physical therapist by the State of Oklahoma. Such therapist shall establish and coordinate programs of therapy to be conducted, as appropriate, in concert with individualized learning plans prescribed by the service centers and implemented by the school districts.~~

~~It is further intended that any school district which, acting independently or as a participant in any cooperative program between school districts or with any other governmental entity, expends monies to provide the services of a physical therapist and/or occupational therapist, pursuant to the provisions of the Prescriptive Teaching Act of 1974, may be reimbursed for such expenditure in an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00), per district per year. Any such independent or cooperative program must be approved by the service centers before reimbursement shall be authorized.~~

SECTION 22. AMENDATORY 70 O.S. 1991, Section 1210.273, is amended to read as follows:

Section 1210.273 As used in ~~this act~~ the Regional Education Service Center Act, except as the context may otherwise require:

1. "Regional education service centers" ~~shall mean~~ means educational, administrative, service, and evaluation ~~and prescriptive teaching units centers~~, hereinafter referred to as "centers" or "service centers-";

2. "Department" ~~shall mean~~ means the State Department of Education-;

3. "Board" ~~shall mean~~ means the Oklahoma State Board of Education-;

4. "IDEA" means the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476;

5. "Educational screening" shall mean means the implementation of accepted procedures for determining those students who may fall into the category of students having learning needs of an exceptional type as defined by the State Department of Education identification of children who may have special learning needs and may be eligible for special education and related services in accordance with the IDEA;

6. "Evaluation" means procedures used in accordance with federal laws and regulations to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. The term means procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in a school, grade, or class. Provided, however, that no child shall be initially evaluated whose parent or legal guardian has not filed a written consent for such evaluation with the local board of education; and

7. "Readiness screening" means the implementation of procedures for assessing readiness for kindergarten or first grade as provided in Section 30 of this act.

SECTION 23. AMENDATORY 70 O.S. 1991, Section 1210.274, is amended to read as follows:

Section 1210.274 Qualifications for all personnel to be employed in the service centers shall be determined by the State Board of Education and in accordance with the IDEA. ~~Provided, however, that no county superintendent of schools shall serve as director of a regional center or prescriptive teaching center.~~

SECTION 24. AMENDATORY 70 O.S. 1991, Section 1210.275, is amended to read as follows:

Section 1210.275 ~~It shall be the responsibility of the service centers to ensure that each student in each school district is screened pursuant to the schedule in Section 1210.278 of this title.~~ There shall be at least twenty service centers which shall provide the services described herein to all the school districts in the state. ~~Provided, however, that no child~~

~~shall be screened whose parent or legal guardian has filed written objection with the local board of education.~~

~~In addition, every~~ Every service center shall offer the schools and school districts which they serve professional assistance in the efforts which are aimed toward the improvement of instruction for students. Each center shall provide the following services:

1. ~~Student appraisal, which shall include diagnostic and evaluative service for students who are exhibiting learning problems and analysis of placement alternatives and recommendation for special class placement if needed. Screening by prescriptive teaching centers shall not include the use of projective psychological, personality or adjustment tests for the purpose of collecting information relative to a pupil's personality, environment, home life, parental or family relationships, economic status, religious beliefs, patriotism, sexual behavior or attitudes or sociological problems~~ Evaluation services for the purposes of identification, evaluation and placement of children in special education programs, which shall be in accordance with the federal regulations promulgated under the IDEA, and in accordance with the Family Education Rights and Privacy Act;

2. ~~Appropriate media and equipment, pursuant to written procedures for organizing and operating media services developed by the Department and provided to each center~~ Implementation of effective procedures, media, and equipment for acquiring and disseminating significant information and materials in accordance with the federal regulations promulgated under the IDEA;

3. Individualized learning plans, which shall include prescriptive teaching plans to teachers, for students who are having learning problems; consultation for educators and parents working with or having students with learning problems; providing special education material for special education teachers; and providing special education material on a prescriptive basis to the classroom teacher who has students with learning problems and consultation services and interpretation of evaluation data to assist parents and multidisciplinary teams in making educational

placement decisions and planning for effective educational interventions in the least restrictive environment;

4. Assistance for organizing staff development, including the offering at each Center of conferences, institutes, and other in-service ~~programs~~ training for educators working with students with special needs; assistance in these programs for emphasizing the awareness, utilization and adaptation of appropriate materials, learning theory, research findings, and other appropriate topics, to assist in implementation of federal regulations concerning the comprehensive system of personnel development for educators and disseminating information to parents; and

5. ~~Coordination of educational evaluative and prescriptive services provided by any unit of government, pursuant to the Prescriptive Teaching Act of 1974, within the service center area for the benefit of students within the service center area and~~ collaboration with public agencies and local school districts which are responsible for providing evaluation and other special education or related services to children with disabilities as provided under Section 1001 et seq of Title 74, Section 13-101 et seq. of Title 70 and Section 601.41 et seq of Title 10 of the Oklahoma Statutes, and in accordance with the federal regulations for interagency agreements promulgated pursuant to the IDEA. Such coordination shall include cooperative efforts of local districts joining with the service center staff to engage in any educational activities to increase the learning opportunities for teachers and any and every student in the public schools in the service center area.

SECTION 25. AMENDATORY 70 O.S. 1991, Section 1210.276, is amended to read as follows:

Section 1210.276 A. Each service center shall ~~analyze the educational screening conducted within the area which it serves. Using the results of such screening, those students indicated as having learning needs of an exceptional type shall then be administered further evaluation as deemed necessary by service center personnel~~ provide assistance and training in analysis of

educational screening to schools within the area which the center serves. The service centers shall assist school districts in initiating referrals for comprehensive evaluations for the purpose of identifying children who may be eligible for special education and related services.

B. Educational screening shall be conducted by the public schools.

C. The service centers shall conduct evaluations upon referral.

D. Prior written notice and parental consent for evaluation shall be in accordance with the provisions of the IDEA.

SECTION 26. AMENDATORY 70 O.S. 1991, Section 1210.277, is amended to read as follows:

Section 1210.277 The results of individual student screening shall be confidential, except that information and results shall on request be made available to parents either visually or in written form and to professional personnel involved in the education of the students, as determined by the Board. Provided, however, students shall not be subjected to individual evaluation without prior written parental permission except for re-evaluations required pursuant to the IDEA. In no case shall the results of any individual student screening or evaluation by center personnel be made a part of the student's permanent in-school records. Such individual student records shall be destroyed when the information contained therein is no longer necessary for carrying out the purposes of this act or when the student reaches the age of eighteen (18), whichever is earlier. Provided, however, on written request of a parent or legal guardian, such information may be forwarded to a center serving a receiving school district. Educational screening and evaluations shall be maintained in accordance with the federal regulations for confidentiality under the Family Educational Rights and Privacy Act and the IDEA. The disclosure, transfer, maintenance, destruction, amendment, parental or student rights to access, inspection and review of such records and parental consent for

disclosure and transfer of such records shall be in accordance with these federal laws and state law.

SECTION 27. AMENDATORY 70 O.S. 1991, Section 1210.278, is amended to read as follows:

Section 1210.278 A. The board of education for each school district in the state shall implement a system to provide educational screening as required in this section.

~~B. The service centers ~~serving the school districts in their respective regions~~ are charged with the responsibility of ensuring that each ~~student in each school district is screened. The school districts in their respective regions shall cooperate with the centers in fulfilling the obligations established herein. The screening shall be analyzed by the service centers and the school districts shall be notified of the results. Such screening and evaluations shall be used for the purpose of ascertaining the educational level of each student, and for determining whether a student should be recommended for a special education class or have prescriptive curriculum provided for use by the classroom teacher. Educational screening shall be implemented in each school in the Oklahoma system of public school education for all first grade students in each school year~~ educational screening is implemented in each public school in the state for all first grade students in each school year. The service centers shall provide assistance and training to school districts for implementation of effective procedures for educational screening and analysis of the results.~~

C. Second grade through twelfth grade students shall be educationally screened as needed, or upon request of a parent, legal guardian, or teacher, ~~through a comprehensive screening program pursuant to regulations which promulgated by the State Board of Education is hereby empowered to promulgate. Each student~~

D. Students entering the public school system from another state or from within the state without previous educational screening shall be administered educational screening

educationally screened within ~~a period of~~ six (6) months from the date of such entry. ~~Provided, however, that no~~

E. No child shall be educationally screened whose parent or legal guardian has filed written objection with the local ~~board of education~~ school district.

SECTION 28. AMENDATORY 70 O.S. 1991, Section 1210.279, is amended to read as follows:

Section 1210.279 The State Board of Education is hereby authorized to promulgate rules ~~and regulations~~ as may be necessary to carry out the provisions of this act. The State Board of Education shall promulgate rules ~~and regulations~~ for the staffing and operation of the service centers, including safeguards to assure the uniform application and availability of all services of the service centers to all students within the area served by the service centers. The rules ~~and regulations~~ shall further provide for the withholding of funds by the State Board of Education from any of the service centers to assure compliance with the rules ~~and regulations~~. The State Board of Education shall promulgate uniform rules for the testing of students. ~~Initial rules and regulations shall be promulgated and filed with the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate on or before August 1, 1976.~~

The State Board of Education, regional service center or local school district shall furnish curriculum materials for local school districts for use by the students participating in the programs. All such materials shall be delivered to the local school district by the service centers and shall remain in the local school district as long as prescribed by the regional service center.

~~It is the intention of the Prescriptive Teaching Act of 1974 to provide that the State Board of Education shall hold workshops or short courses in various locations throughout the state each year to assist local teachers in implementing the provisions of the Prescriptive Teaching Act of 1974~~ The regional education service centers shall acquire and disseminate significant information, materials and equipment in accordance with the IDEA.

The service centers shall provide and assist in coordinating for the provision of workshops, short courses, and training within the respective regions and in cooperation with local schools, professional developments centers, organizations, public agencies, and institutions of higher education in accordance with the comprehensive system of personnel development requirements under the IDEA.

The State Board of Education may establish and operate Service Centers by contract with any independent school district in the state.

SECTION 29. AMENDATORY 70 O.S. 1991, Section 1210.280, is amended to read as follows:

Section 1210.280 ~~Students~~ Preschool children, ages three (3) through five (5) years, and students enrolled in K-12 in the public school system of Oklahoma who are suspected of having disabilities which may require special education and related services may utilize the services provided in this act. The service centers and local school districts shall coordinate with the program established pursuant to the Early Intervention Act, Section 13-121 et seq. of this title, in the evaluation and identification of infants and toddlers who may be eligible at the age of three (3) years for special education and related services through the schools.

SECTION 30. AMENDATORY 70 O.S. 1991, Section 1210.282, as amended by Section 6, Chapter 262, O.S.L. 1992 (70 O.S. Supp. 1992, Section 1210.282), is amended to read as follows:

Section 1210.282 A. The State Board of Education shall develop and implement a readiness screening program to screen ~~students enrolled in kindergarten in the public schools of the state children~~ for readiness prior to entry into public school first-grade kindergarten. Students who ~~are~~ have been enrolled in kindergarten without prior screening or who are expected to enroll in a public school kindergarten class shall be screened for kindergarten readiness. ~~Such screening shall be performed under the direction of the regional education service centers.~~ Results of the screening shall be ~~transmitted~~ made available to the

child's parent or legal guardian, teacher and school district administration. A parent or legal guardian may also provide information and shall assist in making recommendations concerning a child's readiness for enrollment in kindergarten class. If a child is found to be unready for kindergarten, the report may include a recommendation that the child be enrolled in an appropriate pre-school program.

B. The State Board of Education shall develop and implement a readiness screening program to screen students enrolled in kindergarten in the public schools of the state for readiness prior to entry into first grade in a public school. Results of the screening shall be made available to the child's parent or legal guardian, teacher and school district administration.

C. The service centers shall provide assistance and training to local schools to ensure effective procedures for readiness screening for kindergarten and first grade. Current knowledge and research information concerning screening procedures, readiness, and disabilities in early childhood shall be disseminated by the service centers.

SECTION 31. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.283 of Title 70, unless there is created a duplication in numbering, reads as follows:

No child shall be educationally screened, screened for readiness, or evaluated as defined in Section 22 of this act without prior notice to the child's parent or legal guardian. The State Board of Education shall promulgate rules establishing content and distribution requirements of the notice.

SECTION 32. This act shall become effective July 1, 1993.

SECTION 33. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

