

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1393 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Dell Kerbs _____

Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED OVERSIGHT
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1393

By: Kerbs

7
8 PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE

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

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

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

A. The State Board of Education shall adopt a separate parental
consent form that school districts shall use for determining whether

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

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

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

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

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

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

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

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

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

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

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

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

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

9 F. No later than ten (10) schools days after receipt of the
10 proposed IEP and proposed placement, the parents shall:

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

15 2. Accept or reject the proposed placement.

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

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

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

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

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

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

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15 60-1-13112 AQH 03/04/25

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