

1 STATE OF OKLAHOMA

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

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 1393

7 By: Provenzano

8 POLICY COMMITTEE RECOMMENDATION

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 written notice of meeting; permitting
15 waiver of notice; 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 separate parental
consent forms that school districts shall use to obtain parental

1 consent for each of the following actions in a student's individual
2 education program (IEP):

3 1. To determine that a student will participate in the Oklahoma
4 Alternate Assessment Program (OAAP) pursuant to Section 11-103.6 of
5 Title 70 and provide instruction that will be assessed by alternate
6 achievement standards that promote access to and progress in the
7 general education curriculum; and

8 2. When a student is placed in the general education
9 environment for less than eighty percent (80%) of the instructional
10 day. A student with a disability shall not be removed from the age-
11 appropriate general education classroom solely based on needed
12 modifications to the general education curriculum.

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

17 1. A statement that the parent is a participant of the
18 individual education plan team (IEP Team) and has the right to
19 consent or refuse consent to the actions described in subsection A
20 of this section. The statement shall include information 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 due process hearing in accordance with 34 C.F.R. Sections
24 300.507 and 300.508;

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

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

3 4. An informational statement of the benefits and consequences
4 of giving parental consent to the actions described in subsection A.

5 C. 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 300.507 and 300.508 and resolution of appeals.

11 D. Except for a change in placement, if a school district
12 determines that there is a need to change a student's IEP as it
13 relates to actions described in subsection A, the school shall hold
14 an IEP Team meeting that includes the parent to discuss the reason
15 for the change. The school shall provide written notice of the
16 meeting to the parent at least five (5) school days before the
17 meeting, indicating the purpose, time, and location of the meeting
18 and who, by title or position, will attend the meeting. The IEP
19 Team meeting requirement may be waived by informed consent of the
20 parent after the parent receives the written notice.

21 E. For a change in actions described in subsection A in a
22 student's IEP, the school district shall not implement the change
23 without parental consent unless the school district documents
24 reasonable efforts to obtain the parent's consent and the child's

1 parent has failed to respond or the school district obtains approval
2 through a due process hearing in accordance with 34 C.F.R. Sections
3 300.507 and 300.508 and resolution of appeals.

4 F. No later than thirty (30) days after receipt of the proposed
5 IEP and proposed placement, the parents shall:

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

10 2. Accept or reject the proposed placement.

11 G. Upon parental response to the proposed IEP and proposed
12 placement, the school district shall implement all accepted elements
13 of the IEP without delay.

14 H. Pursuant to 34 C.F.R. Section 300.518, during the pendency
15 of a due process hearing or appellate proceeding regarding a due
16 process complaint, the student shall remain in his or her current
17 educational assignment while awaiting the decision of any impartial
18 due process hearing or court proceeding, unless the parent and the
19 district school board otherwise agree.

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

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1 J. The State Board of Education shall adopt rules to implement
2 this section, including, but not limited to, developing parental
3 consent forms.

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

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

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