

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 1972

BY: BOYD

AS INTRODUCED

AN ACT RELATING TO SCHOOLS; DEFINING TERMS RELATED TO EDUCATION OF BLIND STUDENTS; SPECIFYING CERTAIN ASSESSMENTS; SPECIFYING CERTAIN INDIVIDUALIZED EDUCATION PROGRAMS; AMENDING 70 O.S. 1991, SECTION 13-105, WHICH RELATES TO QUALIFICATIONS OF CERTAIN TEACHERS; PROVIDING EXCEPTIONS; AMENDING 70 O.S. 6-154, WHICH RELATES TO LICENSURE AND CERTIFICATION OF TEACHERS; PROVIDING FOR ADDITIONAL REQUIREMENTS; SPECIFYING CERTAIN PROCEDURES; AMENDING 10 O.S. 1991, SECTION 601.42, 70 O.S. 1991, SECTIONS 11-103.6, 13-111 AND 1210.511, WHICH RELATE TO HANDICAPPED CHILDREN; UPDATING NAME AND CITE OF FEDERAL ACT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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 13-101.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Blind student" means an individual who is eligible for special education services and who:

- a. has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision such that the widest diameter subtends an angular distance of no greater than twenty degrees, or
- b. has a medically indicated expectation of visual deterioration;

2. "Braille" means the system of reading and writing through touch commonly known as standard English Braille; and

3. "Individualized education program" means a written statement developed for a student eligible for special education services pursuant to the Individuals With Disabilities Education Act (IDEA), P.L. No. 101-476, formerly the Education of All Handicapped Children Act, P.L. No. 94-142.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-101.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

In developing the written individualized education program for each blind student, a comprehensive evaluation specific to disability shall be made. The assessment required for the student shall include a Braille skills inventory, including a statement of strengths and deficits. Nothing in this section shall require the exclusive use of Braille if other special education services are appropriate to the educational needs of the student. The provision of other appropriate services shall not preclude Braille use or instruction.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-101.3 of Title 70, unless there is created a duplication in numbering, reads as follows:

Instruction in Braille reading and writing shall be sufficient to enable each blind student to communicate effectively and efficiently with the same level of proficiency expected of the

student's peers of comparable ability and grade level. The individualized education program of the student shall:

1. Specify current level of skills in Braille;
2. Include a short-term instructional objective addressing how Braille will be included;
3. Reflect beginning dates for implementation of instructional objectives;
4. State the amount of time and the individualized education program service; and
5. Evaluate the short-term instructional objective as stated in the individualized education program.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 13-105, is amended to read as follows:

Section 13-105. A. ~~The~~ Except as otherwise provided by law, 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, to define, classify and determine standards of eligibility of all exceptional children to receive special education, to fix minimum requirements for special education of exceptional children, and to make such rules and regulations as it deems necessary for the teaching of exceptional children.

B. The State Board of Education shall offer all support personnel, including but not limited to assistants who work with a trained paraprofessional or special education teacher for multihandicapped or deaf-blind children, the same training and education as the trained paraprofessional is required to complete.

SECTION 5. AMENDATORY 70 O.S. 1991, Section 6-154, is amended to read as follows:

Section 6-154. A. ~~After January 31, 1982, the~~ The board of education of each school district shall employ and contract in writing, as required in Section 6-101 of this title, only with

persons certified to teach by the Board or with entry-year teachers, in accordance with this act, except as otherwise provided by law.

B. The Board shall issue a license to teach to any person who: 1. Has s

2. Has been graduated from an accredited institution of higher education;

3. Has met all other requirements as may be established by the Board;

4. Has made the necessary application and paid a curriculum examination fee in an amount prescribed by the Board. Such curriculum examination fee shall be paid to the Board and be deposited to the Teachers' Curriculum Examination Revolving Fund provided in Section 6-160 of this title; and

5. Has received a passing grade in the curriculum examination in accordance with this act.

C. The Board shall issue a certificate to teach to any person who, in addition to any other requirement mandated by law:

1. Holds a license to teach in accordance with this act;

2. Has served a minimum of one (1) school year as an entry-year teacher;

3. Has made the necessary application and paid the certification fee as prescribed by the Board; and

4. Has been recommended for certification by the entry-year assistance committee; or

5. Holds an out-of-state certificate and meets standards set by the Board.

D. If an entry-year teacher is a graduate of an out-of-state institution of higher education, the recommendation of the entry-year assistance committee shall be made to the institution of higher education which serves on the entry-year assistance committee.

E. Any person holding a valid certificate, issued prior to February 1, 1982, shall be a certified teacher for purposes of this

act, subject to any staff development requirements prescribed by this act or the Board.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-154.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

As part of the certification process, teachers certified in the education of blind and visually impaired students shall demonstrate competence in reading and writing Braille.

SECTION 7. AMENDATORY 10 O.S. 1991, Section 601.42, is amended to read as follows:

Section 601.42 As used in the Act for Coordination of Special Services to Children and Youth, Section 601.41 et seq. of this title:

1. "Committee" means the Joint Legislative Committee for Review of Special Services to Children and Youth;

2. "Commission" means the Commission on Children and Youth;

3. "Coordinating Council" means the Interagency Coordinating Council for Special Services to Children and Youth appointed pursuant to Section 601.45 of this title;

4. "Eligible population" means children and youth three (3) to twenty-one (21) years of age who are identified as eligible for related services pursuant to an IEP;

5. "IEP" means an Individualized Education Program developed in accordance with the Individuals With Disabilities Education Act (IDEA), P.L. No. 101-476, formerly known as the Education of All Handicapped Children Act of 1975, P.L. No. 94-142, as amended;

6. "Local education agency" means ~~a dependent~~ an elementary, independent, or area school district or other entity so defined by the Code of Federal Regulations, 34 C.F.R. Section 300.8;

7. "Related services" means services so defined by 34 C.F.R. Section 300.13;

8. "Special services population" means children and youth who are not part of the eligible population as defined herein but who are being served by or are eligible to be served by a school district pursuant to subsection B, C, D, E, F, or G of Section 1-113 of Title 70 of the Oklahoma Statutes or subsection D, E, or F of Section 18-110 of Title 70 of the Oklahoma Statutes; and

9. "State Plan" means the State Plan for Special Education and Special Student Service Coordination and Assistance developed pursuant to Section 601.46 of this title.

SECTION 8. AMENDATORY 70 O.S. 1991, Section 11-103.6, is amended to read as follows:

Section 11-103.6 A. By February 1, 1991, the State Board of Education shall adopt curricular standards for instruction of students in the public schools of this state that are to be implemented not later than the 1993-94 school year and that are necessary to ensure there is attainment of desired levels of competencies in a variety of areas to include language, social studies and communication. Such curricular standards shall be sufficient to meet the requirements of subsections B and C of Section 11-103.5 of this title. All students must initially gain literacy at the elementary and secondary levels through a core curriculum. Students must develop skills in reading, writing, speaking, computing and critical thinking. They also must learn about cultures and environments - their own and those of others with whom they share the earth. Students, therefore, must study social studies, literature, languages, the arts, mathematics and science. Such curricula shall provide for the teaching of a hands-on career exploration program in cooperation with vocational-technical education schools. The core curriculum shall be designed to teach the competencies for which twelfth grade level students shall be tested as provided in Section 1210.508 of this title, and shall be

designed to prepare all students for employment and/or post secondary education.

It is the intent of the Oklahoma Legislature that Oklahoma history be included in the social studies core curriculum for purposes of this section.

B. The State Board of Education shall provide an option for high school graduation based upon attainment of the desired levels of competencies as required in tests pursuant to the provisions of Section 1210.508 of this title. Such option shall be in lieu of the amount of course credits earned.

C. The State Board of Education shall prescribe, adopt and approve a promotion system based on the attainment by students of specified levels of competencies in each area of the core curriculum. Provided, however, that children who have individualized education ~~plans~~ programs pursuant to the Individuals With Disabilities Education Act (IDEA), P.L. No. 101-476, formerly known as The Education For All Handicapped Children Act of 1975 (Public Law 94-142) as amended may be exempted from the requirements of this subsection.

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 register of children with handicaps as defined by ~~P.L. 94-142, as amended~~ P.L. No. 101-476;

2. monitor efforts of the local public schools to meet the needs of children with handicaps 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.

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 pursuant to the Act for Coordination of Special Services to Children and Youth.

SECTION 10. AMENDATORY 70 O.S. 1991, Section 1210.511, is amended to read as follows:

Section 1210.511 A. Tests administered pursuant to the provisions of the Oklahoma School Testing Program Act, Section 1210.505 et seq. of this title, shall not include the use of projective psychological, personality, or adjustment tests for the purpose of collecting information relative to the personality, environment, home life, parental or family relationships, economic status, religious beliefs, patriotism, sexual behavior or attitudes, or sociological problems of a student.

B. A student whose education is subject to the provisions of an individualized education ~~plan~~ program (IEP) pursuant to ~~Public Law 94-142, as amended~~ P.L. No. 101-476, shall be tested pursuant to the provisions of the Oklahoma School Testing Program Act, Section 1210.505 et seq. of this title, only to the extent specified by the student's individualized education ~~plan~~ program.

SECTION 11. This act shall become effective July 1, 1992.

SECTION 12. 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.

43-2-7151 MCD