

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1638

By: Boyd (Betty)

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 1991, Sections 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 relates to the Prescriptive Teaching Act of 1974; changing title to the Regional Education Service Center Act; deleting certain references; changing certain references; changing title of federal act; modifying the purposes of the act; changing certain definition; deleting 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 services; modifying responsibilities of center in analyzing certain screening; modifying confidentiality requirements; modifying centers duties in screening and analysis of students; modifying centers duties for providing certain training; expanding eligibility for utilization of certain services; revising centers duties in kindergarten screening; 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 1210.271, is amended to read as follows:

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

SECTION 2. 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 3. AMENDATORY 70 O.S. 1991, Section 1210.273, is amended to read as follows:

Section 1210.273 As used in this act, except as the context may otherwise require:

1. "Regional education service centers" ~~shall mean~~ means educational, administrative, service, ~~and~~ 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. "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 have special learning needs and may require comprehensive evaluation to assist in determining eligibility for special education and related services in accordance with the IDEA; and

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

SECTION 4. 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 5. 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~~ 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 the federal regulations concerning the comprehensive system of personnel development for educators and 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 13-110 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 6. AMENDATORY 70 O.S. 1991, Section 1210.276, is amended to read as follows:

Section 1210.276 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 to schools with the analysis of educational screening conducted by schools within the area which the center serves. Using the results of such screening, with consideration for supplementary aids and services in the regular classroom, 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. Prior written notice and parental consent for evaluation shall be in accordance with the provisions of the IDEA.

SECTION 7. 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. 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 shall be in accordance with these federal laws and state law. Parental consent for disclosure and transfer of such records shall be as provided for by federal law.

SECTION 8. AMENDATORY 70 O.S. 1991, Section 1210.278, is amended to read as follows:

Section 1210.278 A. The State Board of Education shall develop and implement a program to screen students enrolled in kindergarten in the public schools of the state for readiness prior to entry into public school first grade.

~~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~~ educational screening shall be implemented in each public school in the state for all first grade students in each school year. 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. The service centers shall provide assistance and training to school districts for implementation of effective procedures for educational screening and analysis of the results. ~~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.~~

C. Second grade through twelfth grade students shall be educationally screened as through the Oklahoma School Testing Program Act, Section 1210.505 et seq of this title, and as otherwise 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~~ screened within ~~a period of~~ six (6) months from the date of such entry. ~~Provided, however, that no~~

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

SECTION 9. 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

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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 10. 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 11. 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 The State Board of Education shall develop and implement a 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 enrolled or who are expected to enroll in a public school kindergarten class shall be screened for readiness. ~~Such screening shall be performed under the direction of the regional education service centers~~ If a child is found to be not ready for kindergarten, the recommendation may provide that the child be enrolled in an appropriate preschool program. The service centers shall provide assistance and training to local schools to ensure effective procedures for screening of kindergarten students. Current knowledge and research information concerning screening procedures, readiness, and disabilities in early childhood shall be disseminated by the 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.~~

SECTION 12. This act shall become effective July 1, 1993.

SECTION 13. 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.

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