

1 ENGROSSED HOUSE  
2 BILL NO. 1763

By: Enns of the House

3 and

4 Reynolds of the Senate

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7 An Act relating to schools; amending 70 O.S. 2001,  
8 Section 13-109, which relates to personnel to carry  
9 out special education requirement; directing the  
10 State Department of Education to provide certain  
11 training for special education hearing and appeal  
officials; requiring hearing and appeal officials to  
complete certain continuing education annually;  
providing an effective date; and declaring an  
emergency.

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

15 SECTION 1. AMENDATORY 70 O.S. 2001, Section 13-109, is  
16 amended to read as follows:

17 Section 13-109. A. The State Board of Education shall appoint  
18 and employ and fix the compensation and duties of necessary  
19 personnel and incur other necessary expenses, including cost of  
20 consultants, to administer and carry out the provisions of this  
21 article, and ~~such~~ compensation and other expenses shall be paid from  
22 any funds appropriated to carry out the provisions of this article.

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1        B. 1. The State Department of Education shall provide training  
2 to special education due process hearing or appeal officials to  
3 ensure that, at a minimum, the hearing or appeal officials possess:

4            a. knowledge of the provisions of the Individuals with  
5            Disabilities Education Act (IDEA), federal and state  
6            regulations pertaining to the IDEA, and legal  
7            interpretations of the IDEA by federal and state  
8            courts,

9            b. knowledge to conduct administrative hearings, and

10           c. knowledge to render and write decisions.

11        2. Every person serving as a special education due process  
12 hearing or appeal official shall be required to participate in, at a  
13 minimum, continuing education courses in special education law and  
14 administrative procedures annually to remain eligible for current  
15 case assignment.

16        SECTION 2. This act shall become effective July 1, 2009.

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

1 Passed the House of Representatives the 9th day of March, 2009.

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4 Presiding Officer of the House of  
Representatives

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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

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9 Presiding Officer of the Senate