

THE HOUSE OF REPRESENTATIVES
Monday, March 2, 2009

Committee Substitute for
House Bill No. 1512

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1512 - By: BLACKWELL of the House.

An Act relating to schools; amending 70 O.S. 2001, Section 13-101, which relates to special services for exceptional children; establishing the responsibility of the school to determine methodology for providing certain services; requiring certain conditions; and providing an effective date.

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

1 SECTION 1. AMENDATORY 70 O.S. 2001, Section 13-101, is amended to read
2 as follows:
3 Section 13-101. A. The several school districts of Oklahoma are hereby authorized
4 to provide special education and related services necessary for children with disabilities
5 as hereinafter defined. Two or more school districts may establish cooperative programs
6 of special education for children with disabilities when such arrangement is approved by
7 the State Board of Education. Funds may be expended for school services for an
8 additional period during the summer months for approved programs for qualified
9 children with disabilities, provided their individualized education program (I.E.P.) states
10 the need for extended school year special education and related services. Children with

1 disabilities shall mean children, as defined in the Individuals with Disabilities Education
2 Act (IDEA), P.L. No. 105-17, who are three (3) years of age.

3 Provided, on and after July 1, 1991, children from age birth through two (2) years (0
4 36 months) of age who meet the eligibility criteria specified in Section 13-123 of this title,
5 shall be served pursuant to the provisions of the Oklahoma Early Intervention Act. The
6 attendance of said children in special education classes shall be included in the average
7 daily membership computations for State Aid purposes.

8 The State Board of Education is authorized to modify and redefine by regulation the
9 eligibility definitions whenever such modification is required to receive federal assistance
10 under the Individuals with Disabilities Education Act (IDEA), P.L. No. 105-17. Rules
11 developed pursuant to Section 18-109.5 of this title shall provide for such modification
12 and revised definitions.

13 B. It shall be the duty of each school district to provide special education and
14 related services for all children with disabilities as herein defined who reside in that
15 school district in accordance with the Individuals with Disabilities Education Act (IDEA),
16 P.L. No. 105-17. This duty may be satisfied by:

- 17 1. The district directly providing special education for such children;
- 18 2. The district joining in a cooperative program with another district or districts to
19 provide special education for such children;
- 20 3. The district joining in a written agreement with a private or public institution,
21 licensed residential child care and treatment facility or day treatment facility within

1 such district to provide special education for children who are deaf or hard of hearing,
2 children who are blind or partially blind or other eligible children with disabilities; or
3 4. Transferring eligible children and youth with disabilities to other school districts
4 which accept them and provide special education and related services for such children,
5 with the district in which the child resides paying tuition therefor as hereinafter
6 provided. For those students who transfer pursuant to the provisions of the Education
7 Open Transfer Act, the receiving school district shall assume all responsibility for
8 education and shall count the student for federal and state funding purposes according to
9 the provisions of subsection B of Section 13-103 of this title.

10 C. If a school district is providing services to children receiving special education
11 and related services and is complying with the provisions set forth in subsections A and
12 B of this section, the school shall be the sole determiner of the methodology in which to
13 provide services for the child, as long as the child is receiving some educational benefit.

14 SECTION 2. This act shall become effective November 1, 2009.

15 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02-26-09
16 - DO PASS, As Amended.