

THE HOUSE OF REPRESENTATIVES
Monday, February 23, 2009

Committee Substitute for
House Bill No. 1763

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1763 - By: ENNS of the House.

An Act relating to schools; amending 70 O.S. 2001, Section 13-109, which relates to personnel to carry out special education requirement; directing the State Department of Education to provide certain 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.

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

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

3 Section 13-109. A. The State Board of Education shall appoint and employ and fix
4 the compensation and duties of necessary personnel and incur other necessary expenses,
5 including cost of consultants, to administer and carry out the provisions of this article,
6 and ~~such~~ compensation and other expenses shall be paid from any funds appropriated to
7 carry out the provisions of this article.

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

- 1 a. knowledge of the provisions of the Individuals with Disabilities
2 Education Act (IDEA), federal and state regulations pertaining to the
3 IDEA, and legal interpretations of the IDEA by federal and state
4 courts,
5 b. knowledge to conduct administrative hearings, and
6 c. knowledge to render and write decisions.

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

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02-19-09
16 - DO PASS, As Amended.