

EHB 1512

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

THE STATE SENATE
Wednesday, April 1, 2009

ENGROSSED
House Bill No. 1512
As Amended

ENGROSSED HOUSE BILL NO. 1512 - By: Blackwell and Tibbs of the House and Johnson (Mike) of the Senate.

[schools - special services for exceptional children - methodology - effective date]

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 13-101, is amended to read as follows:

Section 13-101. A. The several school districts of Oklahoma are hereby authorized to provide special education and related services necessary for children with disabilities as hereinafter defined. Two or more school districts may establish cooperative programs of special education for children with disabilities when such arrangement is approved by the State Board of Education. Funds may be expended for school services for an additional period during the summer months for approved programs for qualified children with disabilities, provided their individualized education program (I.E.P.) states the need for extended school year special education and related services. Children with disabilities shall mean

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

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

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

21 1. The district directly providing special education for such
22 children;

1 2. The district joining in a cooperative program with another
2 district or districts to provide special education for such
3 children;

4 3. The district joining in a written agreement with a private
5 or public institution, licensed residential child care and treatment
6 facility or day treatment facility within such district to provide
7 special education for children who are deaf or hard of hearing,
8 children who are blind or partially blind or other eligible children
9 with disabilities; or

10 4. Transferring eligible children and youth with disabilities
11 to other school districts which accept them and provide special
12 education and related services for such children, with the district
13 in which the child resides paying tuition therefor as hereinafter
14 provided. For those students who transfer pursuant to the
15 provisions of the Education Open Transfer Act, the receiving school
16 district shall assume all responsibility for education and shall
17 count the student for federal and state funding purposes according
18 to the provisions of subsection B of Section 13-103 of this title.

19 C. If a school district is providing services to children
20 receiving special education and related services and is complying
21 with the provisions set forth in subsections A and B of this
22 section, the school shall be the sole determiner of the methodology

1 in which to provide services for the child, as long as the child is
2 receiving **the maximum possible** educational benefit.

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

4 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 3-30-09 - DO
5 PASS, As Amended and Coauthored.