

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1512

By: Blackwell

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,  
8 Section 13-101, which relates to special services for  
9 exceptional children; limiting liability of school  
10 district in certain circumstances; providing for  
11 transfer of certain child to a school chosen by a  
12 parent; defining terms; and providing an effective  
13 date.

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

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

17 Section 13-101. The several school districts of Oklahoma are  
18 hereby authorized to provide special education and related services  
19 necessary for children with disabilities as hereinafter defined.  
20 Two or more school districts may establish cooperative programs of  
21 special education for children with disabilities when such  
22 arrangement is approved by the State Board of Education. Funds may  
23 be expended for school services for an additional period during the  
24 summer months for approved programs for qualified children with  
disabilities, provided their individualized education program

1 (I.E.P.) states the need for extended school year special education  
2 and related services. Children with disabilities shall mean  
3 children, as defined in the Individuals with Disabilities Education  
4 Act (IDEA), P.L. No. 105-17, who are three (3) years of age.

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

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

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

23 1. The district directly providing special education for such  
24 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. 1. If a school district is unable to provide services  
20 specific to the needs of an autistic child who has been diagnosed  
21 with an autistic disorder, autism spectrum disorder, or a  
22 neurobiological disorder by a licensed physician, but is complying  
23 with the provisions set forth in subsections A and B of this  
24 section, the school shall be immune from liability in any civil

1 action for the lack of autism-specific services provided. However,  
2 the child may be transferred to an institution chosen by the parent  
3 or guardian that may provide the necessary services specific to the  
4 needs of the autistic child.

5 2. For purposes of this subsection:

6 a. "autistic disorder" means a neurological disorder that  
7 is marked by severe impairment in social interaction,  
8 communication, and imaginative play, with onset during  
9 the first three (3) years of life and is included in a  
10 group of disorders known as autism spectrum disorders,

11 b. "autism spectrum disorder" means a neurobiological  
12 disorder that includes autistic disorder, Asberger's  
13 syndrome, regressive autism, and pervasive  
14 developmental disorder, and

15 c. "neurobiological disorder" means an illness of the  
16 nervous system caused by genetic, metabolic, or other  
17 biological factors.

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

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20 52-1-6536 MMP 01/14/09  
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