

An Act

ENROLLED HOUSE
BILL NO. 1393

By: Kerbs of the House

and

Daniels of the Senate

An Act relating to special education; requiring State Board of Education to adopt certain parental consent forms; prescribing criteria for forms; prohibiting certain actions without parental consent; requiring school district make certain reasonable efforts before certain actions; requiring certain IEP team meeting; requiring notice of meeting; authorizing State Board of Education to adopt rules; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Special education

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-114.6 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Education shall adopt a separate parental consent form that school districts shall use for determining whether a student who has an Individualized Education Program (IEP) will participate in the Oklahoma Alternate Assessment Program (OAAP), pursuant to Section 11-103.6 of Title 70 of the Oklahoma Statutes, and be provided with instruction that will be assessed by alternate achievement standards that promote access to and progress in the general education curriculum.

B. In accordance with 34 C.F.R., Section 300.503(c), each parental consent form shall be provided to the parent in the parent's native language, as defined in 34 C.F.R., Section 300.29, and include the following:

1. An informal statement describing the benefits, risks, and legal implications of parental consent or refusal to consent including that the parent has the right to consent or refuse consent to the actions described in subsection A of this section. The statement shall include information that refusal of parental consent means that the student will be assessed using the regular district and state assessments with appropriate accommodations, modifications, and supplementary aids and services, and that the student will be taught to general education standards and not to alternate academic achievement standards;

2. A "does consent" box and a signature line; and

3. A "does not consent" box and a signature line.

C. A school district shall not proceed with the actions described in subsection A of this section without parental consent unless the school district documents reasonable efforts to obtain the parent's consent and the child's parent has failed to respond or the school district obtains approval through a due process hearing in accordance with 34 C.F.R., Sections 300.506 through 300.508 and resolution of appeals.

D. If a school district determines that there is a need to change a student's IEP as it relates to actions described in subsection A of this section, the school shall hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide notification of a meeting to the parent at least five (5) school days before the meeting unless the parent and district agree otherwise, indicating the purpose, date, time, and location of the meeting and who, by title or position, will attend the meeting.

E. The State Board of Education shall adopt rules to implement this section including, but not limited to, developing parental consent forms and updating relevant policies and procedures.

SECTION 2. This act shall become effective July 1, 2025.

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

Passed the House of Representatives the 26th day of March, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 1st day of May, 2025.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____