

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1489

By: Pugh

AS INTRODUCED

An Act relating to students; amending 70 O.S. 2021, Section 13-101, which relates to services for children with disabilities; directing the State Department of Education and public school districts to comply with certain act; authorizing the Department to expend certain funds; modifying definition; directing the Department to publish certain information on its website; allowing the State Board of Education to promulgate rules and update certain policies and procedures; updating statutory language; updating statutory references; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 13-101, is amended to read as follows:

Section 13-101. A. The State Department of Education and the public school districts in this state shall comply with provisions of the Individuals with Disabilities Education Act (IDEA), P.L. No. 108-446, and the Department shall be authorized to expend federal funds to provide special education and related services necessary for children with disabilities. "Children with disabilities" shall mean children, as defined by IDEA, who are three (3) years of age through twenty-one (21) years of age.

1 B. 1. The ~~several~~ school districts of ~~Oklahoma~~ in this state
2 are hereby authorized to provide special education and related
3 services necessary for children with disabilities ~~as hereinafter~~
4 ~~defined~~. Two or more school districts may establish cooperative
5 programs of special education for children with disabilities when
6 such arrangement is approved by the State Board of Education. Funds
7 may be expended for school services for an additional period during
8 the summer months for approved programs for qualified children with
9 disabilities, provided their individualized education program
10 ~~(I.E.P.)~~ (IEP) states the need for extended school year special
11 education and related services. ~~Children with disabilities shall~~
12 ~~mean children, as defined in the Individuals with Disabilities~~
13 ~~Education Act (IDEA), P.L. No. 105-17, who are three (3) years of~~
14 ~~age.~~

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

22 C. The State Board of Education is authorized to modify and
23 redefine by regulation the eligibility definitions whenever such
24 modification is required to receive federal assistance under the

1 ~~Individuals with Disabilities Education Act (IDEA), P.L. No. 105-17~~
2 provisions of IDEA. Rules developed pursuant to Section 18-109.5 of
3 this title shall provide for such modification and revised
4 definitions.

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

10 1. The district directly providing special education for such
11 children;

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

15 3. The district joining in a written agreement with a private
16 or public institution, licensed residential child care and treatment
17 facility, or day treatment facility within such district to provide
18 special education for children who are deaf or hard-of-hearing,
19 children who are blind or partially blind, or other eligible
20 children with disabilities; or

21 4. Transferring eligible children and youth with disabilities
22 to other school districts which accept them and provide special
23 education and related services for such children, with the district
24 in which the child resides paying tuition ~~therefor as hereinafter~~

1 ~~provided.~~ For those students who transfer pursuant to the
2 provisions of the Education Open Transfer Act, the receiving school
3 district shall assume all responsibility for education and shall
4 count the student for federal and state funding purposes according
5 to the provisions of subsection B of Section 13-103 of this title.

6 E. The Department shall publish on its website information
7 about the dispute resolution options available to parents and legal
8 guardians of children with disabilities, which shall include:

- 9 1. IEP facilitation;
- 10 2. Mediation;
- 11 3. Due process; and
- 12 4. State complaint procedure.

13 F. The State Board of Education may promulgate rules and update
14 relevant special education policies and procedures to comply with
15 the provisions of this section.

16 SECTION 2. This act shall become effective July 1, 2026.

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

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