

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1974

By: Hicks

AS INTRODUCED

An Act relating to students; amending 70 O.S. 2021, Section 13-101, which relates to services for children with disabilities; defining terms; removing definition; updating statutory language; updating statutory references; amending 70 O.S. 2021, Section 13-102, which relates to determining eligibility for certain services; allowing a school district or certain parent or legal guardian to initiate request for evaluation; requiring evaluation to be conducted within certain time frame; providing certain construction; prohibiting provision of certain services without consent; providing for evaluation of certain children; providing exceptions to consent; clarifying eligibility for certain services; providing requirements for reevaluation; requiring prior notice; requiring certain determination to be made by certain team; providing for meetings of individualized education program teams; prohibiting certain determination from being made based on certain determinant factors; providing for determination of specific learning disability; updating statutory references; updating statutory language; directing the State Board of Education to establish and maintain certain policies and procedures; providing for contents of policies and procedures; directing school districts to provide procedural safeguards to certain parents and legal guardians; providing procedures for due process complaints; providing opportunity for impartial due process hearing; providing policies and procedures for due process hearings; directing the State Department of Education to adopt certain policies and procedures for mediation; directing the Department to develop and publish certain form; providing for placement of child while certain hearings or sessions are pending; providing for promulgation of rules;

1 providing for codification; providing an effective  
2 date; and declaring an emergency.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

7 Section 13-101. A. For the purposes of this title:

8 1. "Child with a disability" means a child who is at least  
9 three (3) years of age but has not reached twenty-two (22) years of  
10 age with intellectual disabilities, hearing impairments, speech or  
11 language impairments, visual impairments, serious emotional  
12 disturbance, orthopedic impairments, autism, traumatic brain injury,  
13 other health impairments, or specific learning disabilities and who,  
14 by reason thereof, needs special education and related services;

15 2. "Free appropriate public education" means special education  
16 and related services that:

17 a. have been provided at public expense, under public  
18 supervision and direction, and without charge,

19 b. meet the standards of the State Department of  
20 Education, and

21 c. are provided in conformity with a child's IEP;

22 3. "Individualized education program" or "IEP" means a written  
23 statement for each child with a disability that is developed,  
24

1 reviewed, and revised in accordance with the provisions of Section  
2 13-102 of this title. The IEP shall include:

- 3 a. a statement of the child's present levels of academic  
4 achievement and functional performance,
- 5 b. a statement of measurable annual goals including  
6 academic and functional goals,
- 7 c. a description of how the child's progress toward  
8 meeting the annual goals will be measured and when  
9 periodic reports on the progress the child is making  
10 toward meeting the annual goals is to be provided,
- 11 d. a statement of the special education and related  
12 services and supplementary aids and services, based on  
13 peer-reviewed research to the extent practicable, to  
14 be provided to the child, or on behalf of the child,  
15 and a statement of the program modifications or  
16 supports for school personnel that are to be provided  
17 for the child,
- 18 e. an explanation of the extent, if any, to which the  
19 child will not participate with nondisabled children  
20 in the regular class and activities,
- 21 f. a statement of any individual appropriate  
22 accommodations that are necessary to measure the  
23 academic achievement and functional performance of the  
24 child on statewide assessments and district-

1 administered assessments. If the IEP team determines,  
2 and parental consent is provided as required by  
3 Section 13-114.6 of this title, that the child shall  
4 take an alternate assessment, the IEP shall include a  
5 statement of why the child cannot participate in the  
6 regular assessment and why the alternate assessment  
7 selected is appropriate for the child,

8 g. the projected date for the beginning of the services  
9 and modifications including the anticipated frequency,  
10 location, and duration of such services and  
11 modifications, and

12 h. beginning no later than the first IEP to be in effect  
13 when the child is age sixteen (16) years and updated  
14 annually thereafter:

15 (1) appropriate measurable postsecondary goals based  
16 on age-appropriate transition assessments related  
17 to training, education, employment, and, where  
18 appropriate, independent living skills,

19 (2) transition services needed to assist the child in  
20 reaching the postsecondary goals, and

21 (3) beginning no later than one (1) year before the  
22 child reaches age eighteen (18) years, a  
23 statement that the child has been informed of his  
24

1                   or her rights, if any, that will transfer upon  
2                   reaching age eighteen (18) years; and

3           4. "Individualized education program team" or "IEP team" means  
4           a group of individuals composed of:

- 5           a. the parents or legal guardians of a child with a  
6           disability,
- 7           b. at least one regular education teacher of the child  
8           with a disability if the child is participating in the  
9           regular education environment,
- 10          c. at least one special education teacher or, where  
11          appropriate, at least one special education provider,
- 12          d. a representative of the school district,
- 13          e. an individual who can interpret the instructional  
14          implications of evaluation results who may also meet  
15          the requirements of subparagraphs b through d of this  
16          paragraph,
- 17          f. other individuals who have knowledge or special  
18          expertise regarding the child including related  
19          service personnel, at the discretion of the child's  
20          parent or legal guardian or the school district, and
- 21          g. the child with a disability, whenever appropriate.

22          B. 1. ~~The several school~~ School districts ~~of Oklahoma~~ in this  
23          state are hereby authorized to provide special education and related  
24          services necessary for children with disabilities ~~as hereinafter~~

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

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

20 C. The State Board of Education is authorized to modify and  
21 redefine by regulation the eligibility definitions whenever such  
22 modification is required to receive federal assistance under the  
23 ~~Individuals with Disabilities Education Act (IDEA), P.L. No. 105-17~~  
24 provisions of IDEA. Rules developed pursuant to Section 18-109.5 of

1 this title shall provide for such modification and revised  
2 definitions.

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

8 1. The district directly providing special education for such  
9 children;

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

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

19 4. Transferring eligible children and youth with disabilities  
20 to other school districts which accept them and provide special  
21 education and related services for such children, with the district  
22 in which the child resides paying tuition ~~therefor as hereinafter~~  
23 ~~provided~~. For those students who transfer pursuant to the  
24 provisions of the Education Open Transfer Act, the receiving school

1 district shall assume all responsibility for education and shall  
2 count the student for federal and state funding purposes according  
3 to the provisions of subsection B of Section 13-103 of this title.

4 SECTION 2. AMENDATORY 70 O.S. 2021, Section 13-102, is  
5 amended to read as follows:

6 Section 13-102. A. The determination of whether a child is  
7 eligible for special education and related services shall be the  
8 responsibility of the multidisciplinary evaluation team of the  
9 school district in which such child has legal residence in  
10 accordance with the provisions of the Individuals with Disabilities  
11 Education Act (IDEA), ~~P.L. No. 101-476~~ and the rules approved by the  
12 State Board of Education. The eligibility of children with  
13 disabilities shall be reevaluated at least once every three (3)  
14 years or more frequently if conditions warrant or if the parent or  
15 teacher of the child requests an evaluation as required under ~~the~~  
16 ~~Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476~~  
17 IDEA.

18 B. A school district or the parent or legal guardian of a child  
19 may initiate a request for an initial evaluation to determine if he  
20 or she is a child with a disability. An initial evaluation shall be  
21 conducted within sixty (60) days of receiving consent from a parent  
22 or legal guardian. The sixty-day period shall not apply if a parent  
23 or legal guardian fails to produce the child for the evaluation or  
24 if the child transfers to another school district.



1       1. Consent from a parent or legal guardian to conduct an  
2 initial evaluation shall not be construed as consent for development  
3 of an individualized education program (IEP) or consent for a child  
4 to receive special education and related services.

5       2. If a child's parent or legal guardian fails to respond to a  
6 request to provide consent or refuses to provide consent for the  
7 child to receive special education and related services, the school  
8 district in which the child is enrolled shall be prohibited from  
9 providing such services. The school district shall not be found to  
10 be in violation of the provisions of IDEA to provide a free  
11 appropriate public education to the child and shall not be required  
12 to convene an IEP team meeting or to develop an IEP for the child.

13       3. For a child who is a ward of the state and does not reside  
14 with his or her parent or legal guardian, a school district shall  
15 make reasonable efforts to obtain consent for an initial evaluation  
16 to determine whether the child is a child with a disability.

17       4. Consent for an initial evaluation shall not be required if:

18       a. despite reasonable efforts to do so, the school  
19       district cannot discover the whereabouts of the  
20       child's parent or legal guardian,

21       b. the rights of the child's parent or parents have been  
22       terminated in accordance with state law, or

23       c. the rights of the child's parent or parents to make  
24       educational decisions have been subrogated by a judge

1 in accordance with state law and consent for initial  
2 evaluation has been given by an individual appointed  
3 by the judge to represent the child.

4 C. Any child determined to be a child with a disability and  
5 eligible shall be permitted to receive ~~such~~ special education and  
6 related services for a minimum period of twelve (12) years.  
7 Successful completion of a secondary education program ~~must~~ shall be  
8 determined through the ~~individualized education program (IEP)~~ IEP  
9 and transcript records of the student. Eligibility for special  
10 education and related services shall cease upon a determination and  
11 documentation of graduation or completion of a secondary education  
12 program in accordance with the IEP. In no event shall eligibility  
13 for special education and related services cease prior to a child  
14 with a disability reaching twenty-two (22) years of age unless he or  
15 she has graduated with a standard or alternate diploma or otherwise  
16 completed a secondary education program in accordance with his or  
17 her IEP.

18 D. 1. A school district shall conduct a reevaluation of each  
19 child with a disability if:

20 a. the school district determines that the educational or  
21 related service needs including improved academic  
22 achievement and functional performance of the child  
23 warrant a reevaluation, or

1           b. the child's parent, legal guardian, or teacher  
2           requests a reevaluation.

3           2. A reevaluation shall be conducted at least once every three  
4           (3) years unless the parent or legal guardian and the school  
5           district agree that a reevaluation is unnecessary. A reevaluation  
6           conducted pursuant to this subsection shall not occur more  
7           frequently than once a year unless the child's parent or legal  
8           guardian and the school district agree.

9           E. A school district shall provide prior notice to the parent  
10          or legal guardian of a child with a disability that includes a  
11          description of any evaluation procedures to be used.

12          F. In conducting an evaluation or reevaluation, a school  
13          district shall:

14           1. Use a variety of assessment tools and strategies to gather  
15           relevant, functional, developmental, and academic information  
16           including information that may be provided by a parent or legal  
17           guardian that may assist in determining whether the child is a child  
18           with a disability and the content of the child's IEP;

19           2. Not use any single measure or assessment as the sole  
20           criterion for determining whether a child is a child with a  
21           disability or determining an appropriate educational program for the  
22           child;

1       3. Use technically sound instruments that may assess the  
2 relative contribution of cognitive and behavioral factors in  
3 addition to physical or developmental factors;

4       4. Ensure that assessments and other evaluation materials used  
5 to assess a child:

6           a. are selected and administered so as not to be  
7 discriminatory on a racial or cultural basis,

8           b. are provided and administered in the language and form  
9 most likely to yield accurate information on what the  
10 child knows and can do academically, developmentally,  
11 and functionally, unless it is not feasible to so  
12 provide or administer,

13           c. are used for purposes for which assessments or  
14 measures are valid and reliable,

15           d. are administered by trained and knowledgeable  
16 personnel, and

17           e. are administered in accordance with any instructions  
18 provided by the producer of such assessments;

19       5. Ensure a child is assessed in all areas of suspected  
20 disability;

21       6. Review existing evaluation data on the child including  
22 evaluations and information provided by the parent or legal guardian  
23 of the child; current classroom-based, local, or state assessments;  
24

1 classroom-based observations; and observations by teachers and  
2 related service providers; and

3 7. Ensure that assessments of a child with a disability who  
4 transfers from one school district to another in the same academic  
5 year are coordinated with the sending and receiving school districts  
6 as necessary and as expeditiously as possible to ensure prompt  
7 completion of evaluations.

8 G. Upon completion of an evaluation or reevaluation conducted  
9 pursuant to this section, the determination of whether a child is a  
10 child with a disability and the educational needs of the child shall  
11 be made by an IEP team. The school district shall provide the  
12 child's parent or legal guardian a copy of the evaluation report and  
13 the documentation determining eligibility for special education and  
14 related services.

15 H. 1. A member of an IEP team shall not be required to attend  
16 an IEP meeting, in whole or in part, if the parent or legal guardian  
17 of the child with a disability and the school district agree that  
18 such attendance is not necessary.

19 2. A member of an IEP team may be excused from attending an IEP  
20 meeting, in whole or in part, when the meeting involves a  
21 modification to or discussion of the member's area of curriculum or  
22 related services if the parent or legal guardian of the child with a  
23 disability and the school district provide written consent for  
24

1 excusal and the IEP team member submits in writing input into the  
2 development of the IEP prior to the meeting.

3 I. A child shall not be determined to be a child with a  
4 disability and eligible for special education and related services  
5 if the determinant factor is:

6 1. A lack of appropriate instruction in reading including in  
7 the essential components of reading instruction;

8 2. A lack of instruction in mathematics; or

9 3. Limited English proficiency.

10 J. In determining whether a child has a specific learning  
11 disability as defined by Section 18-109.5 of this title, a school  
12 district shall not be required to take into consideration whether a  
13 child has a severe discrepancy between achievement and intellectual  
14 ability in oral expression, listening comprehension, written  
15 expression, basic reading skills, reading comprehension,  
16 mathematical calculation, or mathematical reasoning. A school  
17 district may use a process that determines whether a child responds  
18 to specific scientific, research-based intervention as a part of the  
19 evaluation or reevaluation procedures used in accordance with  
20 subsection F of this section.

21 SECTION 3. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 13-103.1 of Title 70, unless  
23 there is created a duplication in numbering, reads as follows:  
24

1       A. The State Board of Education shall establish and maintain  
2 policies and procedures to ensure that children with disabilities  
3 and their parents or legal guardians are guaranteed procedural  
4 safeguards with respect to the provision of a free appropriate  
5 public education. The policies and procedures shall include:

6       1. An opportunity for the parent or legal guardian of a child  
7 with a disability to examine all records relating to such child and  
8 to participate in meetings regarding the identification, evaluation,  
9 and educational placement of the child and regarding the provision  
10 of a free appropriate public education to the child, and to obtain  
11 an independent educational evaluation of the child;

12       2. Protection of the rights of a child with a disability when  
13 the child's parent or legal guardian is unknown; the school district  
14 cannot, after reasonable efforts, locate the child's parent or legal  
15 guardian; or the child is a ward of the state including the  
16 assignment of an individual to act as a surrogate for the parent or  
17 legal guardian. A surrogate shall not be an employee of the State  
18 Department of Education, the school district in which the child is  
19 enrolled, or any other agency that is involved in the education or  
20 care of the child;

21       3. Written prior notice to the parent or legal guardian of a  
22 child with a disability who is under the age of twenty-two (22)  
23 whenever the school district proposes to initiate or change or  
24 refuses to initiate or change the identification, evaluation, or

1 educational placement of the child or the provision of a free  
2 appropriate public education to the child. The notice shall include  
3 information about policies and procedures for mediation available to  
4 the parent or legal guardian pursuant to subsection F of this  
5 section. Notice shall be provided in the native language of the  
6 child's parent or legal guardian unless it is not feasible to do so;

7 4. An opportunity for mediation, which shall:

- 8 a. be voluntary on the part of the parties,
- 9 b. not be used to deny or delay the rights of a parent or  
10 legal guardian to a due process hearing as provided  
11 for in subsection E of this section, and
- 12 c. be conducted by a qualified and impartial mediator who  
13 is trained in effective mediation techniques;

14 5. An opportunity for any party to present a complaint:

- 15 a. with respect to any matter relating to the  
16 identification, evaluation, or educational placement  
17 of the child or the provision of a free appropriate  
18 public education to such child, and
- 19 b. which sets forth an alleged violation that occurred  
20 not more than two (2) years before the date the  
21 child's parent or legal guardian or the school  
22 district in which the child is enrolled knew or should  
23 have known about an alleged action that forms the  
24 basis of the complaint;



1       6. Requirements that either party, or the attorney representing  
2 a party, provide due process complaint notice to the other party and  
3 such notice is submitted to the State Department of Education. The  
4 notice shall include:

- 5           a. the name of the child,
- 6           b. the address of the residence of the child, or  
7               available contact information if the child is  
8               considered homeless children and youth as defined in  
9               Section 600 of Title 10 of the Oklahoma Statutes,
- 10          c. the name of the school district in which the child is  
11             enrolled,
- 12          d. a description of the nature of the problem relating to  
13             proposed initiation or change including facts related  
14             to such problem, and
- 15          e. a proposed resolution of the problem to the extent  
16             known and available; and

17       7. A model form to assist parents and legal guardians in filing  
18 a complaint and due process complaint notice in accordance with the  
19 provisions of this subsection.

20       B. Each school district in this state shall provide a copy of  
21 the procedural safeguards to parents and legal guardians of a child  
22 with a disability enrolled in the school district annually, upon  
23 initial referral or upon request for an initial evaluation, upon the  
24 first occurrence of filing a complaint, and upon request of a parent

1 or legal guardian. A school district may post the procedural  
2 safeguards on its website.

3 C. Within ten (10) days of receiving a due process complaint  
4 notice as provided for in subsection A of this section, a school  
5 district shall submit to the child's parent or legal guardian a  
6 response that includes the following:

7 1. An explanation of why the school district proposed or  
8 refused to take the action raised in the complaint;

9 2. A description of other options that the IEP team considered  
10 and the reasons why those options were rejected;

11 3. A description of each evaluation procedure, assessment,  
12 record, or report the agency used as the basis for the proposed or  
13 refused action; and

14 4. A description of the factors that are relevant to the school  
15 district's proposal or refusal.

16 D. The parent or legal guardian of a child with a disability  
17 who submits a due process complaint notice as provided for in  
18 subsection A of this section shall be given an opportunity for an  
19 impartial due process hearing, which shall be conducted by the State  
20 Department of Education.

21 E. Policies and procedures for a due process hearing shall  
22 include:

23 1. a. A request for a due process hearing shall be made by  
24 the parent or legal guardian of a child with a  
25

1 disability or the State Department of Education within  
2 two (2) years of the date the parent or legal guardian  
3 or the Department knew or should have known about the  
4 alleged action that forms the basis of the complaint.

5 b. The time limitation provided in this paragraph shall  
6 not apply if the parent or legal guardian of a child  
7 was prevented from requesting the hearing due to  
8 specific misrepresentations by the school district  
9 that it had resolved the problem forming the basis of  
10 the complaint or the school district withheld required  
11 information from the parent or legal guardian.

12 2. Within fifteen (15) days of receiving a due process  
13 complaint notice as provided for in subsection A of this section,  
14 the party providing a hearing officer shall provide notification of  
15 such hearing.

16 3. A hearing officer shall:

- 17 a. not be an employee of the State Department of  
18 Education or a school district involved in the  
19 education or care of the child,  
20 b. not be a person having a personal or professional  
21 interest that conflicts with the person's objectivity  
22 in the hearing, and  
23 c. possess knowledge of and the ability to understand the  
24 provisions of the Individuals with Disabilities  
25

Education Act (IDEA), legal interpretations thereof,  
and associated federal and state regulations.

4. Within five (5) days of receiving the notification provided for in paragraph 1 of this subsection, the hearing officer shall make a determination of whether the due process complaint notice is facially sufficient.

5. A party may amend its due process complaint notice only if:

a. the other party consents in writing to such amendment and is given the opportunity to resolve the complaint, or

b. the hearing officer grants permission no later than five (5) days before a due process hearing is scheduled.

6. Within five (5) days prior to a hearing conducted pursuant to this subsection, each party shall disclose to all parties all evaluations completed and recommendations made based on such evaluations.

7. A decision made by a hearing officer shall be made on substantive grounds based on a determination of whether the child with a disability received a free appropriate public education. Provided, however, a hearing officer may find that a child with a disability did not receive a free appropriate public education based on a procedural violation only if the procedural violation:

- a. impeded the child's right to a free appropriate public education,
- b. significantly impeded the opportunity of a parent or legal guardian to participate in the decision-making process regarding the provision of a free appropriate public education to the child, or
- c. caused a deprivation of educational benefits.

8. Any party aggrieved by the findings and decision rendered in a due process hearing conducted by the State Department of Education pursuant to the provisions of this subsection may appeal such findings and decision to the Department. The Department shall conduct an impartial review of the findings and decision, and the officer conducting such review shall make an independent decision upon completion of such review.

9. Any party to a due process hearing conducted pursuant to the provisions of this subsection shall be accorded:

- a. the right to be accompanied and advised by counsel and by individuals with special knowledge or training regarding the problems of children with disabilities,
- b. the right to present evidence and confront, cross examine, and compel the attendance of witnesses, and
- c. the right to a written or, at the option of a child's parent or legal guardian, an electronic verbatim record of such hearing.

1        10. Any party who brings a civil action with regard to a due  
2 process complaint shall have ninety (90) days from the date of the  
3 decision of a hearing officer to bring such action.

4        F. The State Department of Education shall adopt policies and  
5 procedures for mediation to resolve disputes over the  
6 identification, evaluation, educational placement, manifestation  
7 determination, interim alternative educational placement, or the  
8 provision of a free appropriate public education to a child with a  
9 disability. The policies and procedures shall include:

10        1. A conciliation conference, which a parent or legal guardian  
11 may request to meet with the IEP team or appropriate school district  
12 staff to discuss any objections to the prior notice received  
13 pursuant to paragraph 3 of subsection A of this section. Within  
14 five (5) days after the conciliation conference, the school district  
15 shall provide the parent or legal guardian a conciliation conference  
16 memorandum describing the district's final proposed services for the  
17 student;

18        2. A facilitated IEP team meeting led by an impartial  
19 facilitator provided by the State Department of Education;

20        3. An opportunity to meet with a disinterested party. The  
21 State Department of Education shall develop and maintain a list of  
22 qualified mediators who are knowledgeable in the laws and  
23 regulations relating to the provision of special education and  
24 related services;

1       4. A provision stating that the cost of the mediation process  
2 shall be borne by the state;

3       5. A requirement that mediation sessions be scheduled in a  
4 timely manner and be held in a location that is convenient to the  
5 parties to the dispute. A district shall hold a conciliation  
6 conference, facilitated IEP team meeting, or other mediation within  
7 ten (10) calendar days from the date the public school district  
8 receives the request from a parent or legal guardian;

9       6. A confidentiality provision to ensure that discussions that  
10 occur during the mediation process cannot be used as evidence in any  
11 subsequent due process hearing or civil proceeding;

12       7. A requirement to execute a written, legally binding  
13 agreement when a resolution is reached through the mediation  
14 process. The agreement shall be signed by the parent or legal  
15 guardian of the child with a disability and an authorized school  
16 district representative;

17       8. A provision allowing any party to a mediation conducted  
18 pursuant to the provisions of this subsection to request additional  
19 mediation to address implementation of any mediated agreement; and

20       9. A provision prohibiting mediators, facilitators, and any of  
21 their records associated with a mediation conducted pursuant to the  
22 provisions of this section from being subject to subpoena in a civil  
23 action.

1       G. The State Department of Education shall develop and publish  
2 on its website a model form to be used by parents and legal  
3 guardians to request any of the mediation procedures provided for in  
4 subsection F of this section.

5       H. While a due process hearing or mediation session is pending,  
6 a child with a disability shall remain in his or her current  
7 educational placement, unless the State Department of Education, the  
8 school district in which the student is enrolled, or his or her  
9 parent or legal guardian otherwise agree. If the child was applying  
10 for initial admission to a school district, he or she shall be  
11 placed in the school district until all such proceedings have been  
12 completed.

13       I. The State Board of Education may promulgate rules to  
14 implement the provisions of this section.

15       SECTION 4. This act shall become effective July 1, 2026.

16       SECTION 5. It being immediately necessary for the preservation  
17 of the public peace, health, or safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.  
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21       60-2-2304       EB       1/15/2026 9:20:30 AM  
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