

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1393

By: Provenzano

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6 AS INTRODUCED

7 An Act relating to special education; requiring State
8 Board of Education to adopt certain parental consent
9 forms; prescribing criteria for forms; prohibiting
10 certain actions without parental consent; providing
11 exception; requiring certain IEP Team meeting;
12 requiring written notice of meeting; permitting
13 waiver of notice; requiring school district make
14 certain reasonable effects before certain actions;
15 requiring parents complete certain actions; requiring
16 school districts implement IEP after consent;
17 providing for procedures during due process hearing;
18 clarifying effect on federal rights; authorizing
19 State Board of Education to adopt rules; providing
20 for codification; providing an effective date; and
21 declaring an emergency.

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24 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 separate parental
consent forms that school districts shall use to obtain parental
consent for each of the following actions in a student's individual
education program (IEP):

1 1. To determine that a student will participate in the Oklahoma
2 Alternate Assessment Program (OAAP) pursuant to Section 11-103.6 of
3 Title 70 and provide instruction based on alternate academic
4 achievement standards; and

5 2. When a student is placed in the general education
6 environment for less than eighty percent (80%) of the instructional
7 day. A student with a disability shall not be removed from the age-
8 appropriate general education classroom solely based on needed
9 modifications to the general education curriculum.

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

14 1. A statement that the parent is a participant of the
15 individual education plan team (IEP Team) and has the right to
16 consent or refuse consent to the actions described in subsection A
17 of this section. The statement shall include information that the
18 refusal of parental consent means that the school district shall not
19 proceed with the actions described in subsection A without a school
20 district due process hearing in accordance with 34 C.F.R. Sections
21 300.507 and 300.508;

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

23 3. A "does not consent" box and a signature line; and
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1 4. An informational statement of the benefits and consequences
2 of giving parental consent to the actions described in subsection A.

3 C. A school district shall not proceed with the actions
4 described in subsection A without parental consent unless the school
5 district documents reasonable efforts to obtain the parent's consent
6 and the child's parent has failed to respond or the school district
7 obtains approval through a due process hearing in accordance with 34
8 C.F.R. Sections 300.507 and 300.508 and resolution of appeals.

9 D. Except for a change in placement, if a school district
10 determines that there is a need to change a student's IEP as it
11 relates to actions described in subsection A, the school shall hold
12 an IEP Team meeting that includes the parent to discuss the reason
13 for the change. The school shall provide written notice of the
14 meeting to the parent at least five (5) school days before the
15 meeting, indicating the purpose, time, and location of the meeting
16 and who, by title or position, will attend the meeting. The IEP
17 Team meeting requirement may be waived by informed consent of the
18 parent after the parent receives the written notice.

19 E. For a change in actions described in subsection A in a
20 student's IEP, the school district shall not implement the change
21 without parental consent unless the school district documents
22 reasonable efforts to obtain the parent's consent and the child's
23 parent has failed to respond or the school district obtains approval
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1 through a due process hearing in accordance with 34 C.F.R. Sections
2 300.507 and 300.508 and resolution of appeals.

3 F. No later than thirty (30) days after receipt of the proposed
4 IEP and proposed placement, the parents shall:

5 1. Accept or reject the IEP in whole or in part, request a
6 meeting to discuss the rejected portions of the IEP or the overall
7 adequacy of the IEP, or if mutually agreed upon, accept an amended
8 proposal; and

9 2. Accept or reject the proposed placement.

10 G. Upon parental response to the proposed IEP and proposed
11 placement, the school district shall implement all accepted elements
12 of the IEP without delay.

13 H. Pursuant to 34 C.F.R. Section 300.518, during the pendency
14 of a due process hearing or appellate proceeding regarding a due
15 process complaint, the student shall remain in his or her current
16 educational assignment while awaiting the decision of any impartial
17 due process hearing or court proceeding, unless the parent and the
18 district school board otherwise agree.

19 I. This section does not abrogate any parental right identified
20 in the Individuals with Disabilities Education Act (IDEA) and its
21 implementing regulations.

22 J. The State Board of Education shall adopt rules to implement
23 this section, including, but not limited to, developing parental
24 consent forms.

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

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

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