

Oklahoma Special Education Policies and Procedures

IDEA Requirement for State-imposed rules, regulations, or policies

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- 1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- 2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- 3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title. The State is required to inform LEAs in writing of State-imposed rules, regulation, or policy (20 U.S.C. § 1407(a); 34 C.F.R. § 300.199).

List of Stakeholders

- Technical Assistance for Excellence in Special Education (TAESE)
- IDEA Part B State Advisory Panel
- Special Education Resolution Center (SERC)
- Oklahoma Parents Center
- CCOSA-Oklahoma Directors of Special Services (ODSS)
- Oklahoma School Psychological Association (OSPA)
- Oklahoma Speech Hearing Association (OSHA)
- Oklahoma Autism Center

List of Stakeholders - 2

- Oklahoma Deaf Blind Technical Assistance Project (OKDBTAP)
- Oklahoma School for the Deaf (OSD)
- Oklahoma School for the Blind (OSB)
- Oklahoma Office of Juvenile Affairs (OJA)
- Oklahoma Department of Human Services (OKDHS)
- Oklahoma Department of Rehabilitation Services (DRS)

Public Comment

- Public Comment was held for 30 days beginning 4/25/2022.
- Public in-person hearings were conducted:
 - Tuesday, May 3rd from 10:00 a.m. to Noon; and
 - Tuesday, May 10th from 10:00 a.m. to Noon.

Policies

- The Oklahoma Special Education Policies includes nine (9) State requirements which exceed the federal regulations of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) to ensure equity, accountability, and excellence for children with disabilities.
- Policies marked with an asterisk (*) are already existing policies.

Timeline to Parent Consent

- 1) Ten (10) school day timeline between the review of existing data and parent consent for an initial evaluation.

(34 CFR § § 300.300(a)(1)(i), and 300.305)

- **IDEA:** No timeline
- **Oklahoma:** The LEA must obtain the parent's written consent on the Special Education Parent Consent form for an initial evaluation within ten (10) school days from the date the parent signs the completed Review of Existing Data (RED) form.

Required Evaluation Components

2) Required evaluation components defined per category of suspected disability. (34 CFR § 300.304(b)(1)(i)(2)(3))

- **IDEA:** *“Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, (2) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability; and (3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.”*
- **Oklahoma:** Defined required components that make up a comprehensive evaluation.

*45 School Day Initial Evaluation Timeline

3) From the date of parent consent for the initial evaluation to the date of the eligibility meeting must be within 45 school days.

(20 USC § 1414(a)(1)(C)(i)) and 34 CFR § 300.301(c)(1)(i)(ii):

- **IDEA:** *“to determine whether a child is a child with a disability within **60 days** of receiving parental consent for the evaluation” or “If the State establishes a timeframe within which the evaluation must be conducted”;*
- **Oklahoma:** The initial eligibility determination must be completed within 45 school days of receiving parental consent for the initial evaluation.

Eligibility Team Members

4) Define qualified professionals required to attend the eligibility team members

(34 CFR § 300.306 and § 300.308)

- **IDEA:** *“A group of qualified professionals and the parent.”*
“For Specific Learning Disability determination requires the child’s regular teacher.”
- **Oklahoma:** For all disability categories require the following team members to attend the eligibility determination meeting: Parent, Administrator, Special Education Teacher, at least one General Education Teacher, and at least one Qualified Professional(s) to conduct individual diagnostic examinations of students (e.g., certified school psychologist, certified school psychometrist, speech-language pathologist, remedial reading teacher, occupational therapist, physical therapist, etc.).

*Move-in or Transfer

5) An IEP for new move-in or transfer students must be in place within 10 school days of the student's first day of attendance.

(20 USC § 1414(d)(2)(C)(i)(I) and 34 CFR § 300.323)

- **IDEA:** No timeline
- **Oklahoma:** The LEA must provide comparable services described in the previous IEP from the sending district, in consultation with the parent until the receiving district either formally adopts the IEP from the previous district as written or develops and implements a new subsequent IEP within ten (10) school days from the date of the student's first day of attendance.

Service Types Defined

6) Special Education and Related Services are provided in a variety of service types and are defined.

(34 CFR § 300.39(b)(3))

- **IDEA:** *“Specially designed instruction means adapting, as appropriate to the needs of an eligible child, the content, methodology or delivery of instruction to address the unique needs.”*
- **Oklahoma:** Defined the variety of services: consultation, monitoring, collaboration, co-teaching, and direct instruction.

Secondary Transition Services

7) Exceeding the IDEA requirement for Secondary Transition from age 16 to being in effect on or before age 15.

(34 CFR § 300.320(b))

- **IDEA:** *“Transition services. Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team and updated annually.”*
- **Oklahoma: Transition services.** The IEP must include secondary transition services that are in effect before the beginning of the student’s ninth grade year, or on or before the student’s 15th birthday, whichever comes first, or younger, if determined appropriate by the IEP team and updated annually.

Shortened Day/Week

8) Before making the determination to shorten the student's day/week based on behavior requires the LEA to conduct a Functional Behavioral Assessment (FBA) and implement a Behavioral Intervention Plan (BIP).

(20 U.S.C. § 1415(1)(D)(E))

- **IDEA:** Requires FBA/BIP if the conduct of the student was a manifestation of the child's disability, but no requirement for shortening the student's day/week.
- **Oklahoma:** Before determining the need to shorten a student's day/week due to behavior, the IEP team must conduct an FBA/BIP. The IEP team may also want to consider increasing special education service time for direct instruction in behavioral and/or social skills.

*Class Size/Caseload

9) Maximum number of students with disabilities per special education classroom, and the maximum number of students on an IEP a Teacher of Record can manage or oversee.

- **IDEA:** No requirement
- **Oklahoma:** Maximum 10 students per self-contained Pre-12th grades
Maximum 10 students per K-4 grades.
Maximum 15 students per classroom 5-12 grades.
See chart for caseload based on formula per placement.

Draft Policies Withdrawn

- OSDE-SES has decided to withdraw the draft Oklahoma policy requiring the LEA to provide parents with a draft IEP and evaluation summary two school days prior to the IEP meeting or eligibility meeting. Given feedback from teachers, directors of special services, and school psychologists, OSDE-SES has determined that the new requirement would place additional compliance requirements and undue stress on LEA staff at this time.
- In lieu of this proposed requirement, OSDE-SES has increased guidance to districts regarding meaningful parent participation and the parent's right to request copies of educational records. In addition, OSDE-SES will work with PCG, the online IEP program provider, to develop a process that will allow users who choose to prepare and provide advance copies of IEP drafts to parents the ability to do so electronically. In doing so, it will help eliminate some of the time-consuming tasks related to this process.

Draft Policies Withdrawn – 2

- The Federal Register gave the following guidance in 2006 regarding draft IEPs –
"With respect to a draft IEP, we encourage public agency staff to come to an IEP Team meeting prepared to discuss evaluation findings and preliminary recommendations. Likewise, parents have the right to bring questions, concerns, and preliminary recommendations to the IEP Team meeting as part of a full discussion of the child's needs and the services to be provided to meet those needs. We do not encourage public agencies to prepare a draft IEP prior to the IEP Team meeting, particularly if doing so would inhibit a full discussion of the child's needs."

Draft Policies Withdrawn - 3

However, if a public agency develops a draft IEP prior to the IEP Team meeting, the agency should make it clear to the parents at the outset of the meeting that the services proposed by the agency are preliminary recommendations for review and discussion with the parents. The public agency also should provide the parents with a copy of its draft proposals, if the agency has developed them, prior to the IEP Team meeting so as to give the parents an opportunity to review the recommendations of the public agency prior to the IEP Team meeting, and be better able to engage in a full discussion of the proposals for the IEP. It is not permissible for an agency to have the final IEP completed before an IEP Team meeting begins."