

# DRAFT Oklahoma Special Education Policies and Procedures

Oklahoma State Board of Education, July 31, 2024.

Sherri Coats, Program Director, Special Education Services

# 34 C.F.R. § 300.199 – State Administration

- (a) Each State that receives funds under Part B of the Act must-
- 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 Part B of the Act.**

# 1. HB 1041 State-Defined Alternate Diploma

- **HB1041** Authored by Oklahoma House Representative Randy Randleman and Oklahoma Senator Brenda Stanley and signed by Governor Stitt on 4/19/2023
- Provides an **Oklahoma state-defined alternate diploma** for students with the most significant cognitive disabilities the opportunity to earn a diploma that shows they have completed a rigorous alternate academic achievement standards-based program of study aligned to the regular Oklahoma Academic Standards.
- Provides **meaningful** access to college programs, careers, and community, including FAPE options through the school year in which the student turns 22.

# Basis For The Alternate Diploma

## 1. **Alternate Diploma** (34 C.F.R. § 300.102(a)(3)(iv):

(iv) As used in paragraphs (a)(3)(i) through (iii) of this section, the term regular high school diploma means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that **a regular high school diploma shall not be aligned to the alternate academic achievement standards** described in section 1111(b)(1)(E) of the ESEA.

## 2. HB 3792 Oklahoma Access and Achievement Program

- **HB3792** Authored by Oklahoma Senator Ally Seifried from Claremore, signed into law by Governor Stitt May 21, 2024
- Provides **scholarship opportunities** to eligible students with intellectual disabilities pursuing comprehensive transition and postsecondary (CTP) programs (e.g., technology center schools or higher education opportunities such as Opportunity Orange Scholars at OSU, Sooner Works at OU, and River Hawks Scholars at Northeastern State University).

### 3. HB 1624 – Tuition Aid

- **HB1624** Authored by Oklahoma Senator Ally Seifried, and Oklahoma House Representatives Mark Vancuren from Owasso and Jared Deck from Norman, signed by Governor Stitt April 30, 2024,
- Amends the Oklahoma Higher Education Tuition Aid Act allowing eligible students enrolled in CTP programs approved by the U.S. Department of Education to **apply for Oklahoma Tuition Aid Grants (OTAG)**

# 4. HB 3386 Amendment – Transfer Appeal

- **HB3386** Authored by: Oklahoma House Representatives Charles McCall from Atoka and Chad Caldwell from Enid, including Oklahoma Senator Greg Treat from OKC/Edmond/Deer Creek/Bethany, signed into law by Governor Stitt on May 31, 2024.
- Created an **appeal process for students with disabilities** who were denied a transfer based on program, staffing and services within 10 days of notification. This law aligns with the Open Transfer Act appeal procedures and **includes a requirement for reporting** to the OSDE the total number of transfer requests of students with disabilities who were approved, and the number denied.

# Stakeholders Input

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- Special Education Resolution Center (SERC)
- Oklahoma Parents Center (OPC)
- Oklahoma Parents for Student Achievement (OPSA)
- Individual Parents
- Decoding Dyslexia Oklahoma
- Oklahoma School Psychological Association (OSPA)
- Oklahoma Speech Hearing Association (OSHA)
- Local Education Agencies (LEAs)



# Stakeholders Input - 2

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- Oklahoma Autism Network
- Oklahoma Autism Center (OAC)
- Oklahoma School for the Deaf (OSD)
- Oklahoma School for the Blind (OSB)
- Oklahoma Office of Juvenile Affairs (OJA)
- Oklahoma Department of Rehabilitation Services (DRS)
- Oklahoma State Department of Education (SDE)

# Public Comment

- Public Comment was held for 31 days beginning May 1, 2024, through May 31, 2024.
  - **Six** (6) individuals spoke **in-person** at the public hearings conducted:
    - Friday, May 17<sup>th</sup> and Friday, May 20<sup>th</sup>
  - **Forty-one** (41) individuals submitted their public comments solely **in writing**.

**A total of 47 individuals** provided public comments.

# Policies

- States may create state-imposed policies which exceed the federal regulations of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) to ensure accountability, and excellence for children with disabilities in the State of Oklahoma (34 C.F.R. § 300.199(a)(2)).

# New Policy –

## Secondary Transition Services

- Added **one new** Oklahoma Special Education Policy
  - 34 CFR § 300.320(b) requires goals related to Education/Training, Employment, for all students on IEPs. However, goals for **Independent Living** is **optional where appropriate, depending on the student’s unique needs**. 34 CFR § 300.320(b).
  - Oklahoma has added a new policy **requiring students with the most significant cognitive and adaptive behavior disabilities to have transition goals for Independent Living and Community Participation**, instead of allowing it to be “optional where appropriate” as indicated in IDEA.
  - It is important to break down the skills aligned to the goals to be sensitive to growth (i.e., show small increments or task analysis to break down complex skills into a series of simple steps) which would require the use of **at least two short-term objectives/benchmarks per postsecondary goal** in Education/Training, Employment, Independent Living and Community Participation.

# OK State-imposed Policy Amendments

- Oklahoma amended two of the current State-imposed policies to provide clarification.
  1. Spelled out the acronym of FBA and BIP.
  2. Created a second option to the caseload calculation for the Teacher of Record (TOR) who manages the student special education file.
    - Oftentimes, the amount of work involved in various tasks are not noted within the basic caseload requirements within our State Policy. Therefore, Oklahoma will allow a “workload” calculation. Districts will indicate, within their LEA Assurances, whether they will use the caseload or the workload calculation. They may not use both at the same time.

# Chapter Revisions

- The previous “Behavior” chapter included both discipline procedures and an intervention process. The team determined to separate the “Behavior” chapter into two chapters:
  - Chapter 3. “Multi-Tiered System of Supports (MTSS)” includes basic guidance in the implementation tiered interventions for of both academics and positive behavior .
  - Chapter 12. “Discipline Guidelines and Protections” now focuses on the specific IDEA regulations surrounding LEA’s disciplinary actions of a student behavioral incident and the student’s protections involving the manifestation determination.

# Chapter Revisions - 2

- Separated Chapter 8 into 3 separate chapters for Private, Charter, and Residential Settings
- Eliminated Chapter 7 Non-discriminatory practices, folding the information into other appropriate chapters

# Additional Language Amendments

- OSDE-SES made additional language amendments to clarify content based on phone calls received from parents, LEAs, agencies, and organizations.
- Included additional federal and state legal citations and language from the Office of Special Education Programs (OSEP) letter guidance documents.
- The yellow highlights were the OSDE recommended language amendments.
- The green highlights are the amendments made based on public comment.



# Questions

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