

Oklahoma Special Education Policies & Procedures 2026 Updates

Effective August 1, 2026



OKLAHOMA
Education

Why is the P&P Being Updated?

New Oklahoma Statutes Impacting Policies and Procedures

IDEA Requirement for State-Imposed Rules, Regulations, or Policies

IDEA requires each State that receives funds under Part B must:

- 1) Ensure that any State rules, regulations, and policies relating to this part conform to the purposes of this part;
- 2) Identify in writing to local educational agencies (LEAs) located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by Part B of the Act and Federal regulations; and

IDEA Requirement for State-Imposed Rules, Regulations, or Policies - 2

- **Minimize the number** of rules, regulations, and policies to which the LEAs and schools located in the State are subject under Part B of the Act.

(20 U.S.C. § 1407(a); [34 C.F.R. § 300.199](#)).

- **The State is required to inform LEAs in writing** of State-imposed rules, regulation, or **policy**.

Reason to Amend Current Policies and Procedures

Oklahoma Statute [70 O.S. § 13-114.6](#) ([HB 1393 Regular Legislative Session 2025](#)) went into effect for the 25-26 school year.

Requires a [separate parental consent form](#) that school districts shall use for determining whether an eligible student with a significant cognitive disability will participate in the Oklahoma Alternate Assessment Program ([OAAP](#)).

70 O.S. § 13-114.6 (HB 1393)

This new law states: “An informal statement describing the benefits, risks, and legal implications of parental consent or refusal to consent including that the parent has the right to consent or refuse consent to the actions described in subsection A of this section. The statement shall include information that **refusal of parental consent means** that the student will be assessed using the regular district and state assessments with appropriate accommodations, modifications, and supplementary aids and services, and that the student will be taught to general education standards and not to alternate academic achievement standard.”

Additional guidance was necessary for school districts and parents to understand this section of refusal.

2026 Regular Legislation Session

- **HB 3021** Authored by Oklahoma House Representative Dick Lowe and Senator Adam Pugh amending the graduation requirements for both the regular diploma and alternate diploma **adding a fourth math unit** beginning with students enrolled as an 8th grader during 25-26.
- **HB 3718** Authored by Oklahoma House Representatives Chad Caldwell and Denise Crosswhite Hader and Senator Julie Daniels made language changes to the LNH Scholarship program stating, “**Within fifteen (15) school days after receipt** of a **written** request from a parent or legal guardian for a special education evaluation, **a school district shall schedule a meeting to review existing data with a parent of legal guardian.**”

2026 Regular Legislation Session -2

SB 1489 Authored by Senator Adam Pugh and House Representative Chad Caldwell – Amended the following:

- **70 O.S. § 6-189** – Certification for School Principal requiring PD specific to IDEA.
- **70 O.S. § 13-101** – Codified complying with provisions of IDEA, including dispute resolutions into Oklahoma Statute and added section “E” Parent Rights:

1. The parent of a child with disabilities shall have the right to review records five (**5**) **business days prior to any meeting regarding an IEP** or any other meeting regarding accommodations for a child with a disability. This includes 504 Plans.

2026 Regular Legislation Session -3

- SB 1489 and 70 O.S. § 13-101 (continued):

2. “Bring any individual of the parent or legal guardian’s choosing including an individual with unique knowledge or expertise regarding the child to **any meeting** with school personnel, including, but not limited to, meetings regarding an IEP, meetings conducted pursuant to Section 504 of the Rehabilitation Act of 1973, and meetings concerning the academics, behavior, discipline, attendance, health, or any other matter involving the child with a disability.”

Policies & Procedures Amended

No new Oklahoma Special Education Policies were needed, but the current State-Imposed Policies needed to be amended.

Policy Amendments Same 10 Policies

- Continue to have the same ten (10) policies but amended the current policies.
- Policy #6 - Service Type Defined.

Some commenters wanted all service types in the general education setting. However, districts must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. Therefore, additional language was added to indicate which service type was provided in a general education setting and those that are provided in a special education setting.

- Explained the need to have placement options for a continuum under [34 C.F.R. §300.115\(a\)](#) and referred to Chapter 6 IEP and Chapter 7 LRE.

Policy #6 Amendment (Continued)

- Clarified that the service types defined are provided by appropriately certified special education teachers and related service providers. A **paraprofessional is prohibited** from implementing **any** service types as listed and defined.
- Clarified that “**collaboration**” is re-teaching and reinforcing **grade level content standards and skills** and was already stated in the previous P&P that this service type may occur through a push-in or pull-out model.
- Clarified that “**direct instruction**” may also provide targeted skill instruction **not on grade level** (examples in Chapter 6) provided outside of the general education classroom.
- NOTE: This amendment to direct instruction will help to align with the MTSS framework of students on IEPs to **receive the core instruction on grade level, regular academic standards, in the general education setting, in addition to Tier 2 small group interventions provided for all students at-risk**, including being **pulled out at another time** for their IEP direct instruction for the intensive interventions at their instructional level.

Policy #8 OAAP

- Added 70 O.S. § 13-114.6 requiring **parental consent** for participation in OAAP;
- Added the requirement of an **adaptive behavior goal with at least two short-term objectives** or benchmarks (34 C.F.R. §300.320(a)(2)(ii)).
- Requirement to address **independent living and community participation**, as well as education, training, and employment.

Policy #10 – Class Size and Caseload or Workload

- **Added Assistive Technology (AT)**, which includes the service of the AT devices such as set-up, training, documentation, fidelity of implementation, assessment and progress reporting the student's level of performance.
- Improved chart accessibility.
- Workload chart amended language for clarification.

Chapter 1 FAPE Revisions

- Section 1 (E) Introduction of the two types of state tests alignment to either regular or alternate standards and how the standards taught determine diploma pathways.
- Section 2 (E) Clarified ESY is for the provision of FAPE, including in-state and out-of-state transfers. Provided OSEP letter to State Director of Special Education July 19, 2013, for further guidance
- Section 2 (G) Defined “administrative convenience.”

Chapter 1 FAPE Revisions - 2

- Section 2 (H) Clarified compensatory services can be offered by the district upon determining the impact of service disruptions and limitations on a child without the parent filing a State Complaint or Due Process Complaint requesting a hearing. OSEP Letter to Wolfram and Mandlawitz (1/10/22). Also, clarified the qualified professional who may implement the compensatory services.

Chapter 1 FAPE Revisions - 3

- Section 2 (I) Adding the OSEP Letter to Kane (4/18/18)
“Generally, a special education or related service missed due to participation in required scheduled assessments would not constitute a denial of FAPE and the LEA would not be required to make up the missed service.”

Chapter 2 Child Find Revisions

- Section 1 (A) added when conducting universal behavioral screening, parental consent may be required under the Protection of Pupil Rights Amendment (PPRA).
- Section 4 added if the district is invited by SoonerStart to the TPC, then the LEA **must** attend and **will participate in transition planning** (34 C.F.R. § 300.124(c)). Therefore, the LEA must document their attendance and participation in the TPC (**such as a sign-in sheet designated as the TPC meeting**), which includes the parent and the Sooner Start staff.

Chapter 3 MTSS Revision

- Section 1 (F)(iii) added clarification that students with disabilities should also be accessing tiered support and core instruction, **as appropriate**, within the MTSS Framework.
- Added additional clarification that participating in the tiered interventions and supports **should not replace or eliminate access to** the core instruction, or the child's special education and related services, including supplementary aids and services. Added [OSEP Letter to Chambers \(May 9, 2012\)](#).

General Education Core Instruction Regular Standards

In Addition to
Core
Instruction

EXTRA TIME
TO LEARN

In Addition to
Core
Instruction

Flexible Small Groups for Intervention

Gifted &
Talented

English
Learners (EL)

Title

Special
Education

Related
Services

Least Restrictive Environment (LRE)

34 C.F.R. § 300.114(a)(2)

(2) “Each public agency **must** ensure that—

- (i) To the **maximum** extent **appropriate**, children with disabilities, including children in public or private institutions or other care facilities, **are educated with children who are nondisabled; and**
- (ii) Special classes, separate schooling, or other **removal** of children with disabilities from the regular educational environment **occurs only if the nature or severity** of the disability is such that education in regular classes with the use of supplementary aids and services **cannot be achieved satisfactorily.”**

Chapter 4 Young Children Revisions

- Section 2 added clarification that **LEAs have a continuing Child Find obligation** under IDEA Part B to actively identify children, **including preschool children**, who may have a disability. When a child demonstrates delays in one or more of the five developmental domains (e.g., Adaptive Behavior Skills, Social Skills, Self-Regulation Skills, Motor Skills, Cognitive or Readiness Skills, and Communication Skills) through district-wide screenings or classroom assessments or the student's lack of responsiveness to interventions, then the **LEA may have a responsibility to propose a referral** for an initial evaluation.

Chapter 4. Section 3A. SoonerStart (Part C)

- Added clarification for [OSEP Letter to Nix \(March 17, 2023\)](#).

“The transition notification to the LEA and SEA must include the child’s name, date of birth, and parent contact information (name, home and email address, telephone number). 34 C.F.R. §§ 303.209(b)(1)(i) and 303.401(d). The transition notification by Part C to the SEA and appropriate LEA is critical to ensure that Part B can meet its responsibilities. **The purpose of the transition notification is to ensure implementation of the IDEA Part B child find mandate in 34 C.F.R. § 300.111.**”

Chapter 4. Section 3B. Late Referral

What to do if the parent of a SoonerStart child will not respond?

- If parents do not respond or the district cannot convince the parents to meet, the district must document in a Written Notice their proposal or refusal to initiate an initial evaluation under IDEA-Part B. If SoonerStart shares the student's confidential file with the LEA through the online special education software system within the inactive files, a Review of Existing Data (RED) should be completed based on the existing SoonerStart records. **In all cases, the LEA is required to provide parents with a Written Notice and a copy of their procedural safeguards.**

Chapter 4. Section 4D. TPC Participation

- If the district is invited to the TPC by SoonerStart, then the LEA representative(s) must attend and participate in the discussion as required in IDEA-Part B ([34 C.F.R. § 300.124\(c\)](#)) when a child is transitioning from IDEA-Part C (SoonerStart) Program to LEA. To support State monitoring of IDEA transition requirement of a TPC meeting, [the LEA must upload documentation](#) (such as a sign-in sheet) into the online special education software system [verifying the district's participation in the Transition Planning Conference \(TPC\)](#), which includes SoonerStart staff and the parent.

Chapter 4. Section 6 and 7

- IEP and LRE apply to eligible preschool children with a disability under IDEA who are 3, 4, and 5 years old who are not yet age-eligible for Kindergarten.
- The continuum of alternative placement options must be determined on a case-by-case basis for preschool children.
- While a district is not required to provide general education programs for very young preschool children, the LEA is required to meet all of the needs of all 3- and 4-year-old students with disabilities, which may require direct special education and related services at its sites, as determined appropriate by the IEP team.

Chapter 5 Evaluation & Eligibility

- Section 2 “D” Provided an Evaluation Timeline Chart
- Section 3 Clarified Existing Data (e.g., Adaptive Behavior Rating form, Parent Input –Formal Structured Interview v. Parent Verbal Information).
- Section 3 Invitation for Meeting for RED not required if not conducting a meeting. If conducting a RED meeting and obtaining parental consent, then should document the scheduling of the meeting and provide an Invitation for Meeting.
- Section 4 Emphasized the consideration of an Outside Evaluation by Completing a RED form.

Chapter 5 Evaluation & Eligibility – 2

- Section 10 Emphasized ALL Required Components listed in Section 3 based on 34 C.F.R. § 300.306(c) under each category:
“(i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, **and** adaptive behavior; **and**
(ii) Ensure that information obtained from **all** of these sources is documented and carefully considered.”

Chapter 5 Evaluation & Eligibility – 3

- Section 5 “A” Procedures when parental consent was originally obtained based on a suspected disability category, but through gathering of additional evaluation components school personnel later identify concerns suggesting a different disability category, the parent must be informed.
- Section 5 Procedures outlined in the federal regulations when a parent refuses to sign consent for initial or reevaluation.
- Section 5 Universal screening of students for behavior may require parental consent for all students if the content of the screener meets the requirement under the [Protection of Pupil Rights Amendment \(PPRA\)](#)

Chapter 5 Evaluation & Eligibility – 4

- Section 10 **Updated the Dyslexia Definition** in alignment to the International Dyslexia Association (IDA)
- Section 8 “F” Removing Qualified Examiner chart due to accessibility.
- Section 14 Emphasized the requirement of the **Invitation for Meeting** prior to the eligibility determination (MEEGS) meeting.
- Section 8 “C” Observation as part of the evaluation **may not** be in a 1:1 testing environment. Needs to be in the classroom or other appropriate environment based on the suspected disability.

Chapter 6. IEP Sections 1, 2, & 3

- Added - At the discretion of the parent or the LEA, other individuals may be invited to the IEP meeting. ([34 C.F.R. § 300.321\(a\)\(6\)](#) and new [70 O.S. § 13-101](#) SB1489).
- Eliminated “interim” IEP – Not in IDEA federal regulations.
- Added as statement the components of the IEP are all tied together to consider the child’s strengths, parent concerns, results of the most current evaluation of the child and the academic, behavior, developmental, and functional needs of the child.

Chapter 6. IEP Section 3. PLAAFP

- Any identified areas of need(s) must be addressed in the IEP through an alignment from the evaluation data to the educational needs to the goals and objectives to the service type, including supplementary aides and services, modifications and accommodations. The IEP team must use the PLAAFP as the baseline to develop the goals and to monitor progress of each goal. The PLAAFP provides objective statements that include qualitative and quantitative data information.

Chapter 6. IEP Section 3. Out-of-State

- Clarified out-of-state transfers, even though an initial, the IEP from out-of-state must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency until the initial evaluation is completed. This includes district must monitor and collect data on the student's progress toward IEP goals and objectives, and issue progress reports as required, until eligibility is formally determined. No Oklahoma IEP, at this time. Working off the out-of-state IEP that is uploaded into EDPlan. Create whatever format to progress monitor and upload that paper document into EDPlan.

Chapter 6. IEP Section 3. Service Types

Provided Examples of Direct Instruction

- **Primary Instruction:** Primary instruction must be based upon **grade level content**, aligned to either regular or alternate standards, provided in a special education setting. This primary instruction results in a grade for the content area on the student's transcript or report card. Primary instruction includes adapting, as appropriate to the needs of the student with a disability, the content, methodology, or delivery of instruction, as well as providing modifications and supplementary aids and services, but outside of the general education setting.

Second Example of Direct Instruction

- **Targeted skill instruction** is delivered in a special education setting and is aligned to the **student's instructional level as determined through diagnostic assessment**. The student with a disability continues to receive grade-level core content instruction in the general education classroom, where the **general education teacher assigns grades for the core subject area**. While accessing instruction aligned to regular grade-level academic standards, the student with a disability also receives small-group, tiered interventions in areas identified for all students at-risk through universal screening.

Second Example of Direct Instruction (Continued)

Targeted Skill Instruction (Continued):

- **In addition to the core and small group intervention**, the student with a disability participates in **direct instruction targeted to specific skills not yet mastered**. This direct instruction provides intensive intervention at the student's instructional level within the special education setting.

Related Service Example

- **Related Services:** Related services may provide direct instruction within the special education classroom as integrated therapy services or as a pull-out into the provider's therapy room. **Integrated therapy services may be provided in small-group instruction within the special education classroom, or individualized support during a lesson conducted in the special education classroom.** This type of direct instruction supports students with disabilities in their special education classroom, allowing them to learn and practice skills alongside their peers. This method offers instruction that is embedded into the special education classroom instruction, providing better opportunities for skill generalization. However, direct instruction may be provided as a pull-out to the related service provider's therapy room. In this scenario, the service provider may have a small group of students with disabilities with common skill deficits or who need intensive instruction on specific skills that cannot be taught within a classroom setting.

Chapter 6. Section 3. “H” State Testing

- Emphasized that ALL students must participate in State testing. **There is no opt out of State testing.** Students must participate in State testing to graduate. 70 O.S. § 1210.508.
- Provided guidance that if the LEA has determined that the OSTP General state-wide assessment with accommodations is inappropriate for the student, including teaching the student the regular OAS, and **the student meets the required criteria for the OAAP, but the parent refuses consent**, then the **LEA may seek mediation or request a due process hearing** in accordance with 34 C.F.R. §§ 300.506 through 300.508 and resolution of appeals (70 O.S. § 13-114.6(C)).

State-Established OAAP Eligibility Criteria

OAAP Criteria Checklist Questions Amended:

- Does the student have a significant **cognitive** disability (composite score must be **at least two or more standard deviations below the mean**)?
- Does the student have significant **adaptive behavior** deficits (composite score must be **at least two or more standard deviations below the mean**)?
- Does the student's IEP have **an adaptive behavior goal** and **at least two (2)** short-term objectives or benchmarks?

State-Established OAAP Eligibility Criteria (Continued)

- Does the student's IEP indicate the student is being instructed using the alternate academic achievement standards in **any** core content area (e.g., ELA, math, science and social studies)?
- Does the IEP team believe extensive family and community support(s) will be a **lifelong requirement**, regardless of modifications, accommodations, or adaptations implemented in the student's program?

State-Established OAAP Eligibility Criteria (Continued-2)

- Does the student require **intensive instruction** in **multiple settings** (e.g., small group or individual instruction in school, home, and community) to acquire, maintain, generalize, and demonstrate knowledge of skills?
- The decision to place the student on an alternate assessment is **based on the nature or severity of the student's disability**.

OAAP is NOT Based on Category

- Therefore, it is **NOT** based on the student's **primary category of disability**, the student's educational environment or instructional setting, the percent of time the student is receiving special education, English Learner (EL) status, social, cultural, or economic differences, or excessive absences. Further, **the decision must not be for administrative reasons**, such as the student is expected to perform poorly on the regular assessment, the student displays disruptive behaviors, or the student experiences emotional distress during testing.

Chapter 6 OAAP and Invitation for Meeting

- If the LEA determines a need to amend the student's IEP as it relates to a proposal to initiate an alternate assessment, the school shall hold an IEP team meeting that includes the parent to discuss the reason for the change. “**The LEA shall provide an Invitation for Meeting form to the parent at least five (5) school days before the IEP meeting**, unless the parent and district agree otherwise, indicating the purpose, date, time, and location of the meeting and who, by title or position, will attend the meeting ([70 O.S. § 13-114.6\(D\)](#)).” The Invitation for Meeting is required for the annual subsequent IEP or the need to amend the IEP at least 5 school days before the IEP meeting to discuss the OAAP and obtain parent consent.

Chapter 6. Section 3 Alternate ACCESS

- LEAs should begin conversations with parents as early as age three regarding the possibility of instruction aligned to alternate academic achievement standards when the IEP team determines it is appropriate. Even though the State-wide academic assessments begin in 3rd grade, there are other assessments that begin in early childhood years, such as assessments for reading and math skills (IEP team may exempt the screening requirements based on [70 O.S. § 1210.508C\(C\)](#) and [70 O.S. § 1210.901\(C\)](#) meeting one of the exemption criteria of the student participating in the OAAP), and the English Language Proficiency (ELP) ACCESS assessment. Students with disabilities who speak another language in the home are eligible for the ELP Alternate ACCESS assessment only if they are also eligible for the OAAP.

Significant Cognitive Disability

- Having the availability of a State-defined alternate diploma **should not prevent** any student with a significant cognitive disability from working toward meeting the requirements for a regular high school diploma fully aligned with regular **Oklahoma Academic Standards**. Each student with a significant cognitive disability must be viewed individually based on their unique circumstances to determine their individual path for graduation, as documented on their IEP. Therefore, if the IEP team determines that the student will be assessed using the regular district-wide and state-wide assessments with appropriate accommodations, modifications, and supplementary aids and services, and that **the student will be taught to general education standards and not to alternate academic achievement standards**, then the student is on the pathway to pursue a regular high school diploma.

Chapter 6. Section 3. LRE

- “This recognition that regular class placement may not be appropriate for every child with a disability is reflected in the requirement that LEAs make available a range of placement options, known as a continuum of alternative placements, to meet the unique educational needs of children with disabilities. This requirement for the continuum reinforces the importance of the individualized inquiry, **not a ‘one size fits all’ approach**, in determining what placement is the LRE for each child with a disability.” [Federal Register Vol. 71, No. 156/Monday, August 14, 2006/Rules and Regulations, 46587](#)

Chapter 6. Section 3. Secondary Transition

- Oklahoma's Secondary Transition Framework materials are housed on [Plan Your Way OK](#), a statewide secondary transition hub designed to help students and their support systems access the training, services, and resources needed to improve student outcomes.

Chapter 6. Section 3. Contingency Plan

- It is **prohibited to use the contingency plan for suspension, informal or formal removals due to behavior.**
- A contingency plan is used for school closures due to emergency situations (such as fire, flood, tornado, pipe burst, etc.) causing all students to move to online instruction or some other arrangement. A contingency plan may also be used for health or medical reasons (such as sickle cell anemia, cancer treatments, etc.). Contingency Plan is Not required and not in IDEA.

Chapter 7. LRE

- Section 2 “C” Removed the LRE decision tree flow chart due to accessibility.
- Added language to emphasize the meaning of the evaluation data which assists the IEP team in **determining the nature or severity level** of the child’s disability.
- Repeated language from Chapter 6 regarding the **need for a continuum of placement options** and placement determinations are made on an individual basis.

Chapter 8 (A). Private Schools

- For accessibility removed the Part 1 and 2, creating Chapter 8 (A) and (B)
- Added if a child is attending a **“virtual” private school**, then the district of **the child’s residence** is responsible for Child Find, and, if the child meets the consultation obligation(s), the Individualized Service Plan (ISP).

Chapter 8 (A). Section 6. Funding

- Children aged 3 through 5 are considered to be parentally-placed private school children with disabilities enrolled by their parents in private, including religious, elementary schools, **if** they are **enrolled in a private school that meets the definition of elementary school** in 34 C.F.R. § 300.13 (34 C.F.R. § 300.133(a)(2)(i)). In the State of Oklahoma, elementary school is defined as sites that offer grades beginning at **kindergarten** and may go up through eight, including districts referred to as “dependent school districts” shall mean an elementary school district (70 O.S. § 5-103).

Chapter 8 (A). Section 6. Funding (Continued)

- Therefore, a preschool child **must be provided with an IEP and not an ISP even if the parent chose to place them in a private preschool.** Upon meeting compulsory age for kindergarten, at that time, the child would be provided with an ISP if the child met the consultation determination for the set-aside funding for services of parentally placed private school student.

Chapter 8 (A). Section 7. LNH

- A parent of a child attending a private school may request their district of residence conduct an initial evaluation, at no cost to the parent, to determine whether their child is a child with a disability as defined under IDEA. **“Within fifteen (15) school days after receipt of a written request from a parent or legal guardian for a special education evaluation, a school district shall schedule a meeting to review existing data with a parent or legal guardian.”** (70 O.S. § 13-101.2(C)(1)(a)).
- Updated language to match the LNH State Statute.

Chapter 8 (A). Section 7. LNH (Continued)

- Upon the parent signing the Review of Existing Data (RED) form, **the LEA has 10 school days to obtain parent consent for the evaluation.** Otherwise, the district may determine not to conduct the initial evaluation based on the RED and provide the parent a Written Notice indicating their reason for refusal (34 C.F.R. § 300.503).

Chapter 8 (B). Homeschool

- Children aged 3-5 years-old, not yet in kindergarten, **are not considered homeschooled children**. LEAs remain responsible for child find activities and proposing an IEP, if eligible.
- Once a child reaches the age for compulsory attendance, a parent's choice to homeschool will result in a discontinuation of IEP services if the parent is choosing to homeschool rather than enrolling the child in the district's kindergarten. However, the LEA's Child Find obligation continues for homeschool children.
- LEAs must provide a copy of the procedural safeguards and provide the parent with a Written Notice.

Chapters 9 and 10

- Chapter 9 sections were changed for accessibility to have instead of Part 1, 2, and 3;
 - (A). Charter Schools,
 - (B). Oklahoma School for the Blind and Oklahoma School for the Deaf, and
 - (C). Head Start and Early Head Start.
- Added clarification if the child's district of residence offers a program to meet the child's needs but parent declines and continues to parentally place their child in a Head Start outside of the district's boundary.
- Chapter 10. Residential and Other Non-Traditional Placements, also no significant language changes.

Chapter 11. Procedural Safeguards

Section 6. B. Access to Records

- New Oklahoma Statute: **Before any IEP meeting**

Under Oklahoma law **the parent shall have the right to “Review all documents** including, but not limited to, evaluations, reports, progress monitoring data, work samples, behavior logs, and discipline records, **at least five (5) business days prior to any meeting regarding an IEP**, a meeting conducted pursuant to Section 504 of the Rehabilitation Act of 1973, or any other meeting regarding accommodations for a child with a disability. The parent or legal guardian may agree in writing to a review period of fewer than five (5) business days” **(70 O.S. § 13-101(E)(1)).**

Chapter 11. Section 6. “B”

Access to Records

- The IDEA [34 C.F.R. § 300.614](#) states, “Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the Act (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.”

Chapter 12. Discipline Guidelines and Protections

- Section 1. A. Informal Removals: Deleted the National Disability Rights Network (NDRN) and added OSERS Q&A from July 19, 2022, defining “informal removal.”
- “In general, the use of informal removals to address a child’s behavior, if implemented **repeatedly throughout the school year, could constitute a disciplinary removal from the current placement.**” ([OSERS Q&A 22-02, July 19, 2022](#)).

Chapter 12. Section 1. A. Informal Removals

- Therefore, the discipline procedures in 34 C.F.R. §§ 300.530 through 300.536 would generally apply **unless all three of the following factors are met**: **(1)** the child is afforded the opportunity to continue to appropriately participate in the general curriculum; **(2)** the child continues to receive the services specified on the child's IEP; **and (3)** the child continues to participate with nondisabled children to the extent they would have in their current placement.” [71 Fed. Reg. 46715 \(Aug. 14, 2006\)](#).

(OSERS Q&A 22-02, July 19, 2022).

- “**Frequent use of short-term disciplinary removals or informal removals** of children with disabilities **may** indicate that the child’s IEP does **not** appropriately address their behavioral needs, **which may result in a denial of FAPE**. School staff should be aware of, and **gauge** the need for and effectiveness of, **behavioral interventions** when implementing exclusionary disciplinary measures that continually or significantly interfere with a child’s instruction and participation in school activities (**e.g., a pattern of office referrals, repeatedly sending a child out of school on “administrative leave” or regularly requiring a child to leave the school early and miss instructional time**).”

Removal for 10 or Fewer School Days

- If the current removal is for **not more than 10** consecutive school days and **is not a change of placement** due to a series of removals as identified under 34 C.F.R. § 300.536, school personnel are **not required to conduct an IEP meeting**. Rather **in consultation with at least one of the child's teachers, determine the extent to which services are needed**, as provided in 34 C.F.R. §300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP (34 C.F.R. § 300.530(d)). No MDR is necessary at this time.

Removal for More than 10 School Days

- The manifestation determination review (MDR) **must take place within 10 school days of any decision to change the placement** of a child with a **disability** because of a violation of a code of student conduct.
- At this MDR meeting, the LEA, the parent, and any relevant members of the child's IEP team (additional individuals may be invited to this MDR meeting as determined by the parent and the LEA) must review all relevant information (e.g., documents in the student's file, teacher and school personnel's observations, and information provided by the parent, etc.). Relevant information will assist the IEP team to determine as stated in [34 C.F.R. § 300.530](#):
 - “If the conduct in question WAS or WAS NOT caused by, or had a direct and substantial relationship to, the child's disability; **OR**
 - If the conduct in question WAS or WAS NOT the direct result of the LEA's failure to implement the student's IEP.”

Series of Removals

- An LEA determines on **a case-by-case basis** whether a “pattern” of removals constitutes a change of placement ([34 C.F.R. § 300.536\(b\)\(1\)](#)) by **analyzing** the child’s behavior incidents and additional factors.
- Provided an “example” of a series of removals involving: “substantially similar behavior”, “length of each removal”, “total amount of time the student has been removed”, and “proximity of removals to one another.”

WAS a Manifestation

- If the MDR team determines that the student's conduct under consideration **WAS** caused by, or had a direct and substantial relationship to, the child's disability; **or WAS** the direct results of the LEA's failure to implement **the student's IEP**, then the **conduct must be determined to be a manifestation of the student's disability**.
 - When this determination is made, the **LEA must return the student** to the placement from which the student was removed, **unless** the parent and the LEA agree to a change of placement as part of the modification of the **behavioral intervention plan**.
- (34 C.F.R. § 300.530(f)(2)).

WAS NOT a Manifestation

- If the MDR team determines that the child's conduct under consideration **WAS NOT** caused by, or had a direct and substantial relationship to, the child's disability; **and WAS NOT** the direct result of the LEA's failure to implement the student's IEP, then the behavior that gave rise to a violation of the school code is **determined not a manifestation of the child's disability**.
- When this determination is made, **school personnel may apply the relevant disciplinary procedures** to the student with a disability **in the same manner and for the same duration and frequency** as the disciplinary procedures would be applied to students **without disabilities**.

Services

For a student with a disability removed from their current placement pursuant to a determination the conduct **WAS NOT** a manifestation of the child's disability **the LEA must provide FAPE during the removal**. The following must occur:

- **The IEP team must determine the appropriate services** for the student during the removal. The student must continue to receive educational services for FAPE **to enable the student to continue to participate in the general education curriculum**, although in another setting, **and to progress toward meeting the goals** set out in the student's IEP; **and**
- Receive, as appropriate, **a functional behavioral assessment (FBA), and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur**. If an FBA is determined to be appropriate, the LEA would need to complete a review of existing data and obtain parent consent for the evaluation.

Change of Placement

- A change in placement occurs **if** a student is **removed for more than 10 consecutive school days** **or** the student has been subjected to a **series of removals** that constitute a pattern as described in 34 C.F.R. § 300.536 and the **series of removals total more than 10 school days in the same school year**. Once either condition occurs a manifestation determination review (MDR) is required within 10 school days of that decision.

Chapter 12. Section 2. FAPE Considerations

- “**Beginning**, however, **on the eleventh [11th] cumulative day in a school year** that a child with a disability is removed from the child’s current placement, **and for any subsequent removals, educational services must be provided** to the extent required in [300.530\(d\)](#), while the removal continues.”
Federal Register/Vol. 71, No. 156/Monday, August 14, 2006, 46717.

Notification Requirement

- “**On the date** on which the decision is made to make a removal that **constitutes a change of placement** of a child with a disability because of a violation of a code of student conduct, **the LEA must notify** the parents of that decision, **and provide** the parents the **procedural safeguards notice** described in §300.504.” (34 C.F.R. § 300.530(h)).
- The LEA must also provide the parent **a written notice regarding the change of educational placement** as described in 34 C.F.R. § 300.503, surrounding the services outlined in 34 C.F.R. § 300.530(d) which the district will provide until such time the Manifestation Determination Review (MDR) is held.

Special Circumstances

- **Special Circumstances** exist due to weapon, drugs, and serious bodily injury **require a Manifestation Determination Review**, even though it **WAS** a manifestation of the student's disability, the district may remove a student with a disability to an "interim alternative educational setting" for not more than 45 school days.
- If the MDR determines it **WAS NOT** a manifestation of the student's disability, then **the student may be removed in the same manner and for the same duration** as the procedures would be **applied to children without disabilities**.

Chapter 12. Section 6. “C” Corporal Punishment

- “School district personnel *shall be prohibited* from using corporal punishment on any student identified with a disability in accordance with the Individuals with Disabilities Education Act (IDEA).” ([70 O.S. § 13-116](#)).

Chapter 13. Dispute Resolution

- Updated SERC's New Address. They are now on South Yale Street in Tulsa, Oklahoma.
- Successful mediations result in a written agreement that is acceptable to both parties and legally binding and enforceable in any state court of competent jurisdiction, or in a district court of the United States ([34 C.F.R. § 300.537](#)).

Chapter 13. Section 4. Formal State Complaint

- Updated language to match the IDEA federal regulations regarding what a State complaint must include pursuant to [34 C.F.R. § 300.153](#), and if not, then the complaint will not be considered for an open investigation.

State Complaint and Due Process Hearing

If a State Complaint received by OSDE-SES is also the subject of a Due Process hearing, or contains multiple issues of which one or more are part of that Due Process (whether the Due Process is filed before, concurrently, or during an open investigation), then **OSDE-SES must**

- Set aside (“hold in abeyance”) any part of the State Complaint that is being addressed in the Due Process hearing until the conclusion of that hearing.
- Any issue in the State Complaint that is **not** part of the Due Process action, must be resolved in the same manner and within the same time limits as described in Section 2., “State Department of Education Responsibility.”
- Any State Complaint issue or issues that have been held in abeyance will be addressed in formal correspondence to the Complainant and public agency, which could include letters of explanation, or information in a Final Decision for any issues that were not held in abeyance.

Due Process Hearing Request by LEA

Added to the list of the LEA may initiate a due process hearing request within two (2) years of the dispute in an attempt to accomplish one or more of the following:

- To obtain a ruling to provide the OAAP to a child when the parent refuses to provide consent for the child to participate in the OAAP ([70 O.S. § 13-114.6\(C\)](#)).

Chapter 14. Transfers & Move-In Students

- **Prior to approval of the transfer**, the receiving district **must conduct an IEP joint conference** with the student's district of residence to consider **program, staffing** and **services**.
- Review the receiving district's staff caseload or workload capacity, class size requirements, the availability of the required special education program, the special education and related services outlined in the student's current IEP, including grade level capacity if the IEP states the child is in the general education classroom. **Once the transfer is approved, the receiving district takes on all IDEA requirements** for the student's unique needs, such as evaluations, equipment, materials, secondary transition services, etc. ([70 O.S. § 13-103](#)).

District's Obligation of Nondisabled Students

- When a receiving district approves a transfer to a student without disabilities, the student is considered enrolled in that district upon attending school during the regular academic year. Additionally, **the receiving district's child find obligation under IDEA applies to such students.**

Open Transfer Act

- 70 O.S. § 8-101.2
- “A student may be granted a one-year transfer and shall **automatically continue** to attend the school each school year to which the student transferred, **unless** the school district denies the continued transfer for the reasons outlined in paragraphs 1 and 2 of subsection B of this section.”

Basis for Denial of Transfer Involving Behavior and Absences

“B. 1. The acts and reasons outlined in [Section 24-101.3](#) of this title as a basis for denial of a transfer; and”

- [70 O.S. § 24-101.3](#) Out-of-School Suspensions

“B. 2. A history of **absences** as a basis for denial of a transfer.”
History of absences means “ten or more absences in one semester that are **not excused**.”

Chapter 14. Section 1. “C” IEP Service Agreements

- When an IEP Service Agreement is signed between two districts, the student’s **district of residence** maintains all financial and legal obligations to provide FAPE.
- **[ONLY] “IEP Service Agreements** entered into pursuant to this section for **three (3) consecutive years** to the **same school district shall lead to automatic renewal of the agreement each year**. In these cases, the resident district shall continue to pay tuition as provided by law. Automatic renewal occurs only in cases where districts have entered into IEP Service Agreements.”

OAC § 210:10-1-19(a)(4)(A) and (B)

Forwarding Records

- “A school district in which a student is enrolled or is in the process of enrolling in may request the student's education records from any school district in which the student was formerly enrolled to ascertain safety issues with incoming students and ensure full disclosure. **A district that receives a request for the education records of a student who formerly was enrolled in the district shall forward the records **within three (3) business days of receipt of the request.**” (70 O.S. § 24-101.4).**

Disclosure of Records

- “The records **shall include the student's disciplinary records**. Disciplinary records shall include but not be limited to all information that relates to a student **assaulting, carrying weapons, possessing illegal drugs, including alcohol, and any incident that poses a potential dangerous threat to students or school personnel**. The forwarding and disclosure of disciplinary records or other education records to a school district in which a student seeks or intends to enroll shall be in accordance with the annual notification requirements and provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).” ([70 O.S. § 24-101.4](#)).

Chapter 15. Special Education Staffing

- The Praxis Performance Assessment of Teachers (PPAT - 2019-2025) was discontinued as of June 2025. The PPAT has been replaced with the **Assessment of Professional Knowledge (APK)** test. There are specific APK tests for elementary and for secondary. The APK is required for all individuals **seeking initial certification**.
- The APK is **not** required for a stand-alone certificate in School Counseling, Speech-Language Pathologist, School Psychologist, or School Psychometrist.

Foundations of Reading (FOR)

- Effective September 1, 2025, all individuals seeking standard certification in Early Childhood, Elementary Education, or Special Education or both must pass the Commission for Educational Quality and Accountability (CEQA) approved reading assessment titled, the **Foundations of Reading (FOR)**. This change supports a new state law ([70 O.S. § 1210.508F](#)) **requiring candidates to demonstrate knowledge of the five elements of reading instruction**: phonological awareness, decoding, fluency, vocabulary, and comprehension.

Becoming Certified in Special Education

- *“Any teacher who becomes certified to teach through completion of an accredited teacher preparation program or becomes alternatively certified to teach through the Troops to Teachers program may be certified in special education upon meeting the requirements provided in law and **successful completion of the appropriate subject area portion of the examination.**” 70 O.S. § 6-187(C)(2).*

Paraprofessionals

- Must have completed one of the following:
 - Completed two years of study at an institution of higher education (No less than 48 hours of college coursework), **OR**
 - Earned an Associate's degree (or higher), **OR**
 - Passed one of the following assessments listed below:
 - Passed the [ACT WorkKeys Assessment](#) scoring at a Bronze level or higher (Bronze +); **or**
 - Passed the [ParaPro Praxis \(1755\)](#) scoring a minimum of 455 or higher; **or**
 - Passed the [ParaPathways Reading & Writing \(5758\)](#) scoring a minimum of 332 **and** the [ParaPathways Mathematics \(5759\)](#) scoring a minimum of 334.

Tier 2 Special Education Paraprofessional

- **No longer utilizing PEPPER** for initial Paraprofessional “initial” certification training requirement.
- Tier 2 training requirement for certification is on **OSDE Connect**. Administrators must use the Google form to request an individual be enrolled in the OSDE Connect course that has 8 modules they must complete to obtain their certificate ([Paraprofessional Tier II](#)).
- Tech Centers also provide the training for initial certification.

Paraprofessionals Must Not be Utilized to:

- Reduce the caseload of certified teachers **and related service providers.**
- Provide the initial instruction to students.
- Provide **any instructional service** without the **direct supervision** of a **certified** general education teacher or special education teacher.
- Replace a certified special education teacher as the co-teacher in a general education classroom.

Oklahoma Credentialing System

- Single Sign-On (SSO) is currently the Oklahoma Educator Credentialing System (OECS). No longer accepting paper applications. All “initial” and “renewal” certifications **must be completed online**.
- All credentials need to be uploaded into the Oklahoma Educator Credentialing System, and include any contracting service providers (e.g., speech-language pathologists, occupational therapist, etc.), including paraprofessionals.

Long-Term Substitute

- Completion of these modules will allow the candidate to provide instruction in a special education setting. Other roles and responsibilities of the long-term substitute are a matter of local control. However, this **will not** allow the candidate to serve as the Special Education Teacher of Record, carry a special education caseload, write an IEP or sign an IEP as the special education teacher. These functions **must be carried out by a certified special education teacher**. A long-term substitute teacher may attend IEP meetings to provide input as the IEP team develops the student's IEP, and **sign as an “Additional Meeting Attendee.”**

SLPAs and OAC rules

- **Under the supervision and prior approval of the SLP**, the SLPA may draft the Subsequent IEP, facilitate the Subsequent IEP meetings, and sign IEPs as the teacher of record (TOR) for students whose primary disability is DD/SLI or SLI, as well as sign as a service provider for students receiving speech services as a related service. However, the SLPA may not amend the IEP without the supervising SLP's knowledge and approval.
- Only those SLPAs **with** teacher certification as an SLPA may be designated as the Teacher of Record (TOR). The SLPA **without** a standard teaching certificate may attend, participate in the meeting, sign the IEP as an additional meeting attendee, but will not be the teacher of record.

SLPAs and OAC rules (Continued)

- The SLPA with a teacher certificate may **not** write, develop, or modify the student's IEP in any way **without the prior approval of the licensed speech-language pathologist (SLP)**. The SLPA provides input to the SLP when drafting the IEP. Once the SLPA obtains prior approval by their supervising SLP to present the final draft to the IEP team, then the SLPA may facilitate the subsequent IEP meeting and sign the IEP as the teacher of record (TOR); otherwise, the SLP must be present in the IEP meeting. The SLPA is prohibited from writing the Initial IEP, conducting formal and informal assessments which includes dismissing a student from speech therapy services, including initial and reevaluations.

Questions

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