

**Oklahoma State Department of Education
Special Education Services
Handbook: Summary of Changes in Guidance**

1)

TYPE	New Law Resulting in Change of Language
LOCATION	Chapter 1, Section 2. Provision of FAPE, B. LEA Provision of FAPE
NEW TEXT	5. Transferring students with disabilities to other LEAs that accept the transfers for the provision of special education services if the transfer is an emergency transfer to provide a FAPE (LEA of legal residence pays tuition) or under an IEP service agreement as provided by State law (IEP service agreements should be used in lieu of emergency transfers for FAPE whenever possible).
REFERENCE	Education Open Transfer Act

2)

TYPE	Clarification of Law Resulting in Addition of Language
LOCATION	Chapter 1, Section 3. FAPE Considerations, A. Incarcerated Students
NEW TEXT	A student with a current IEP who is in the community jail, such as those managed by city or county agencies (i.e., the sheriff's office), is also entitled to a FAPE. In these circumstances, the LEA where the student is incarcerated is responsible for providing services. LEAs need to work closely with the local jail in order to gain access to the student and to deliver services. The main concern of the local sheriff or other enforcement agency is safety, while the LEA's obligation is to provide a FAPE.

3)

TYPE	New Law Resulting in Change of Language
LOCATION	Chapter 1, Section 3. FAPE Considerations, C. Funding Sources and Insurance
NEW TEXT	LEAs must obtain parental consent the first time the LEA plans to access public benefits or insurance and provide written notification annually thereafter .
REFERENCE	Office of Special Education Programs (OSEP) Memorandum Re: Suggested Model for Written Notification of Parental Rights regarding Use of Public Benefits or Insurance

4)

TYPE	Clarification of Law Resulting in Change of Language
LOCATION	Chapter 1, Section 3. Review of Existing Data, A. No Additional Data Needed
NEW TEXT	If the parent(s) requests an assessment of their student, the LEA may refuse to do so, but it must provide the parent(s) with Written Notice of the refusal to conduct the assessment and the reasons for the refusal . The parent(s) may request mediation or due process if they dispute the refusal to conduct an evaluation. See Written Notice (OSDE Form 8) and Parent Consent (OSDE Form 4) at http://ok.gov/sde/documents-forms)
REFERENCE	See: 34 CFR § 300.503 (a)(2)

5)

TYPE	Clarification of Law Resulting in Change of Language
LOCATION	Chapter 3, Section 6. Evaluation Considerations for Eligibility, H. Developmental Delay
NEW TEXT	The term developmental delay may be used only for students ages 3 through 9 who are experiencing delays in one or more of the broad developmental areas as measured by appropriate diagnostic instruments and procedures.
PREVIOUS	Ages 3 to 9
REFERENCE	See: 34 CFR § 300.8 (b)

6)

TYPE	Clarification Resulting in Addition of Language
LOCATION	Chapter 3, Section 6. Evaluation Considerations for Eligibility, K. Multiple Disabilities
NEW TEXT	Multiple Disabilities are two or more co-existing severe impairments, one of which usually includes an intellectual disability , such as an intellectual disability and blindness, intellectual disability and orthopedic impairment, etc., which causes such a severe educational need that the student cannot be accommodated in a special education program solely for one of the impairments.

7)

TYPE	Change Due to Considerations of Best Practice
LOCATION	Chapter 3, Section 6. Evaluation Considerations for Eligibility, N. Specific Learning Disability
NEW TEXT	A Severe Discrepancy between Ability and Achievement: Based upon individually administered assessments and other evaluation data reviewed, a severe discrepancy of 1.5 standard deviations exists between the full scale intellectual ability score and the standard score from a broad area of achievement in one or more of the areas listed for evaluation considerations for SLD.

8)

TYPE	Change Due to Considerations of Best Practice
LOCATION	Chapter 4, Section 3. IEP Development, M. Secondary Transition
NEW TEXT	2. Transition services (including courses of study) needed to assist the student in reaching postsecondary goals. A course of study should focus on instructional and educational classes and experiences that will assist the student in preparing for transition from school to postsecondary life, including postsecondary education, vocational education, integrated employment (including supported employment), adult services, independent living, or community participation. This should relate directly to the student's postsecondary outcome goals and should show how a planned course of study is linked to these goals.
PREVIOUS	The course of study must include specific course names and not the general core area (e.g., United States History, as opposed to Social Studies).
REFERENCE	New Transition Page: http://ok.gov/sde/sites/ok.gov.sde/files/Form%207%20IEP%20%28web%29.pdf (N.B. It is no longer a requirement to list specific courses; only necessary as determined by the IEP team.)

9)

TYPE	Change Due to Considerations of Best Practice
LOCATION	Chapter 6, Section 1. Discontinuation of Special Education Services, A. Students Who Are No Longer Entitled to Special Education Services
NEW TEXT	3. Student Reaches Maximum Age: For students who have not yet graduated from high school by meeting requirements for graduation, the LEA's obligation to provide special education services ends the semester in which the child turns 22 years of age. This is considered a change of placement that does not require a reevaluation.
PREVIOUS	Each LEA has the discretion to cease educational services upon the young adult's 22nd birthday or to continue providing services until the completion of the current school year .

10)

TYPE	Change Due to Considerations of Best Practice
LOCATION	Chapter 7, Section 3. Review of Existing Data (RED)
NEW TEXT	Whenever a request for a reevaluation occurs, the LEA staff must conduct a review of existing data and utilize OSDE Form 3 (RED) for documentation.
PREVIOUS	Optional to utilize OSDE Form 3 (RED)

11)

TYPE	New Law Resulting in Addition of Language
LOCATION	Chapter 11, Section 5. Confidentiality and Access to Records, C. Disclosures Not Requiring Consent
NEW TEXT	9. An agency caseworker or other representative of a child welfare agency or tribal organization may access a student's education records when the caseworker/representative has the right to access the student's case plan and the agency/organization is legally responsible for the student's care and protection.
REFERENCE	Uninterrupted Scholars Act of 2013

12)

TYPE	Change Due to Considerations of Best Practice
LOCATION	Chapter 11, Section 6. Guidelines for Minimizing the Use of Seclusion and Chapter 11, Section 7. Guidelines for Minimizing the Use of Physical Restraint
NEW TEXT	Specific Changes: Parents should be informed immediately, but must be informed within 2 school days after each seclusion incident, and prior to any extended breaks from school. An IEP meeting may be needed to review the student's BIP and placement for any changes to placement or services.
PREVIOUS	A documented debriefing meeting shall occur within two school days following each physical restraint incident, and prior to any extended breaks from school.