

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1637

By: Boyd (Betty)

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Sections 13-101, 13-102, 13-103, 13-104, 13-105, 13-106, 13-108, 13-110, 13-111, 13-112, 13-113 and 13-114.3, as amended by Section 7, Chapter 262, O.S.L. 1992 (70 O.S. Supp. 1992, Section 13-114.3), which relate to special education for children with disabilities; changing certain terms; deleting language, revising certain terminology; changing the name of the federal act; adding certain institutions which may provide certain services; requiring certain arrangements to comply with the Individuals with Disabilities Education Act; changing responsibility for determining eligibility determinations; allowing reevaluation under certain circumstances; requiring certain services to cease upon graduation; requiring certain considerations before transferring; requiring certain agreements to contain certain information; deleting reference to payment of certain funds; changing certain terminology; amending 70 O.S. 1991, Sections 13-122, 13-124, as amended by Section 18, Chapter 373, O.S.L. 1992 (70 O.S. Supp. 1992, Section 13-124), 13-124.1, 13-126, 13-127, 13-128 and 13-129, which relate to the Oklahoma Early Intervention Act;

changing certain terminology; changing certain statutory references; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 1991, Section 13-101, is amended to read as follows:

Section 13-101. The several school districts of Oklahoma are hereby authorized to provide special education and related services necessary for exceptional children as hereinafter defined. Two or more school districts may establish cooperative programs of special education for exceptional children when such arrangement is approved by the State Board of Education. ~~The county superintendent of schools of any county may establish and maintain a special education program, with the approval of the State Board of Education, and county funds may be expended for such purpose. Any school district or districts located wholly or in part in a county may participate in any such program so established by the county superintendent of schools and shall have authority to contribute school district funds, either directly or by reimbursement to the county participating in such program.~~ Funds may be expended for school services for an additional period not to exceed forty (40) days during the summer months for approved programs for qualified children, who are severely or profoundly multiple-handicapped, provided their individualized education program (I.E.P.) states the need for a continuing educational experience to prevent loss of educational achievement or basic life skills. Prior to July 1, 1990, ~~exceptional~~ children with disabilities shall mean educable mentally handicapped children, trainable mentally retarded children, speech-defective children, emotionally disturbed or perceptually handicapped children, children with special health problems,

children requiring the services of a visiting counselor, children with specific learning disabilities as a result of neurological impairment, multiple-handicapped children and other handicapped children ~~of~~ with disabilities four (4) years of age as of the first day of September of the school year, and ~~on and~~ after July 1, 1990 ~~of,~~ children with disabilities three (3) years of age are included; ~~provided up.~~ Prior to July 1, 1991, ~~that~~ there shall be no set minimum age for children who are blind and partially blind children, deaf and hard-of-hearing children and low incidence severely multiple-handicapped children, i.e., deaf-blind, retarded-cerebral palsied, autistic and other children failing to thrive.

Provided, on and after July 1, 1991, children from age birth through two (2) years (0-36 months) of age who meet the eligibility criteria specified in Section 3 ~~of the Oklahoma Early Intervention Act~~ 13-123 of this title, shall be served pursuant to the provisions of the Oklahoma Early Intervention Act; ~~further provided that any children served shall be bona fide residents of this state, whose conditions are such that it is impractical or impossible for them to benefit from or participate in the regular classroom program of the public schools in the district in which they reside and whose education requires a modification of the classroom program.~~ ~~Provided, that the.~~ The attendance of said children in special education classes shall be included in the average daily attendance computations for State Aid purposes.

The State Board of Education is authorized to modify and redefine by regulation the eligibility definitions whenever such modification is required to receive federal assistance under the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476. Rules developed pursuant to Section 18-109.5 of this title shall provide for such modification and revised definitions.

It shall be the duty of each school district to provide special education and related services for all ~~exceptional~~ children with

disabilities as herein defined who reside in that school district in accordance with the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476. This duty may be satisfied by:

1. The district directly providing special education for such children;

2. The district joining in a cooperative program with another district or districts to provide special education for such children;

3. The district joining in a ~~cooperative program~~ written agreement with a private or public institution, private or public licensed residential child care and treatment facility or private or public day treatment facility within such district to provide special education for children who are deaf or hard-of-hearing, ~~or~~ ~~for~~ children who are blind or partially blind or other eligible children with disabilities; or

4. Transferring ~~certified exceptional children~~ eligible children and youth with disabilities to other school districts which accept them and provide special education and related services for such children, with the district in which the child resides paying tuition therefor as hereinafter provided.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 13-102, is amended to read as follows:

Section 13-102. The determination whether a child is eligible for special education and related services shall be ~~made by the board of education~~ the responsibility of the multidisciplinary evaluation team of the school district in which such child ~~resides,~~ ~~under~~ has legal residence, unless a determination was provided for subsequent to a transfer to that district, in accordance with the provisions of the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476 and the rules and regulations approved by the State Board of Education; ~~provided, however, that the.~~ The eligibility of ~~exceptional~~ children with disabilities shall be

reevaluated at least once every three (3) years or more frequently if conditions warrant or if the parent or teacher of the child requests an evaluation as required under the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476.

Any child determined to be eligible shall be permitted to receive such special education and related services for a minimum period of twelve (12) years. Successful completion of a secondary education program must be determined through evaluation of the individualized education plan (IEP) and transcript records of the student. Eligibility for special education and related services shall cease upon a determination and documentation of graduation or completion of a secondary education program in accordance with the IEP.

~~In those instances involving the proposed transfer of exceptional children from one district to another, the State Board of Education is authorized to promulgate rules and regulations for the reimbursement to the local board of education for payment of charges for the services of psychologists and physicians necessary for ascertaining eligibility of pupils for special education and, as to those accepted for special education instruction, for reimbursement to the local board of education for expenditures made for any subsequent reevaluation deemed desirable by the board of education of the district providing special education instruction of the pupil.~~

SECTION 3. AMENDATORY 70 O.S. 1991, Section 13-103, is amended to read as follows:

Section 13-103. Any school district in the state may provide suitable facilities and employ qualified teachers and therapists for ~~exceptional~~ children with disabilities, either in schools, classrooms, or in such other places as the board of education of the district may deem advisable. When a school district does not provide special educational facilities and qualified teachers, said

children may be transferred to another school district, with the consent of the board of education thereof, where suitable facilities and teachers are provided. Transfers authorized by this section shall be made under such rules ~~and regulations~~ as the State Board of Education may prescribe to a result that the sending district sustain an equitable proportion of the operating costs of the program of the district to which the pupil is transferred. When ~~an exceptional~~ a child with disabilities or pregnant child is unable to attend any school or class in the district of which he is a resident, the board of education of said district, with the approval of the State Board of Education, may provide for home instruction for such child. The State Board of Education is further authorized to cooperate with any school district of the state to make it possible for ~~an exceptional~~ a child with disabilities to attend the regular school by making special provisions for the transportation of such child, or for special equipment, devices, books, supplies or other facilities, or for special instruction within the regular school building. The provisions for services and transfers as provided by this section shall be made with consideration of the least restrictive environment requirements under the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 13-104, is amended to read as follows:

Section 13-104. Special classes or individual instruction provided for pretubercular, tubercular, convalescent or other ~~physically-handicapped children~~ eligible children with orthopedic impairment or other health impairments in hospitals, sanatoriums and preventoriums may be maintained by a school district in such institutions within or without the boundaries of such district, and the attendance of pupils therein shall be credited to the district providing such instruction. School districts and such institutions shall enter into written agreements which describe the financial and

service responsibilities of each in accordance with state and federal regulations.

SECTION 5. AMENDATORY 70 O.S. 1991, Section 13-105, is amended to read as follows:

Section 13-105. A. The State Board of Education is hereby authorized in accordance with state and federal law to determine and prescribe the qualifications of all persons who teach ~~exceptional~~ children with disabilities, ~~to~~ to define, classify and determine standards of eligibility of all ~~exceptional~~ children with disabilities to receive special education and related services, to fix minimum requirements for special education and related services of ~~exceptional~~ children with disabilities, and to make such rules ~~and regulations~~ as it deems necessary for the teaching of ~~exceptional~~ children with disabilities.

B. The State Board of Education shall offer all support personnel, including but not limited to assistants who work with a trained paraprofessional or special education teacher for ~~multihandicapped or deaf-blind children~~ children with multiple disabilities or deaf-blindness, the same training and education as the trained paraprofessional is required to complete.

SECTION 6. AMENDATORY 70 O.S. 1991, Section 13-106, is amended to read as follows:

Section 13-106. State monies appropriated to carry out the provisions of laws dealing with the education of ~~exceptional~~ children with disabilities shall be apportioned by the State Board of Education among the various school districts of the state providing such educational ~~facilities~~ for ~~exceptional~~ children with disabilities in accordance with Section 18-201 of this title and with the standards and rules ~~and regulations~~ prescribed by the State Board of Education. ~~State funds for the education of such exceptional children shall be distributed on a teaching unit basis in accordance with rules and regulations to be adopted for such~~

~~purpose by the State Board of Education. The State Board of Education shall determine the size of classes and other requirements for all such teaching units.~~

SECTION 7. AMENDATORY 70 O.S. 1991, Section 13-108, is amended to read as follows:

Section 13-108. A. The State Board of Education is hereby authorized to establish all necessary rules ~~and regulations~~ and set the rate of reimbursement for physical and occupational therapists, teachers of homebound children or home-to-school telephone instruction, board and room for transferred ~~handicapped~~ children with disabilities to attend a special class, travel for transporting ~~handicapped and exceptional~~ children with disabilities within or without the district, and travel for teachers who are required to travel in fulfilling the services to ~~handicapped~~ children with disabilities in homebound, cooperative, or county programs for ~~exceptional~~ children with disabilities.

B. The State Board of Education may make provisions for boarding ~~exceptional~~ children with disabilities who must be transferred from their home school districts to school districts providing special education and related services, but in no case shall the reimbursement from other state funds for this purpose exceed Four Hundred Fifty Dollars (\$450.00) per child per year.

C. The State Board of Education may make provisions and payments therefor from other state funds for the special education of any ~~deaf and blind~~ child, with deaf-blindness, deafness or blindness and a resident of the state, in any private or public institution, either inside or outside of the State of Oklahoma, but in no case shall payment from state funds for such special education and related services, including board and room for such child, exceed Five Thousand Dollars (\$5,000.00) per child per year.

D. None of the funds received by a school district under the provisions of this section shall be considered as a part of the chargeable income of such district for State Aid purposes.

~~E. None of the funds referred to in this section shall be allowed or paid to a school district for any of the following:~~

~~1. For any teaching unit or class organized with less than eight educable mentally-handicapped children.~~

~~2. For any teaching unit or class organized for speech-defective children with a number less than that specified by the State Board of Education.~~

~~3. For any teaching unit or class consisting of children who are both deaf and blind, except as specified in subsection C of this section.~~

~~4. For any teaching unit or class organized with less than five other exceptional children.~~

SECTION 8. AMENDATORY 70 O.S. 1991, Section 13-110, is amended to read as follows:

Section 13-110. Qualified and properly certified teachers of special education shall be paid a minimum of five percent (5%) above the prevailing wage paid teachers of ~~normal~~ children who are nondisabled in the same school district.

SECTION 9. AMENDATORY 70 O.S. 1991, Section 13-111, is amended to read as follows:

Section 13-111. A. The State Board of Education shall:

1. Maintain a federal child count register of children ~~with handicaps with disabilities~~ as defined by ~~P.L. 94-142, as amended~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476 and the implementing federal regulations;

2. Monitor efforts of the local public schools to meet the needs of children with ~~handicaps~~ disabilities as provided by each such child's Individualized Education Program; and

3. Coordinate private and public efforts, including efforts of agencies of state and local government to meet educational needs of children with ~~handicaps~~ disabilities.

B. The Department of Mental Health and Substance Abuse Services, the State Department of Health, the Department of Human Services, the State Department of Education, and the State Department of Vocational and Technical Education shall jointly develop and implement through interagency memoranda of agreement as authorized in the Interlocal Cooperation Act, Section 1001 of Title 74 of the Oklahoma Statutes, a plan for the coordinated delivery of related services to ~~exceptional~~ children with disabilities pursuant to the Act for Coordination of Special Services to Children and Youth.

SECTION 10. AMENDATORY 70 O.S. 1991, Section 13-112, is amended to read as follows:

Section 13-112. The State Board of Education is authorized to select school districts in which to establish a special education and related services program for ~~partially-sighted~~ children with visual impairments from the first grade through the ninth grade. The selection of the school districts, the establishment of the special education program and the determination of eligible children shall be in accordance with the provisions ~~in Title 70 of the Oklahoma Statutes 1971, Article 13~~ of Section 13-101 et seq. of this title, and with the rules ~~and regulations~~ to be adopted for such purpose by the State Board of Education.

SECTION 11. AMENDATORY 70 O.S. 1991, Section 13-113, is amended to read as follows:

Section 13-113. State monies appropriated to carry out the provisions of this act shall be apportioned by the State Board of Education among the school districts providing a special education and related services program for ~~partially-sighted~~ children with visual impairments. The apportionment and distribution of state

funds shall be on a per student basis and in accordance with the rules ~~and regulations~~ to be adopted for such purpose by the State Board of Education.

SECTION 12. AMENDATORY 70 O.S. 1991, Section 13-114.3, as amended by Section 7, Chapter 262, O.S.L. 1992 (70 O.S. Supp. 1992, Section 13-114.3), is amended to read as follows:

Section 13-114.3 A. A local school district may be eligible to receive monies from the Oklahoma Special Education Assistance Fund to defray costs of serving children who resided at Hissom Memorial Center prior to December 1, 1991, and subsequently established residency in the school district if any such children were served by the district during the 1991-92 school year including extended school year during summer 1992 or the 1992-93 school year including extended school year during summer 1993. Contingent upon available funds in the Oklahoma Special Education Assistance Fund, the district shall receive funds in the amount of the actual costs of serving each child less the district per capita and any other funding received for providing services to the child from another state agency upon timely submission of a claim for such amount, accompanied by verification of residency of each child by the school attendance officer and verification from the Department of Human Services that each child formerly resided at Hissom Memorial Center. Claims for the 1991-92 school year must be submitted on or before June 30, 1992. On or before September 1, 1992, the State Department of Education shall pay valid, timely submitted claims for the 1991-92 school year from the Oklahoma Special Education Assistance Fund. Claims for the 1992-93 school year shall be filed and paid quarterly, with the final claim filed no later than June 1, 1993, and paid no later than June 30, 1993, from the Oklahoma Special Education Assistance Fund.

B. If funds remain in the Oklahoma Special Education Assistance Fund after satisfaction of all valid claims submitted pursuant to

subsection A of this section, a local school district may be eligible to receive monies from the Oklahoma Special Education Assistance Fund if a child with disabilities who is being served in that school district:

1. Has been placed in a foster care home, group home, residential hospital, shelter or independent living facility located in that school district by a state agency and a resident school district for the child cannot be determined;

2. Has been previously institutionalized and is eligible to receive funding for the ~~multi-handicapped or trainable mentally retarded~~ children with multiple disabilities or trainable mental retardation and the Special Education Summer Program as defined in Section 18-109.5 of this title; or

3. Requires services pursuant to an individualized education plan (IEP) pursuant to ~~Public Law 94-142, as amended~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, which result in extraordinary costs to the local school district and the child's parents, guardian, or person having the legal care and custody of the child holds legal residence in the district. The State Board of Education shall promulgate rules to define extraordinary costs, taking into consideration the funding generated by the weighted calculations relating to students with special needs as provided in paragraph 2 of subsection B of Section 18-201 of this title.

C. The State Board of Education is authorized to promulgate rules ~~and regulations~~ as necessary to establish whether a home district for a child can be determined and the process by which such determination is made.

SECTION 13. AMENDATORY 70 O.S. 1991, Section 13-122, is amended to read as follows:

Section 13-122. A. It is the purpose of the Oklahoma Early Intervention Act, Section 13-121 et seq. of this title, to establish

the policy of this state to provide for early intervention services to ~~handicapped~~ infants and toddlers with disabilities and their families in accordance with ~~federal law P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476. These services are deemed to be necessary in order to:

1. Enhance the development of ~~handicapped~~ infants and toddlers with disabilities;

2. Reduce the educational costs to our society by minimizing the need for special education and related services after such children reach school age;

3. Minimize the likelihood of institutionalization of ~~handicapped~~ individuals with disabilities and maximize their potential for independent living in society; and

4. Enhance the capacity of families to meet the needs of their infants and toddlers with ~~handicaps~~ disabilities.

B. The implementation of this policy requires the development of a system of services to ~~handicapped~~ infants, and toddlers with disabilities and their families which is:

1. Comprehensive, coordinated, ~~multi-disciplinary~~ multidisciplinary and interagency;

2. Delivered by the State Department of Education, Oklahoma State Department of Health, the Department of Human Services, the Department of Mental Health and Substance Abuse Services and other publicly funded services for handicapped infants and toddlers subject to the provisions of the Oklahoma Early Intervention Act; and

3. Intended to fulfill the requirements of ~~Part H of the federal Education of the Handicapped Act, 20 U.S.C.A., Section 1400 et seq.~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, by providing early intervention services.

SECTION 14. AMENDATORY 70 O.S. 1991, Section 13-124, as amended by Section 18, Chapter 373, O.S.L. 1992 (70 O.S. Supp. 1992, Section 13-124), is amended to read as follows:

Section 13-124. A. The State Department of Education is hereby designated as the lead agency for general administration, supervision and monitoring of programs and activities receiving federal funds under ~~Part H of P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476 and state funds appropriated for early intervention services. To ensure compliance with ~~Part H of P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476 and its implementing regulations, the State Department of Education is authorized to monitor and enforce any obligations imposed on agencies participating under ~~Part H of P.L. 99-457~~ the IDEA.

B. In accordance with ~~Part H of P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, the Oklahoma Commission on Children and Youth shall administer the Interagency Coordinating Council for Early Childhood Intervention which shall advise and assist the lead agency in fulfillment of its responsibilities.

C. The State Department of Education, the Oklahoma State Department of Health, the Department of Human Services, the Department of Mental Health and Substance Abuse Services and other publicly funded services shall continue to provide all services within their respective statutory and constitutional responsibilities to the eligible population except as otherwise provided in Section 13-101 of Title 70 of the Oklahoma Statutes. State and local interagency agreements will delineate responsibility for local and regional procedural safeguards, provision of service and related issues. Funds provided for implementation of the Oklahoma Early Intervention Act shall not be used to satisfy a financial commitment for services which would have been paid for or

provided by another public or private source, but shall be utilized solely for the enactment of ~~P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476 and the Oklahoma Early Intervention Act. Such funds may be used whenever considered necessary to prevent delay in the receipt of appropriate early intervention services by the infant or toddler or family in a timely fashion. Funds provided for implementation of the Oklahoma Early Intervention Act may be used to pay the provider of services pending reimbursement from the agency which has the ultimate responsibility.

D. Pursuant to the requirements of ~~Part H of P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, all financial resources from federal, state, local and private sources shall be coordinated to fund early intervention services. In order to determine the most effective utilization and achieve coordination, a joint funding plan shall be submitted to the Governor, the Speaker of the House of Representatives, and the Senate President Pro Tempore by the State Department of Education, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services on or before October 1, 1989, and on or before September 1 each year thereafter. The individual components of such plan as they relate to individual agencies shall be incorporated annually into each affected agency's budget request in accordance with the provisions of Section 41.29 of Title 62 of the Oklahoma Statutes. Such plan shall include, but not be limited to:

1. Utilization of State Aid funds appropriated to the State Board of Education for the purpose of providing early intervention services or provided pursuant to the State Aid Formula for special education services and related services to ~~handicapped~~ children with disabilities;

2. Publicly funded personnel and programs in the State Department of Education, the Oklahoma State Department of Health,

the Department of Human Services and the Department of Mental Health and Substance Abuse Services who are currently serving the eligible population;

3. Feasibility of utilization of federal Title V funds;

4. Utilization of new state funds as may be appropriated by the Legislature for fiscal year 1990 for the purpose of early intervention, and of additional new funds needed to fully implement early intervention services in accordance with the State of Oklahoma's implementation of ~~P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476;

5. Amendments to expansion of the Medicaid State Plan to include early intervention services for eligible children utilizing state funds designated for early intervention for the purpose of matching federal funds;

6. Feasibility of application for federal funds appropriated pursuant to P.L. 89-313; and

7. Utilization of funds received under ~~Part H of P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476.

E. The State Department of Education, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services shall be authorized to transfer funds enumerated in subsection D of this section to the Oklahoma Early Intervention Revolving Fund created in Section 13-124.1 of this title to the extent that transfers of such funds are authorized by and directed to the fund by the joint funding plan of the Oklahoma Early Intervention Act or by state or federal law.

F. Monies appropriated to an affected agency and monies identified in the joint funding plan for the purpose of providing early intervention services shall be used by the agency exclusively for the purpose of providing early intervention services.

G. For purposes of implementing the provisions of the Oklahoma Early Intervention Act, the board of education of any school district in this state may execute an agreement with a city/county health department or county health department to share appropriate facilities.

SECTION 15. AMENDATORY 70 O.S. 1991, Section 13-124.1, is amended to read as follows:

Section 13-124.1 There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Oklahoma Early Intervention Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of those monies appropriated to the fund by law or deposited in the fund pursuant to direction or authorization by the joint funding plan required in Section 13-124 of this title. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Education for the purpose of providing early intervention services to ~~handicapped~~ children with disabilities in accordance with ~~P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476 and the Oklahoma Early Intervention Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 16. AMENDATORY 70 O.S. 1991, Section 13-126, is amended to read as follows:

Section 13-126. Procedural safeguards shall be established in fulfillment of the requirements of ~~Section 680 of Part H of P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476 through interagency agreements involving the State Department of Education, the Oklahoma State Department of Health, the Department of Human Services, the Department of Mental Health

and Substance Abuse Services and other publicly funded services as appropriate.

SECTION 17. AMENDATORY 70 O.S. 1991, Section 13-127, is amended to read as follows:

Section 13-127. The legal requirements for timely payment and reimbursement for services under contract pursuant to Sections 41.4a through 41.4d of Title 62 of the Oklahoma Statutes shall govern the services, programs and activities for the State of Oklahoma's implementation of ~~P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476.

SECTION 18. AMENDATORY 70 O.S. 1991, Section 13-128, is amended to read as follows:

Section 13-128. The data collection requirements concerning ~~handicapped~~ children with disabilities which are currently utilized by the State Department of Education upon the effective date of this act shall also be utilized to meet the data collection and reporting requirements for the State of Oklahoma under ~~Part H of P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476. Further, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services shall fulfill the data collection and reporting requirements established by the United States Department of Education pursuant to ~~Part H of P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476 for early intervention services provided by their respective agencies pursuant to the purposes of the Oklahoma Early Intervention Act, Section 13-121 et seq. of this title. The lead agency shall provide technical assistance to the agencies in this endeavor.

SECTION 19. AMENDATORY 70 O.S. 1991, Section 13-129, is amended to read as follows:

Section 13-129. A. The Interagency Coordinating Council for Early Childhood Intervention shall assist the State Department of

Education in revising the Oklahoma State Plan for Special Education to include areas addressing requirements under ~~Part H of P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476 necessary for full implementation of this act. Such revision shall be completed by April 1, 1990.

B. Contingent upon the enactment of legislation authorizing implementation of an annual budget submitted which is based upon a joint funding plan provided in ~~Section 4,~~ subsection D of ~~the Oklahoma Early Intervention Act~~ Section 13-124 of this title, services in compliance with this act and ~~Part H of P.L. 99-457~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476 shall be in effect no later than July 1, 1990. Subject to such contingency all children eligible for services pursuant to the provisions of Section ~~3~~ 13-123 of this ~~act~~ title shall be served beginning July 1, 1991.

SECTION 20. This act shall become effective July 1, 1993.

SECTION 21. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-5697

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