STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 390 By: Monson, Leftwich and Wilcoxson of the Senate

and

Winchester of the House

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2001, Sections 13-122 and 13-123, which relate to the Oklahoma Early Intervention Act; updating certain references and terms; modifying certain definition; modifying eligibility for services; authorizing State Board of Education to modify certain eligibility definitions as required to receive certain federal assistance; 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. 2001, 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 infants and toddlers with disabilities and their families in accordance with Part C, formerly Part H, of the Individuals with Disabilities Education Act (IDEA), as may be amended. These services are deemed to be necessary in order to:

1. Enhance the development of 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 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 disabilities.

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

1. Comprehensive, coordinated, 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 with disabilities and their families subject to the provisions of the Oklahoma Early Intervention Act; and

3. Intended to fulfill the requirements of Part ~~H~~ C of the Individuals with Disabilities Education Act (IDEA), by providing early intervention services.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 13-123, is amended to read as follows:

Section 13-123. A. The children eligible for entry into early intervention services in the State of Oklahoma shall be infants and toddlers age birth through two years (0-36 months) who are developmentally delayed. As used in this act "developmentally delayed" means children of the chronological age group specified in this section who:

1. Exhibit a delay in their developmental age compared to their chronological age of fifty percent (50%) or score two standard deviations below the mean in one~~, or twenty-five percent (25%) in two or more~~ of the following areas or in a subdomain of one of the following areas: ~~Cognitive~~ cognitive, physical, ~~language and~~

~~speech, psychosocial development or self-help skills~~ communication, social and emotional, or adaptive development; ~~or~~

2. Exhibit a delay in their developmental age compared to their chronological age of twenty-five percent (25%) or score one and one-half standard deviations below the mean in two or more of the following areas or in a subdomain of two or more of the following areas: cognitive, physical, communication, social and emotional, or adaptive development; or

3. Have a diagnosed physical or mental condition that has a high probability of resulting in delay. This includes, but is not limited to: ~~Chromosomal~~ chromosomal disorders, neurological abnormalities, inborn errors of metabolism, genetic disorders, congenital malformation of the brain, congenital infections and sensory abnormalities and impairments or identified syndromes.

B. The State Board of Education is authorized to modify and redefine by regulation the eligibility definitions established in subsection A of this section whenever such modification is required to receive federal assistance under Part C of the Individuals with Disabilities Education Act (IDEA), as may be amended.

SECTION 3. This act shall become effective July 1, 2005.

SECTION 4. 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.

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