

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2672 Session of  
1990

INTRODUCED BY TANGRETTI, KUKOVICH, VAN HORNE AND MIHALICH,  
JUNE 12, 1990

REFERRED TO COMMITTEE ON EDUCATION, JUNE 12, 1990

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," further providing for regulations and  
6 standards for education of exceptional children.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 1372(1.1) of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949, added  
11 July 8, 1989 (P.L.253, No.43), is amended to read:

12 Section 1372. Exceptional Children; Education and  
13 Training.--\* \* \*

14 (1.1) Revision of Standards for Education and Training of  
15 Exceptional Children. During the school year 1989-1990 the  
16 following provisions shall apply to the State Board of  
17 Education:

18 (i) Not later than March 1, 1990, the State Board of  
19 Education shall adopt revised Chapter 13 Special Education

1 regulations and approve revised 22 Pa. Code Ch. 341 department  
2 standards for the education and training of exceptional  
3 children[, and]. Notwithstanding any other provision of law to  
4 the contrary, such revised regulations and standards shall [be  
5 effective beginning with the school year and fiscal year 1990-  
6 1991.] not become effective unless and until the State Board of  
7 Education issues a report to the General Assembly containing a  
8 good faith projection of the costs that will be incurred by each  
9 school district, each intermediate unit and the Commonwealth to  
10 implement each provision of the revised regulations and  
11 standards, including, but not limited to, the costs of providing  
12 for instructional support teams, individual transition plans,  
13 early intervention programs, standards for maximum class size,  
14 chronological age separation and "fair share." Such revised  
15 regulations and standards shall, at a minimum, provide measures  
16 as may be necessary to assure fiscal accountability, prudent  
17 management, appropriate education support services and special  
18 classes to meet the needs of pupils, and assurance of continued  
19 service to children receiving special education instruction and  
20 services on the effective date of such revised regulations and  
21 standards, including a requirement that no changes in such  
22 instruction or service be made unless through changes in the  
23 child's Individualized Education Program.

24 (ii) Due to the urgent need for an expedited but public  
25 regulatory process, the State Board of Education, in adopting  
26 such revised regulations and approving such revised department  
27 standards, shall follow the procedures set forth in this  
28 subsection.

29 (A) The State Board of Education shall conduct such public  
30 hearings and receive such testimony as it deems appropriate,

1 provided, however, that the State Board of Education conduct at  
2 least three public hearings prior to the final adoption of such  
3 revised regulations and approval of such revised department  
4 standards. Not later than November 10, 1989, at the time the  
5 State Board of Education announces its intention to adopt such  
6 revised regulations and to approve such revised department  
7 standards, it shall announce its intention pursuant to the  
8 provisions of the act of July 31, 1968 (P.L.769, No.240),  
9 referred to as the Commonwealth Documents Law, and shall  
10 transmit copies of such proposed regulations and standards to  
11 the chairmen of the standing Committees on Education of the  
12 Senate and House of Representatives to permit those committees  
13 thirty (30) days to review and comment upon such proposed  
14 regulations and standards. At the time the State Board finally  
15 adopts such final form regulations and approves such revised  
16 department standards, it shall transmit copies of such  
17 regulations and standards to the chairmen of the standing  
18 Committees on Education of the Senate and House of  
19 Representatives and the Independent Regulatory Review  
20 Commission. The final form regulations and revised department  
21 standards shall be subject to review in accordance with the  
22 procedures set forth in the act of June 25, 1982 (P.L.633,  
23 No.181), known as the "Regulatory Review Act," for proposed  
24 final regulations. Other than as herein provided, regulations  
25 adopted pursuant to this paragraph shall not be subject to  
26 review under the "Regulatory Review Act."

27 (B) The State Board of Education may transmit to the  
28 Governor and the Secretary of Education recommendations, if any,  
29 for changes in statutes.

30 (iii) The Department of Education shall require the

1 submission of appropriate program and fiscal data from the  
2 school districts and intermediate units in order to assist in  
3 the development of regulations and proposed program standards.  
4 Each school district and intermediate unit shall provide such  
5 data at such time and in such form as the department may  
6 require.

7 \* \* \*

8 Section 2. This act shall be retroactive to the date on  
9 which the State Board of Education finally adopted revised  
10 Chapter 13 Special Education regulations and approved revised 22  
11 Pa. Code Ch. 341 (relating to special education) department  
12 standards for the education and training of exceptional  
13 children.

14 Section 3. This act shall take effect immediately.