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## News and Publications

# Pa. must set funding for special ed preschool

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In [Pennsylvania](#), most students who attend preschool do so at their parents' expense, since there is no public preschool in Pennsylvania.

However, for students who receive special education services under the Individuals with Disabilities Education Act and Pennsylvania's Early Intervention Services System Act, some of these students have their preschool placement funded by the agency that provides their special education services, typically the county intermediate unit, while others do not. Because Pennsylvania law is inconsistent and unclear on this issue, it is time for the Legislature to provide clear guidance both in the statute and in funding.

Currently there is a significant split in guidance over when, if ever, intermediate units have a duty to fund these preschool placements for students who receive special education services.

The act that guides the provision of these services in Pennsylvania does not address this issue directly and the guidance provided by the Office of [Child Development](#) and Early Learning, the statewide agency responsible for early interventions services, has been described as "cryptic."

Likewise, decisions from the state-level hearing officers tasked with issuing decisions on these types of disputes have reached different conclusions, with one suggesting that intermediate units run afoul of the Individuals with Disabilities Education Act if they don't provide these placements in virtually all cases. Another suggests there is no such duty generally unless the student has clear special needs that mandate a typical preschool in order to meet those needs.

Finally, the funding provided by the commonwealth to intermediate units, which have virtually no independent taxing authority, is insufficient to cover these expenses for all students provided services by intermediate units.

The current ad hoc approach used is problematic for both students and intermediate units that serve them. Students and their parents are often left in the position of having to fight to have preschool included in the children's individualized education plans.

Moreover, inequities exist in that some students will be provided this service, while others will not. Intermediate units are left in the difficult spot of having to guess in which cases they are required to provide these services even though there is no funding for them.

Even in those cases in which the intermediate unit finds the services are needed or appropriate, it has to pay for such services — meaning resources must be taken away from others. Also, the provision of adequate funding in this area would permit for a greater model of inclusion. Simply put, the lack of clarity on this issue is unfair to all parties involved.

It is time for the Legislature to clarify its position on the duty of intermediate units to fund typical preschool for special education students by revising the Early Intervention Services System Act to state clearly whether preschool must be provided and, if yes, that the state fund these services.