

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1270 Session of 2019

INTRODUCED BY TOOHIL, SCHLOSSBERG, OBERLANDER, MILLARD, BULLOCK, PICKETT, KIRKLAND, BURGOS, KINSEY, LONGIETTI, T. DAVIS, BERNSTINE, BARRAR, MURT, FRANKEL, MARKOSEK, FITZGERALD, DONATUCCI, SNYDER, DALEY, ULLMAN, NEILSON, KIM, GAINNEY AND RIGBY, APRIL 17, 2019

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 27, 2020

AN ACT

1 Amending the act of December 19, 1990 (P.L.1372, No.212),
2 entitled "An act providing for early intervention services
3 for infants, toddlers and preschool children who qualify;
4 establishing the Interagency Coordinating Council and
5 providing for its powers and duties; and conferring powers
6 and duties upon the Department of Education and the State
7 Board of Education, the Department of Health and the
8 Department of Public Welfare," further providing for title of
9 the act; in general provisions, further providing for
10 LEGISLATIVE FINDINGS FOR EARLY INTERVENTION, FOR definitions, <--
11 FOR STATE INTERAGENCY AGREEMENT, FOR OTHER DUTIES OF STATE
12 AGENCIES AND FOR COUNCIL; in Statewide system for provision
13 of early intervention services, further providing for
14 REQUIREMENTS, FOR PROGRAM REGULATIONS AND STANDARDS, FOR <--
15 ADMINISTRATION BY DEPARTMENT OF PUBLIC WELFARE, FOR
16 ADMINISTRATION BY DEPARTMENT OF EDUCATION AND FOR child
17 identification, assessment and tracking system; IN <--
18 MISCELLANEOUS PROVISIONS, FURTHER PROVIDING FOR EFFECTIVE
19 DATE; and making editorial changes.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. ~~The title of the act of December 19, 1990~~ <--
23 ~~(P.L.1372, No.212), known as the Early Intervention Services~~
24 ~~System Act, is amended to read:~~

1 SECTION 1. THE TITLE AND SECTIONS 102, 103, 104, 105, 106, <--
2 301, 302(A), 303, 304(C), 305 AND 503 OF THE ACT OF DECEMBER 19,
3 1990 (P.L.1372, NO.212), KNOWN AS THE EARLY INTERVENTION
4 SERVICES SYSTEM ACT, ARE AMENDED TO READ:

5 AN ACT

6 Providing for early intervention services for infants, toddlers
7 and preschool children who qualify; establishing the
8 Interagency Coordinating Council and providing for its powers
9 and duties; and conferring powers and duties upon the
10 Department of Education and the State Board of Education, the
11 Department of Health and the Department of [Public Welfare]
12 Human Services.

13 ~~Section 2. The definitions of "handicapped infants and <--
14 toddlers," "lead agency" and "State interagency agreement" in
15 section 103 of the act are amended and the section is amended by
16 adding a definition to read:~~

17 SECTION 102. LEGISLATIVE FINDINGS FOR EARLY INTERVENTION. <--

18 (A) NEEDS.--THE GENERAL ASSEMBLY FINDS THAT THERE IS A NEED
19 TO:

20 (1) INCREASE THE OPPORTUNITY FOR THE DEVELOPMENT OF
21 INFANTS, TODDLERS AND ELIGIBLE YOUNG CHILDREN WHO ARE
22 [HANDICAPPED] DISABLED IN ORDER TO MINIMIZE THEIR POTENTIAL
23 FOR DEVELOPMENTAL DELAY.

24 (2) MINIMIZE THE NEED FOR SPECIAL EDUCATION SERVICES AS
25 THESE INFANTS, TODDLERS AND ELIGIBLE YOUNG CHILDREN WHO ARE
26 [HANDICAPPED] DISABLED ATTAIN THE AGE OF BEGINNERS.

27 (3) REDUCE THE NUMBER OF [HANDICAPPED] DISABLED
28 INDIVIDUALS BEING PLACED IN INSTITUTIONS AND ENHANCE THEIR
29 POTENTIAL FOR INDEPENDENT LIVING IN SOCIETY.

30 (4) ASSIST THE FAMILIES OF [HANDICAPPED] ELIGIBLE

1 INFANTS AND TODDLERS TO MEET THEIR CHILDREN'S SPECIAL NEEDS.

2 (5) IMPLEMENT THE PROVISIONS OF PARTS B AND [H] C IN
3 ORDER TO BE ELIGIBLE TO RECEIVE FEDERAL FUNDING TO HELP
4 ESTABLISH AND MAINTAIN PROGRAMS AND SERVICES TO ASSIST
5 [HANDICAPPED] ELIGIBLE INFANTS, TODDLERS AND THEIR FAMILIES
6 AND ELIGIBLE YOUNG CHILDREN.

7 (B) REMEDY.--THE GENERAL ASSEMBLY FURTHER FINDS THAT EARLY
8 INTERVENTION SERVICES FOR [HANDICAPPED] ELIGIBLE INFANTS,
9 TODDLERS AND THEIR FAMILIES AND ELIGIBLE YOUNG CHILDREN ARE COST
10 EFFECTIVE AND EFFECTIVELY SERVE THE DEVELOPMENTAL NEEDS OF
11 CHILDREN WHO ARE [HANDICAPPED] DISABLED.

12 Section 103. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

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17 "AGE OF BEGINNERS." THE MINIMUM AGE ESTABLISHED BY THE
18 SCHOOL DISTRICT BOARD OF DIRECTORS FOR ADMISSION TO THE
19 DISTRICT'S FIRST GRADE UNDER 22 PA. CODE § 11.15 (RELATING TO
20 ADMISSION OF BEGINNERS).

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21 "COUNCIL." THE INTERAGENCY COORDINATING COUNCIL ESTABLISHED
22 IN SECTION 106.

23 "EARLY INTERVENTION SERVICES." DEVELOPMENTAL SERVICES WHICH
24 MEET ALL OF THE FOLLOWING:

25 (1) ARE PROVIDED UNDER PUBLIC SUPERVISION.

26 (2) ARE DESIGNED TO MEET THE DEVELOPMENTAL NEEDS OF [A
27 HANDICAPPED INFANT, TODDLER OR ELIGIBLE YOUNG CHILD] ELIGIBLE
28 INFANTS AND TODDLERS AND ELIGIBLE YOUNG CHILDREN IN ANY OF
29 THE FOLLOWING AREAS:

30 (I) PHYSICAL DEVELOPMENT.

1 (II) COGNITIVE DEVELOPMENT.
2 (III) SENSORY DEVELOPMENT.
3 (IV) LANGUAGE AND SPEECH DEVELOPMENT OR ALTERNATIVE
4 COMMUNICATION DEVELOPMENT.
5 (V) PSYCHO-SOCIAL DEVELOPMENT.
6 (VI) SELF-HELP SKILLS.
7 (3) ARE DEVELOPED TO MEET THE REQUIREMENTS OF THIS ACT,
8 INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:
9 (I) FAMILY TRAINING.
10 (II) SOCIAL WORK SERVICES, INCLUDING COUNSELING AND
11 HOME VISITS.
12 (III) SPECIAL INSTRUCTION.
13 (IV) SPEECH PATHOLOGY AND AUDIOLOGY.
14 (V) OCCUPATIONAL THERAPY.
15 (VI) PHYSICAL THERAPY.
16 (VII) PSYCHOLOGICAL SERVICES.
17 (VIII) MEDICAL SERVICES ONLY FOR DIAGNOSTIC OR
18 EVALUATION PURPOSES.
19 (IX) EARLY IDENTIFICATION, SCREENING AND ASSESSMENT
20 SERVICES.
21 (X) HEALTH SERVICES NECESSARY TO ENABLE THE INFANT
22 OR TODDLER TO BENEFIT FROM THE OTHER EARLY INTERVENTION
23 SERVICES.
24 (XI) ASSISTIVE TECHNOLOGY DEVICES AND SERVICES.
25 (XII) FOR [HANDICAPPED] ELIGIBLE INFANTS AND
26 TODDLERS, OTHER SERVICES REQUIRED BY PART [H] C.
27 (4) ARE PROVIDED BY QUALIFIED PERSONNEL, INCLUDING, BUT
28 NOT LIMITED TO, SPECIAL EDUCATORS, SPEECH AND LANGUAGE
29 PATHOLOGISTS AND AUDIOLOGISTS, OCCUPATIONAL THERAPISTS,
30 PHYSICAL THERAPISTS, PSYCHOLOGISTS, SOCIAL WORKERS, NURSES

1 AND NUTRITIONISTS.

2 (5) ARE PROVIDED IN CONFORMITY WITH AN INDIVIDUALIZED
3 FAMILY SERVICE PLAN FOR ELIGIBLE INFANTS, TODDLERS AND THEIR
4 FAMILIES.

5 (6) ARE PROVIDED TO ELIGIBLE YOUNG CHILDREN IN
6 COMPLIANCE WITH THE PROVISIONS OF THIS ACT AND PART B.
7 COMPLIANCE INCLUDES PROCEDURAL SAFEGUARDS AND FREE
8 APPROPRIATE PUBLIC EDUCATION, INCLUDING RELATED SERVICES AND
9 INDIVIDUALIZED EDUCATION PROGRAMS.

10 (7) ARE PROVIDED IN THE LEAST RESTRICTIVE ENVIRONMENT
11 APPROPRIATE TO THE CHILD'S NEEDS. INFANTS, TODDLERS AND
12 [ELIGIBLE] YOUNG CHILDREN WHO WILL BE SERVED IN A NON-HOME-
13 BASED SETTING MUST, TO THE MAXIMUM EXTENT CONSISTENT WITH THE
14 CHILD'S ABILITIES, RECEIVE EARLY INTERVENTION SERVICES IN A
15 SETTING WITH [NONHANDICAPPED] NONDISABLED CHILDREN. EACH
16 INFANT'S OR TODDLER'S IFSP AND EACH [ELIGIBLE] YOUNG CHILD'S
17 IEP MUST CONTAIN THE RECOMMENDED SERVICE OPTION PLACEMENT AND
18 THE RATIONALE FOR WHY IT REPRESENTS THE LEAST RESTRICTIVE
19 ENVIRONMENT.

20 ["EDUCATION OF THE HANDICAPPED ACT." THE EDUCATION OF THE
21 HANDICAPPED ACT (PUBLIC LAW 91-230, 20 U.S.C. § 1401 ET SEQ.).]

22 "ELIGIBLE INFANTS AND TODDLERS." INDIVIDUALS RANGING IN AGE
23 FROM BIRTH TO TWO YEARS OF AGE, INCLUSIVE, WHO NEED EARLY
24 INTERVENTION SERVICES FOR ANY OF THE FOLLOWING REASONS:

25 (1) THEY ARE EXPERIENCING DEVELOPMENTAL DELAYS, AS
26 DEFINED BY REGULATIONS OF THE DEPARTMENT OF HUMAN SERVICES
27 AND AS MEASURED BY APPROPRIATE DIAGNOSTIC INSTRUMENTS AND
28 PROCEDURES IN ANY OF THE FOLLOWING AREAS: COGNITIVE
29 DEVELOPMENT, SENSORY DEVELOPMENT, PHYSICAL DEVELOPMENT,
30 LANGUAGE AND SPEECH DEVELOPMENT, PSYCHO-SOCIAL DEVELOPMENT OR

1 SELF-HELP SKILLS.

2 (2) THEY HAVE A DIAGNOSED PHYSICAL OR MENTAL CONDITION
3 WHICH HAS A HIGH PROBABILITY OF RESULTING IN DEVELOPMENTAL
4 DELAY UNDER PARAGRAPH (1). THIS PARAGRAPH APPLIES TO
5 CONDITIONS WITH KNOWN ETIOLOGIES AND DEVELOPMENTAL
6 CONSEQUENCES. EXAMPLES OF THESE CONDITIONS INCLUDE DOWN
7 SYNDROME; OTHER CHROMOSOMAL ABNORMALITIES; SENSORY
8 IMPAIRMENTS, INCLUDING VISION AND HEARING; INBORN ERRORS OF
9 METABOLISM; MICROCEPHALY; SEVERE ATTACHMENT DISORDERS,
10 INCLUDING FAILURE TO THRIVE; SEIZURE DISORDERS; AND FETAL
11 ALCOHOL SYNDROME.

12 "ELIGIBLE YOUNG CHILD." A CHILD WHO IS YOUNGER THAN THE AGE
13 OF BEGINNERS AND AT LEAST THREE YEARS OF AGE AND WHO MEETS ANY
14 OF THE FOLLOWING CRITERIA:

15 (1) THE CHILD HAS ANY OF THE FOLLOWING PHYSICAL OR
16 MENTAL DISABILITIES: AUTISM/PERVASIVE DEVELOPMENTAL DISORDER,
17 SERIOUS EMOTIONAL DISTURBANCE, NEUROLOGICAL IMPAIRMENT,
18 DEAFNESS/HEARING IMPAIRMENT, SPECIFIC LEARNING DISABILITY,
19 MENTAL RETARDATION, [MULTIHANDICAP,] OTHER HEALTH IMPAIRMENT,
20 PHYSICAL DISABILITY, SPEECH IMPAIRMENT OR BLINDNESS/VISUAL
21 IMPAIRMENT.

22 (2) THE CHILD IS CONSIDERED TO HAVE A DEVELOPMENTAL
23 DELAY, AS DEFINED BY REGULATIONS OF THE STATE BOARD OF
24 EDUCATION AND THE STANDARDS OF THE DEPARTMENT OF EDUCATION.

25 ["Handicapped infants and toddlers." Individuals ranging in
26 age from birth to two years of age, inclusive, who need early
27 intervention services for any of the following reasons:

28 (1) They are experiencing developmental delays, as
29 defined by regulations of the Department of ~~{Public Welfare}~~ <--
30 Human Services and as measured by appropriate diagnostic

1 instruments and procedures in any of the following areas:
2 cognitive development, sensory development, physical
3 development, language and speech development, psycho-social
4 development or self-help skills.

5 (2) They have a diagnosed physical or mental condition
6 which has a high probability of resulting in developmental
7 delay under paragraph (1). This paragraph applies to
8 conditions with known etiologies and developmental
9 consequences. Examples of these conditions include Down
10 syndrome; other chromosomal abnormalities; sensory
11 impairments, including vision and hearing; inborn errors of
12 metabolism; microcephaly; severe attachment disorders,
13 including failure to thrive; seizure disorders; and fetal
14 alcohol syndrome.] <--

15 * * *

16 "HOMELESS." AN INDIVIDUAL WHO LACKS A FIXED, REGULAR AND <--
17 ADEQUATE NIGHTTIME RESIDENCE. THE TERM INCLUDES:

18 (1) CHILDREN AND YOUTH IN ANY OF THE FOLLOWING:

19 (I) WHO ARE SHARING THE HOUSING OF ANOTHER PERSON
20 DUE TO LOSS OF HOUSING, ECONOMIC HARDSHIP OR A SIMILAR
21 REASON.

22 (II) WHO ARE LIVING IN A MOTEL, HOTEL, TRAILER PARK
23 OR CAMPING GROUNDS DUE TO THE LACK OF ALTERNATIVE
24 ADEQUATE ACCOMMODATIONS.

25 (III) WHO ARE LIVING IN AN EMERGENCY OR TRANSITIONAL
26 SHELTER.

27 (IV) WHO ARE ABANDONED IN A HOSPITAL.

28 (V) WHO ARE AWAITING FOSTER CARE PLACEMENT.

29 (VI) WHO HAVE A PRIMARY NIGHTTIME RESIDENCE THAT IS
30 A PUBLIC OR A PRIVATE PLACE NOT DESIGNED FOR OR

1 ORDINARILY USED AS A REGULAR SLEEPING ACCOMMODATION FOR
2 HUMAN BEINGS.

3 (VII) WHO ARE LIVING IN A CAR, PARK, PUBLIC SPACE,
4 ABANDONED BUILDING, SUBSTANDARD HOUSING, BUS OR TRAIN
5 STATION OR SIMILAR SETTING.

6 (2) MIGRATORY CHILDREN WHO QUALIFY AS HOMELESS FOR THE
7 PURPOSES OF THIS CHAPTER BECAUSE THE CHILD IS LIVING IN ONE
8 OF THE CIRCUMSTANCES IN PARAGRAPH (1).

9 "IEP." INDIVIDUALIZED EDUCATION PROGRAM.

10 "IFSP." INDIVIDUALIZED FAMILY SERVICE PLAN.

11 "INDIVIDUALS WITH DISABILITIES EDUCATION ACT." THE
12 INDIVIDUALS WITH DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230,
13 20 U.S.C. § 1400 ET SEQ.).

14 "Lead agency." For early intervention services to eligible
15 children from birth to two years of age, inclusive, the
16 Department of [Public Welfare] Human Services; for early
17 intervention services to eligible young children, the Department
18 of Education.

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20 "LOCAL INTERAGENCY AGREEMENT." AN AGREEMENT ENTERED INTO BY
21 LOCAL AGENCIES RECEIVING EARLY INTERVENTION FUNDS DIRECTLY FROM
22 THE COMMONWEALTH AND MADE UNDER THE STATE INTERAGENCY AGREEMENT
23 PROVIDING FOR THE DELIVERY OF EARLY INTERVENTION SERVICES WITHIN
24 A SPECIFIED GEOGRAPHIC AREA.

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25 "MUTUALLY AGREED-UPON WRITTEN ARRANGEMENTS." AN AGREEMENT
26 BETWEEN THE DEPARTMENT OF EDUCATION AND INTERMEDIATE UNITS,
27 SCHOOL DISTRICTS OR OTHER PUBLIC OR PRIVATE AGENCIES THAT COMPLY
28 WITH THE EARLY INTERVENTION REGULATIONS OF THE STATE BOARD OF
29 EDUCATION AND EARLY INTERVENTION STANDARDS OF THE DEPARTMENT OF
30 EDUCATION. THESE AGREEMENTS MAY INCLUDE MEMORANDA OF

1 UNDERSTANDING PURSUANT TO APPROVED PLANS SUBMITTED TO THE
2 DEPARTMENT OF EDUCATION BY INTERMEDIATE UNITS AND SCHOOL
3 DISTRICTS.

4 "PART B." [PART B] SUBCHAPTER II OF THE [EDUCATION FOR THE
5 HANDICAPPED] INDIVIDUALS WITH DISABILITIES EDUCATION ACT (20
6 U.S.C. § 1411 ET SEQ.), AS IT APPLIES TO PRESCHOOL CHILDREN.

7 ["PART H." PART H OF THE EDUCATION FOR THE HANDICAPPED ACT
8 (20 U.S.C. § 1471 ET SEQ.).]

9 "PART C." SUBCHAPTER III OF THE INDIVIDUALS WITH
10 DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230, 20 U.S.C. § 1431
11 ET SEQ.)

12 "Postpartum depression." Moderate to severe depression in a
13 woman after she has given birth, which depression occurs after
14 delivery or up to a year later.

15 "State interagency agreement." An agreement entered into by
16 the Department of Education, the Department of Health, the
17 Department of [Public Welfare] Human Services and any other
18 Commonwealth agency for the purposes of this act and of Part B
19 and Part [H] C. <--

20 ~~Section 3. Sections 104, 105, 106(b)(10), (f)(1) and (4) and~~ <--
21 ~~(h), 301 introductory paragraph and (1), 302(a), 303, 304(c),~~
22 ~~305 and 503 of the act are amended to read:~~

23 Section 104. State interagency agreement.

24 (a) Interagency agreement.--The Department of Education, the
25 Department of Health and the Department of [Public Welfare]
26 Human Services shall enter into and maintain a State interagency
27 agreement to enable the State and local agencies serving
28 ELIGIBLE infants[,] AND toddlers and eligible young children <--
29 [who are handicapped] to establish working relationships that <--
30 will increase the efficiency and effectiveness of their early

1 intervention services. The agreement shall outline the
2 responsibilities of those State and local agencies and shall
3 implement a coordinated service delivery system through local
4 interagency agreements.

5 (b) Components.--The State interagency agreement shall
6 address, at a minimum, the following issues:

7 (1) Responsibilities of State and local agencies.

8 (2) Eligibility determination and referrals.

9 (3) Establishment of local agreements.

10 (4) Fiscal responsibilities of the agencies.

11 (5) Dispute resolution between agencies.

12 (6) Payor of last resort.

13 (7) Maintenance of effort.

14 (8) Administrative management structure.

15 (9) Establishment and maintenance of local interagency
16 coordinating councils, which shall include, but not be
17 limited to, parents and private providers and which shall be
18 authorized to advise and comment on the development of local
19 interagency agreements for their specified geographic area
20 and to communicate directly with the Department of Education,
21 the Department of Health, the Department of [Public Welfare]
22 Human Services and the council regarding the local
23 interagency agreement and any other matters pertaining to
24 this act.

25 (10) Plans by the Department of Health, the Department
26 of [Public Welfare] Human Services and the Department of
27 Education to work together to develop a coordinated system of
28 case management.

29 (c) Goal.--Issues under subsection (b) shall be addressed to
30 meet the requirements of this act and the provisions of Part B

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1 and Part [H] C.

2 Section 105. Other duties of State agencies.

3 (a) Statewide system.--The Department of Health, the
4 Department of [Public Welfare] Human Services and the Department
5 of Education shall be responsible for the establishment and
6 maintenance of a Statewide system of early intervention services
7 as provided in Chapter 3.

8 (b) Rulemaking.--The Department of Health, the Department of
9 [Public Welfare] Human Services, the State Board of Education as
10 the regulatory authority for the Department of Education and the
11 Department of Education for standards shall submit draft
12 regulations and standards to the council relating to the
13 implementation of this act prior to formal promulgation in order
14 to receive the recommendations of the council. If
15 recommendations are not received by the appropriate State agency
16 within 60 days of receipt by the council, the respective
17 department or board may continue to develop and promulgate
18 regulations and standards.

19 (c) Annual reports.--By July 31, the Department of Health,
20 the Department of [Public Welfare] Human Services and the
21 Department of Education shall submit annual reports to the
22 council on the status of early intervention services during the
23 preceding calendar year. These reports shall be used as the
24 basis for the report submitted by the council under section
25 106(f) (4).

26 Section 106. Council.

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28 (A) ESTABLISHMENT.--THE INTERAGENCY COORDINATING COUNCIL IS
29 ESTABLISHED. THE COUNCIL SHALL CONSIST OF 15 VOTING MEMBERS
30 APPOINTED BY THE GOVERNOR. THE COUNCIL SHALL SERVE AS THE

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1 COUNCIL REQUIRED BY THE [EDUCATION OF THE HANDICAPPED ACT
2 AMENDMENTS OF 1986 (PUBLIC LAW 99-457, 100 STAT. 1145)]
3 INDIVIDUALS WITH DISABILITIES EDUCATION ACT. THE TERM OF OFFICE
4 OF THE VOTING MEMBERS SHALL BE THREE YEARS, EXCEPT FOR THE
5 CABINET OFFICERS OR THEIR DESIGNEES WHO SHALL SERVE AS LONG AS
6 THEY ARE IN OFFICE.

7 (b) Membership.--The membership of the council shall consist
8 of the following:

9 * * * <--

10 (1) THREE PARENTS OF [HANDICAPPED] ELIGIBLE INFANTS[,] <--
11 OR TODDLERS OR ELIGIBLE YOUNG CHILDREN.

12 (2) ONE PROVIDER OF A CHILD DEVELOPMENT PROGRAM, SUCH AS
13 HEAD START.

14 (3) ONE PARENT OF A CHILD WHO HAS RECEIVED EARLY
15 INTERVENTION SERVICES AND IS NOW BEYOND SIX YEARS OF AGE.

16 (4) THREE PROVIDERS OF EARLY INTERVENTION SERVICES,
17 INCLUDING ONE SCHOOL DISTRICT PROVIDER, ONE INTERMEDIATE UNIT
18 PROVIDER AND ONE PRIVATE PROVIDER.

19 (5) ONE MEMBER FROM THE GENERAL ASSEMBLY.

20 (6) ONE REPRESENTATIVE OF THE AMERICAN ACADEMY OF
21 PEDIATRICS.

22 (7) ONE COUNTY MENTAL [HEALTH/MENTAL RETARDATION] HEALTH
23 AND DEVELOPMENTAL SERVICES ADMINISTRATOR OR DESIGNEE.

24 (8) ONE INDIVIDUAL INVOLVED IN PERSONNEL PREPARATION.

25 (9) THE SECRETARY OF EDUCATION OR A DESIGNEE.

26 (10) The Secretary of [Public Welfare] Human Services or
27 a designee.

28 * * * <--

29 (11) THE SECRETARY OF HEALTH OR A DESIGNEE. <--

30 (12) AS EX OFFICIO MEMBERS, WHO SHALL NOT HAVE VOTING

1 PRIVILEGES: A REPRESENTATIVE OF THE DEVELOPMENTAL
2 DISABILITIES PLANNING COUNCIL AND MEMBERS APPOINTED BY THE
3 CHAIR OF THE COUNCIL.

4 (C) DESIGNEES.--THE DESIGNEES OF THE CABINET OFFICERS UNDER
5 SUBSECTION (B) MUST BE DEPUTY SECRETARIES, COMMISSIONERS OR
6 BUREAU DIRECTORS.

7 (D) OFFICERS.--THE CHAIR OF THE COUNCIL SHALL BE APPOINTED
8 BY THE GOVERNOR AND MUST BE SELECTED FROM THOSE MEMBERS WHO ARE
9 NEITHER EMPLOYEES OF THE COMMONWEALTH NOR ELECTED OFFICIALS.

10 (E) COMMITTEES.--THE CHAIR OF THE COUNCIL MAY APPOINT
11 SPECIAL COMMITTEES, WHICH MAY INCLUDE NONMEMBERS OF THE COUNCIL,
12 TO MAKE RECOMMENDATIONS TO THE COUNCIL CONCERNING KEY ISSUES
13 RELATED TO THIS ACT.

14 (f) Powers and duties.--The council has the following powers
15 and duties:

16 (1) To review and comment to the Department of Health,
17 the Department of [Public Welfare] Human Services, the
18 Department of Education and the State Board of Education on
19 draft regulations and standards for the implementation and
20 maintenance of a Statewide system of early intervention
21 services which are in accordance with the provisions of this
22 act and Parts B and H.

23 * * *

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24 (2) TO REVIEW AND COMMENT TO THE APPROPRIATE LEGISLATIVE <--
25 COMMITTEES AND THE INDEPENDENT REGULATORY REVIEW COMMISSION
26 ON REGULATIONS AND STANDARDS PROPOSED UNDER THIS ACT.

27 (3) TO ASSIST AND ADVISE COMMONWEALTH AGENCIES IN THEIR
28 EFFORT TO CARRY OUT THE PROVISIONS OF THIS ACT. THIS
29 PARAGRAPH INCLUDES, BUT IS NOT LIMITED TO:

30 (I) RECOMMENDATIONS FOR THE IMPLEMENTATION AND

1 MAINTENANCE OF A STATEWIDE COMPREHENSIVE, COORDINATED,
2 MULTIDISCIPLINARY, INTERAGENCY PROGRAM, AS DESCRIBED IN
3 CHAPTER 3;

4 (II) SUGGESTIONS REGARDING SOURCES OF FISCAL AND
5 OTHER SUPPORT FROM FEDERAL, STATE, LOCAL AND PRIVATE
6 SOURCES, INCLUDING INSURANCE COVERAGE; AND

7 (III) RECOMMENDATIONS REGARDING IN-SERVICE TRAINING
8 AND PERSONNEL COMPETENCIES.

9 (4) To prepare and submit, with the cooperation of the
10 Secretary of Education, the Secretary of Health and the
11 Secretary of [Public Welfare] Human Services, an annual
12 report during the month of September to the Governor and the
13 Majority and Minority Chairmen of the Education Committee of
14 the Senate and the Education Committee of the House of
15 Representatives. This report shall include the number of
16 programs being provided by intermediate units, school
17 districts and public and private providers, including Head
18 Start; the number of children being served; the status of
19 compliance with State regulations and standards; descriptive
20 information on the programs; information on personnel needs;
21 any suggested changes in State statutes and regulations
22 governing these programs; any information the United States
23 Secretary of Education may require; and any other information
24 the council deems appropriate.

25 * * *

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26 (5) TO MEET AT LEAST SIX TIMES A YEAR.

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27 (6) TO PERFORM OTHER FUNCTIONS REQUIRED OF A STATE'S
28 INTERAGENCY COORDINATING COUNCIL UNDER PART [H] C.

29 (G) COMPENSATION OF MEMBERS.--THE MEMBERS SHALL SERVE
30 WITHOUT COMPENSATION BUT SHALL BE REIMBURSED FOR REASONABLE

1 COSTS INCURRED, INCLUDING COSTS RELATED TO CHILD CARE.

2 (h) Staff.--Staff services for the council shall be provided
3 by the Department of Health, the Department of [Public Welfare]
4 Human Services and the Department of Education and shall include
5 the preparation and distribution of the annual report required
6 under subsection (f) (4).

7 Section 301. Requirements.

8 A Statewide system of coordinated, comprehensive,
9 multidisciplinary, interagency programs shall be established and
10 maintained by the Department of Health, the Department of
11 [Public Welfare] Human Services and the Department of Education
12 to provide appropriate early intervention services to all
13 [handicapped] ELIGIBLE infants[,] AND toddlers and their <--
14 families and to eligible young children. The system shall
15 include the following minimum components:

16 (1) Compatible definitions of the term "developmental
17 delay" shall be promulgated and adopted by the Department of
18 [Public Welfare] Human Services, the Department of Health and
19 the Department of Education, with review and comment of the
20 council under section 106(f) (1). The definition shall provide
21 for the continuity of program services and shall be used in
22 implementing programs under this act.

23 * * * <--

24 (2) AN ASSURANCE THAT APPROPRIATE EARLY INTERVENTION <--
25 SERVICES ARE AVAILABLE TO ALL ELIGIBLE [HANDICAPPED] ELIGIBLE
26 INFANTS[,] AND TODDLERS AND THEIR FAMILIES BY SEPTEMBER 1,
27 1991, AND TO ALL ELIGIBLE YOUNG CHILDREN BY JULY 1, 1991.

28 (3) A TIMELY, COMPREHENSIVE, MULTIDISCIPLINARY
29 EVALUATION OF THE FUNCTIONING OF EACH [HANDICAPPED] ELIGIBLE
30 INFANT[,] AND TODDLER AND ELIGIBLE YOUNG CHILD AND THE NEEDS

1 OF THE FAMILIES TO ASSIST APPROPRIATELY IN THE DEVELOPMENT OF
2 THE [HANDICAPPED] ELIGIBLE INFANT[,] AND TODDLER AND ELIGIBLE
3 YOUNG CHILD.

4 (4) FOR ALL [HANDICAPPED] ELIGIBLE INFANTS[,] AND
5 TODDLERS AND THEIR FAMILIES, AN IFSP IN ACCORDANCE WITH PART
6 [H] C, INCLUDING CASE MANAGEMENT SERVICES IN ACCORDANCE WITH
7 THE SERVICE PLAN.

8 (5) FOR EACH ELIGIBLE YOUNG CHILD, AN IEP IN ACCORDANCE
9 WITH PART B.

10 (6) A COMPREHENSIVE CHILD-FIND SYSTEM, INCLUDING A
11 SYSTEM FOR MAKING REFERRALS TO SERVICE PROVIDERS THAT
12 INCLUDES TIMELINES AND PROVIDES FOR THE PARTICIPATION BY
13 PRIMARY REFERRAL SOURCES.

14 (7) A PUBLIC AWARENESS PROGRAM FOCUSING ON EARLY
15 IDENTIFICATION OF [HANDICAPPED] ELIGIBLE INFANTS[,] AND
16 TODDLERS AND ELIGIBLE YOUNG CHILDREN.

17 (8) A CENTRAL DIRECTORY, WHICH INCLUDES EARLY
18 INTERVENTION SERVICES, RESOURCES AND EXPERTS AVAILABLE IN
19 THIS COMMONWEALTH AND RESEARCH AND DEMONSTRATION PROJECTS
20 BEING CONDUCTED IN THIS COMMONWEALTH.

21 (9) A COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT AND
22 POLICIES AND PROCEDURES RELATING TO THE ESTABLISHMENT AND
23 MAINTENANCE OF STANDARDS TO ENSURE THAT PERSONNEL NECESSARY
24 TO CARRY OUT THIS ACT ARE APPROPRIATELY AND ADEQUATELY
25 PREPARED AND TRAINED.

26 (10) A PROCEDURE FOR SECURING TIMELY REIMBURSEMENT OF
27 FUNDS.

28 (11) PROCEDURAL SAFEGUARDS WITH RESPECT TO PROGRAMS
29 UNDER THIS ACT.

30 (12) A SYSTEM FOR COMPILING DATA ON THE NUMBERS OF

1 [HANDICAPPED] ELIGIBLE INFANTS[,] AND TODDLERS AND THEIR
2 FAMILIES AND ELIGIBLE YOUNG CHILDREN IN NEED OF APPROPRIATE
3 EARLY INTERVENTION SERVICES; THE NUMBER OF ELIGIBLE
4 INFANTS[,] AND TODDLERS AND THEIR FAMILIES AND ELIGIBLE YOUNG
5 CHILDREN SERVED; AND THE TYPES OF SERVICES PROVIDED.

6 (13) A SYSTEM OF PROGRAM STANDARDS EVALUATION AND
7 COMPLIANCE.

8 (14) AN EXIT CRITERIA, WHICH PROVIDES PROCEDURES FOR A
9 CHILD TO EXIT FROM EARLY INTERVENTION SERVICES. THIS EXIT
10 PLAN MUST ADDRESS BOTH THE NEEDS OF THE CHILD WHO HAS
11 ATTAINED AGE OF BEGINNERS AS WELL AS THE CHILD WHO, AT ANY
12 AGE BETWEEN BIRTH AND AGE OF BEGINNERS, NO LONGER MEETS THE
13 ELIGIBILITY CRITERIA. IF A CHILD HAS BEEN SUCCESSFUL IN
14 OBTAINING AGE-APPROPRIATE BEHAVIOR AND ABILITIES, THE FACT
15 THAT THE CHILD PARTICIPATED IN EARLY INTERVENTION SERVICES
16 MAY NOT BE COMMUNICATED TO THE SCHOOL DISTRICT UNLESS THE
17 PARENT SO CHOOSES, NOR MAY IT BE CONSIDERED AS A RATIONALE
18 FOR PLACEMENT IN PUBLIC SCHOOL AGE SPECIAL EDUCATION CLASSES.
19 IF THE CHILD DOES NOT MEET EXIT CRITERIA AND THE CHILD'S IEP
20 OR IFSP DEMONSTRATES THAT THE CHILD WILL BENEFIT FROM
21 SERVICES WHICH CAN BE PROVIDED ONLY THROUGH SPECIAL
22 EDUCATION, NOTHING IN THIS ACT SHALL PREVENT THAT PLACEMENT.
23 IN EITHER CASE, TRANSITION SERVICES SHALL BE PROVIDED TO THE
24 CHILD AND THE CHILD'S PARENTS.

25 (15) A SYSTEM FOR THE PROVISION OF SERVICES TO CHILDREN
26 FROM BIRTH TO AGE TWO, INCLUSIVE, WHICH ARE IN COMPLIANCE
27 WITH PART [H] C.

28 (16) A SYSTEM FOR THE PROVISION OF SERVICES TO CHILDREN
29 THREE YEARS OF AGE TO AGE OF BEGINNERS WHICH IS IN COMPLIANCE
30 WITH PART B, THIS ACT AND REGULATIONS AND STANDARDS.

1 Section 302. Program regulations and standards.

2 (a) [Public Welfare] Human Services.--The Department of
3 [Public Welfare] Human Services shall define and address the
4 following issues in developing regulations:

5 (1) Methods for locating and identifying eligible
6 children.

7 (2) Criteria for eligible programs.

8 (3) Contracting guidelines.

9 (4) Personnel qualifications and a system of preservice
10 and in-service training.

11 (5) Early intervention services.

12 (6) Procedural safeguards.

13 (7) Appropriate placement, including the least
14 restrictive environment.

15 (8) A system of quality assurance, including evaluation
16 of the developmental appropriateness; quality and
17 effectiveness of programs; assurance of compliance with
18 program standards; and provision of assistance to assure
19 compliance.

20 (9) Data collection and confidentiality.

21 (10) Interagency cooperation at the State and local
22 level through the State interagency agreement and local
23 interagency agreements.

24 (11) Content and development of IFSP's.

25 (12) Any other issues which are required under this act
26 and Part [H] C. <--

27 * * *

28 Section 303. Administration by Department of [Public Welfare]
29 Human Services.

30 (a) Assistance to counties.--From the sum appropriated to

1 the Department of [Public Welfare] Human Services for the
2 purposes of this act, the department shall distribute funds to
3 the county mental health and mental retardation offices, under
4 section 509 of the act of October 20, 1966 (3rd Sp.Sess.,
5 P.L.96, No.6), known as the Mental Health and [Mental <--
6 Retardation] INTELLECTUAL DISABILITY Act of 1966, for the <--
7 provision of early intervention services to children from birth
8 to age two, inclusive. The county offices may meet their
9 obligation to assure appropriate early intervention services to
10 all eligible children through contracts with public or private
11 agencies that meet the requirements of the regulations and
12 program standards developed under this act. The county offices
13 shall assure annually that the service providers receiving funds
14 are in compliance with the Commonwealth's regulations and
15 standards.

16 (b) Federal benefits.--Nothing in this act shall preclude
17 medical or other assistance available under Title V or XIX of
18 the Social Security Act (Public Law 74-271, 42 U.S.C. § 701 et
19 seq. or § 1396 et seq.) or any other benefits available under
20 Federal law.

21 (c) Education.--In order to facilitate the transfer of
22 responsibility for eligible children from the Department of
23 [Public Welfare] Human Services to the Department of Education
24 at one time each year, consistent with the beginning of the
25 school year, the Secretary of [Public Welfare] Human Services
26 may delegate responsibility for serving certain children under
27 three years of age to the Department of Education and may accept
28 a delegation of responsibility from the Secretary of Education
29 under section 304(c) to serve certain children over the age of
30 three.

1 (d) Use of funds.--From the sum of State funds appropriated
2 by the General Assembly to the Department of [Public Welfare]
3 Human Services for this act, the department shall use 2% to 4%
4 of the appropriation for personnel training and program
5 technical assistance.

6 Section 304. Administration by Department of Education.

7 * * *

8 (c) [Public welfare] Human Services.--The Secretary of
9 Education shall provide for the transition of eligible children,
10 including handicapped infants and toddlers, who, prior to their
11 third birthday, received services under Part [H] C. The <--
12 Secretary of Education is authorized to accept responsibility
13 pursuant to delegation from the Secretary of [Public Welfare]
14 Human Services under section 303(c) for providing early
15 intervention services to children less than three years of age.
16 The Secretary of Education is authorized to delegate
17 responsibility to the Secretary of [Public Welfare] Human
18 Services for providing services for certain children over the
19 age of three.

20 * * *

21 Section 305. Child identification, assessment and tracking
22 system.

23 (a) Development of system.--The Department of [Public
24 Welfare] Human Services, the Department of Education and the
25 Department of Health shall develop a Statewide system for
26 eligible child identification, assessment and tracking. This
27 system shall be developed and coordinated by the agencies to
28 assure that the system is compatible with the child-find system
29 as required by Part B.

30 (b) At-risk children.--For the purposes of child

1 identification, assessment and tracking for infants and
2 toddlers, the Department of [Public Welfare] Human Services
3 shall establish, by regulation, population groups to be included
4 in these activities. The population groups shall include, but
5 not be limited to, children whose birth weight is under 1,500
6 grams; children cared for in neonatal intensive care units of
7 hospitals; children born to chemically dependent mothers and
8 referred by a physician, health care provider or parent;
9 children who are seriously abused or neglected, as substantiated
10 and referred by the county children and youth agency under [the
11 act of November 26, 1975 (P.L.438, No.124), known as the Child
12 Protective Services Law] 23 Pa.C.S. Ch. 63 (relating to child
13 protective services); children with confirmed dangerous levels
14 of lead poisoning as set by the Department of Health; [and]
15 children who are homeless[.]; and children born to mothers who
16 are high risk for postpartum depression and referred by a
17 physician, health care provider or parent. The Department of
18 [Public Welfare] Human Services may establish other population
19 groups by regulation as it deems necessary.

20 (c) Components of system.--The system shall include, but
21 need not be limited to, the provision of the following
22 activities and services:

23 (1) The identification of eligible children and referral
24 to early intervention services as soon after birth as
25 possible.

26 (2) Referral services for families of eligible children.

27 (3) Continuing assessment of at-risk children from birth
28 through age of beginners.

29 (4) A description of agencies providing early
30 intervention services and the services provided by each

1 agency.

2 (5) Pertinent information regarding the exit of the
3 child from early intervention services.

4 (6) The orderly transfer of the accumulated information
5 to the appropriate provider upon the child's attainment of
6 age of beginners, except if the child has met exit criteria
7 contained in this act.

8 (d) Confidentiality.--Proper measures shall be developed and
9 implemented to assure the confidentiality of the data contained
10 in the system. Information shall be accessed only by appropriate
11 staff of the Department of [Public Welfare] Human Services, the
12 Department of Education and the Department of Health, including
13 the staff of each agency's local entities, such as county mental
14 health and mental retardation offices, school districts and
15 intermediate units, which are responsible for the provision of
16 services either directly or through subcontract to private
17 providers. Nothing in this section is intended to preclude the
18 utilization of data to provide for the preparation of reports,
19 fiscal information or other documents required by this act or
20 the [Education of the Handicapped Act;] INDIVIDUALS WITH <--
21 DISABILITIES EDUCATION ACT but no information may be used in a
22 manner which would allow for the identification of an individual
23 child or family.

24 Section 503. Effective date.

25 This act shall take effect as follows:

26 (1) For the purposes of meeting the program requirements
27 imposed upon the Department of [Public Welfare] Human
28 Services under the provisions of the Education of the
29 Handicapped Act Amendments of 1986 (Public Law 99-457, 100
30 Stat. 1145), this act shall take effect July 1, 1990.

1 (2) The provisions of this act pertaining to the
2 entitlement of services by the Department of [Public Welfare]
3 Human Services shall take effect September 1, 1991.

4 (3) The provisions of this act pertaining to the
5 entitlement of services by the Department of Education shall
6 take effect July 1, 1991.

7 (4) The remainder of this act shall take effect
8 immediately.

9 Section 4 2. This act shall take effect in 60 days.

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