
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1593 Session of
2023

INTRODUCED BY OTTEN, BULLOCK, MADDEN, STURLA, HOWARD, FREEMAN,
HOHENSTEIN, HANBIDGE, RABB, McANDREW, PIELLI, KINSEY, KHAN,
PARKER, SANCHEZ, STEELE, CIRESI, CERRATO, KRAJEWSKI AND HILL-
EVANS, AUGUST 7, 2023

REFERRED TO COMMITTEE ON HUMAN SERVICES, AUGUST 7, 2023

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," in general provisions, further
9 providing for legislative findings for early intervention,
10 for definitions, for State interagency agreement and for
11 council; in Statewide system for provision of early
12 intervention services, further providing for requirements,
13 for program regulations and standards, for administration by
14 Department of Public Welfare, for administration by
15 Department of Education and for child identification,
16 assessment and tracking system; and making editorial changes.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The title and sections 102, 103, 104, 105, 106,
20 301, 302(a), 303, 304(c), 305 and 503 of the act of December 19,
21 1990 (P.L.1372, No.212), known as the Early Intervention
22 Services System Act, are amended to read:

23 AN ACT

24 Providing for early intervention services for infants, toddlers

1 and preschool children who qualify; establishing the
2 Interagency Coordinating Council and providing for its powers
3 and duties; and conferring powers and duties upon the
4 Department of Education and the State Board of Education, the
5 Department of Health and the Department of [Public Welfare]
6 Human Services.

7 Section 102. Legislative findings for early intervention.

8 (a) Needs.--The General Assembly finds that there is a need
9 to:

10 (1) Increase the opportunity for the development of
11 infants, toddlers and eligible young children who are
12 [handicapped] disabled in order to minimize their potential
13 for developmental delay.

14 (2) Minimize the need for special education services as
15 these infants, toddlers and eligible young children who are
16 [handicapped] disabled attain the age of beginners.

17 (3) Reduce the number of [handicapped] disabled
18 individuals being placed in institutions and enhance their
19 potential for independent living in society.

20 (4) Assist the families of [handicapped] eligible
21 infants and toddlers to meet their children's special needs.

22 (5) Implement the provisions of [Parts B and H] 20
23 U.S.C. Ch. 33 Subchs. II (relating to assistance for
24 education of all children with disabilities) and III
25 (relating to infants and toddlers with disabilities) in order
26 to be eligible to receive Federal funding to help establish
27 and maintain programs and services to assist [handicapped]
28 eligible infants, toddlers and their families and eligible
29 young children.

30 (b) Remedy.--The General Assembly further finds that early

1 intervention services for [handicapped] eligible infants,
2 toddlers and their families and eligible young children are cost
3 effective and effectively serve the developmental needs of
4 children who are [handicapped] disabled.

5 Section 103. Definitions.

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

9 "Adverse childhood experience." An event which can cause a
10 child to experience trauma as defined in section 102 of the act
11 of March 10, 1949 (P.L.30. No.14), known as the Public School
12 Code of 1949.

13 "Age of beginners." The minimum age established by the
14 school district board of directors for admission to the
15 district's first grade under 22 Pa. Code § 11.15 (relating to
16 admission of beginners).

17 "Council." The Interagency Coordinating Council established
18 in section 106.

19 "Early intervention services." Developmental services which
20 meet all of the following:

21 (1) Are provided under public supervision.

22 (2) Are designed to meet the developmental needs of [a
23 handicapped infant, toddler or eligible young child] eligible
24 infants and toddlers and eligible young children in any of
25 the following areas:

26 (i) Physical development.

27 (ii) Cognitive development.

28 (iii) Sensory development.

29 (iv) Language and speech development or alternative
30 communication development.

1 (v) Psycho-social development.

2 (vi) Self-help skills.

3 (3) Are developed to meet the requirements of this act,
4 including, but not limited to, the following:

5 (i) Family training.

6 (ii) Social work services, including counseling and
7 home visits.

8 (iii) Special instruction.

9 (iv) Speech pathology and audiology.

10 (v) Occupational therapy.

11 (vi) Physical therapy.

12 (vii) Psychological services.

13 (viii) Medical services only for diagnostic or
14 evaluation purposes.

15 (ix) Early identification, screening and assessment
16 services.

17 (x) Health services necessary to enable the infant
18 or toddler to benefit from the other early intervention
19 services.

20 (xi) Assistive technology devices and services.

21 (xii) For [handicapped] eligible infants and
22 toddlers, other services required by [Part H] 20 U.S.C.
23 Ch. 33 Subch. III (relating to infants and toddlers with
24 disabilities).

25 (4) Are provided by qualified personnel, including, but
26 not limited to, special educators, speech and language
27 pathologists and audiologists, occupational therapists,
28 physical therapists, psychologists, social workers, nurses
29 and nutritionists.

30 (5) Are provided in conformity with an individualized

1 family service plan for eligible infants, toddlers and their
2 families.

3 (6) Are provided to eligible young children in
4 compliance with the provisions of this act and [Part B] 20
5 U.S.C. Ch. 33 Subch. II (relating to assistance for education
6 of all children with disabilities). Compliance includes
7 procedural safeguards and free appropriate public education,
8 including related services and individualized education
9 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. These conditions include Down syndrome, other
7 chromosomal abnormalities, sensory impairments, including
8 vision and hearing, inborn errors of metabolism,
9 microcephaly, severe attachment disorders, including failure
10 to thrive, seizure disorders and fetal alcohol syndrome.

11 "Eligible young child." A child who is younger than the age
12 of beginners and at least three years of age and who meets any
13 of the following criteria:

14 (1) The child has any of the following physical or
15 mental disabilities: autism/pervasive developmental disorder,
16 serious emotional disturbance, neurological impairment,
17 deafness/hearing impairment, specific learning disability,
18 [mental retardation, multihandicap,] intellectual disability,
19 other health impairment, physical disability, speech
20 impairment or blindness/visual impairment.

21 (2) The child is considered to have a developmental
22 delay, as defined by regulations of the State Board of
23 Education and the standards of the Department of Education.

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

27 (1) They are experiencing developmental delays, as
28 defined by regulations of the Department of Public Welfare
29 and as measured by appropriate diagnostic instruments and
30 procedures in any of the following areas: cognitive

1 development, sensory development, physical development,
2 language and speech development, psycho-social development or
3 self-help skills.

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

14 "Homeless." An individual who lacks a fixed, regular and
15 adequate nighttime residence. The term includes:

16 (1) Children and youth in any of the following:

17 (i) Who are sharing the housing of another person
18 due to loss of housing, economic hardship or a similar
19 reason.

20 (ii) Who are living in a motel, hotel, trailer park
21 or camping grounds due to the lack of alternative
22 adequate accommodations.

23 (iii) Who are living in an emergency or transitional
24 shelter.

25 (iv) Who are abandoned in a hospital.

26 (v) Who are awaiting foster care placement.

27 (vi) Who have a primary nighttime residence that is
28 a public or a private place not designed for or
29 ordinarily used as a regular sleeping accommodation for
30 human beings.

1 (vii) Who are living in a car, park, public space,
2 abandoned building, substandard housing, bus or train
3 station or similar setting.

4 (2) Migratory children who qualify as homeless for the
5 purposes of this chapter because the child is living in one
6 of the circumstances in paragraph (1).

7 "IEP." Individualized Education Program.

8 "IFSP." Individualized Family Service Plan.

9 "Lead agency." For early intervention services to eligible
10 children from birth to two years of age, inclusive, the
11 Department of [Public Welfare] Human Services; for early
12 intervention services to eligible young children, the Department
13 of Education.

14 "Local interagency agreement." An agreement entered into by
15 local agencies receiving early intervention funds directly from
16 the Commonwealth and made under the State interagency agreement
17 providing for the delivery of early intervention services within
18 a specified geographic area.

19 "Mutually agreed-upon written arrangements." An agreement
20 between the Department of Education and intermediate units,
21 school districts or other public or private agencies that comply
22 with the early intervention regulations of the State Board of
23 Education and early intervention standards of the Department of
24 Education. These agreements may include memoranda of
25 understanding pursuant to approved plans submitted to the
26 Department of Education by intermediate units and school
27 districts.

28 ["Part B." Part B of the Education for the Handicapped Act
29 (20 U.S.C. § 1411 et seq.), as it applies to preschool children.

30 "Part H." Part H of the Education for the Handicapped Act

1 (20 U.S.C. § 1471 et seq.).]

2 "Postpartum depression." Moderate to severe depression in a
3 woman after she has given birth, which depression occurs after
4 delivery or up to a year later.

5 "State interagency agreement." An agreement entered into by
6 the Department of Education, the Department of Health, the
7 Department of [Public Welfare] Human Services and any other
8 Commonwealth agency for the purposes of this act and of [Part B
9 and Part H] 20 U.S.C. Ch. 33 Subchs. II and III.

10 Section 104. State interagency agreement.

11 (a) Interagency agreement.--The Department of Education, the
12 Department of Health and the Department of [Public Welfare]
13 Human Services shall enter into and maintain a State interagency
14 agreement to enable the State and local agencies serving
15 eligible infants[,] and toddlers and eligible young children
16 [who are handicapped] to establish working relationships that
17 will increase the efficiency and effectiveness of their early
18 intervention services. The agreement shall outline the
19 responsibilities of those State and local agencies and shall
20 implement a coordinated service delivery system through local
21 interagency agreements.

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

- 24 (1) Responsibilities of State and local agencies.
25 (2) Eligibility determination and referrals.
26 (3) Establishment of local agreements.
27 (4) Fiscal responsibilities of the agencies.
28 (5) Dispute resolution between agencies.
29 (6) Payor of last resort.
30 (7) Maintenance of effort.

1 (8) Administrative management structure.

2 (9) Establishment and maintenance of local interagency
3 coordinating councils, which shall include, but not be
4 limited to, parents and private providers and which shall be
5 authorized to advise and comment on the development of local
6 interagency agreements for their specified geographic area
7 and to communicate directly with the Department of Education,
8 the Department of Health, the Department of [Public Welfare]
9 Human Services and the council regarding the local
10 interagency agreement and any other matters pertaining to
11 this act.

12 (10) Plans by the Department of Health, the Department
13 of [Public Welfare] Human Services and the Department of
14 Education to work together to develop a coordinated system of
15 case management.

16 (c) Goal.--Issues under subsection (b) shall be addressed to
17 meet the requirements of this act and the provisions of [Part B
18 and Part H.] 20 U.S.C. Ch. 33 Subchs. II (relating to assistance
19 for education of all children with disabilities) and III
20 (relating to infants and toddlers with disabilities).

21 Section 105. Other duties of State agencies.

22 (a) Statewide system.--The Department of Health, the
23 Department of [Public Welfare] Human Services and the Department
24 of Education shall be responsible for the establishment and
25 maintenance of a Statewide system of early intervention services
26 as provided in Chapter 3.

27 (b) Rulemaking.--The Department of Health, the Department of
28 [Public Welfare] Human Services, the State Board of Education as
29 the regulatory authority for the Department of Education and the
30 Department of Education for standards shall submit draft

1 regulations and standards to the council relating to the
2 implementation of this act prior to formal promulgation in order
3 to receive the recommendations of the council. If
4 recommendations are not received by the appropriate State agency
5 within 60 days of receipt by the council, the respective
6 department or board may continue to develop and promulgate
7 regulations and standards.

8 (c) Annual reports.--By July 31, the Department of Health,
9 the Department of [Public Welfare] Human Services and the
10 Department of Education shall submit annual reports to the
11 council on the status of early intervention services during the
12 preceding calendar year. These reports shall be used as the
13 basis for the report submitted by the council under section
14 106(f) (4).
15 Section 106. Council.

16 (a) Establishment.--The Interagency Coordinating Council is
17 established. The council shall consist of 15 voting members
18 appointed by the Governor. The council shall serve as the
19 council required by [the Education of the Handicapped Act
20 Amendments of 1986 (Public Law 99-457, 100 Stat. 1145)] 20
21 U.S.C. Ch. 33 (relating to education of individuals with
22 disabilities). The term of office of the voting members shall be
23 three years, except for the cabinet officers or their designees
24 who shall serve as long as they are in office.

25 (b) Membership.--The membership of the council shall consist
26 of the following:

27 (1) Three parents of [handicapped] eligible infants[,]
28 or toddlers or eligible young children.

29 (2) One provider of a child development program, such as
30 Head Start.

1 (3) One parent of a child who has received early
2 intervention services and is now beyond six years of age.

3 (4) Three providers of early intervention services,
4 including one school district provider, one intermediate unit
5 provider and one private provider.

6 (5) One member from the General Assembly.

7 (6) One representative of the American Academy of
8 Pediatrics.

9 (7) One county mental [health/mental retardation] health
10 and developmental services administrator or designee.

11 (8) One individual involved in personnel preparation.

12 (9) The Secretary of Education or a designee.

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

15 (11) The Secretary of Health or a designee.

16 (12) As ex officio members, who shall not have voting
17 privileges: a representative of the Developmental
18 Disabilities Planning Council and members appointed by the
19 chair of the council.

20 (c) Designees.--The designees of the cabinet officers under
21 subsection (b) must be deputy secretaries, commissioners or
22 bureau directors.

23 (d) Officers.--The chair of the council shall be appointed
24 by the Governor and must be selected from those members who are
25 neither employees of the Commonwealth nor elected officials.

26 (e) Committees.--The chair of the council may appoint
27 special committees, which may include nonmembers of the council,
28 to make recommendations to the council concerning key issues
29 related to this act.

30 (f) Powers and duties.--The council has the following powers

1 and duties:

2 (1) To review and comment to the Department of Health,
3 the Department of [Public Welfare] Human Services, the
4 Department of Education and the State Board of Education on
5 draft regulations and standards for the implementation and
6 maintenance of a Statewide system of early intervention
7 services which are in accordance with the provisions of this
8 act and [Parts B and H.] 20 U.S.C. Ch. 33 Subchs. II
9 (relating to assistance for education of all children with
10 disabilities) and III (relating to infants and toddlers with
11 disabilities).

12 (2) To review and comment to the appropriate legislative
13 committees and the Independent Regulatory Review Commission
14 on regulations and standards proposed under this act.

15 (3) To assist and advise Commonwealth agencies in their
16 effort to carry out the provisions of this act. This
17 paragraph includes, but is not limited to:

18 (i) recommendations for the implementation and
19 maintenance of a Statewide comprehensive, coordinated,
20 multidisciplinary, interagency program, as described in
21 Chapter 3;

22 (ii) suggestions regarding sources of fiscal and
23 other support from Federal, State, local and private
24 sources, including insurance coverage; and

25 (iii) recommendations regarding in-service training
26 and personnel competencies.

27 (4) To prepare and submit, with the cooperation of the
28 Secretary of Education, the Secretary of Health and the
29 Secretary of [Public Welfare] Human Services, an annual
30 report during the month of September to the Governor and the

1 Majority and Minority Chairmen of the Education Committee of
2 the Senate and the Education Committee of the House of
3 Representatives. This report shall include the number of
4 programs being provided by intermediate units, school
5 districts and public and private providers, including Head
6 Start; the number of children being served; the status of
7 compliance with State regulations and standards; descriptive
8 information on the programs; information on personnel needs;
9 any suggested changes in State statutes and regulations
10 governing these programs; any information the United States
11 Secretary of Education may require; and any other information
12 the council deems appropriate.

13 (5) To meet at least six times a year.

14 (6) To perform other functions required of a state's
15 interagency coordinating council under [Part H] 20 U.S.C. Ch.
16 33 Subch. III.

17 (g) Compensation of members.--The members shall serve
18 without compensation but shall be reimbursed for reasonable
19 costs incurred, including costs related to child care.

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

25 Section 301. Requirements.

26 A Statewide system of coordinated, comprehensive,
27 multidisciplinary, interagency programs shall be established and
28 maintained by the Department of Health, the Department of
29 [Public Welfare] Human Services and the Department of Education
30 to provide appropriate early intervention services to all

1 [handicapped] eligible infants[,] and toddlers and their
2 families and to eligible young children. The system shall
3 include the following minimum components:

4 (1) Compatible definitions of the term "developmental
5 delay" shall be promulgated and adopted by the Department of
6 [Public Welfare] Human Services, the Department of Health and
7 the Department of Education, with review and comment of the
8 council under section 106(f)(1). The definition shall provide
9 for the continuity of program services and shall be used in
10 implementing programs under this act.

11 (2) An assurance that appropriate early intervention
12 services are available to all eligible [handicapped] eligible
13 infants[,] and toddlers and their families by September 1,
14 1991, and to all eligible young children by July 1, 1991.

15 (3) A timely, comprehensive, multidisciplinary
16 evaluation of the functioning of each [handicapped] eligible
17 infant[,] and toddler and eligible young child and the needs
18 of the families to assist appropriately in the development of
19 the [handicapped] eligible infant[,] and toddler and eligible
20 young child.

21 (4) For all [handicapped] eligible infants[,] and
22 toddlers and their families, an IFSP in accordance with [Part
23 H] 20 U.S.C. Ch. 33 Subch. III (relating to infants and
24 toddlers with disabilities), including case management
25 services in accordance with the service plan.

26 (5) For each eligible young child, an IEP in accordance
27 with [Part B] 20 U.S.C. Ch. 33 Subch. II (relating to
28 assistance for education of all children with disabilities).

29 (6) A comprehensive child-find system, including a
30 system for making referrals to service providers that

1 includes timelines and provides for the participation by
2 primary referral sources.

3 (7) A public awareness program focusing on early
4 identification of [handicapped] eligible infants[,] and
5 toddlers and eligible young children.

6 (8) A central directory, which includes early
7 intervention services, resources and experts available in
8 this Commonwealth and research and demonstration projects
9 being conducted in this Commonwealth.

10 (9) A comprehensive system of personnel development and
11 policies and procedures relating to the establishment and
12 maintenance of standards to ensure that personnel necessary
13 to carry out this act are appropriately and adequately
14 prepared and trained.

15 (10) A procedure for securing timely reimbursement of
16 funds.

17 (11) Procedural safeguards with respect to programs
18 under this act.

19 (12) A system for compiling data on the numbers of
20 [handicapped] eligible infants[,] and toddlers and their
21 families and eligible young children in need of appropriate
22 early intervention services; the number of eligible
23 infants[,] and toddlers and their families and eligible young
24 children served; and the types of services provided.

25 (13) A system of program standards evaluation and
26 compliance.

27 (14) An exit criteria, which provides procedures for a
28 child to exit from early intervention services. This exit
29 plan must address both the needs of the child who has
30 attained age of beginners as well as the child who, at any

1 age between birth and age of beginners, no longer meets the
2 eligibility criteria. If a child has been successful in
3 obtaining age-appropriate behavior and abilities, the fact
4 that the child participated in early intervention services
5 may not be communicated to the school district unless the
6 parent so chooses, nor may it be considered as a rationale
7 for placement in public school age special education classes.
8 If the child does not meet exit criteria and the child's IEP
9 or IFSP demonstrates that the child will benefit from
10 services which can be provided only through special
11 education, nothing in this act shall prevent that placement.
12 In either case, transition services shall be provided to the
13 child and the child's parents.

14 (15) A system for the provision of services to children
15 from birth to age two, inclusive, which are in compliance
16 with [Part H] 20 U.S.C. Ch. 33 Subch. III.

17 (16) A system for the provision of services to children
18 three years of age to age of beginners which is in compliance
19 with [Part B] 20 U.S.C. Ch. 33 Subch. II, this act and
20 regulations and standards.

21 Section 302. Program regulations and standards.

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

25 (1) Methods for locating and identifying eligible
26 children.

27 (2) Criteria for eligible programs.

28 (3) Contracting guidelines.

29 (4) Personnel qualifications and a system of preservice
30 and in-service training.

1 (5) Early intervention services.

2 (6) Procedural safeguards.

3 (7) Appropriate placement, including the least
4 restrictive environment.

5 (8) A system of quality assurance, including evaluation
6 of the developmental appropriateness; quality and
7 effectiveness of programs; assurance of compliance with
8 program standards; and provision of assistance to assure
9 compliance.

10 (9) Data collection and confidentiality.

11 (10) Interagency cooperation at the State and local
12 level through the State interagency agreement and local
13 interagency agreements.

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

15 (12) Any other issues which are required under this act
16 and [Part H] 20 U.S.C. Ch. 33 Subch. III (relating to infants
17 and toddlers with disabilities).

18 * * *

19 Section 303. Administration by Department of [Public Welfare]
20 Human Services.

21 (a) Assistance to counties.--From the sum appropriated to
22 the Department of [Public Welfare] Human Services for the
23 purposes of this act, the department shall distribute funds to
24 the county mental health and mental retardation offices, under
25 section 509 of the act of October 20, 1966 (3rd Sp.Sess.,
26 P.L.96, No.6), known as the Mental Health and [Mental
27 Retardation] Intellectual Disability Act of 1966, for the
28 provision of early intervention services to children from birth
29 to age two, inclusive. The county offices may meet their
30 obligation to assure appropriate early intervention services to

1 all eligible children through contracts with public or private
2 agencies that meet the requirements of the regulations and
3 program standards developed under this act. The county offices
4 shall assure annually that the service providers receiving funds
5 are in compliance with the Commonwealth's regulations and
6 standards.

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

12 (c) Education.--In order to facilitate the transfer of
13 responsibility for eligible children from the Department of
14 [Public Welfare] Human Services to the Department of Education
15 at one time each year, consistent with the beginning of the
16 school year, the Secretary of [Public Welfare] Human Services
17 may delegate responsibility for serving certain children under
18 three years of age to the Department of Education and may accept
19 a delegation of responsibility from the Secretary of Education
20 under section 304(c) to serve certain children over the age of
21 three.

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

27 Section 304. Administration by Department of Education.

28 * * *

29 (c) [Public welfare] Human Services.--The Secretary of
30 Education shall provide for the transition of eligible children,

1 including [handicapped] eligible infants and toddlers, who,
2 prior to their third birthday, received services under [Part H]
3 20 U.S.C. Ch. 33 Subch. III (relating to infants and toddlers
4 with disabilities). The Secretary of Education is authorized to
5 accept responsibility pursuant to delegation from the Secretary
6 of [Public Welfare] Human Services under section 303(c) for
7 providing early intervention services to children less than
8 three years of age. The Secretary of Education is authorized to
9 delegate responsibility to the Secretary of [Public Welfare]
10 Human Services for providing services for certain children over
11 the age of three.

12 * * *

13 Section 305. Child identification, assessment and tracking
14 system.

15 (a) Development of system.--The Department of [Public
16 Welfare] Human Services, the Department of Education and the
17 Department of Health shall develop a Statewide system for
18 eligible child identification, assessment and tracking. This
19 system shall be developed and coordinated by the agencies to
20 assure that the system is compatible with the child-find system
21 as required by [Part B] 20 U.S.C. Ch. 33 Subch. III (relating to
22 infants and toddlers with disabilities).

23 (b) At-risk children.--For the purposes of child
24 identification, assessment and tracking for infants and
25 toddlers, the Department of [Public Welfare] Human Services
26 shall establish, by regulation, population groups to be included
27 in these activities. The population groups shall include, but
28 not be limited to, children whose birth weight is under 1,500
29 grams; children cared for in neonatal intensive care units of
30 hospitals; children born to chemically dependent mothers and

1 referred by a physician, health care provider or parent;
2 children who are seriously abused or neglected, as substantiated
3 and referred by the county children and youth agency under [the
4 act of November 26, 1975 (P.L.438, No.124), known as the Child
5 Protective Services Law] 23 Pa.C.S. Ch. 63 (relating to child
6 protective services); children with confirmed dangerous levels
7 of lead poisoning as set by the Department of Health; [and]
8 children who are homeless[.]; children born to a parent who is
9 at high risk for or is diagnosed as having postpartum depression
10 and referred by a physician, health care provider or parent; and
11 children who are at high risk of experiencing an adverse
12 childhood experience. The Department of [Public Welfare] Human
13 Services may establish other population groups by regulation as
14 it deems necessary.

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

18 (1) The identification of eligible children and referral
19 to early intervention services as soon after birth as
20 possible.

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

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

24 (4) A description of agencies providing early
25 intervention services and the services provided by each
26 agency.

27 (5) Pertinent information regarding the exit of the
28 child from early intervention services.

29 (6) The orderly transfer of the accumulated information
30 to the appropriate provider upon the child's attainment of

1 age of beginners, except if the child has met exit criteria
2 contained in this act.

3 (d) Confidentiality.--Proper measures shall be developed and
4 implemented to assure the confidentiality of the data contained
5 in the system. Information shall be accessed only by appropriate
6 staff of the Department of [Public Welfare] Human Services, the
7 Department of Education and the Department of Health, including
8 the staff of each agency's local entities, such as county mental
9 health and mental retardation offices, school districts and
10 intermediate units, which are responsible for the provision of
11 services either directly or through subcontract to private
12 providers. Nothing in this section is intended to preclude the
13 utilization of data to provide for the preparation of reports,
14 fiscal information or other documents required by this act or
15 the [Education of the Handicapped Act;] 20 U.S.C. Ch. 33
16 (relating to education of individuals with disabilities) but no
17 information may be used in a manner which would allow for the
18 identification of an individual child or family.

19 Section 503. Effective date.

20 This act shall take effect as follows:

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

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

29 (3) The provisions of this act pertaining to the
30 entitlement of services by the Department of Education shall

1 take effect July 1, 1991.

2 (4) The remainder of this act shall take effect
3 immediately.

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