

## AMENDMENTS TO HOUSE BILL NO. 1270

Sponsor: REPRESENTATIVE TOOHL

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1 Amend Bill, page 1, line 9, by inserting after "for"

2 legislative findings for early intervention, for

3 Amend Bill, page 1, line 10, by inserting after "definitions"

4 , for State interagency agreement, for other duties of State  
5 agencies and for council

6 Amend Bill, page 1, line 11, by inserting after "for"

7 requirements, for administration by Department of Public  
8 Welfare, for administration by Department of Education and  
9 for

10 Amend Bill, page 1, line 12, by inserting after "system;"

11 in miscellaneous provisions, further providing for effective  
12 date;

13 Amend Bill, page 1, lines 16 through 18, by striking out all  
14 of said lines and inserting

15 Section 1. The title and sections 102, 103, 104, 105, 106,  
16 301, 302, 303, 304(c), 305 and 503 of the act of December 19,  
17 1990 (P.L.1372, No.212), known as the Early Intervention  
18 Services System Act, are amended to read:

19 Amend Bill, page 2, lines 6 through 9, by striking out all of  
20 said lines and inserting

21 Section 102. Legislative findings for early intervention.

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

24 (1) Increase the opportunity for the development of  
25 infants, toddlers and eligible young children who are  
26 [handicapped] disabled in order to minimize their potential  
27 for developmental delay.

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

31 (3) Reduce the number of [handicapped] disabled

1 individuals being placed in institutions and enhance their  
2 potential for independent living in society.

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

5 (5) Implement the provisions of Parts B and [H] C in  
6 order to be eligible to receive Federal funding to help  
7 establish and maintain programs and services to assist  
8 [handicapped] eligible infants, toddlers and their families  
9 and eligible young children.

10 (b) Remedy.--The General Assembly further finds that early  
11 intervention services for [handicapped] eligible infants,  
12 toddlers and their families and eligible young children are cost  
13 effective and effectively serve the developmental needs of  
14 children who are [handicapped] disabled.

15 Amend Bill, page 2, line 14, by striking out all of said line  
16 and inserting

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).

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.

31 (ii) Cognitive development.

32 (iii) Sensory development.

33 (iv) Language and speech development or alternative  
34 communication development.

35 (v) Psycho-social development.

36 (vi) Self-help skills.

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

39 (i) Family training.

40 (ii) Social work services, including counseling and  
41 home visits.

42 (iii) Special instruction.

43 (iv) Speech pathology and audiology.

44 (v) Occupational therapy.

45 (vi) Physical therapy.

46 (vii) Psychological services.

47 (viii) Medical services only for diagnostic or  
48 evaluation purposes.

49 (ix) Early identification, screening and assessment

1 services.

2 (x) Health services necessary to enable the infant  
3 or toddler to benefit from the other early intervention  
4 services.

5 (xi) Assistive technology devices and services.

6 (xii) For [handicapped] eligible infants and  
7 toddlers, other services required by Part [H] C.

8 (4) Are provided by qualified personnel, including, but  
9 not limited to, special educators, speech and language  
10 pathologists and audiologists, occupational therapists,  
11 physical therapists, psychologists, social workers, nurses  
12 and nutritionists.

13 (5) Are provided in conformity with an individualized  
14 family service plan for eligible infants, toddlers and their  
15 families.

16 (6) Are provided to eligible young children in  
17 compliance with the provisions of this act and Part B.  
18 Compliance includes procedural safeguards and free  
19 appropriate public education, including related services and  
20 individualized education programs.

21 (7) Are provided in the least restrictive environment  
22 appropriate to the child's needs. Infants, toddlers and  
23 [eligible] young children who will be served in a non-home-  
24 based setting must, to the maximum extent consistent with the  
25 child's abilities, receive early intervention services in a  
26 setting with [nonhandicapped] nondisabled children. Each  
27 infant's or toddler's IFSP and each [eligible] young child's  
28 IEP must contain the recommended service option placement and  
29 the rationale for why it represents the least restrictive  
30 environment.

31 ["Education of the Handicapped Act." The Education of the  
32 Handicapped Act (Public Law 91-230, 20 U.S.C. § 1401 et seq.).]

33 "Eligible infants and toddlers." Individuals ranging in age  
34 from birth to two years of age, inclusive, who need early  
35 intervention services for any of the following reasons:

36 (1) They are experiencing developmental delays, as  
37 defined by regulations of the Department of Human Services  
38 and as measured by appropriate diagnostic instruments and  
39 procedures in any of the following areas: cognitive  
40 development, sensory development, physical development,  
41 language and speech development, psycho-social development or  
42 self-help skills.

43 (2) They have a diagnosed physical or mental condition  
44 which has a high probability of resulting in developmental  
45 delay under paragraph (1). This paragraph applies to  
46 conditions with known etiologies and developmental  
47 consequences. Examples of these conditions include Down  
48 syndrome; other chromosomal abnormalities; sensory  
49 impairments, including vision and hearing; inborn errors of  
50 metabolism; microcephaly; severe attachment disorders,  
51 including failure to thrive; seizure disorders; and fetal

1 alcohol syndrome.

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

5 (1) The child has any of the following physical or  
6 mental disabilities: autism/pervasive developmental disorder,  
7 serious emotional disturbance, neurological impairment,  
8 deafness/hearing impairment, specific learning disability,  
9 mental retardation, [multihandicap,] other health impairment,  
10 physical disability, speech impairment or blindness/visual  
11 impairment.

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

15 [

16 Amend Bill, page 2, line 19, by striking out the bracket  
17 before "Public"

18 Amend Bill, page 2, lines 19 and 20, by striking out "] Human  
19 Services"

20 Amend Bill, page 3, line 4, by inserting a bracket after  
21 "syndrome."

22 Amend Bill, page 3, line 5, by striking out all of said line  
23 and inserting

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

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

27 (i) Who are sharing the housing of another person  
28 due to loss of housing, economic hardship or a similar  
29 reason.

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

33 (iii) Who are living in an emergency or transitional  
34 shelter.

35 (iv) Who are abandoned in a hospital.

36 (v) Who are awaiting foster care placement.

37 (vi) Who have a primary nighttime residence that is  
38 a public or a private place not designed for or  
39 ordinarily used as a regular sleeping accommodation for  
40 human beings.

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

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

"IEP." Individualized Education Program.

"IFSP." Individualized Family Service Plan.

"Individuals with Disabilities Education Act." The Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

Amend Bill, page 3, line 11, by striking out all of said line and inserting

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

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

"Part B." [Part B] Subchapter II of the [Education for the Handicapped] Individuals with Disabilities Education Act (20 U.S.C. § 1411 et seq.), as it applies to preschool children.

["Part H." Part H of the Education for the Handicapped Act (20 U.S.C. § 1471 et seq.).]

"Part C." Subchapter III of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1431 et seq.)

Amend Bill, page 3, line 19, by inserting a bracket before "H."

Amend Bill, page 3, line 19, by inserting after "H"

] C

Amend Bill, page 3, lines 20 through 22, by striking out all of said lines

Amend Bill, page 3, line 27, by inserting after "serving"

eligible

Amend Bill, page 3, line 28, by inserting a bracket before

1 the comma after "infants"

2 Amend Bill, page 3, line 28, by inserting after "infants,"  
3 ] and

4 Amend Bill, page 3, line 28, by inserting a bracket before  
5 "who"

6 Amend Bill, page 3, line 29, by inserting a bracket after  
7 "handicapped"

8 Amend Bill, page 5, line 1, by inserting a bracket before  
9 "H."

10 Amend Bill, page 5, line 1, by inserting after "H"  
11 ] C

12 Amend Bill, page 5, line 27, by striking out all of said line  
13 and inserting

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

23 Amend Bill, page 5, line 30, by striking out all of said line  
24 and inserting

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

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

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

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

34 (5) One member from the General Assembly.

35 (6) One representative of the American Academy of  
36 Pediatrics.

37 (7) One county mental [health/mental retardation] health

1 and developmental services administrator or designee.

2 (8) One individual involved in personnel preparation.

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

4 Amend Bill, page 6, line 3, by striking out all of said line  
5 and inserting

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

7 (12) As ex officio members, who shall not have voting  
8 privileges: a representative of the Developmental  
9 Disabilities Planning Council and members appointed by the  
10 chair of the council.

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

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

17 (e) Committees.--The chair of the council may appoint  
18 special committees, which may include nonmembers of the council,  
19 to make recommendations to the council concerning key issues  
20 related to this act.

21 Amend Bill, page 6, line 13, by striking out all of said line  
22 and inserting

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

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

29 (i) recommendations for the implementation and  
30 maintenance of a Statewide comprehensive, coordinated,  
31 multidisciplinary, interagency program, as described in  
32 Chapter 3;

33 (ii) suggestions regarding sources of fiscal and  
34 other support from Federal, State, local and private  
35 sources, including insurance coverage; and

36 (iii) recommendations regarding in-service training  
37 and personnel competencies.

38 Amend Bill, page 6, line 30, by striking out all of said line  
39 and inserting

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

41 (6) To perform other functions required of a state's  
42 interagency coordinating council under Part [H] C.

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

Amend Bill, page 7, line 12, by inserting a bracket before  
"handicapped"

Amend Bill, page 7, line 12, by inserting after "handicapped"  
] eligible

Amend Bill, page 7, line 12, by inserting a bracket before  
the comma after "infants"

Amend Bill, page 7, line 12, by inserting after "infants,"  
] and

Amend Bill, page 7, line 22, by striking out all of said line  
and inserting

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

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

(4) For all [handicapped] eligible infants[,] and  
toddlers and their families, an IFSP in accordance with Part  
[H] C, including case management services in accordance with  
the service plan.

(5) For each eligible young child, an IEP in accordance  
with Part B.

(6) A comprehensive child-find system, including a  
system for making referrals to service providers that  
includes timelines and provides for the participation by  
primary referral sources.

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

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

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



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

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

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

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

(14) An exit criteria, which provides procedures for a child to exit from early intervention services. This exit plan must address both the needs of the child who has attained age of beginners as well as the child who, at any age between birth and age of beginners, no longer meets the eligibility criteria. If a child has been successful in obtaining age-appropriate behavior and abilities, the fact that the child participated in early intervention services may not be communicated to the school district unless the parent so chooses, nor may it be considered as a rationale for placement in public school age special education classes. If the child does not meet exit criteria and the child's IEP or IFSP demonstrates that the child will benefit from services which can be provided only through special education, nothing in this act shall prevent that placement. In either case, transition services shall be provided to the child and the child's parents.

(15) A system for the provision of services to children from birth to age two, inclusive, which are in compliance with Part [H] C.

(16) A system for the provision of services to children three years of age to age of beginners which is in compliance with Part B, this act and regulations and standards.

Amend Bill, page 8, line 18, by inserting a bracket before "H."

Amend Bill, page 8, line 18, by inserting after "H"  
] C

Amend Bill, page 8, line 27, by inserting a bracket before "Mental" where it occurs the second time

Amend Bill, page 8, line 27, by inserting after "Retardation"  
] Intellectual Disability

Amend Bill, page 10, line 2, by inserting a bracket before

1 "H."

2 Amend Bill, page 10, line 2, by inserting after "H"

3 ] C

4 Amend Bill, page 12, line 10, by inserting a bracket before

5 "Education"

6 Amend Bill, page 12, line 10, by inserting after "Act;"

7 ] Individuals with Disabilities Education Act

8 Amend Bill, page 12, line 28, by striking out "4" and

9 inserting

10 2