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PETRONE AND CAPPABIANCA, JUNE 30, 1989

REFERRED TO COMMITTEE ON EDUCATION, JUNE 30, 1989

AN ACT

1 Providing for early intervention education and identification of
2 preschool children who qualify.

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14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 CHAPTER 1
17 GENERAL PROVISIONS

18 Section 101. Short title.

19 This act shall be known and may be cited as the Early
20 Intervention Services System and At-Risk Preschool Children
21 Incentive Program Act.

22 Section 102. Legislative findings.

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

25 (1) Increase the opportunity for the development of
26 handicapped infants, toddlers and preschool children in order
27 to minimize their potential for developmental delay.

28 (2) Minimize the need for special education services as
29 these handicapped infants, toddlers and preschool children
30 attain public school age.

1 (3) Reduce the number of such handicapped individuals
2 being placed in institutions and enhance their potential for
3 independent living in society.

4 (4) Assist the families of handicapped infants, toddlers
5 and preschool children to meet their children's special
6 needs.

7 (5) Implement the provisions of the Education of the
8 Handicapped Act Amendments (Public Law 99-457; 100 Stat.
9 1145), in order to be eligible to receive Federal funding to
10 help establish and maintain programs and services to assist
11 handicapped infants, toddlers and preschool children and
12 their families.

13 (6) Reduce the likelihood of school failure by providing
14 financial support for child development programs for children
15 who are at risk for school failure because they are
16 economically disadvantaged or who do not have English as
17 their primary language.

18 (b) Remedy.--The General Assembly further finds that early
19 intervention services for handicapped infants, toddlers and
20 preschoolers and their families are cost-effective and
21 effectively serve the developmental needs of handicapped
22 children.

23 Section 103. Definitions.

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

27 "Council." The Interagency Coordinating Council established
28 under this act.

29 "Early intervention services." Developmental services which
30 are:

- 1 (1) Provided under public supervision.
- 2 (2) Provided at no cost to the child's family.
- 3 (3) Designed to meet a handicapped infant's, toddler's
4 or preschool child's developmental needs in any one or more
5 of the following areas:
- 6 (i) Physical development.
- 7 (ii) Cognitive development.
- 8 (iii) Sensory development.
- 9 (iv) Language and speech development.
- 10 (v) Psycho-social development.
- 11 (vi) Self-help skills.
- 12 (4) Developed to meet the standards and regulations of
13 the Interagency Coordinating Council and which meet the
14 requirements of Chapter 2, including, but not limited to the
15 following:
- 16 (i) Family training.
- 17 (ii) Counseling and home visits.
- 18 (iii) Special instruction.
- 19 (iv) Speech pathology and audiology.
- 20 (v) Occupational therapy.
- 21 (vi) Physical therapy.
- 22 (vii) Psychological services.
- 23 (viii) Case management services.
- 24 (ix) Medical services only for diagnostic or
25 evaluation purposes.
- 26 (x) Early identification, screening and assessment
27 services.
- 28 (xi) Health services necessary to enable the infant,
29 toddler or preschool child to benefit from the other
30 early intervention services.

1 (5) Provided by qualified personnel, including special
2 educators, speech and language pathologists and audiologists,
3 occupational therapists, physical therapists, psychologists,
4 social workers, nurses and nutritionists.

5 (6) Provided in conformity with an individualized family
6 service plan adopted in accordance with section 207.

7 (7) Provided in the least restrictive environment
8 appropriate to the child's needs. Pursuant to this section,
9 early intervention services for eligible three- to five-year
10 old inclusive children may be provided in programs developed
11 under Chapter 3 or in any other integrated setting that meets
12 the standards of the council.

13 For the purposes of Chapter 2, the term "early intervention
14 services" shall supersede the term special education and related
15 services and shall be considered to meet the requirements of the
16 Education of the Handicapped Act (Public Law 94-142) and the
17 Education of the Handicapped Act Amendments (Public Law 99-457;
18 100 Stat. 1145) as they relate to children age three to five
19 years old, inclusive.

20 "Handicapped infants, toddlers, and preschool children."
21 Individuals ranging in age from birth to five years who need
22 early intervention services for any of the following reasons:

23 (1) They are experiencing developmental delays as
24 measured by appropriate diagnostic instruments and procedures
25 in one or more of the following areas: cognitive development,
26 sensory development, physical development, language and
27 speech development, psycho-social development or self-help
28 skills.

29 (2) They have a diagnosed physical or mental condition
30 which has a high probability of resulting in developmental

1 delay or meet the definition of "exceptional children" as
2 contained in section 1371 of the act of March 10, 1949
3 (P.L.30, No.14), known as the Public School Code of 1949,
4 excluding those children with no handicapping condition and
5 who are considered gifted or talented pursuant to 22 Pa. Code
6 § 13.1(C)(ii) (relating to definitions).

7 (3) They are at risk of developing substantial
8 developmental delays if early intervention services are not
9 provided under Chapter 2.

10 "IEP." Individualized Education Plan.

11 "IFSP." Individual Family Service Plan.

12 "Interagency agreement." An agreement entered into by the
13 Department of Education, Department of Health, Department of
14 Public Welfare, and any other Commonwealth agency, for the
15 purposes of this act and the Education of the Handicapped Act
16 Amendments (Public Law 99-457; 100 Stat. 1145).

17 "Lead agency." The Department of Public Welfare, for early
18 intervention services to eligible children ages birth to two
19 years and seven months; and the Department of Education, for
20 early intervention services to eligible children ages two years
21 and seven months to five years.

22 "Local agreement." An agreement entered into by council-
23 designated parties to establish the provision of early
24 intervention services within a specified geographic area in
25 accordance with council policy, this act and the Education of
26 the Handicapped Act Amendments (Public Law 99-457; 100 Stat.
27 1145).

28 Section 104. Interagency Coordinating Council.

29 (a) Creation.--There is hereby created the Governor's
30 Interagency Coordinating Council which shall consist of 15

1 voting members and two ex officio members appointed by the
2 Governor and which shall serve as the council required by the
3 provisions of Title I of the Education of the Handicapped Act
4 Amendments (Public Law 99-457; 100 Stat. 1145). The term of
5 office of the members shall be three years.

6 (b) Membership.--The membership of the Council shall consist
7 of the following:

8 (1) Three parents of handicapped infants or toddlers or
9 preschool children ages birth through six years.

10 (2) One parent of a nonhandicapped child attending a
11 child development program or a Head Start program funded
12 under Chapter 3.

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

16 (4) Two providers of child development programs,
17 including one school district provider and one Head Start
18 provider.

19 (5) One representative from the General Assembly.

20 (6) One person involved in personnel preparation.

21 (7) One representative of the Academy of Pediatricians.

22 (8) The Secretary of Education or his designee.

23 (9) The Secretary of Public Welfare or his designee.

24 (10) The Secretary of Health or his designee.

25 (11) The following ex-officio members who shall not have
26 voting privileges: a representative of a county mental
27 health/mental retardation office; and an employee of the
28 Department of Education working in the field of early
29 childhood development.

30 (c) Designees.--The secretaries' designees, as set forth in

1 subsection (b), shall be appropriate deputy secretaries,
2 commissioners or bureau directors.

3 (d) Officers.--The chair of the council shall be appointed
4 by the Governor and shall be selected from those members who are
5 not employees of the Commonwealth nor elected officials.

6 Section 105. Powers and duties.

7 (a) Specific.--The council shall have the power and its duty
8 shall be:

9 (1) To promulgate regulations and standards for the
10 implementation of a Statewide system of early intervention
11 services which are in accordance with the provisions of this
12 act and the Education of the Handicapped Act Amendments
13 (Public Law 99-457; 100 Stat. 1145). The council shall work
14 in cooperation with the Department of Education, the
15 Department of Health and the Department of Public Welfare to
16 develop and implement a Statewide comprehensive, coordinated,
17 multidisciplinary, interagency program of early intervention
18 services for each eligible handicapped child, age birth
19 through five years inclusive and their family by July 1,
20 1991. This program is intended to ensure the availability of
21 quality early intervention services to all eligible children
22 and their families and shall emphasize efforts to increase
23 the capability of existing early intervention services
24 providers to deliver such services.

25 (2) To promulgate regulations and standards for the
26 development of individualized family service plans.

27 (3) To promulgate regulations and standards which
28 provide procedures for a child to exit from early
29 intervention services.

30 (4) To develop in conjunction with the Department of

1 Education, Department of Health and Department of Public
2 Welfare, a Statewide system for eligible child
3 identification, assessment and tracking.

4 (5) To promulgate regulations and standards providing
5 for the development and approval of local agreements for the
6 provision of early intervention services.

7 (6) To promulgate regulations and standards for the
8 implementation of a child development program for eligible
9 preschool children identified as being at risk for school
10 failure under section 301(e). The council shall work in
11 cooperation with the Department of Education under the
12 provisions of Chapter 3 to establish child development
13 incentive programs for children at risk for school failure
14 and make grants available to qualified programs proposed by
15 school districts and Head Start programs.

16 (7) To advise and assist the lead agencies in the
17 performance of their responsibilities as set forth in this
18 act. This shall include, but not be limited to, the
19 identification of the sources of fiscal and other support for
20 early intervention and child development services and
21 programs, the assignment of financial responsibility to the
22 appropriate agency and the promotion of interagency
23 agreements.

24 (8) To cooperate with the Department of Education, the
25 Department of Health and the Department of Public Welfare to
26 develop and coordinate a system of utilization of all funding
27 sources including Federal, State, local and private sources,
28 including public and private insurance coverage.

29 (9) To develop in conjunction with the Department of
30 Education, the Department of Health and the Department of

1 Public Welfare, a Statewide system for eligible child
2 identification, assessment and tracking.

3 (10) To recommend to the Department of Public Welfare
4 and the State Board of Education guidelines and programs for
5 development of inservice training, qualifications and
6 educational requirements for issuance of licenses and
7 certifications by the council.

8 (11) To advise and assist the lead agencies in the
9 preparation of applications for Federal funding and
10 amendments thereto.

11 (12) To recommend annually to the Governor and the
12 secretaries of the lead agencies, levels of State
13 appropriations necessary to fulfill the obligations of this
14 act. The recommendation shall include the council's operating
15 budget request for the next fiscal year.

16 (13) To prepare and submit an annual report during the
17 month of September to the Governor, the Secretary of
18 Education, the Secretary of Health and the Secretary of
19 Public Welfare, and the Majority and Minority Chairmen of the
20 Education Committees of both the House of Representatives and
21 the Senate. For early intervention programs and child
22 development programs each, this report shall include the
23 number of programs being provided by intermediate units,
24 school districts, private providers and Head Start; the
25 number of children being served; the number of underserved
26 and unserved children by individual program and in the
27 aggregate for the State; annual expenditures from all funding
28 sources, including Federal, State, local and private;
29 information on the quality of programs and the status of
30 compliance with State standards; information on personnel

needs; any suggested changes in State law and regulations governing these programs the council deems necessary; projected costs of the programs; and any other information the council deems appropriate.

(14) To meet at least six times a year in such places as it deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

(15) To prepare and adopt a budget using funds appropriated under this act and any funds through Title I and Title II of the Education of the Handicapped Act Amendments to provide for the costs of travel for members and staff, including costs related to parent participation such as child care.

(16) To employ staff and obtain the services of such professional, technical and clerical personnel as may be necessary to carry out the provisions of this act.

(b) General.--The council is also authorized to perform any other functions required of a state's interagency coordinating council under the provisions of the Education of the Handicapped Act Amendments.

CHAPTER 2

STATEWIDE SYSTEM FOR THE PROVISION OF EARLY INTERVENTION SERVICES Section 201. Requirements for Statewide system.

A Statewide system of coordinated, comprehensive, multidisciplinary, interagency programs which shall be established and implemented by the council to provide appropriate early intervention services to all handicapped infants, toddlers and preschool children and their families shall include the following minimum components:

1 (1) A definition of the term "developmentally delayed"
2 that will be developed by the council and will be used by the
3 council and by the Department of Education, the Department of
4 Health, and the Department of Public Welfare in carrying out
5 programs under this act.

6 (2) An assurance that appropriate early intervention
7 services are available to all eligible handicapped infants,
8 toddlers and preschool children by July 1, 1991.

9 (3) A timely, comprehensive, multidisciplinary
10 evaluation of the functioning of each handicapped infant,
11 toddler and preschooler and the needs of the families to
12 appropriately assist in the development of the handicapped
13 infant, toddler and preschool child.

14 (4) For each handicapped infant, toddler and preschool
15 child, an IFSP in accordance with section 207 of this act,
16 including case management services in accordance with such
17 service plan.

18 (5) A comprehensive child find system including a system
19 for making referrals to service providers that includes
20 timelines and provides for the participation by primary
21 referral sources.

22 (6) A public awareness program focusing on early
23 identification of handicapped infants, toddlers and preschool
24 children.

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

29 (8) A comprehensive system of personnel development and
30 policies and procedures relating to the establishment and

1 maintenance of standards to ensure that personnel necessary
2 to carry out this part are appropriately and adequately
3 prepared and trained.

4 (9) A procedure for securing timely reimbursement of
5 funds.

6 (10) Procedural safeguards with respect to programs
7 under this chapter.

8 (11) A system for compiling data on the numbers of
9 handicapped infants, toddlers and preschool children and
10 their families in this Commonwealth in need of appropriate
11 early intervention services, the numbers of such infants,
12 toddlers and preschool children and their families served and
13 the types of services provided.

14 (12) A system of programs standards, evaluation and
15 compliance.

16 (13) A system for the provision of services, to children
17 from ages birth through five years inclusive, which are in
18 compliance with the provisions of the Education of the
19 Handicapped Act (Public Law 94-142). For the purposes of this
20 act, funding for the service of transportation shall be
21 appropriated to both the Department of Education and the
22 Department of Public Welfare as separate line items. The
23 council shall develop such regulations and standards as
24 needed for the distribution of these funds.

25 Section 202. Program standards and regulations.

26 The council shall define and address the following issues
27 during its development of regulations and standards:

28 (1) Criteria for locating and identifying eligible
29 children.

30 (2) Criteria for eligible programs.

(3) Funding mechanisms and contracting guidelines.

(4) Personnel qualifications and a system of preservice and inservice training.

(5) Early intervention services.

(6) Procedural safeguards.

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

(8) A system of quality assurance, including evaluation of the developmental appropriateness, quality and effectiveness of programs and the Statewide system, assurance of compliance to program standards and provision of assistance to assist in compliance.

(9) Data collection and confidentiality.

(10) Interagency cooperation at the State and local level.

(11) Content and development of IFSPs.

(12) Any other issues which are required under this act and the Education of the Handicapped Act Amendments (Public Law 99-457; 100 Stat. 1145).

Section 203. Administration.

(a) Assistance to counties.--From the sum appropriated by the General Assembly to the Department of Public Welfare for the purposes of this act, the department shall distribute funds to the county mental health and mental retardation offices for the provisions of early intervention services to children from birth to the age of two years and seven months. For the purposes of this act, the county mental health and mental retardation offices shall not be required to provide a local match to draw down the State funds under the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental

1 Retardation Act of 1966. The county offices may meet their
2 obligation to assure appropriate early intervention services to
3 all eligible children through contracts with public or private
4 nonprofit agencies that meet the requirements of the regulations
5 and program standards developed pursuant to this act. The county
6 offices must assure annually that the service providers
7 receiving such funds are in compliance with the State's
8 regulations and standards.

9 (b) Assistance to intermediate units and school districts.--
10 From the sum appropriated by the General Assembly to the
11 Department of Education for the purposes of this act, the
12 department shall distribute funds to intermediate units and
13 school districts for the provision of early intervention
14 services for children ranging in age from two years and seven
15 months to five years. Intermediate units and school districts
16 may meet their obligations to assure appropriate early
17 intervention services to all eligible children through contracts
18 with public or private nonprofit agencies in their catchment
19 areas that meet the requirements of the regulations and
20 standards developed under this act. Intermediate units and
21 school districts shall assure the department annually that the
22 service provider is in compliance with the State's regulations
23 and standards.

24 Section 204. Use of funds.

25 (a) Direction of activities.--Funds appropriated by the
26 General Assembly for the purposes of this chapter shall be used
27 for the following activities:

28 (1) The planning, development and implementation of a
29 Statewide system of early intervention services through the
30 joint effort of the Department of Education, the Department

1 of Public Welfare and the Department of Health through their
2 participation on the Interagency Coordinating Council.

3 (2) The provision of direct services for handicapped
4 infants, toddlers and preschool children.

5 (3) The expansion, as needed, and improvement of
6 existing services for handicapped infants, toddlers and
7 preschool children.

8 (4) No more than 3% of each department's annual
9 appropriation shall be allocated for personnel training and
10 program technical assistance.

11 (b) Report.--The Department of Education, the Department
12 Public Welfare and the Department of Health shall submit
13 annually in August a report to the council on the status of
14 early intervention services in the Commonwealth containing the
15 information that the council may require.

16 Section 205. Child identification, assessment and tracking
17 system.

18 (a) Development of system.--The council shall develop, in
19 conjunction with the Department of Public Welfare, the
20 Department of Education and the Department of Health, a
21 Statewide system for eligible child identification, assessment
22 and tracking. The development and maintenance of the system
23 shall be funded by annual appropriations to the Department of
24 Welfare by the General Assembly. This system shall be developed
25 and coordinated by the departments to insure that the system is
26 compatible with the Federal Department of Education's system of
27 child find as required by the Education of the Handicapped Act
28 (Public Law 94-142).

29 (b) Components of system.--The system shall include, but not
30 be limited to, the provision of the following activities and

1 services:

2 (1) The earliest identification of eligible children as
3 soon after birth as possible.

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

5 (3) Continuing assessment of at-risk children.

6 (4) A description of agencies providing early
7 intervention services and the services provided by each such
8 agency.

9 (5) Pertinent information regarding the exit of the
10 child from early intervention services.

11 (6) The orderly transfer of the accumulated information
12 to the appropriate public provider upon the child's
13 attainment of public school age.

14 (c) Confidentiality.--Proper measures shall be developed and
15 implemented to insure the confidentiality of the data contained
16 in the system. Information shall be accessed only by appropriate
17 Department of Public Welfare, Department of Education and
18 Department of Health staff and each agency's local entities,
19 such as county MH/MR offices, school districts and intermediate
20 units, which are responsible for the provision of services
21 either directly or through subcontract to approved private
22 providers. Nothing in this section is intended to preclude the
23 utilization of this data to provide for the preparation of
24 annual reports, fiscal information or other documents necessary,
25 but no information is used which would allow for the immediate
26 identification of an individual child or family.

27 Section 206. Personnel training.

28 (a) Assignment.-- Recognizing the current shortage in
29 individuals trained in early childhood education for both
30 handicapped and nonhandicapped preschool children, the council,

1 in conjunction with the Department of Public Welfare and the
2 State Board of Education, shall provide for the development of
3 inservice training guidelines and programs and shall recommend,
4 for approval by the Department of Education and the State Board
5 of Education, regulations and standards pertaining to
6 qualifications and educational requirements for the issuance of
7 appropriate licenses and certifications by the council.

8 (b) Regulation of personnel.--Regulations or standards
9 promulgated by the Department of Public Welfare or the State
10 Board of Education under this section shall be sensitive to the
11 vital role parents play in the provision of services to their
12 children and their important role as, at the parent's option, an
13 aide to certified or licensed personnel. The regulations or
14 standards shall make provision for the inclusion as properly
15 licensed or certified those individuals currently employed
16 either through a grandfathering clause or through a reasonable
17 in-service development program.

18 Section 207. Individualized family service plans.

19 (a) Duty to provide.--Each handicapped infant, toddler or
20 preschool child whose family chooses to participate in an early
21 intervention program shall receive the following from the
22 program provider:

23 (1) A multidisciplinary assessment of unique needs and
24 the identification of services appropriate to meet such
25 needs.

26 (2) A written IFSP developed by a multidisciplinary
27 team, including the parent or guardian, as required under
28 subsection (d).

29 (b) Annual review.--The IFSP shall be evaluated once a year
30 and the family shall be provided a review of the plan at six

1 month intervals, or more often where appropriate based on the
2 child and family needs.

3 (c) Development.--The IFSP shall be developed within a
4 reasonable time, as prescribed by the regulations and standards
5 of the council, after the assessment required under subsection
6 (a)(1) is completed. With the permission of the parent or
7 guardian, early intervention services may commence prior to the
8 completion of the assessment.

9 (d) Components.--The IFSP shall be in writing and contain
10 the following:

11 (1) A statement of the infant's, toddler's or preschool
12 child's present levels of physical development, cognitive
13 development, sensory development, language and speech
14 development, behavioral or psycho-social development and
15 self-help skills, based on acceptable objective criteria.

16 (2) A statement of the family's strengths and needs
17 relating to enhancing the development of the family's
18 handicapped infant, toddler or preschool child.

19 (3) A statement of the major outcomes expected to be
20 achieved for the child and the family, and the criteria,
21 procedures and timelines used to determine the degree to
22 which progress toward achieving the outcomes are being made
23 and whether modifications or revisions of the outcomes or
24 services are necessary.

25 (4) A statement of specific early intervention services
26 necessary to meet the unique needs of the child and the
27 family, including, the frequency, intensity and method of
28 delivering services.

29 (5) The projected dates for initiation of service and
30 the anticipated duration of such services.

1 (6) The name of the case manager who will be responsible
2 for the implementation of the plan and coordination with
3 other agencies and persons.

4 (7) The steps to be taken supporting the transition of
5 the handicapped child to other early intervention or school-
6 aged services.

7 (8) Any other provisions the council deems appropriate.
8 Section 208. IEPs and IFSPs for eligible three- to five-year
9 old children.

10 Individual Family Service Plans shall be developed for each
11 eligible child aged two years and seven months to five years.
12 The IEP-IFSP shall meet the requirements for IEPs under Part B
13 of the Education of the Handicapped Act (Public Law 94-142; 100
14 Stat. 1145) and the requirements of the IFSP under Part H of the
15 Education of Handicapped Act (P.L. 99-457) and shall be a single
16 document.

17 Section 209. Exit criteria.

18 The council shall adopt regulations and standards which
19 provide procedures for a child to exit from early intervention
20 services. This exit plan must address both the needs of the
21 child who has attained public school age as well as the child
22 who, at any age between birth and five years inclusive, no
23 longer meets the eligibility criteria. If a child has been
24 successful in obtaining age, appropriate behavior and abilities,
25 the fact that the child participated in early intervention
26 services shall not be communicated to the school district unless
27 the parent so chooses nor shall it be considered as a rationale
28 for placement in public school age special education classes.
29 However, if the child does not meet exit criteria and the
30 child's IEP-IFSP demonstrates that the child will benefit from

1 services which can be provided only through special education,
2 nothing in this act shall prevent that placement. In either
3 case, transition services shall be provided to the child and his
4 parents.

5 CHAPTER 3

6 PRESCHOOL INCENTIVE PROGRAM

7 Section 301. Program availability.

8 (a) Establishment.--The General Assembly hereby establishes
9 the Pre-School Incentive Program for eligible preschool children
10 who are at risk of school failure and who may benefit from the
11 opportunity to participate in a developmentally appropriate
12 child development program that is reasonably calculated to
13 provide preparation for successful participation in public
14 schools.

15 (b) Providers.--School districts and Federally funded local
16 Head Start programs may apply for funding under this chapter.
17 School districts may develop district programs for three- and
18 four-year old eligible children, as well as expand kindergarten
19 programs for five-year old eligible children.

20 (c) Standards.--Eligible school district programs, including
21 kindergarten and Head Start programs, shall be developmentally
22 appropriate and shall meet the accreditation standards of the
23 National Association for the Education of Young Children as well
24 as any other regulations of the Interagency Coordinating
25 Council. State funded Head Start programs must also meet the
26 requirements of Title VI (Subchapter B - Head Start Programs) of
27 the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35;
28 95 Stat. 499; 42 U.S.C. § 9831 et seq.).

29 (d) Program supervision.--Eligible programs shall be under
30 the direct supervision of at least one individual who is either

1 certificated in early childhood education or who meets the
2 requirements of Chapter 2.

3 (e) Funding availability.--Eligible school district programs
4 or Head Start programs may apply to the Secretary of Education
5 for funding for such programs. The application for funding shall
6 require the designation of the models to be used (Head Start,
7 preschool, center-based, home-based); the extent of parent
8 involvement and training; and the extent to which handicapped
9 children as defined in Chapter 1 will be integrated.

10 (f) Eligibility.--

11 (1) A child shall be deemed at risk of school failure
12 and eligible to participate under this subsection if the
13 child is three to five years of age and either of the
14 following applies:

15 (i) He is a member of a household or family whose
16 income is at or below the poverty level under criteria
17 used by the U.S. Bureau of the Census in compiling the
18 most recent decennial census, including homeless or
19 migrant children.

20 (ii) He is a person for whom English is not the
21 primary language.

22 (2) A child who is at risk of school failure under
23 subsection (b)(1) shall be eligible to participate in the
24 program if the child will reach his or her third or fourth
25 birthday in the school year in which the program is offered.

26 (g) Administration.--

27 (1) The council shall promulgate such regulations and
28 standards as are necessary for the implementation of this
29 chapter. Such regulations and standards shall address, at a
30 minimum, the following areas and shall apply to any public or

1 private agency that conducts a child development program with
2 the following:

3 (i) Developmentally appropriate practices for
4 programs serving three, four- and five-year old children.
5 Programs shall address appropriate curricula and
6 emphasize language communication and social skills which
7 are developmentally appropriate and that are important to
8 successful participation in kindergarten and first grade.

9 (ii) Methods to facilitate involvement of parents,
10 including outreach to assure dissemination of information
11 about the availability of the program, and assistance to
12 parents in working with their children.

13 (iii) Appropriate child-to-staff ratios and group
14 size.

15 (iv) The appointment, recruitment and training of
16 personnel with appropriate certification in early
17 childhood education or related fields.

18 (v) The coordination of services with other State
19 and local human service agencies.

20 (2) Programs funded under this chapter shall receive
21 inservice training and technical assistance provided through
22 the Department of Education. The department may set aside up
23 to 5% of the funds available under this chapter for the
24 administration of this program and for providing training and
25 technical assistance.

26 (3) The Department of Education shall submit to the
27 council annually in August a report on the status of the
28 child development program established by this chapter and
29 other information required by the council.

30 (h) Distribution of funding.--From the annual appropriation

1 provided by the General Assembly to the Department of Education
2 for the purposes of this chapter, the Department of Education
3 shall fund approved district or Head Start proposals. The
4 Department of Education shall coordinate all available
5 resources, including Federal and State funding, for the Pre-
6 School Incentive Program.

7 (1) Priority in funding shall be given to expanding
8 existing eligible Head Start programs which meet the
9 requirements of this chapter and the council.

10 (2) School districts may establish new programs upon
11 provision of documentation that there is an eligible
12 population not being served and that there are insufficient
13 eligible Head Start programs available within the school
14 district area to provide the services.

15 CHAPTER 4

16 MISCELLANEOUS PROVISIONS

17 Section 401. Appropriations.

18 Annually, the General Fund budget shall include separate
19 appropriations for the following:

20 (1) The administration of the Interagency Coordinating
21 Council.

22 (2) Early intervention programs funded by the Department
23 of Education.

24 (3) Early intervention programs funded by the Department
25 of Public Welfare.

26 (4) Transportation costs for eligible children attending
27 early intervention programs funded by the Department of
28 Education.

29 (5) Transportation costs for eligible children attending
30 early intervention programs funded by the Department of

1 Public Welfare.

2 (6) The Preschool Incentive Program in the Department of
3 Education.

4 Section 402. Effective date.

5 This act shall take effect July 1, 1990.