

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 552 Session of
2001

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FRANKEL, FEBRUARY 7, 2001

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 7, 2001

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
9 intervention services for infants, toddlers and eligible
10 young children with disabilities; expanding the membership of
11 the Interagency Coordinating Council; further providing for
12 the expenditure of certain appropriations; and making
13 editorial changes.

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

16 Section 1. Sections 102, 103, 104, 105(c), 106, 301, 302,
17 304(c), 305 and 501 of the act of December 19, 1990 (P.L.1372,
18 No.212), known as the Early Intervention Services System Act,
19 are amended to read:

20 Section 102. Legislative findings for early intervention.

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

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

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

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

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

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

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

Section 103. Definitions.

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

"Age of beginners." The minimum age established by the

1 school district board of directors for admission to the
2 district's first grade under 22 Pa. Code § 11.15 (relating to
3 admission of beginners).

4 "Council." The Interagency Coordinating Council established
5 in section 106.

6 "Early intervention services." Developmental services which
7 meet all of the following:

8 (1) Are provided under public supervision.

9 (2) Are designed to meet the developmental needs of [a
10 handicapped infant, toddler] an infant or toddler with
11 disabilities or eligible young child in any of the following
12 areas:

13 (i) Physical development.

14 (ii) Cognitive development.

15 (iii) Sensory development.

16 (iv) [Language and speech] Communication development
17 or alternative communication development.

18 (v) [Psycho-social] Social-emotional development.

19 [(vi) Self-help skills.]

20 (vi) Adaptive development.

21 (3) [Are] For eligible infants and toddlers with
22 disabilities and their families, are developed to meet the
23 requirements of this act, including, but not limited to, the
24 following:

25 (i) Family training.

26 (ii) Social work services, including counseling and
27 home visits.

28 (iii) Special instruction.

29 (iv) Speech pathology and audiology.

30 (v) Occupational therapy.

(vi) Physical therapy.

(vii) Psychological services.

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

(ix) Early identification, screening and assessment services.

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

(xi) Assistive technology devices and services.

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

(xii) For infants and toddlers with disabilities, other services required by Part C, such as nutrition, service coordination services and transportation and related costs that are necessary to enable the infants or toddlers with disabilities and their families to receive early intervention services.

(xiii) Vision services.

(4) Are provided by qualified personnel, including, but not limited to, special educators, speech and language pathologists and audiologists, occupational therapists, physical therapists, psychologists, social workers, nurses [and nutritionists.], nutritionists, family therapists, orientation and mobility specialists, pediatricians and other physicians.

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

[(6) Are provided to eligible young children in

1 compliance with the provisions of this act and Part B.
2 Compliance includes procedural safeguards and free
3 appropriate public education, including related services and
4 individualized education programs.]

5 (6) For eligible young children, are developed to
6 include specialized instruction in compliance with this act
7 and Part B. Compliance, for this purpose, includes the
8 procedural safeguards and free appropriate education,
9 including related services and individualized education
10 programs, which are necessary to insure that compliance is
11 effected. These related services shall include, but not be
12 limited to, the following related services:

13 (i) Family training.

14 (ii) Social work services, including counseling and
15 home visits.

16 (iii) Speech pathology and audiology.

17 (iv) Occupational therapy.

18 (v) Physical therapy.

19 (vi) Psychological services.

20 (vii) Medical services, for diagnostic or evaluation
21 purposes only.

22 (viii) Early identification, screening and
23 assessment services.

24 (ix) Assistive technology devices and services.

25 (7) Are provided in the least restrictive environment
26 for eligible young children or natural environment for
27 infants and toddlers with disabilities, as appropriate to the
28 [child's] children's needs. Infants, toddlers and eligible
29 young children who will be served in a non-home-based setting
30 must, to the maximum extent consistent with the child's

abilities, receive early intervention services in a setting with [nonhandicapped] typically developing children. Each infant's or toddler's IFSP and each eligible young child's IEP must contain the recommended service option placement and the rationale for why it represents the least restrictive environment.

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

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

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

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

"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.).

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

(1) They are experiencing developmental delays, as defined by regulations of the Department of Public Welfare and as measured by appropriate diagnostic instruments and procedures in any of the following areas: cognitive development, sensory development, physical development, [language and speech development, psycho-social development or self-help skills] communication development, social-emotional development or adaptive development and are based on informed clinical opinion and procedures.

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

["IEP." Individualized Education Program.

"IFSP." Individualized Family Service Plan.]

"Informed clinical opinion." Documentation by a number of qualified personnel, as contained in the definition of "early intervention services," and as based on direct observation as well as other knowledge of the child when there are no standardized measures or the procedures are not appropriate for the child's level of functioning or manifestation of the disability or development areas. The multidisciplinary team will then determine, through its informed clinical opinion, that a child is eligible for early intervention services. Informed

1 clinical opinion applies only to infants and toddlers with
2 disabilities and not eligible young children.

3 "Lead agency." For early intervention services to eligible
4 children from birth to two years of age, inclusive, the
5 Department of Public Welfare; for early intervention services to
6 eligible young children, the Department of Education.

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

12 "MAWA agency." An agency that enters into a mutually agreed-
13 upon written arrangement with the Department of Education.

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

23 "Part B." Part B of the [Education for the Handicapped]
24 Individuals with Disabilities Education Act (Public Law 91-230,
25 20 U.S.C. § 1411 et seq.), as it applies to preschool children.

26 "Part [H. Part H] C. Part C of the [Education for the
27 Handicapped] Individuals with Disabilities Education Act (Public
28 Law 91-230, 20 U.S.C. § 1471 et seq.).

29 "State interagency agreement." An agreement entered into by
30 the Department of Education, the Department of Health, the

1 Department of Public Welfare and any other Commonwealth agency
2 for the purposes of this act and of Part B and Part [H] C.
3 Section 104. State interagency agreement.

4 (a) Interagency agreement.--The Department of Education, the
5 Department of Health and the Department of Public Welfare shall
6 enter into and maintain a State interagency agreement to enable
7 the State and local agencies serving infants[,] and toddlers
8 with disabilities and eligible young children [who are
9 handicapped] with disabilities to establish working
10 relationships that will increase the efficiency and
11 effectiveness of their early intervention services. The
12 agreement shall outline the responsibilities of those State and
13 local agencies and shall implement a coordinated service
14 delivery system through local interagency agreements.

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

- 17 (1) Responsibilities of State and local agencies.
- 18 (2) Eligibility determination and referrals.
- 19 (3) Establishment of local agreements.
- 20 (4) Fiscal responsibilities of the agencies.
- 21 (5) Dispute resolution between agencies.
- 22 (6) Payor of last resort.
- 23 (7) Maintenance of effort.
- 24 (8) Administrative management structure.
- 25 (9) Establishment and maintenance of local interagency
26 coordinating councils, which shall include, but not be
27 limited to, parents and private providers and which shall be
28 authorized to advise and comment on the development of local
29 interagency agreements for their specified geographic area
30 and to communicate directly with the Department of Education,

1 the Department of Health, the Department of Public Welfare
2 and the council regarding the local interagency agreement and
3 any other matters pertaining to this act. At least 50% of the
4 members of the local interagency coordinating council shall
5 be parents of infants or toddlers with disabilities or
6 eligible young children with disabilities who are 12 years of
7 age or younger. The local interagency coordinating councils
8 are the duly recognized local body for the purposes of this
9 act.

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

14 (c) Goal.--Issues under subsection (b) shall be addressed to
15 meet the requirements of this act and the provisions of Part B
16 and Part [H] C.

17 Section 105. Other duties of State agencies.

18 * * *

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

25 Section 106. Council.

26 (a) Establishment.--The Interagency Coordinating Council is
27 established as the duly recognized council for the purposes of
28 this act. The council shall consist of [15] a minimum of 25
29 voting members but shall not exceed 30 voting members appointed
30 by the Governor. The council shall serve as the council required

1 by the [Education of the Handicapped Act Amendments of 1986
2 (Public Law 99-457, 100 Stat. 1145)] Individuals with
3 Disabilities Education Act. The term of office of the voting
4 members shall be three years, except for the cabinet officers or
5 their designees who shall serve as long as they are in office.

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

8 (1) [Three] Six parents of [handicapped] infants[,] or
9 toddlers with disabilities or eligible young children with
10 disabilities, including minority parents, with knowledge of
11 or experience with programs for infants or toddlers with
12 disabilities or eligible young children with disabilities.

13 (2) One [provider of a child development program, such
14 as] Head Start provider.

15 (3) One parent of a child with a disability who has
16 received early intervention services and is now beyond six
17 years of age.

18 [(4) Three providers of early intervention services,
19 including one school district provider, one intermediate unit
20 provider and one private provider.]

21 (4) Two public education providers of programs for
22 eligible young children with disabilities.

23 [(5) One member from the General Assembly.]

24 (5) Two members of the General Assembly, one from the
25 Senate and one from the House of Representatives.

26 (6) One representative of the American Academy of
27 Pediatrics.

28 (7) [One] Two county mental health/mental retardation
29 [administrator or designee] administrators.

30 (8) One individual who is directly involved in personnel

1 preparation.

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

3 (10) The Secretary of Public Welfare or a designee.

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

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

9 (12) The Insurance Commissioner or a designee.

10 (13) Two private providers of programs for infants and
11 toddlers with disabilities.

12 (14) One public or private provider of child care
13 services.

14 (15) Members at large, not to exceed seven, chosen to
15 represent diverse interests who have knowledge of or
16 experience with programs for infants and toddlers with
17 disabilities and eligible young children with disabilities.

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

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

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

28 (f) Powers and duties.--The council has the following powers
29 and duties:

30 (1) To review and comment to the Department of Health,

1 the Department of Public Welfare, the Department of Education
2 and the State Board of Education on draft regulations and
3 standards for the implementation and maintenance of a
4 Statewide system of early intervention services which are in
5 accordance with the provisions of this act and Parts B and
6 [H.] C. The council may advise and assist the lead agency for
7 Part C and the Department of Education regarding the
8 development of and implementation of appropriate services for
9 children ages birth to age of beginners.

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

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

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

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

23 (iii) recommendations regarding in-service training
24 and personnel competencies.

25 (4) To prepare and submit, with the cooperation of the
26 Secretary of Education, the Secretary of Health and the
27 Secretary of Public Welfare, an annual report during the
28 month of [September] December to the Governor and the
29 Majority and Minority Chairmen of the Education Committee of
30 the Senate and the Education Committee of the House of

Representatives. This report shall include the number of programs being provided by intermediate units, school districts and public and private providers, including Head Start; the number of children being served; the status of compliance with State regulations and standards; descriptive information on the programs; information on personnel needs; any suggested changes in State statutes and regulations governing these programs; any information the United States Secretary of Education may require; and any other information the council deems appropriate.

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

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

(g) Compensation of members.--The members shall serve without compensation but shall be reimbursed for reasonable costs incurred, including costs related to child care[.], except that compensation shall be provided to a member of the council if such member is not employed or must forfeit wages from other employment when performing official council business. Employees of the Commonwealth or any of its political subdivisions are prohibited from receiving compensation except for reasonable costs incurred.

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

Section 301. Requirements.

A Statewide system of coordinated, comprehensive, multidisciplinary, interagency programs shall be established and

1 maintained by the Department of Health, the Department of Public
2 Welfare and the Department of Education to provide appropriate
3 early intervention services to all [handicapped] infants[,] and
4 toddlers with disabilities and their families and to eligible
5 young children. The system shall include the following minimum
6 components:

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

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

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

24 (3) A timely, comprehensive, multidisciplinary
25 evaluation of the strengths and needs of each infant and
26 toddler with disabilities and eligible young child, the needs
27 of the family and the resources and priorities to assist
28 appropriately in the development of the infant and toddler
29 with disabilities and eligible young child with disabilities.

30 (4) For all [handicapped] infants[,] and toddlers with

1 disabilities and their families, an IFSP in accordance with
2 Part [H] C, including [case management] service coordination
3 services in accordance with the service plan.

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

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

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

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

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

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

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

26 (12) A system for compiling data on the numbers of
27 [handicapped] infants[,] and toddlers with disabilities and
28 their families and eligible young children in need of
29 appropriate early intervention services; the number of
30 infants[,] and toddlers with disabilities and their families

1 and eligible young children served; and the types of services
2 provided.

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

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

22 (14.1) Policies and practices are adopted to ensure
23 meaningful involvement of traditionally underserved groups,
24 including minority, low-income and rural families, in the
25 planning and implementation of all the requirements of this
26 act and to ensure that such families have access to services
27 within their local areas.

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

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

4 Section 302. Program regulations and standards.

5 (a) Public Welfare.--The Department of Public Welfare shall
6 define and address the following issues in developing
7 regulations:

8 (1) Methods for locating and identifying eligible
9 children.

10 (2) Criteria for eligible programs.

11 (3) Contracting guidelines.

12 (4) Personnel qualifications and a system of preservice
13 and in-service training.

14 (5) Early intervention services.

15 (6) Procedural safeguards.

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

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

23 (9) Data collection and confidentiality.

24 (10) Interagency cooperation at the State and local
25 level through the State interagency agreement and local
26 interagency agreements.

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

28 (12) Any other issues which are required under this act
29 and Part [H] C.

30 (b) Education.--The State Board of Education and the

Department of Education shall define and address the following issues in developing regulations and standards:

- (1) Methods for locating and identifying eligible children.
- (2) Criteria for eligible programs.
- (3) Mutually agreed-upon written arrangement guidelines.
- (4) Personnel qualification and a system of preservice and in-service 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; assurance of compliance with program standards; and provision of assistance to assure compliance.
- (9) Data collection and confidentiality.
- (10) Interagency cooperation at the State and local levels.
- (11) Contents and development of IEP's.
- (12) Any other issues which are required under this act and Part B.

Section 304. Administration by Department of Education.

* * *

(c) Public welfare.--The Secretary of Education shall provide for the transition of eligible children, including [handicapped] infants and toddlers with disabilities, who, prior to their third birthday, received services under Part [H] C. The Secretary of Education is authorized to accept responsibility

1 pursuant to delegation from the Secretary of Public Welfare
2 under section 303(c) for providing early intervention services
3 to children less than three years of age. The Secretary of
4 Education is authorized to delegate responsibility to the
5 Secretary of Public Welfare for providing services for certain
6 children over the age of three.

7 * * *

8 Section 305. Child identification, assessment and tracking
9 system.

10 (a) Development of system.--The Department of Public
11 Welfare, the Department of Education and the Department of
12 Health shall develop a Statewide system for eligible child
13 identification, assessment and tracking. This system shall be
14 developed and coordinated by the agencies to assure that the
15 system is compatible with the child-find system as required by
16 Part B.

17 (b) At-risk children.--For the purposes of child
18 identification, assessment and tracking for infants and
19 toddlers, the Department of Public Welfare shall establish, by
20 regulation, population groups to be included in these
21 activities. The population groups shall include, but not be
22 limited to, children whose birth weight is under 1,500 grams;
23 children cared for in neonatal intensive care units of
24 hospitals; children born to chemically dependent mothers and
25 referred by a physician, health care provider or parent;
26 children who are seriously abused or neglected, as substantiated
27 and referred by the county children and youth agency under the
28 act of November 26, 1975 (P.L.438, No.124), known as the Child
29 Protective Services Law; and children with confirmed dangerous
30 levels of lead poisoning as set by the Department of Health. The

1 Department of Public Welfare may establish other population
2 groups by regulation as it deems necessary.

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

6 (1) The identification of eligible children and referral
7 to early intervention services as soon after birth as
8 possible.

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

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

12 (4) A description of agencies providing early
13 intervention services and the services provided by each
14 agency.

15 (5) Pertinent information regarding the exit of the
16 child from early intervention services.

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

21 (d) Confidentiality.--Proper measures shall be developed and
22 implemented to assure the confidentiality of the data contained
23 in the system. Information shall be accessed only by appropriate
24 staff of the Department of Public Welfare, the Department of
25 Education and the Department of Health, including the staff of
26 each agency's local entities, such as county mental health and
27 mental retardation offices, school districts and intermediate
28 units, which are responsible for the provision of services
29 either directly or through subcontract to private providers.

30 Nothing in this section is intended to preclude the utilization

1 of data to provide for the preparation of reports, fiscal
2 information or other documents required by this act or the
3 [Education of the Handicapped Act] Individuals with Disabilities
4 Education Act; but no information may be used in a manner which
5 would allow for the identification of an individual child or
6 family.

7 Section 501. Regulations and standards.

8 Regulations of the State Board of Education, 22 Pa. Code Ch.
9 14, published at 20 Pa.B. 3339 (June 16, 1990), and the
10 Department of Education Standards, 22 Pa. Code Ch. 342,
11 published at 20 Pa.B. 3357 (June 16, 1990), as approved by the
12 State Board of Education, governing the provision of early
13 intervention services, shall take effect upon their
14 reaffirmation by the State Board of Education. [The definition
15 of eligible young child in those regulations and standards is,
16 with regard to the reference to being two years and nine months
17 of age by September 1, superseded by the definition of eligible
18 young child in this act.] Should the State Board of Education
19 propose to make any revisions in the regulations at the time of
20 reaffirmation and at any time thereafter, the regulations shall
21 be subject to the provisions of the act of July 31, 1968
22 (P.L.769, No.240), referred to as the Commonwealth Documents
23 Law, the act of October 15, 1980 (P.L.950, No.164), known as the
24 Commonwealth Attorneys Act, and the act of June 25, 1982
25 (P.L.633, No.181), known as the Regulatory Review Act.

26 Section 2. This act shall take effect immediately.