

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1269 Session of 2015

INTRODUCED BY BARTOLOTTA, SCHWANK, TEPLITZ, COSTA, FONTANA, VULAKOVICH, GREENLEAF, SABATINA, BREWSTER, RAFFERTY, BLAKE, YUDICHAK, MENSCH, BOSCOLA, VOGEL, AUMENT, BROWNE, HUGHES AND HAYWOOD, MAY 18, 2016

SENATOR VANCE, PUBLIC HEALTH AND WELFARE, AS AMENDED, SEPTEMBER 28, 2016

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 THE <--
9 TITLE OF THE ACT; in general provisions, further providing <--
10 for definitions, FOR STATE INTERAGENCY AGREEMENT, FOR OTHER <--
11 DUTIES OF STATE AGENCIES AND FOR COUNCIL; and, in Statewide
12 system for provision of early intervention services, further <--
13 providing FOR REQUIREMENTS, FOR PROGRAM REGULATIONS AND <--
14 STANDARDS, FOR ADMINISTRATION BY DEPARTMENT OF PUBLIC
15 WELFARE, FOR ADMINISTRATION BY DEPARTMENT OF EDUCATION AND
16 for child identification, assessment and tracking system.

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

19 Section 1. ~~Section 103~~ THE TITLE of the act of December 19, <--
20 1990 (P.L.1372, No.212), known as the Early Intervention
21 Services System Act, is amended to read:

22 AN ACT <--
23 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 2. THE DEFINITIONS OF "ELIGIBLE YOUNG CHILD,"
8 "HANDICAPPED INFANTS AND TODDLERS," "LEAD AGENCY" AND "STATE
9 INTERAGENCY AGREEMENT" IN SECTION 103 OF THE ACT ARE AMENDED AND
10 THE SECTION IS AMENDED BY ADDING A DEFINITION TO READ:

11 Section 103. Definitions.

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

15 * * *

16 "ELIGIBLE YOUNG CHILD." A CHILD WHO IS YOUNGER THAN THE AGE <--
17 OF BEGINNERS AND AT LEAST THREE YEARS OF AGE AND WHO MEETS ANY
18 OF THE FOLLOWING CRITERIA:

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

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

29 "HANDICAPPED INFANTS AND TODDLERS." INDIVIDUALS RANGING IN
30 AGE FROM BIRTH TO TWO YEARS OF AGE, INCLUSIVE, WHO NEED EARLY

1 INTERVENTION SERVICES FOR ANY OF THE FOLLOWING REASONS:

2 (1) THEY ARE EXPERIENCING DEVELOPMENTAL DELAYS, AS
3 DEFINED BY REGULATIONS OF THE DEPARTMENT OF [PUBLIC WELFARE]
4 HUMAN SERVICES AND AS MEASURED BY APPROPRIATE DIAGNOSTIC
5 INSTRUMENTS AND PROCEDURES IN ANY OF THE FOLLOWING AREAS:
6 COGNITIVE DEVELOPMENT, SENSORY DEVELOPMENT, PHYSICAL
7 DEVELOPMENT, LANGUAGE AND SPEECH DEVELOPMENT, PSYCHO-SOCIAL
8 DEVELOPMENT OR SELF-HELP SKILLS.

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

19 * * *

20 "LEAD AGENCY." FOR EARLY INTERVENTION SERVICES TO ELIGIBLE
21 CHILDREN FROM BIRTH TO TWO YEARS OF AGE, INCLUSIVE, THE
22 DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES; FOR EARLY
23 INTERVENTION SERVICES TO ELIGIBLE YOUNG CHILDREN, THE DEPARTMENT
24 OF EDUCATION.

25 * * *

26 "Postpartum depression." A major depressive episode with an
27 onset in pregnancy or within one year of the birth of a child.

28 * * *

29 "STATE INTERAGENCY AGREEMENT." AN AGREEMENT ENTERED INTO BY <--
30 THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HEALTH, THE

1 DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES AND ANY OTHER
2 COMMONWEALTH AGENCY FOR THE PURPOSES OF THIS ACT AND OF PART B
3 AND PART H.

4 SECTION 3. SECTIONS 104(A) AND (B), 105, 106(B), (F) AND
5 (H), 301 INTRODUCTORY PARAGRAPH AND (1), 302(A) INTRODUCTORY
6 PARAGRAPH, 303 AND 304(C) OF THE ACT ARE AMENDED TO READ:

7 SECTION 104. STATE INTERAGENCY AGREEMENT.

8 (A) INTERAGENCY AGREEMENT.--THE DEPARTMENT OF EDUCATION, THE
9 DEPARTMENT OF HEALTH AND THE DEPARTMENT OF [PUBLIC WELFARE]
10 HUMAN SERVICES SHALL ENTER INTO AND MAINTAIN A STATE INTERAGENCY
11 AGREEMENT TO ENABLE THE STATE AND LOCAL AGENCIES SERVING
12 INFANTS, TODDLERS AND ELIGIBLE YOUNG CHILDREN WHO ARE
13 HANDICAPPED TO ESTABLISH WORKING RELATIONSHIPS THAT WILL
14 INCREASE THE EFFICIENCY AND EFFECTIVENESS OF THEIR EARLY
15 INTERVENTION SERVICES. THE AGREEMENT SHALL OUTLINE THE
16 RESPONSIBILITIES OF THOSE STATE AND LOCAL AGENCIES AND SHALL
17 IMPLEMENT A COORDINATED SERVICE DELIVERY SYSTEM THROUGH LOCAL
18 INTERAGENCY AGREEMENTS.

19 (B) COMPONENTS.--THE STATE INTERAGENCY AGREEMENT SHALL
20 ADDRESS, AT A MINIMUM, THE FOLLOWING ISSUES:

- 21 (1) RESPONSIBILITIES OF STATE AND LOCAL AGENCIES.
- 22 (2) ELIGIBILITY DETERMINATION AND REFERRALS.
- 23 (3) ESTABLISHMENT OF LOCAL AGREEMENTS.
- 24 (4) FISCAL RESPONSIBILITIES OF THE AGENCIES.
- 25 (5) DISPUTE RESOLUTION BETWEEN AGENCIES.
- 26 (6) PAYOR OF LAST RESORT.
- 27 (7) MAINTENANCE OF EFFORT.
- 28 (8) ADMINISTRATIVE MANAGEMENT STRUCTURE.
- 29 (9) ESTABLISHMENT AND MAINTENANCE OF LOCAL INTERAGENCY
30 COORDINATING COUNCILS, WHICH SHALL INCLUDE, BUT NOT BE

1 LIMITED TO, PARENTS AND PRIVATE PROVIDERS AND WHICH SHALL BE
2 AUTHORIZED TO ADVISE AND COMMENT ON THE DEVELOPMENT OF LOCAL
3 INTERAGENCY AGREEMENTS FOR THEIR SPECIFIED GEOGRAPHIC AREA
4 AND TO COMMUNICATE DIRECTLY WITH THE DEPARTMENT OF EDUCATION,
5 THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF [PUBLIC WELFARE]
6 HUMAN SERVICES AND THE COUNCIL REGARDING THE LOCAL
7 INTERAGENCY AGREEMENT AND ANY OTHER MATTERS PERTAINING TO
8 THIS ACT.

9 (10) PLANS BY THE DEPARTMENT OF HEALTH, THE DEPARTMENT
10 OF [PUBLIC WELFARE] HUMAN SERVICES AND THE DEPARTMENT OF
11 EDUCATION TO WORK TOGETHER TO DEVELOP A COORDINATED SYSTEM OF
12 CASE MANAGEMENT.

13 * * *

14 SECTION 105. OTHER DUTIES OF STATE AGENCIES.

15 (A) STATEWIDE SYSTEM.--THE DEPARTMENT OF HEALTH, THE
16 DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES AND THE DEPARTMENT
17 OF EDUCATION SHALL BE RESPONSIBLE FOR THE ESTABLISHMENT AND
18 MAINTENANCE OF A STATEWIDE SYSTEM OF EARLY INTERVENTION SERVICES
19 AS PROVIDED IN CHAPTER 3.

20 (B) RULEMAKING.--THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF
21 [PUBLIC WELFARE] HUMAN SERVICES, THE STATE BOARD OF EDUCATION AS
22 THE REGULATORY AUTHORITY FOR THE DEPARTMENT OF EDUCATION AND THE
23 DEPARTMENT OF EDUCATION FOR STANDARDS SHALL SUBMIT DRAFT
24 REGULATIONS AND STANDARDS TO THE COUNCIL RELATING TO THE
25 IMPLEMENTATION OF THIS ACT PRIOR TO FORMAL PROMULGATION IN ORDER
26 TO RECEIVE THE RECOMMENDATIONS OF THE COUNCIL. IF
27 RECOMMENDATIONS ARE NOT RECEIVED BY THE APPROPRIATE STATE AGENCY
28 WITHIN 60 DAYS OF RECEIPT BY THE COUNCIL, THE RESPECTIVE
29 DEPARTMENT OR BOARD MAY CONTINUE TO DEVELOP AND PROMULGATE
30 REGULATIONS AND STANDARDS.

1 (C) ANNUAL REPORTS.--BY JULY 31, THE DEPARTMENT OF HEALTH,
2 THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES AND THE
3 DEPARTMENT OF EDUCATION SHALL SUBMIT ANNUAL REPORTS TO THE
4 COUNCIL ON THE STATUS OF EARLY INTERVENTION SERVICES DURING THE
5 PRECEDING CALENDAR YEAR. THESE REPORTS SHALL BE USED AS THE
6 BASIS FOR THE REPORT SUBMITTED BY THE COUNCIL UNDER SECTION
7 106(F) (4) .
8 SECTION 106. COUNCIL.

9 * * *

10 (B) MEMBERSHIP.--THE MEMBERSHIP OF THE COUNCIL SHALL CONSIST
11 OF THE FOLLOWING:

12 (1) THREE PARENTS OF HANDICAPPED INFANTS, TODDLERS OR
13 ELIGIBLE YOUNG CHILDREN.

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

16 (3) ONE PARENT OF A CHILD WHO HAS RECEIVED EARLY
17 INTERVENTION SERVICES AND IS NOW BEYOND SIX 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 (5) ONE MEMBER FROM THE GENERAL ASSEMBLY.

22 (6) ONE REPRESENTATIVE OF THE AMERICAN ACADEMY OF
23 PEDIATRICS.

24 (7) ONE COUNTY [MENTAL HEALTH/MENTAL RETARDATION] MENTAL
25 HEALTH/INTELLECTUAL DISABILITY ADMINISTRATOR OR DESIGNEE.

26 (8) ONE INDIVIDUAL INVOLVED IN PERSONNEL PREPARATION.

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

28 (10) THE SECRETARY OF [PUBLIC WELFARE] HUMAN SERVICES OR
29 A DESIGNEE.

30 (11) THE SECRETARY OF HEALTH OR A DESIGNEE.

1 (12) AS EX OFFICIO MEMBERS, WHO SHALL NOT HAVE VOTING
2 PRIVILEGES: A REPRESENTATIVE OF THE DEVELOPMENTAL
3 DISABILITIES PLANNING COUNCIL AND MEMBERS APPOINTED BY THE
4 CHAIR OF THE COUNCIL.

5 * * *

6 (F) POWERS AND DUTIES.--THE COUNCIL HAS THE FOLLOWING POWERS
7 AND DUTIES:

8 (1) TO REVIEW AND COMMENT TO THE DEPARTMENT OF HEALTH,
9 THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES, THE
10 DEPARTMENT OF EDUCATION AND THE STATE BOARD OF EDUCATION ON
11 DRAFT REGULATIONS AND STANDARDS FOR THE IMPLEMENTATION AND
12 MAINTENANCE OF A STATEWIDE SYSTEM OF EARLY INTERVENTION
13 SERVICES WHICH ARE IN ACCORDANCE WITH THE PROVISIONS OF THIS
14 ACT AND PARTS B AND H.

15 (2) TO REVIEW AND COMMENT TO THE APPROPRIATE LEGISLATIVE
16 COMMITTEES AND THE INDEPENDENT REGULATORY REVIEW COMMISSION
17 ON REGULATIONS AND STANDARDS PROPOSED UNDER THIS ACT.

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

21 (I) RECOMMENDATIONS FOR THE IMPLEMENTATION AND
22 MAINTENANCE OF A STATEWIDE COMPREHENSIVE, COORDINATED,
23 MULTIDISCIPLINARY, INTERAGENCY PROGRAM, AS DESCRIBED IN
24 CHAPTER 3;

25 (II) SUGGESTIONS REGARDING SOURCES OF FISCAL AND
26 OTHER SUPPORT FROM FEDERAL, STATE, LOCAL AND PRIVATE
27 SOURCES, INCLUDING INSURANCE COVERAGE; AND

28 (III) RECOMMENDATIONS REGARDING IN-SERVICE TRAINING
29 AND PERSONNEL COMPETENCIES.

30 (4) TO PREPARE AND SUBMIT, WITH THE COOPERATION OF THE

1 SECRETARY OF EDUCATION, THE SECRETARY OF HEALTH AND THE
2 SECRETARY OF [PUBLIC WELFARE] HUMAN SERVICES, AN ANNUAL
3 REPORT DURING THE MONTH OF SEPTEMBER TO THE GOVERNOR AND THE
4 MAJORITY AND MINORITY CHAIRMEN OF THE EDUCATION COMMITTEE OF
5 THE SENATE AND THE EDUCATION COMMITTEE OF THE HOUSE OF
6 REPRESENTATIVES. THIS REPORT SHALL INCLUDE THE NUMBER OF
7 PROGRAMS BEING PROVIDED BY INTERMEDIATE UNITS, SCHOOL
8 DISTRICTS AND PUBLIC AND PRIVATE PROVIDERS, INCLUDING HEAD
9 START; THE NUMBER OF CHILDREN BEING SERVED; THE STATUS OF
10 COMPLIANCE WITH STATE REGULATIONS AND STANDARDS; DESCRIPTIVE
11 INFORMATION ON THE PROGRAMS; INFORMATION ON PERSONNEL NEEDS;
12 ANY SUGGESTED CHANGES IN STATE STATUTES AND REGULATIONS
13 GOVERNING THESE PROGRAMS; ANY INFORMATION THE UNITED STATES
14 SECRETARY OF EDUCATION MAY REQUIRE; AND ANY OTHER INFORMATION
15 THE COUNCIL DEEMS APPROPRIATE.

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

17 (6) TO PERFORM OTHER FUNCTIONS REQUIRED OF A STATE'S
18 INTERAGENCY COORDINATING COUNCIL UNDER PART H.

19 * * *

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 INFANTS, TODDLERS AND THEIR FAMILIES AND TO ELIGIBLE
2 YOUNG CHILDREN. THE SYSTEM SHALL INCLUDE THE FOLLOWING MINIMUM
3 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 * * *

12 SECTION 302. PROGRAM REGULATIONS AND STANDARDS.

13 (A) [PUBLIC WELFARE] HUMAN SERVICES.--THE DEPARTMENT OF
14 [PUBLIC WELFARE] HUMAN SERVICES SHALL DEFINE AND ADDRESS THE
15 FOLLOWING ISSUES IN DEVELOPING REGULATIONS:

16 * * *

17 SECTION 303. ADMINISTRATION BY DEPARTMENT OF [PUBLIC WELFARE]
18 HUMAN SERVICES.

19 (A) ASSISTANCE TO COUNTIES.--FROM THE SUM APPROPRIATED TO
20 THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES FOR THE
21 PURPOSES OF THIS ACT, THE DEPARTMENT SHALL DISTRIBUTE FUNDS TO
22 THE COUNTY MENTAL HEALTH AND [MENTAL RETARDATION] INTELLECTUAL
23 DISABILITY OFFICES, UNDER SECTION 509 OF THE ACT OF OCTOBER 20,
24 1966 (3RD SP.SESS., P.L.96, NO.6), KNOWN AS THE MENTAL HEALTH
25 AND [MENTAL RETARDATION] INTELLECTUAL DISABILITY ACT OF 1966,
26 FOR THE PROVISION OF EARLY INTERVENTION SERVICES TO CHILDREN
27 FROM BIRTH TO AGE TWO, INCLUSIVE. THE COUNTY OFFICES MAY MEET
28 THEIR OBLIGATION TO ASSURE APPROPRIATE EARLY INTERVENTION
29 SERVICES TO ALL ELIGIBLE CHILDREN THROUGH CONTRACTS WITH PUBLIC
30 OR PRIVATE AGENCIES THAT MEET THE REQUIREMENTS OF THE

1 REGULATIONS AND PROGRAM STANDARDS DEVELOPED UNDER THIS ACT. THE
2 COUNTY OFFICES SHALL ASSURE ANNUALLY THAT THE SERVICE PROVIDERS
3 RECEIVING FUNDS ARE IN COMPLIANCE WITH THE COMMONWEALTH'S
4 REGULATIONS AND STANDARDS.

5 (B) FEDERAL BENEFITS.--NOTHING IN THIS ACT SHALL PRECLUDE
6 MEDICAL OR OTHER ASSISTANCE AVAILABLE UNDER TITLE V OR XIX OF
7 THE SOCIAL SECURITY ACT (PUBLIC LAW 74-271, 42 U.S.C. § 701 ET
8 SEQ. OR § 1396 ET SEQ.) OR ANY OTHER BENEFITS AVAILABLE UNDER
9 FEDERAL LAW.

10 (C) EDUCATION.--IN ORDER TO FACILITATE THE TRANSFER OF
11 RESPONSIBILITY FOR ELIGIBLE CHILDREN FROM THE DEPARTMENT OF
12 [PUBLIC WELFARE] HUMAN SERVICES TO THE DEPARTMENT OF EDUCATION
13 AT ONE TIME EACH YEAR, CONSISTENT WITH THE BEGINNING OF THE
14 SCHOOL YEAR, THE SECRETARY OF [PUBLIC WELFARE] HUMAN SERVICES
15 MAY DELEGATE RESPONSIBILITY FOR SERVING CERTAIN CHILDREN UNDER
16 THREE YEARS OF AGE TO THE DEPARTMENT OF EDUCATION AND MAY ACCEPT
17 A DELEGATION OF RESPONSIBILITY FROM THE SECRETARY OF EDUCATION
18 UNDER SECTION 304(C) TO SERVE CERTAIN CHILDREN OVER THE AGE OF
19 THREE.

20 (D) USE OF FUNDS.--FROM THE SUM OF STATE FUNDS APPROPRIATED
21 BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF [PUBLIC WELFARE]
22 HUMAN SERVICES FOR THIS ACT, THE DEPARTMENT SHALL USE 2% TO 4%
23 OF THE APPROPRIATION FOR PERSONNEL TRAINING AND PROGRAM
24 TECHNICAL ASSISTANCE.

25 SECTION 304. ADMINISTRATION BY DEPARTMENT OF EDUCATION.

26 * * *

27 (C) [PUBLIC WELFARE] HUMAN SERVICES.--THE SECRETARY OF
28 EDUCATION SHALL PROVIDE FOR THE TRANSITION OF ELIGIBLE CHILDREN,
29 INCLUDING HANDICAPPED INFANTS AND TODDLERS, WHO, PRIOR TO THEIR
30 THIRD BIRTHDAY, RECEIVED SERVICES UNDER PART H. THE SECRETARY OF

1 EDUCATION IS AUTHORIZED TO ACCEPT RESPONSIBILITY PURSUANT TO
2 DELEGATION FROM THE SECRETARY OF [PUBLIC WELFARE] HUMAN SERVICES
3 UNDER SECTION 303(C) FOR PROVIDING EARLY INTERVENTION SERVICES
4 TO CHILDREN LESS THAN THREE YEARS OF AGE. THE SECRETARY OF
5 EDUCATION IS AUTHORIZED TO DELEGATE RESPONSIBILITY TO THE
6 SECRETARY OF [PUBLIC WELFARE] HUMAN SERVICES FOR PROVIDING
7 SERVICES FOR CERTAIN CHILDREN OVER THE AGE OF THREE.

8 * * *

9 Section ~~2~~ 4. Section 305 of the act, amended October 14, <--
10 2014 (P.L.2500, No.143), is amended to read:

11 Section 305. Child identification, assessment and tracking
12 system.

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

20 (b) At-risk children.--For the purposes of child
21 identification, assessment and tracking for infants and
22 toddlers, the Department of [Public Welfare] Human Services
23 shall establish, by regulation, population groups to be included
24 in these activities. The population groups shall include, but
25 not be limited to, children whose birth weight is under 1,500
26 grams; children cared for in neonatal intensive care units of
27 hospitals; children born to chemically dependent mothers and
28 referred by a physician, health care provider or parent;
29 children who are seriously abused or neglected, as substantiated
30 and referred by the county children and youth agency under the

1 act of November 26, 1975 (P.L.438, No.124), known as the Child
2 Protective Services Law; children with confirmed dangerous
3 levels of lead poisoning as set by the Department of Health;
4 [and] children who are homeless[.]; and children who have a
5 parent that is either at high risk for or is diagnosed as having
6 postpartum depression and who are referred to the Department of <--
7 Human Services by a physician, health care provider or parent.

8 The Department of [Public Welfare] Human Services may establish
9 other population groups by regulation as it deems necessary.

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

13 (1) The identification of eligible children and referral
14 to early intervention services as soon after birth as
15 possible.

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

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

19 (4) A description of agencies providing early
20 intervention services and the services provided by each
21 agency.

22 (5) Pertinent information regarding the exit of the
23 child from early intervention services.

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

28 (d) Confidentiality.--Proper measures shall be developed and
29 implemented to assure the confidentiality of the data contained
30 in the system. Information shall be accessed only by appropriate

1 staff of the Department of [Public Welfare] Human Services, the
2 Department of Education and the Department of Health, including
3 the staff of each agency's local entities, such as county mental
4 health and [mental retardation] INTELLECTUAL DISABILITY offices, <--
5 school districts and intermediate units, which are responsible
6 for the provision of services either directly or through
7 subcontract to private providers. Nothing in this section is
8 intended to preclude the utilization of data to provide for the
9 preparation of reports, fiscal information or other documents
10 required by this act or the Education of the Handicapped Act;
11 but no information may be used in a manner which would allow for
12 the identification of an individual child or family.

13 Section 3 5. This act shall take effect in 60 days. <--