

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1861

Session of
1989

INTRODUCED BY COWELL, BURNS, DOMBROWSKI, ROEBUCK, TRELLO, EVANS, KOSINSKI, FOX, LESCOVITZ, DALEY, YANDRISEVITS, BATTISTO, BORTNER, COLAFELLA, PISTELLA, WASS, E. Z. TAYLOR, LINTON, COY, STAIRS, KUKOVICH, MAYERNIK, OLASZ, GIGLIOTTI, LEVDANSKY, FREEMAN, MARKOSEK, McVERRY, FREIND, SCHULER, HERMAN, ITKIN, RICHARDSON, DeLUCA, STUBAN, THOMAS, MURPHY, McNALLY, MICHLOVIC, LAUGHLIN, STEIGHNER, ROBINSON, DAVIES, KAISER, McHALE, WILLIAMS, LaGROTTA, B. D. CLARK, COLE, RUDY, TIGUE, PETRONE, CAPPABIANCA, NAILOR AND J. H. CLARK, JUNE 30, 1989

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 24, 1990

AN ACT

1 Providing for early intervention services for infants, toddlers
2 and preschool children who qualify; establishing the
3 Interagency Coordinating Council and providing for its powers
4 and duties; and conferring powers and duties upon the
5 Department of Education and the State Board of Education, the
6 Department of Health and the Department of Public Welfare.

TABLE OF CONTENTS

7
8 Chapter 1. General Provisions
9 Section 101. Short title.
10 Section 102. Legislative findings for early intervention.
11 Section 103. Definitions.
12 Section 104. State interagency agreement.
13 Section 105. Other duties of State agencies.
14 Section 106. Council.
15 Chapter 3. Statewide System for Provision of Early Intervention
16 Services

1 Section 301. Requirements.
2 Section 302. Program regulations and standards.
3 Section 303. Administration by Department of Public Welfare.
4 Section 304. Administration by Department of Education.
5 Section 305. Child identification, assessment and tracking
6 system.

7 Chapter 5. Miscellaneous Provisions

8 Section 501. Regulations and standards.
9 Section 502. Existing programs.
10 Section 503. Effective date.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 CHAPTER 1

14 GENERAL PROVISIONS

15 Section 101. Short title.

16 This act shall be known and may be cited as the Early
17 Intervention Services System Act.

18 Section 102. Legislative findings for early intervention.

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

21 (1) Increase the opportunity for the development of
22 infants, toddlers and eligible young children who are
23 handicapped in order to minimize their potential for
24 developmental delay.

25 (2) Minimize the need for special education services as
26 these infants, toddlers and eligible young children who are
27 handicapped attain the age of beginners.

28 (3) Reduce the number of handicapped individuals being
29 placed in institutions and enhance their potential for
30 independent living in society.

1 (4) Assist the families of handicapped infants and
2 toddlers to meet their children's special needs.

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

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

13 Section 103. Definitions.

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

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 in any of
28 the following areas:

29 (i) Physical development.

30 (ii) Cognitive development.

1 (iii) Sensory development.

2 (iv) Language and speech development or alternative
3 communication development.

4 (v) Psycho-social development.

5 (vi) Self-help skills.

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

8 (i) Family training.

9 (ii) Social work services, including counseling and
10 home visits.

11 (iii) Special instruction.

12 (iv) Speech pathology and audiology.

13 (v) Occupational therapy.

14 (vi) Physical therapy.

15 (vii) Psychological services.

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

18 (ix) Early identification, screening and assessment
19 services.

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

23 (xi) Assistive technology devices and services.

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

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

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

4 (6) Are provided to eligible young children in
5 compliance with the provisions of this act and Part B.
6 Compliance includes procedural safeguards and free
7 appropriate public education, including related services and
8 individualized education programs.

9 (7) Are provided in the least restrictive environment
10 appropriate to the child's needs. Infants, toddlers and
11 eligible young children who will be served in a non-home-
12 based setting must, to the maximum extent consistent with the
13 child's abilities, receive early intervention services in a
14 setting with nonhandicapped children. Each infant's or
15 toddler's IFSP and each eligible young child's IEP must
16 contain the recommended service option placement and the
17 rationale for why it represents the least restrictive
18 environment.

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

21 "Eligible young child." A child who is younger than the age
22 of beginners and at least three years of age ~~as of September 1~~ <—
23 ~~of a year~~ and who meets any of the following criteria:

24 (1) The child has any of the following physical or
25 mental disabilities: autism/pervasive developmental disorder,
26 serious emotional disturbance, neurological impairment,
27 deafness/hearing impairment, specific learning disability,
28 mental retardation, multihandicap, other health impairment,
29 physical disability, speech impairment, or blindness/visual
30 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.

"Handicapped infants and toddlers." 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.

(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.

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

"Local interagency agreement." An agreement entered into by

1 local agencies receiving early intervention funds directly from
2 the Commonwealth and made under the State interagency agreement
3 providing for the delivery of early intervention services within
4 a specified geographic area.

5 "Part B." Part B of the Education for the Handicapped Act
6 (20 U.S.C. § 1411 et seq.), as it applies to preschool children.

7 "Part H." Part H of the Education for the Handicapped Act
8 (20 U.S.C. § 1471 et seq.).

9 "State interagency agreement." An agreement entered into by
10 the Department of Education, the Department of Health, the
11 Department of Public Welfare and any other Commonwealth agency
12 for the purposes of this act and of Part B and Part H.

13 Section 104. State interagency agreement.

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

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

- 26 (1) Responsibilities of State and local agencies.
- 27 (2) Eligibility determination and referrals.
- 28 (3) Establishment of local agreements.
- 29 (4) Fiscal responsibilities of the agencies.
- 30 (5) Dispute resolution between agencies.

1 (6) Payor of last resort.

2 (7) Maintenance of effort.

3 (8) Administrative management structure.

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

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

16 (c) Goal.--Issues under subsection (b) shall be addressed to
17 meet the requirements of this act and the provisions of Part B
18 and Part H.

19 Section 105. Other duties of State agencies.

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

25 (b) Rulemaking.--The Department of Health, the Department of
26 Public Welfare, the State Board of Education as the regulatory
27 authority for the Department of Education and the Department of
28 Education for standards shall submit draft regulations and
29 standards to the council relating to the implementation of this
30 act prior to formal promulgation in order to receive the

1 recommendations of the council. If recommendations are not
2 received by the appropriate State agency within 60 days of
3 receipt by the council, the respective department or board may
4 continue to develop and promulgate regulations and standards.

5 (c) Annual reports.--By July 31, the Department of Health,
6 the Department of Public Welfare and the Department of Education
7 shall submit annual reports to the council on the status of
8 early intervention services during the preceding calendar year.
9 These reports shall be used as the basis for the report
10 submitted by the council under section 106(f)(4).

11 Section 106. Council.

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

20 (b) Membership.--The membership of the council shall consist
21 of the following:

22 (1) Three parents of handicapped infants, toddlers or
23 eligible young children.

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

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

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

1 (5) One member from the General Assembly.

2 (6) One representative of the American Academy of
3 Pediatrics.

4 (7) One county mental health/mental retardation
5 administrator or designee.

6 (8) One individual involved in personnel preparation.

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

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

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

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

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

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

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

24 (f) Powers and duties.--The council has the following powers
25 and duties:

26 (1) To review and comment to the Department of Health,
27 the Department of Public Welfare, the Department of Education
28 and the State Board of Education on draft regulations and
29 standards for the implementation and maintenance of a
30 Statewide system of early intervention services which are in

1 accordance with the provisions of this act and Parts B and H.

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

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

8 (i) recommendations for the implementation and
9 maintenance of a Statewide comprehensive, coordinated,
10 multidisciplinary, interagency program, as described in
11 Chapter 3;

12 (ii) suggestions regarding sources of fiscal and
13 other support from Federal, State, local and private
14 sources, including insurance coverage; and

15 (iii) recommendations regarding in-service training
16 and personnel competencies.

17 (4) To prepare and submit, with the cooperation of the
18 Secretary of Education, the Secretary of Health and the
19 Secretary of Public Welfare, an annual report during the
20 month of September to the Governor and the Majority and
21 Minority Chairmen of the Education Committee of the Senate
22 and the Education Committee of the House of Representatives.
23 This report shall include the number of programs being
24 provided by intermediate units, school districts and public
25 and private providers, including Head Start; the number of
26 children being served; the status of compliance with State
27 regulations and standards; descriptive information on the
28 programs; information on personnel needs; any suggested
29 changes in State statutes and regulations governing these
30 programs; any information the United States Secretary of

1 Education may require; and any other information the council
2 deems appropriate.

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

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

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

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

14 CHAPTER 3

15 STATEWIDE SYSTEM FOR PROVISION OF 16 EARLY INTERVENTION SERVICES

17 Section 301. Requirements.

18 A Statewide system of coordinated, comprehensive,
19 multidisciplinary, interagency programs shall be established and
20 maintained by the Department of Health, the Department of Public
21 Welfare and the Department of Education to provide appropriate
22 early intervention services to all handicapped infants, toddlers
23 and their families and to eligible young children. The system
24 shall include the following minimum components:

25 (1) Compatible definitions of the term "developmental
26 delay" shall be promulgated and adopted by the Department of
27 Public Welfare, the Department of Health and the Department
28 of Education, with review and comment of the council under
29 section 106(f)(1). The definition shall provide for the
30 continuity of program services and shall be used in

1 implementing programs under this act.

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

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

11 (4) For all handicapped infants, toddlers and their
12 families, an IFSP in accordance with Part H, including case
13 management services in accordance with the service plan.

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

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

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

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

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

1 prepared and trained.

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

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

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

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

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

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

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

7 Section 302. Program regulations and standards.

8 (a) Public Welfare.--The Department of Public Welfare shall
9 define and address the following issues in developing
10 regulations:

11 (1) Methods for locating and identifying eligible
12 children.

13 (2) Criteria for eligible programs.

14 (3) Contracting guidelines.

15 (4) Personnel qualifications and a system of preservice
16 and in-service training.

17 (5) Early intervention services.

18 (6) Procedural safeguards.

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

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

26 (9) Data collection and confidentiality.

27 (10) Interagency cooperation at the State and local
28 level through the State interagency agreement and local
29 interagency agreements.

30 (11) Content and development of IFSPs.

(12) Any other issues which are required under this act and Part H.

(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) Contracting 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 IEPs.

(12) Any other issues which are required under this act and Part B.

Section 303. Administration by Department of Public Welfare.

(a) Assistance to counties.--From the sum appropriated to the Department of Public Welfare for the purposes of this act, the department shall distribute funds to the county mental

1 health and mental retardation offices, under section 509 of the
2 act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as
3 the Mental Health and Mental Retardation Act of 1966, for the
4 provision of early intervention services to children from birth
5 to age two, inclusive. The county offices may meet their
6 obligation to assure appropriate early intervention services to
7 all eligible children through contracts with public or private
8 nonprofit agencies that meet the requirements of the regulations
9 and program standards developed under this act. The county
10 offices shall assure annually that the service providers
11 receiving funds are in compliance with the Commonwealth's
12 regulations and standards.

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

18 (c) Education.--In order to facilitate the transfer of
19 responsibility for eligible children from the Department of
20 Public Welfare to the Department of Education at one time each
21 year, consistent with the beginning of the school year, the
22 Secretary of Public Welfare may delegate responsibility for
23 serving certain children under three years of age to the
24 Department of Education and may accept a delegation of
25 responsibility from the Secretary of Education under section
26 304(c) to serve certain children over the age of three.

27 (d) Use of funds.--From the sum of State funds appropriated
28 by the General Assembly to the Department of Public Welfare for
29 this act, the department shall use 2% to 4% of the appropriation
30 for personnel training and program technical assistance.

1 Section 304. Administration by Department of Education.

2 (a) Overall responsibility.--

3 (1) Subject to the provisions of this subsection, the
4 Department of Education shall be responsible for the delivery
5 of early intervention services for all eligible young
6 children between three years of age and the age of beginners.

7 (2) Eligible young children who receive early
8 intervention services ~~provided by public school districts in~~ <—
9 ~~approved district kindergarten programs~~ AND WHO HAVE ATTAINED <—
10 THE MINIMUM AGE OF ADMISSION TO THE SCHOOL DISTRICT
11 KINDERGARTEN PROGRAM under section 503 of the act of March
12 10, 1949 (P.L.30, No.14), known as the Public School Code of
13 1949, shall be included in the school district's ~~enrollment~~ <—
14 MEMBERSHIP and entitled to the same subsidies AND FUNDING <—
15 REQUIREMENTS UNDER ARTICLE XXV OF THE PUBLIC SCHOOL CODE OF
16 1949, as any kindergarten pupils. SCHOOL DISTRICTS AND <—
17 INTERMEDIATE UNITS THAT PROVIDE TRANSPORTATION FOR ANY
18 ELIGIBLE YOUNG CHILD TO ANY EARLY INTERVENTION PROGRAM SHALL
19 BE ELIGIBLE FOR THE PURPOSE OF REIMBURSEMENT OF
20 TRANSPORTATION COSTS UNDER SECTIONS 2541 AND 2509.1 OF THE
21 PUBLIC SCHOOL CODE OF 1949.

22 (3) From the ~~sum~~ STATE FUNDS appropriated to the <—
23 Department of Education for the purposes of this act, the
24 department shall provide for the delivery of early
25 intervention services for all eligible young children NOT <—
26 RECEIVING SERVICES PROVIDED IN SCHOOL DISTRICT KINDERGARTEN
27 PROGRAMS. The department ~~shall~~ MAY provide for the delivery <—
28 of ~~these services through contracts~~ SOME OR ALL OF SUCH <—
29 SERVICES THROUGH MUTUALLY AGREED-UPON WRITTEN ARRANGEMENTS
30 with 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. SUCH
MUTUALLY AGREED-UPON WRITTEN ARRANGEMENTS CAN INCLUDE
MEMORANDA OF UNDERSTANDING, GRANTS OR ALLOCATIONS PURSUANT TO
APPROVED PLANS SUBMITTED BY INTERMEDIATE UNITS AND SCHOOL
DISTRICTS. An intermediate unit or school district may
provide for some or all of such services through subcontracts
with other public or private agencies which comply with the
regulations and standards developed under this act. An
intermediate unit or school district shall be responsible for
the delivery of early intervention services only to the
extent to which the intermediate unit or school district
agrees to provide the services through ~~contracts~~ MUTUALLY
AGREED-UPON WRITTEN ARRANGEMENTS with the department. ~~Under~~
~~no circumstances shall an intermediate unit or school~~
~~district be required to expend funds other than those~~
~~provided for in such contracts for the delivery of early~~
~~intervention services. Contracts~~ MUTUALLY AGREED-UPON WRITTEN
ARRANGEMENTS for services for eligible young children in
approved district kindergarten programs shall pay for all
early intervention services not subsidized under paragraph
(2). Each intermediate unit, school district or other public
or private provider ~~contracting~~ WHICH ENTERS INTO SUCH
WRITTEN ARRANGEMENTS with the department shall assure the
department annually that the service provider is in
compliance with the Commonwealth's regulations and standards.

(4) NOTWITHSTANDING ANY CONTRARY PROVISIONS OF PARAGRAPH
(3) REGARDING FUNDING SOURCES, THE DEPARTMENT SHALL PROVIDE
FOR THE PROGRAMS OF ELIGIBLE YOUNG CHILDREN PLACED IN

1 APPROVED PRIVATE SCHOOLS OR CHARTERED SCHOOLS PURSUANT TO THE
2 PROVISIONS OF SECTION 1376 OR 1376.1 OF THE PUBLIC SCHOOL
3 CODE OF 1949, FROM THE STATE FUNDS APPROPRIATED TO THE
4 DEPARTMENT FOR SPECIAL EDUCATION IN APPROVED PRIVATE SCHOOLS.

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) Public welfare.--The Secretary of Education shall
11 provide for the transition of eligible children, including
12 handicapped infants and toddlers, who, prior to their third
13 birthday, received services under Part H. The Secretary of
14 Education is authorized to accept responsibility pursuant to
15 delegation from the Secretary of Public Welfare under section
16 303(c) for providing early intervention services to children
17 less than three years of age. The Secretary of Education is
18 authorized to delegate responsibility to the Secretary of Public
19 Welfare for providing services for certain children over the age
20 of three.

21 (d) Use of funds.--From the sum of State funds appropriated
22 to the Department of Education for this act, the department
23 shall use 2% to 4% of the appropriation for personnel training
24 and program technical assistance.

25 Section 305. Child identification, assessment and tracking
26 system.

27 (a) Development of system.--The Department of Public
28 Welfare, the Department of Education and the Department of
29 Health shall develop a Statewide system for eligible child
30 identification, assessment and tracking. This system shall be

1 developed and coordinated by the agencies to assure that the
2 system is compatible with the child-find system as required by
3 Part B.

4 (b) At-risk children.--For the purposes of child
5 identification, assessment and tracking for infants and
6 toddlers, the Department of Public Welfare shall establish, by
7 regulation, population groups to be included in these
8 activities. The population groups shall include but not be
9 limited to children whose birth weight is under 1,500 grams;
10 children cared for in neonatal intensive care units of
11 hospitals; children born to chemically-dependent mothers and
12 referred by a physician, health care provider or parent;
13 children who are seriously abused or neglected, as substantiated
14 and referred by the county children and youth agency under the
15 act of November 26, 1975 (P.L.438, No.124), known as the Child
16 Protective Services Law; and children with confirmed dangerous
17 levels of lead poisoning as set by the Department of Health. The
18 Department of Public Welfare may establish other population
19 groups by regulation as it deems necessary.

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

23 (1) The identification of eligible children and referral
24 to early intervention services as soon after birth as
25 possible.

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

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

29 (4) A description of agencies providing early
30 intervention services and the services provided by each

1 agency.

2 (5) Pertinent information regarding the exit of the
3 child from early intervention services.

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

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

23 CHAPTER 5

24 MISCELLANEOUS PROVISIONS

25 Section 501. Regulations and standards.

26 Regulations of the State Board of Education, 22 Pa. Code Ch.

27 14, ~~proposed at 19 Pa.B. 5373 (December 16, 1989)~~ PUBLISHED AT <—

28 20 PA.B. 3339 (JUNE 16, 1990), and the Department of Education

29 Standards, 22 Pa. Code Ch. 342, ~~proposed at 19 Pa.B. 5389~~ <—

30 ~~(December 16, 1989)~~ PUBLISHED AT 20 PA.B. 3357 (JUNE 16, 1990), <—

1 as approved by the State Board of Education, governing the
2 provision of early intervention services, shall take effect upon
3 their reaffirmation by the State Board of Education. THE
4 DEFINITION OF ELIGIBLE YOUNG CHILD IN THOSE REGULATIONS AND
5 STANDARDS IS, WITH REGARD TO THE REFERENCE TO BEING TWO YEARS
6 AND NINE MONTHS OF AGE BY SEPTEMBER 1, SUPERSEDED BY THE
7 DEFINITION OF ELIGIBLE YOUNG CHILD IN THIS ACT. Should the State
8 Board of Education propose to make any revisions in the
9 regulations at the time of reaffirmation, and at any time
10 thereafter, the regulations shall be subject to the provisions
11 of the act of July 31, 1968 (P.L.769, No.240), referred to as
12 the Commonwealth Documents Law, the act of October 15, 1980
13 (P.L.950, No.164), known as the Commonwealth Attorneys Act, and
14 the act of June 25, 1982 (P.L.633, No.181), known as the
15 Regulatory Review Act.

16 Section 502. Existing programs.

17 Prior to the effective dates in section 503(2) and (3), as
18 applicable, nothing in this act shall prohibit school districts,
19 intermediate units or approved private providers which are
20 engaged in the provision of early intervention services to
21 eligible infants, toddlers and their families, and to preschool
22 children from continuing the services.

23 Section 503. Effective date.

24 This act shall take effect as follows:

25 (1) For the purposes of meeting the program requirements
26 imposed upon the Department of Public Welfare under the
27 provisions of the Education of the Handicapped Act Amendments
28 of 1986 (Public Law 99-457, 100 Stat. 1145), this act shall
29 take effect July 1, 1990.

30 (2) The provisions of this act pertaining to the

1 entitlement of services by the Department of Public Welfare
2 shall take effect September 1, 1991.

3 (3) The provisions of this act pertaining to the
4 entitlement of services by the Department of Education shall
5 take effect July 1, 1991.

6 (4) The remainder of this act shall take effect
7 immediately.