
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

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1989

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JUNE 30, 1989

SENATOR HESS, EDUCATION, IN SENATE, AS AMENDED,
NOVEMBER 13, 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.

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

14 CHAPTER 1

15 GENERAL PROVISIONS

16 Section 101. Short title.

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

19 Section 102. Legislative findings for early intervention.

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

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

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

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

1 independent living in society.

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

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

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

14 Section 103. Definitions.

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

18 "Age of beginners." The minimum age established by the
19 school district board of directors for admission to the
20 district's first grade under 22 Pa. Code § 11.15 (relating to
21 admission of beginners).

22 "Council." The Interagency Coordinating Council established
23 in section 106.

24 "Early intervention services." Developmental services which
25 meet all of the following:

26 (1) Are provided under public supervision.

27 (2) Are designed to meet the developmental needs of a
28 handicapped infant, toddler or eligible young child in any of
29 the following areas:

30 (i) Physical development.

- 1 (ii) Cognitive development.
- 2 (iii) Sensory development.
- 3 (iv) Language and speech development or alternative
4 communication development.
- 5 (v) Psycho-social development.
- 6 (vi) Self-help skills.
- 7 (3) Are developed to meet the requirements of this act,
8 including, but not limited to, the following:
- 9 (i) Family training.
- 10 (ii) Social work services, including counseling and
11 home visits.
- 12 (iii) Special instruction.
- 13 (iv) Speech pathology and audiology.
- 14 (v) Occupational therapy.
- 15 (vi) Physical therapy.
- 16 (vii) Psychological services.
- 17 (viii) Medical services only for diagnostic or
18 evaluation purposes.
- 19 (ix) Early identification, screening and assessment
20 services.
- 21 (x) Health services necessary to enable the infant
22 or toddler to benefit from the other early intervention
23 services.
- 24 (xi) Assistive technology devices and services.
- 25 (xii) For handicapped infants and toddlers, other
26 services required by Part H.
- 27 (4) Are provided by qualified personnel, including, but
28 not limited to, special educators, speech and language
29 pathologists and audiologists, occupational therapists,
30 physical therapists, psychologists, social workers, nurses

1 and nutritionists.

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

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

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

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

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

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

1 impairment.

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

5 "Handicapped infants and toddlers." Individuals ranging in
6 age from birth to two years of age, inclusive, who need early
7 intervention services for any of the following reasons:

8 (1) They are experiencing developmental delays, as
9 defined by regulations of the Department of Public Welfare
10 and as measured by appropriate diagnostic instruments and
11 procedures in any of the following areas: cognitive
12 development, sensory development, physical development,
13 language and speech development, psycho-social development or
14 self-help skills.

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

25 "IEP." Individualized Education Program.

26 "IFSP." Individualized Family Service Plan.

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

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

6 "MUTUALLY AGREED-UPON WRITTEN ARRANGEMENTS." AN AGREEMENT ←
7 BETWEEN THE DEPARTMENT OF EDUCATION AND INTERMEDIATE UNITS,
8 SCHOOL DISTRICTS, OR OTHER PUBLIC OR PRIVATE AGENCIES THAT
9 COMPLY WITH THE EARLY INTERVENTION REGULATIONS OF THE STATE
10 BOARD OF EDUCATION AND EARLY INTERVENTION STANDARDS OF THE
11 DEPARTMENT OF EDUCATION. THESE AGREEMENTS MAY INCLUDE MEMORANDA
12 OF UNDERSTANDING PURSUANT TO APPROVED PLANS SUBMITTED TO THE
13 DEPARTMENT OF EDUCATION BY INTERMEDIATE UNITS AND SCHOOL
14 DISTRICTS.

15 "Part B." Part B of the Education for the Handicapped Act
16 (20 U.S.C. § 1411 et seq.), as it applies to preschool children.

17 "Part H." Part H of the Education for the Handicapped Act
18 (20 U.S.C. § 1471 et seq.).

19 "State interagency agreement." An agreement entered into by
20 the Department of Education, the Department of Health, the
21 Department of Public Welfare and any other Commonwealth agency
22 for the purposes of this act and of Part B and Part H.
23 Section 104. State interagency agreement.

24 (a) Interagency agreement.--The Department of Education, the
25 Department of Health and the Department of Public Welfare shall
26 enter into and maintain a State interagency agreement to enable
27 the State and local agencies serving infants, toddlers and
28 eligible young children who are handicapped to establish working
29 relationships that will increase the efficiency and
30 effectiveness of their early intervention services. The

1 agreement shall outline the responsibilities of those State and
2 local agencies and shall implement a coordinated service
3 delivery system through local interagency agreements.

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

6 (1) Responsibilities of State and local agencies.

7 (2) Eligibility determination and referrals.

8 (3) Establishment of local agreements.

9 (4) Fiscal responsibilities of the agencies.

10 (5) Dispute resolution between agencies.

11 (6) Payor of last resort.

12 (7) Maintenance of effort.

13 (8) Administrative management structure.

14 (9) Establishment and maintenance of local interagency
15 coordinating councils, which shall include, but not be
16 limited to, parents and private providers and which shall be
17 authorized to advise and comment on the development of local
18 interagency agreements for their specified geographic area
19 and to communicate directly with the Department of Education,
20 the Department of Health, the Department of Public Welfare
21 and the council regarding the local interagency agreement and
22 any other matters pertaining to this act.

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

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

29 Section 105. Other duties of State agencies.

30 (a) Statewide system.--The Department of Health, the

1 Department of Public Welfare and the Department of Education
2 shall be responsible for the establishment and maintenance of a
3 Statewide system of early intervention services as provided in
4 Chapter 3.

5 (b) Rulemaking.--The Department of Health, the Department of
6 Public Welfare, the State Board of Education as the regulatory
7 authority for the Department of Education and the Department of
8 Education for standards shall submit draft regulations and
9 standards to the council relating to the implementation of this
10 act prior to formal promulgation in order to receive the
11 recommendations of the council. If recommendations are not
12 received by the appropriate State agency within 60 days of
13 receipt by the council, the respective department or board may
14 continue to develop and promulgate regulations and standards.

15 (c) Annual reports.--By July 31, the Department of Health,
16 the Department of Public Welfare and the Department of Education
17 shall submit annual reports to the council on the status of
18 early intervention services during the preceding calendar year.
19 These reports shall be used as the basis for the report
20 submitted by the council under section 106(f)(4).
21 Section 106. Council.

22 (a) Establishment.--The Interagency Coordinating Council is
23 established. The council shall consist of 15 voting members
24 appointed by the Governor. The council shall serve as the
25 council required by the Education of the Handicapped Act
26 Amendments of 1986 (Public Law 99-457, 100 Stat. 1145). The term
27 of office of the voting members shall be three years, except for
28 the cabinet officers or their designees, who shall serve as long
29 as they are in office.

30 (b) Membership.--The membership of the council shall consist

1 of the following:

2 (1) Three parents of handicapped infants, toddlers or
3 eligible young children.

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

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

8 (4) Three providers of early intervention services,
9 including one school district provider, one intermediate unit
10 provider and one private provider.

11 (5) One member from the General Assembly.

12 (6) One representative of the American Academy of
13 Pediatrics.

14 (7) One county mental health/mental retardation
15 administrator or designee.

16 (8) One individual involved in personnel preparation.

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

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

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

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

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

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

30 (e) Committees.--The chair of the council may appoint

1 special committees, which may include nonmembers of the council,
2 to make recommendations to the council concerning key issues
3 related to this act.

4 (f) Powers and duties.--The council has the following powers
5 and duties:

6 (1) To review and comment to the Department of Health,
7 the Department of Public Welfare, the Department of Education
8 and the State Board of Education on draft regulations and
9 standards for the implementation and maintenance of a
10 Statewide system of early intervention services which are in
11 accordance with the provisions of this act and Parts B and H.

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

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

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

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

25 (iii) recommendations regarding in-service training
26 and personnel competencies.

27 (4) To prepare and submit, with the cooperation of the
28 Secretary of Education, the Secretary of Health and the
29 Secretary of Public Welfare, an annual report during the
30 month of September to the Governor and the Majority and

1 Minority Chairmen of the Education Committee of the Senate
2 and the Education Committee of the House of Representatives.
3 This report shall include the number of programs being
4 provided by intermediate units, school districts and public
5 and private providers, including Head Start; the number of
6 children being served; the status of compliance with State
7 regulations and standards; descriptive information on the
8 programs; information on personnel needs; any suggested
9 changes in State statutes and regulations governing these
10 programs; any information the United States Secretary of
11 Education may require; and any other information the council
12 deems appropriate.

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

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

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

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

24 CHAPTER 3

25 STATEWIDE SYSTEM FOR PROVISION OF

26 EARLY INTERVENTION SERVICES

27 Section 301. Requirements.

28 A Statewide system of coordinated, comprehensive,
29 multidisciplinary, interagency programs shall be established and
30 maintained by the Department of Health, the Department of Public

1 Welfare and the Department of Education to provide appropriate
2 early intervention services to all handicapped infants, toddlers
3 and their families and to eligible young children. The system
4 shall include the following minimum components:

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

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

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

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

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

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

30 (7) A public awareness program focusing on early

1 identification of handicapped infants, toddlers and eligible
2 young children.

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

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

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

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

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

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

24 (14) An exit criteria, which provides procedures for a
25 child to exit from early intervention services. This exit
26 plan must address both the needs of the child who has
27 attained age of beginners as well as the child who, at any
28 age between birth and age of beginners, no longer meets the
29 eligibility criteria. If a child has been successful in
30 obtaining age-appropriate behavior and abilities, the fact

1 that the child participated in early intervention services
2 may not be communicated to the school district unless the
3 parent so chooses nor may it be considered as a rationale for
4 placement in public school age special education classes. If
5 the child does not meet exit criteria and the child's IEP or
6 IFSP demonstrates that the child will benefit from services
7 which can be provided only through special education, nothing
8 in this act shall prevent that placement. In either case,
9 transition services shall be provided to the child and the
10 child's parents.

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

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

17 Section 302. Program regulations and standards.

18 (a) Public Welfare.--The Department of Public Welfare shall
19 define and address the following issues in developing
20 regulations:

21 (1) Methods for locating and identifying eligible
22 children.

23 (2) Criteria for eligible programs.

24 (3) Contracting guidelines.

25 (4) Personnel qualifications and a system of preservice
26 and in-service training.

27 (5) Early intervention services.

28 (6) Procedural safeguards.

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

1 (8) A system of quality assurance, including evaluation
2 of the developmental appropriateness; quality and
3 effectiveness of programs; assurance of compliance with
4 program standards; and provision of assistance to assure
5 compliance.

6 (9) Data collection and confidentiality.

7 (10) Interagency cooperation at the State and local
8 level through the State interagency agreement and local
9 interagency agreements.

10 (11) Content and development of IFSPs.

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

13 (b) Education.--The State Board of Education and the
14 Department of Education shall define and address the following
15 issues in developing regulations and standards:

16 (1) Methods for locating and identifying eligible
17 children.

18 (2) Criteria for eligible programs.

19 (3) ~~Contracting~~ MUTUALLY AGREED-UPON WRITTEN ARRANGEMENT ←
20 guidelines.

21 (4) Personnel qualification and a system of preservice
22 and in-service training.

23 (5) Early intervention services.

24 (6) Procedural safeguards.

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

27 (8) A system of quality assurance, including evaluation
28 of the developmental appropriateness; quality and
29 effectiveness of programs; assurance of compliance with
30 program standards; and provision of assistance to assure

1 compliance.

2 (9) Data collection and confidentiality.

3 (10) Interagency cooperation at the State and local
4 levels.

5 (11) Contents and development of IEPs.

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

8 Section 303. Administration by Department of Public Welfare.

9 (a) Assistance to counties.--From the sum appropriated to
10 the Department of Public Welfare for the purposes of this act,
11 the department shall distribute funds to the county mental
12 health and mental retardation offices, under section 509 of the
13 act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as
14 the Mental Health and Mental Retardation Act of 1966, for the
15 provision of early intervention services to children from birth
16 to age two, inclusive. The county offices may meet their
17 obligation to assure appropriate early intervention services to
18 all eligible children through contracts with public or private
19 ~~nonprofit~~ agencies that meet the requirements of the regulations ←
20 and program standards developed under this act. The county
21 offices shall assure annually that the service providers
22 receiving funds are in compliance with the Commonwealth's
23 regulations and standards.

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

29 (c) Education.--In order to facilitate the transfer of
30 responsibility for eligible children from the Department of

1 Public Welfare to the Department of Education at one time each
2 year, consistent with the beginning of the school year, the
3 Secretary of Public Welfare may delegate responsibility for
4 serving certain children under three years of age to the
5 Department of Education and may accept a delegation of
6 responsibility from the Secretary of Education under section
7 304(c) to serve certain children over the age of three.

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

12 Section 304. Administration by Department of Education.

13 (a) Overall responsibility.--

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

18 (2) Eligible young children who receive early
19 intervention services and who have attained the minimum age
20 of admission to the school district kindergarten program
21 under section 503 of the act of March 10, 1949 (P.L.30,
22 No.14), known as the Public School Code of 1949, shall be
23 included in the school district's membership and entitled to
24 the same subsidies and funding requirements under Article XXV
25 of the Public School Code of 1949, as any kindergarten
26 pupils. School districts and intermediate units that provide
27 transportation for any eligible young child to any early
28 intervention program shall be eligible for the purpose of
29 reimbursement of transportation costs under sections 2541 and
30 2509.1 of the Public School Code of 1949.

1 (3) From the State funds appropriated to the Department <—
2 of Education for the purposes of this act, the department
3 shall provide for the delivery of early intervention services
4 for all eligible young children not receiving services
5 provided in school district kindergarten programs. The
6 department may provide for the delivery of some or all of
7 such services through mutually agreed-upon written
8 arrangements. ~~with intermediate units, school districts or~~ <—
9 ~~other public or private agencies that comply with the early~~
10 ~~intervention regulations of the State Board of Education and~~
11 ~~early intervention standards of the Department of Education.~~
12 ~~Such mutually agreed upon written arrangements can include~~
13 ~~memoranda of understanding, grants or allocations pursuant to~~
14 ~~approved plans submitted by intermediate units and school~~
15 ~~districts.~~ An intermediate unit or school district may
16 provide for some or all of such services through subcontracts
17 with other public or private agencies which comply with the
18 regulations and standards developed under this act. An
19 intermediate unit or school district shall be responsible for
20 the delivery of early intervention services only to the
21 extent to which the intermediate unit or school district
22 agrees to provide the services through mutually agreed-upon
23 written arrangements with the department. Mutually agreed-
24 upon written arrangements for services for eligible young
25 children in approved district kindergarten programs shall pay
26 for all early intervention services not subsidized under
27 paragraph (2). Each intermediate unit, school district or
28 other public or private provider which enters into such
29 written arrangements with the department shall assure the
30 department annually that the service provider is in

1 compliance with the Commonwealth's regulations and standards.

2 (4) ~~Notwithstanding any contrary provisions of paragraph~~ <—
3 ~~(3) regarding funding sources,~~ the THE department shall <—
4 provide for the programs of eligible young children WHO ARE <—
5 NOT ELIGIBLE FOR SERVICES PROVIDED IN SCHOOL DISTRICT
6 KINDERGARTEN PROGRAMS AND WHO ARE placed in approved private
7 schools or chartered schools pursuant to the provisions of
8 section 1376 or 1376.1 of the Public School Code of 1949,
9 from the State funds appropriated to the department for
10 special education in approved private schools. THE DEPARTMENT <—
11 SHALL PROVIDE ONLY FOR THE EXCESS COSTS FOR ELIGIBLE YOUNG
12 CHILDREN WHO ARE ELIGIBLE FOR SERVICES PROVIDED IN SCHOOL
13 DISTRICT KINDERGARTEN PROGRAMS AND WHO ARE PLACED IN APPROVED
14 PRIVATE SCHOOLS OR CHARTERED SCHOOLS PURSUANT TO THE
15 PROVISIONS OF SECTION 1376 OR 1376.1 OF THE PUBLIC SCHOOL
16 CODE OF 1949, FROM THE STATE FUNDS APPROPRIATED TO THE
17 DEPARTMENT FOR SPECIAL EDUCATION IN APPROVED PRIVATE SCHOOLS.

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

23 (c) Public welfare.--The Secretary of Education shall
24 provide for the transition of eligible children, including
25 handicapped infants and toddlers, who, prior to their third
26 birthday, received services under Part H. The Secretary of
27 Education is authorized to accept responsibility pursuant to
28 delegation from the Secretary of Public Welfare under section
29 303(c) for providing early intervention services to children
30 less than three years of age. The Secretary of Education is

1 authorized to delegate responsibility to the Secretary of Public
2 Welfare for providing services for certain children over the age
3 of three.

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

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; but no information may be used
4 in a manner which would allow for the identification of an
5 individual child or family.

6 CHAPTER 5

7 MISCELLANEOUS PROVISIONS

8 Section 501. Regulations and standards.

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

27 Section 502. Existing programs.

28 Prior to the effective dates in section 503(2) and (3), as
29 applicable, nothing in this act shall prohibit school districts,
30 intermediate units or approved private providers which are

1 engaged in the provision of early intervention services to
2 eligible infants, toddlers and their families, and to preschool
3 children from continuing the services.

4 Section 503. Effective date.

5 This act shall take effect as follows:

6 (1) For the purposes of meeting the program requirements
7 imposed upon the Department of Public Welfare under the
8 provisions of the Education of the Handicapped Act Amendments
9 of 1986 (Public Law 99-457, 100 Stat. 1145), this act shall
10 take effect July 1, 1990.

11 (2) The provisions of this act pertaining to the
12 entitlement of services by the Department of Public Welfare
13 shall take effect September 1, 1991.

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

17 (4) The remainder of this act shall take effect
18 immediately.