
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 105

Session of
1993

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TOMLINSON, KASUNIC, JAMES, VEON, TRICH AND ITKIN,
JANUARY 27, 1993

SENATOR FATTAH, EDUCATION, IN SENATE, AS AMENDED, JUNE 16, 1993

AN ACT

1 Amending the act of December 19, 1990 (P.L.1372, No.212),
2 entitled "An act providing for early intervention services
3 for infants, toddlers and preschool children who qualify;
4 establishing the Interagency Coordinating Council and
5 providing for its powers and duties; and conferring powers
6 and duties upon the Department of Education and the State
7 Board of Education, the Department of Health and the
8 Department of Public Welfare," further providing for
9 intervention services for infants, toddlers and eligible
10 young children with disabilities; expanding the membership of
11 the Interagency Coordinating Council; further providing for
12 the expenditure of certain appropriations; and making
13 editorial changes.

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

16 Section 1. Sections 102, 103, 104, 105(c), 106, 301, 303,
17 304 and 501 of the act of December 19, 1990 (P.L.1372, No.212),
18 known as the Early Intervention Services System Act, are amended
19 to read:

20 Section 102. Legislative findings for early intervention.

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

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

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

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

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

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

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

Section 103. Definitions.

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

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

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

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

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

8 (1) Are provided under public supervision.

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

13 (i) Physical development.

14 (ii) Cognitive development.

15 (iii) Sensory development.

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

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

19 [(vi) Self-help skills.]

20 (vi) Adaptive development.

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

24 (i) Family training.

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

27 (iii) Special instruction.

28 (iv) Speech pathology and audiology.

29 (v) Occupational therapy.

30 (vi) Physical therapy.

(vii) Psychological services.

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

(ix) Early identification, screening and assessment services.

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

(xi) Assistive technology devices and services.

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

(xii) For infants and toddlers with disabilities, other services required by Part H, such as nutrition, service coordination services and transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive early intervention services.

(xiii) Vision services.

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

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

[(6) Are provided to eligible young children in compliance with the provisions of this act and Part B.

1 Compliance includes procedural safeguards and free
2 appropriate public education, including related services and
3 individualized education programs.] <—

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

14 (6) For eligible young children, are developed to
15 include specialized instruction in compliance with the
16 provisions of this act and Part B. Compliance, for this
17 purpose, includes the procedural safeguards and free
18 appropriate education, including related services and
19 individualized education programs, which are necessary to
20 insure that compliance is effected. These developmental
21 services shall include, but not be limited to, the following
22 related services:

23 (i) Family training.

24 (ii) Social work services, including counseling and
25 home visits.

26 (iii) Speech pathology and audiology.

27 (iv) Occupational therapy.

28 (v) Physical therapy.

29 (vi) Psychological services.

30 (vii) Medical services, for diagnostic or evaluation

purposes only.

(viii) Early identification, screening and
assessment services.

(ix) Assistant technology devices and services.

~~(7) To the maximum extent appropriate, are provided in
natural environments, including the home and community
settings in which children without disabilities participate.~~

(7) ARE PROVIDED IN THE LEAST RESTRICTIVE NATURAL
ENVIRONMENT APPROPRIATE TO THE CHILD'S NEEDS. INFANTS,
TODDLERS AND ELIGIBLE YOUNG CHILDREN WHO WILL BE SERVED IN A
NON-HOME-BASED SETTING MUST, TO THE MAXIMUM EXTENT CONSISTENT
WITH THE CHILD'S ABILITIES, RECEIVE EARLY INTERVENTION
SERVICES IN A SETTING WITH NONHANDICAPPED CHILDREN. EACH
INFANT'S OR TODDLER'S IFSP AND EACH ELIGIBLE YOUNG CHILD'S
IEP MUST CONTAIN THE RECOMMENDED SERVICE OPTION PLACEMENT AND
THE RATIONALE FOR WHY IT REPRESENTS THE LEAST RESTRICTIVE
ENVIRONMENT.

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

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

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

(2) The child is considered to have a developmental

1 delay, as defined by regulations of the State Board of
2 Education and the standards of the Department of Education.

3 "IEP." Individualized Education Program.

4 "IFSP." Individualized Family Service Plan.

5 "Individuals with Disabilities Education Act." The
6 Individuals with Disabilities Education Act (Public Law 91-230,
7 20 U.S.C. § 1401 et seq.).

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

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

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

1 ["IEP." Individualized Education Program.

2 "IFSP." Individualized Family Service Plan.]

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

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

16 "Local interagency agreement." An agreement entered into by
17 local agencies receiving early intervention funds directly from
18 the Commonwealth and made under the State interagency agreement
19 providing for the delivery of early intervention services within
20 a specified geographic area.

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

23 "Mutually agreed-upon written arrangements." An agreement
24 between the Department of Education and intermediate units,
25 school districts or other public or private agencies to provide
26 early intervention services that comply with the early
27 intervention regulations of the State Board of Education and
28 early intervention standards of the Department of Education.
29 These agreements may include memoranda of understanding pursuant
30 to approved plans submitted to the Department of Education by

1 intermediate units and school districts.

2 "Part B." Part B of the [Education for the Handicapped]
3 Individuals with Disabilities Education Act (20 U.S.C. § 1411 et
4 seq.), as it applies to preschool children.

5 "Part H." Part H of the [Education for the Handicapped]
6 Individuals with Disabilities Education Act (20 U.S.C. § 1471 et
7 seq.).

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

12 Section 104. State interagency agreement.

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

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

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

1 (7) Maintenance of effort.

2 (8) Administrative management structure.

3 (9) Establishment and maintenance of local interagency
4 coordinating councils, which shall include, but not be
5 limited to, parents and private providers and which shall be
6 authorized to advise and comment on the development of local
7 interagency agreements for their specified geographic area
8 and to communicate directly with the Department of Education,
9 the Department of Health, the Department of Public Welfare
10 and the council regarding the local interagency agreement and
11 any other matters pertaining to this act. At least 50% of the
12 members of the local interagency coordinating council shall
13 be parents of infants or toddlers with disabilities or
14 eligible young children with disabilities who are 12 years of
15 age or younger. The local interagency coordinating councils
16 are the duly recognized local body for the purposes of this
17 act.

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

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

25 Section 105. Other duties of State agencies.

26 * * *

27 (c) Annual reports.--By [July] October 31, the Department of
28 Health, the Department of Public Welfare and the Department of
29 Education shall submit annual reports to the council on the
30 status of early intervention services during the preceding

1 [calendar] fiscal year. These reports shall be used as the basis
2 for the report submitted by the council under section 106(f)(4).
3 Section 106. Council.

4 (a) Establishment.--The Interagency Coordinating Council is
5 established as the duly recognized council for the purposes of
6 this act. The council shall consist of [15] a minimum of 25
7 voting members but shall not exceed 30 voting members appointed
8 by the Governor. The council shall serve as the council required
9 by the [Education of the Handicapped Act Amendments of 1986
10 (Public Law 99-457, 100 Stat. 1145)] Individuals with
11 Disabilities Education Act. The term of office of the voting
12 members shall be three years, except for the cabinet officers or
13 their designees who shall serve as long as they are in office.

14 (b) Membership.--The membership of the council shall consist
15 of the following:

16 (1) [Three] Six parents of [handicapped] infants,
17 toddlers or eligible young children with disabilities,
18 including minority parents, with knowledge of or experience
19 with programs for infants, toddlers or eligible young
20 children with disabilities.

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

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

26 [(4) Three providers of early intervention services,
27 including one school district provider, one intermediate unit
28 provider and one private provider.]

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

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

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

4 (6) One representative of the American Academy of
5 Pediatrics.

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

8 (8) One individual who is directly involved in personnel
9 preparation.

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

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

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

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

17 (12) The Insurance Commissioner or a designee.

18 (13) Two private providers of programs for infants and
19 toddlers with disabilities.

20 (14) One public or private provider of child care
21 services.

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

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

29 (d) Officers.--The chair of the council shall be appointed
30 by the Governor and must be selected from those members who are

1 neither employees of the Commonwealth nor elected officials.

2 (e) Committees.--The chair of the council may appoint
3 special committees, which may include nonmembers of the council,
4 to make recommendations to the council concerning key issues
5 related to this act.

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, the Department of Education
10 and the State Board of Education on draft regulations and
11 standards for the implementation and maintenance of a
12 Statewide system of early intervention services which are in
13 accordance with the provisions of this act and Parts B and H.
14 The council may advise and assist the lead agency for Part H
15 and the Department of Education regarding the development of
16 and implementation of appropriate services for children ages
17 birth to age of beginners.

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

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

24 (i) recommendations for the implementation and
25 maintenance of a Statewide comprehensive, coordinated,
26 multidisciplinary, interagency program, as described in
27 Chapter 3;

28 (ii) suggestions regarding sources of fiscal and
29 other support from Federal, State, local and private
30 sources, including insurance coverage; and

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

(4) To prepare and submit, with the cooperation of the Secretary of Education, the Secretary of Health and the Secretary of Public Welfare, an annual report during the month of [September] December to the Governor and the Majority and Minority Chairmen of the Education Committee of the Senate and the Education Committee of the House of Representatives. This report shall include the number of programs being provided by intermediate units, school districts and public and private providers, including Head Start; the number of children being served; the status of compliance with State regulations and standards; descriptive information on the programs; information on personnel needs; any suggested changes in State statutes and regulations governing these programs; any information the United States Secretary of Education may require; and any other information the council deems appropriate.

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

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

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

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

6 Section 301. Requirements.

7 A Statewide system of coordinated, comprehensive,
8 multidisciplinary, interagency programs shall be established and
9 maintained by the Department of Health, the Department of Public
10 Welfare and the Department of Education to provide appropriate
11 early intervention services to all [handicapped] infants[,] and
12 toddlers with disabilities and their families and to eligible
13 young children. The system shall include the following minimum
14 components:

15 (1) Compatible definitions of the term "developmental
16 delay" shall be promulgated and adopted by the Department of
17 Public Welfare, the Department of Health and the Department
18 of Education, with review and comment of the council under
19 section 106(f)(1). The definition shall provide for the
20 continuity of program services and shall be used in
21 implementing programs under this act.

22 (2) An assurance that appropriate early intervention
23 services are available to all eligible [handicapped]
24 infants[,] and toddlers with disabilities and their families
25 by September 1, 1991, and to all eligible young children by
26 July 1, 1991.

27 [(3) A timely, comprehensive, multidisciplinary
28 evaluation of the functioning of each handicapped infant,
29 toddler and eligible young child and the needs of the
30 families to assist appropriately in the development of the

handicapped infant, toddler and eligible young child.]

(3) A timely, comprehensive, multidisciplinary evaluation of the strengths and needs of each infant and toddler and eligible young child, THE NEEDS OF THE FAMILY and the resources and priorities to assist appropriately in the development of the infant, toddler and eligible young child with a disability. <—

(4) For all [handicapped] infants[,] and toddlers with disabilities and their families, an IFSP in accordance with Part H, including [case management] service coordination services in accordance with the service plan.

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

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

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

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

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

(10) A procedure for securing timely reimbursement of

1 funds.

2 (11) Procedural safeguards with respect to programs
3 under this act.

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

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

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

29 (14.1) Policies and practices are adopted to ensure
30 meaningful involvement of traditionally underserved groups.

1 including minority, low-income and rural families, in the
2 planning and implementation of all the requirements of this
3 act and to ensure that such families have access to services
4 within their local areas.

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

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

11 Section 303. Administration by Department of Public Welfare.

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

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

1 Federal law.

2 (c) Education.--In order to facilitate the transfer of
3 responsibility for eligible children from the Department of
4 Public Welfare to the Department of Education at one time each
5 year, consistent with the beginning of the school year, the
6 Secretary of Public Welfare may delegate responsibility for
7 serving certain children under three years of age to the
8 Department of Education and may accept a delegation of
9 responsibility from the Secretary of Education under section
10 304(c) to serve certain children over the age of three.

11 (d) Use of funds.--From the sum of State funds appropriated
12 by the General Assembly to the Department of Public Welfare for
13 this act, the department shall use [2% to 4%] 3% to 5% of the
14 appropriation for personnel training and program technical
15 assistance.

16 Section 304. Administration by Department of Education.

17 (a) Overall responsibility.--

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

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

1 transportation for any eligible young child to any early
2 intervention program shall be eligible for the purpose of
3 reimbursement of transportation costs under sections 2509.1
4 and 2541 of the Public School Code of 1949.

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

29 (4) The department shall provide for the programs of
30 eligible young children who are not eligible for services

provided in school district kindergarten programs and who are placed in approved private schools or chartered schools pursuant to the provisions of section 1376 or 1376.1 of the Public School Code of 1949 from the State funds appropriated to the department for special education in approved private schools. The department shall provide only for the excess costs for eligible young children who are eligible for services provided in school district kindergarten programs and who are placed in approved private schools or chartered schools pursuant to the provisions of section 1376 or 1376.1 of the Public School Code of 1949 from the State funds appropriated to the department for special education in approved private schools.

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

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

(d) Use of funds.--From the sum of State funds appropriated

1 to the Department of Education for this act, the department
2 shall use [2% to 4%] 3% to 5% of the appropriation for personnel
3 training and program technical assistance.

4 Section 501. Regulations and standards.

5 Regulations of the State Board of Education, 22 Pa. Code Ch.
6 14, published at 20 Pa.B. 3339 (June 16, 1990), and the
7 Department of Education Standards, 22 Pa. Code Ch. 342,
8 published at 20 Pa.B. 3357 (June 16, 1990), as approved by the
9 State Board of Education, governing the provision of early
10 intervention services, shall take effect upon their
11 reaffirmation by the State Board of Education. [The definition
12 of eligible young child in those regulations and standards is,
13 with regard to the reference to being two years and nine months
14 of age by September 1, superseded by the definition of eligible
15 young child in this act.] Should the State Board of Education
16 propose to make any revisions in the regulations at the time of
17 reaffirmation and at any time thereafter, the regulations shall
18 be subject to the provisions of the act of July 31, 1968
19 (P.L.769, No.240), referred to as the Commonwealth Documents
20 Law, the act of October 15, 1980 (P.L.950, No.164), known as the
21 Commonwealth Attorneys Act, and the act of June 25, 1982
22 (P.L.633, No.181), known as the Regulatory Review Act.

23 Section 2. This act shall take effect immediately.