

AMENDMENTS TO HOUSE BILL NO. 1270

Sponsor: REPRESENTATIVE TOOHL

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1 Amend Bill, page 1, line 9, by inserting after "for"

2 legislative findings for early intervention, for

3 Amend Bill, page 1, line 10, by inserting after "definitions"

4 , for State interagency agreement, for other duties of State
5 agencies and for council

6 Amend Bill, page 1, line 11, by inserting after "for"

7 requirements, for administration by Department of Public
8 Welfare, for administration by Department of Education and
9 for

10 Amend Bill, page 1, line 12, by inserting after "system;"

11 in miscellaneous provisions, further providing for effective
12 date;

13 Amend Bill, page 1, lines 16 through 18, by striking out all

14 of said lines and inserting

15 Section 1. The title and sections 102, 103, 104, 105, 106,
16 301, 302, 303, 304(c), 305 and 503 of the act of December 19,
17 1990 (P.L.1372, No.212), known as the Early Intervention
18 Services System Act, are amended to read:

19 Amend Bill, page 2, lines 6 through 9, by striking out all of

20 said lines and inserting

21 Section 102. Legislative findings for early intervention.

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

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

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

31 (3) Reduce the number of [handicapped] disabled

1 individuals being placed in institutions and enhance their
2 potential for independent living in society.

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

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

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

15 Amend Bill, page 2, line 14, by striking out all of said line
16 and inserting

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] eligible
28 infants and toddlers and eligible young children in any of
29 the following areas:

30 (i) Physical development.

31 (ii) Cognitive development.

32 (iii) Sensory development.

33 (iv) Language and speech development or alternative
34 communication development.

35 (v) Psycho-social development.

36 (vi) Self-help skills.

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

39 (i) Family training.

40 (ii) Social work services, including counseling and
41 home visits.

42 (iii) Special instruction.

43 (iv) Speech pathology and audiology.

44 (v) Occupational therapy.

45 (vi) Physical therapy.

46 (vii) Psychological services.

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

49 (ix) Early identification, screening and assessment

1 services.

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

5 (xi) Assistive technology devices and services.

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

8 (4) Are provided by qualified personnel, including, but
9 not limited to, special educators, speech and language
10 pathologists and audiologists, occupational therapists,
11 physical therapists, psychologists, social workers, nurses
12 and nutritionists.

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

16 (6) Are provided to eligible young children in
17 compliance with the provisions of this act and Part B.
18 Compliance includes procedural safeguards and free
19 appropriate public education, including related services and
20 individualized education programs.

21 (7) Are provided in the least restrictive environment
22 appropriate to the child's needs. Infants, toddlers and
23 [eligible] young children who will be served in a non-home-
24 based setting must, to the maximum extent consistent with the
25 child's abilities, receive early intervention services in a
26 setting with [nonhandicapped] nondisabled children. Each
27 infant's or toddler's IFSP and each [eligible] young child's
28 IEP must contain the recommended service option placement and
29 the rationale for why it represents the least restrictive
30 environment.

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

33 "Eligible infants and toddlers." Individuals ranging in age
34 from birth to two years of age, inclusive, who need early
35 intervention services for any of the following reasons:

36 (1) They are experiencing developmental delays, as
37 defined by regulations of the Department of Human Services
38 and as measured by appropriate diagnostic instruments and
39 procedures in any of the following areas: cognitive
40 development, sensory development, physical development,
41 language and speech development, psycho-social development or
42 self-help skills.

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

1 alcohol syndrome.

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

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

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

15 [

16 Amend Bill, page 2, line 19, by striking out the bracket
17 before "Public"

18 Amend Bill, page 2, lines 19 and 20, by striking out "] Human
19 Services"

20 Amend Bill, page 3, line 4, by inserting a bracket after
21 "syndrome."

22 Amend Bill, page 3, line 5, by striking out all of said line
23 and inserting

24 "Homeless." An individual who lacks a fixed, regular and
25 adequate nighttime residence. The term includes:

26 (1) Children and youth in any of the following:

27 (i) Who are sharing the housing of another person
28 due to loss of housing, economic hardship or a similar
29 reason.

30 (ii) Who are living in a motel, hotel, trailer park
31 or camping grounds due to the lack of alternative
32 adequate accommodations.

33 (iii) Who are living in an emergency or transitional
34 shelter.

35 (iv) Who are abandoned in a hospital.

36 (v) Who are awaiting foster care placement.

37 (vi) Who have a primary nighttime residence that is
38 a public or a private place not designed for or
39 ordinarily used as a regular sleeping accommodation for
40 human beings.

41 (vii) Who are living in a car, park, public space,
42 abandoned building, substandard housing, bus or train
43 station or similar setting.

1 (2) Migratory children who qualify as homeless for the
2 purposes of this chapter because the child is living in one
3 of the circumstances in paragraph (1).

4 "IEP." Individualized Education Program.

5 "IFSP." Individualized Family Service Plan.

6 "Individuals with Disabilities Education Act." The
7 Individuals with Disabilities Education Act (Public Law 91-230,
8 20 U.S.C. § 1400 et seq.).

9 Amend Bill, page 3, line 11, by striking out all of said line
10 and inserting

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

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

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

28 ["Part H." Part H of the Education for the Handicapped Act
29 (20 U.S.C. § 1471 et seq.).]

30 "Part C." Subchapter III of the Individuals with
31 Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1431
32 et seq.)

33 Amend Bill, page 3, line 19, by inserting a bracket before
34 "H."

35 Amend Bill, page 3, line 19, by inserting after "H"

36] C

37 Amend Bill, page 3, lines 20 through 22, by striking out all
38 of said lines

39 Amend Bill, page 3, line 27, by inserting after "serving"

40 eligible

41 Amend Bill, page 3, line 28, by inserting a bracket before

1 the comma after "infants"

2 Amend Bill, page 3, line 28, by inserting after "infants,"
3] and

4 Amend Bill, page 3, line 28, by inserting a bracket before
5 "who"

6 Amend Bill, page 3, line 29, by inserting a bracket after
7 "handicapped"

8 Amend Bill, page 5, line 1, by inserting a bracket before
9 "H."

10 Amend Bill, page 5, line 1, by inserting after "H"
11] C

12 Amend Bill, page 5, line 27, by striking out all of said line
13 and inserting

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

23 Amend Bill, page 5, line 30, by striking out all of said line
24 and inserting

25 (1) Three parents of [handicapped] eligible infants[,]
26 or toddlers or eligible young children.

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

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

31 (4) Three providers of early intervention services,
32 including one school district provider, one intermediate unit
33 provider and one private provider.

34 (5) One member from the General Assembly.

35 (6) One representative of the American Academy of
36 Pediatrics.

37 (7) One county mental [health/mental retardation] health

- 1 and developmental services administrator or designee.
2 (8) One individual involved in personnel preparation.
3 (9) The Secretary of Education or a designee.

4 Amend Bill, page 6, line 3, by striking out all of said line
5 and inserting

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

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

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

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

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

21 Amend Bill, page 6, line 13, by striking out all of said line
22 and inserting

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

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

29 (i) recommendations for the implementation and
30 maintenance of a Statewide comprehensive, coordinated,
31 multidisciplinary, interagency program, as described in
32 Chapter 3;

33 (ii) suggestions regarding sources of fiscal and
34 other support from Federal, State, local and private
35 sources, including insurance coverage; and

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

38 Amend Bill, page 6, line 30, by striking out all of said line
39 and inserting

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

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

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

1 Amend Bill, page 7, line 12, by inserting a bracket before
2 "handicapped"

3 Amend Bill, page 7, line 12, by inserting after "handicapped"
4] eligible

5 Amend Bill, page 7, line 12, by inserting a bracket before
6 the comma after "infants"

7 Amend Bill, page 7, line 12, by inserting after "infants,"
8] and

9 Amend Bill, page 7, line 22, by striking out all of said line
10 and inserting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 Amend Bill, page 8, line 18, by inserting a bracket before

37 "H."

38 Amend Bill, page 8, line 18, by inserting after "H"

39] C

40 Amend Bill, page 8, line 27, by inserting a bracket before

41 "Mental" where it occurs the second time

42 Amend Bill, page 8, line 27, by inserting after "Retardation"

43] Intellectual Disability

44 Amend Bill, page 10, line 2, by inserting a bracket before

1 "H."

2 Amend Bill, page 10, line 2, by inserting after "H"

3] C

4 Amend Bill, page 12, line 10, by inserting a bracket before

5 "Education"

6 Amend Bill, page 12, line 10, by inserting after "Act;"

7] Individuals with Disabilities Education Act

8 Amend Bill, page 12, line 28, by striking out "4" and

9 inserting

10 2