

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1040 Session of  
1997

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FLICK, MARCH 25, 1997

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 28, 1998

## 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, ~~304(e)~~ <—  
17 302, 304(C), 305 and 501 of the act of December 19, 1990 <—  
18 (P.L.1372, No.212), known as the Early Intervention Services  
19 System Act, are amended to read:

1 Section 102. Legislative findings for early intervention.

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

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

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

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

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

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

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

27 Section 103. Definitions.

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

1 "Age of beginners." The minimum age established by the  
2 school district board of directors for admission to the  
3 district's first grade under 22 Pa. Code § 11.15 (relating to  
4 admission of beginners).

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

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

9 (1) Are provided under public supervision.

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

14 (i) Physical development.

15 (ii) Cognitive development.

16 (iii) Sensory development.

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

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

20 [(vi) Self-help skills.]

21 (vi) Adaptive development.

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

25 (i) Family training.

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

28 (iii) Special instruction.

29 (iv) Speech pathology and audiology.

30 (v) Occupational therapy.

1 (vi) Physical therapy.

2 (vii) Psychological services.

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

5 (ix) Early identification, screening and assessment  
6 services.

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

10 (xi) Assistive technology devices and services.

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

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

19 (xiii) Vision services.

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

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

30 [(6) Are provided to eligible young children in

1 compliance with the provisions of this act and Part B.  
2 Compliance includes procedural safeguards and free  
3 appropriate public education, including related services and  
4 individualized education programs.]

5 (6) For eligible young children, are developed to  
6 include specialized instruction in compliance with this act  
7 and Part B. Compliance, for this purpose, includes the  
8 procedural safeguards and free appropriate education,  
9 including related services and individualized education  
10 programs, which are necessary to insure that compliance is  
11 effected. These ~~developmental~~ RELATED services shall include, <—  
12 but not be limited to, the following related services:

13 (i) Family training.

14 (ii) Social work services, including counseling and  
15 home visits.

16 (iii) Speech pathology and audiology.

17 (iv) Occupational therapy.

18 (v) Physical therapy.

19 (vi) Psychological services.

20 (vii) Medical services, for diagnostic or evaluation  
21 purposes only.

22 (viii) Early identification, screening and  
23 assessment services.

24 (ix) ~~Assistant~~ ASSISTIVE technology devices and <—  
25 services.

26 (7) Are provided in the least restrictive ENVIRONMENT <—  
27 FOR ELIGIBLE YOUNG CHILDREN OR natural environment FOR <—  
28 INFANTS AND TODDLERS, AS appropriate to the child's needs.  
29 Infants, toddlers and eligible young children who will be  
30 served in a non-home-based setting must, to the maximum

1 extent consistent with the child's abilities, receive early  
2 intervention services in a setting with [nonhandicapped] <—  
3 TYPICALLY DEVELOPING children. Each infant's or toddler's <—  
4 IFSP and each eligible young child's IEP must contain the  
5 recommended service option placement and the rationale for  
6 why it represents the least restrictive environment.

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

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

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

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

22 "IEP." Individualized Education Program.

23 "IFSP." Individualized Family Service Plan.

24 "Individuals with Disabilities Education Act." The  
25 Individuals with Disabilities Education Act (Public Law 91-230,  
26 20 U.S.C. § 1400 et seq.).

27 ["Handicapped infants and toddlers."] "Infants and toddlers  
28 with disabilities." Individuals ranging in age from birth to  
29 two years of age, inclusive, who need early intervention  
30 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] communication development, social-emotional development or adaptive development and are based on informed clinical opinion and procedures.

(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.]

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

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CLINICAL OPINION APPLIES ONLY TO INFANTS AND TODDLERS AND NOT  
ELIGIBLE YOUNG CHILDREN.

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

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

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

"Part B." Part B of the [Education for the Handicapped] Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1411 et seq.), as it applies to preschool children.

"Part [H." Part H] C." PART C of the [Education for the Handicapped] Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1471 et seq.).

"State interagency agreement." An agreement entered into by the Department of Education, the Department of Health, the

<—



1 Department of Public Welfare and any other Commonwealth agency  
2 for the purposes of this act and of Part B and Part [H] C. <—  
3 Section 104. State interagency agreement.

4 (a) Interagency agreement.--The Department of Education, the  
5 Department of Health and the Department of Public Welfare shall  
6 enter into and maintain a State interagency agreement to enable  
7 the State and local agencies serving infants, toddlers and  
8 eligible young children [who are handicapped] with disabilities  
9 to establish working relationships that will increase the  
10 efficiency and effectiveness of their early intervention  
11 services. The agreement shall outline the responsibilities of  
12 those State and local agencies and shall implement a coordinated  
13 service delivery system through local interagency agreements.

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

- 16 (1) Responsibilities of State and local agencies.
- 17 (2) Eligibility determination and referrals.
- 18 (3) Establishment of local agreements.
- 19 (4) Fiscal responsibilities of the agencies.
- 20 (5) Dispute resolution between agencies.
- 21 (6) Payor of last resort.
- 22 (7) Maintenance of effort.
- 23 (8) Administrative management structure.
- 24 (9) Establishment and maintenance of local interagency  
25 coordinating councils, which shall include, but not be  
26 limited to, parents and private providers and which shall be  
27 authorized to advise and comment on the development of local  
28 interagency agreements for their specified geographic area  
29 and to communicate directly with the Department of Education,  
30 the Department of Health, the Department of Public Welfare

1 and the council regarding the local interagency agreement and  
2 any other matters pertaining to this act. At least 50% of the  
3 members of the local interagency coordinating council shall  
4 be parents of infants or toddlers with disabilities or  
5 eligible young children with disabilities who are 12 years of  
6 age or younger. The local interagency coordinating councils  
7 are the duly recognized local body for the purposes of this  
8 act.

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

13 (c) Goal.--Issues under subsection (b) shall be addressed to  
14 meet the requirements of this act and the provisions of Part B  
15 and Part [H] C. <—

16 Section 105. Other duties of State agencies.

17 \* \* \*

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

25 (a) Establishment.--The Interagency Coordinating Council is  
26 established as the duly recognized council for the purposes of  
27 this act. The council shall consist of [15] a minimum of 25  
28 voting members but shall not exceed 30 voting members appointed  
29 by the Governor. The council shall serve as the council required  
30 by the [Education of the Handicapped Act Amendments of 1986

(Public Law 99-457, 100 Stat. 1145)] Individuals with Disabilities Education Act. The term of office of the voting members shall be three years, except for the cabinet officers or their designees who shall serve as long as they are in office.

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

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

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

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

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

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

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

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

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

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

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

1           (9) The Secretary of Education or a designee.  
2           (10) The Secretary of Public Welfare or a designee.  
3           (11) The Secretary of Health or a designee.  
4           [(12) As ex officio members, who shall not have voting  
5 privileges: a representative of the Developmental  
6 Disabilities Planning Council and members appointed by the  
7 chair of the council.]

8           (12) The Insurance Commissioner or a designee.

9           (13) Two private providers of programs for infants and  
10 toddlers with disabilities.

11           (14) One public or private provider of child care  
12 services.

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

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

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

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

27       (f) Powers and duties.--The council has the following powers  
28 and duties:

29           (1) To review and comment to the Department of Health,  
30 the Department of Public Welfare, the Department of Education

1 and the State Board of Education on draft regulations and  
2 standards for the implementation and maintenance of a  
3 Statewide system of early intervention services which are in  
4 accordance with the provisions of this act and Parts B and  
5 [H.] C. The council may advise and assist the lead agency for <—  
6 Part H C and the Department of Education regarding the <—  
7 development of and implementation of appropriate services for  
8 children ages birth to age of beginners.

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

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

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

19 (ii) suggestions regarding sources of fiscal and  
20 other support from Federal, State, local and private  
21 sources, including insurance coverage; and

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

24 (4) To prepare and submit, with the cooperation of the  
25 Secretary of Education, the Secretary of Health and the  
26 Secretary of Public Welfare, an annual report during the  
27 month of [September] December to the Governor and the  
28 Majority and Minority Chairmen of the Education Committee of  
29 the Senate and the Education Committee of the House of  
30 Representatives. This report shall include the number of

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

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

11 (6) To perform other functions required of a state's  
12 interagency coordinating council under Part [H] C. <—

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

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

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

Welfare and the Department of Education to provide appropriate early intervention services to all [handicapped] infants[,] and toddlers with disabilities and their families and to eligible young children. The system shall include the following minimum components:

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

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

[(3) A timely, comprehensive, multidisciplinary evaluation of the functioning of each handicapped infant, toddler and eligible young child and the needs of the 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

1 Part [H] C, including [case management] service coordination <—  
2 services in accordance with the service plan.

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

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

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

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

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

21 (10) A procedure for securing timely reimbursement of  
22 funds.

23 (11) Procedural safeguards with respect to programs  
24 under this act.

25 (12) A system for compiling data on the numbers of  
26 [handicapped] infants[, ] and toddlers with disabilities and  
27 their families and eligible young children in need of  
28 appropriate early intervention services; the number of  
29 infants, toddlers and their families and eligible young  
30 children served; and the types of services provided.



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

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

20           (14.1) Policies and practices are adopted to ensure  
21 meaningful involvement of traditionally underserved groups,  
22 including minority, low-income and rural families, in the  
23 planning and implementation of all the requirements of this  
24 act and to ensure that such families have access to services  
25 within their local areas.

26           (15) A system for the provision of services to children  
27 from birth to age two, inclusive, which are in compliance  
28 with Part [H] C. <—

29           (16) A system for the provision of services to children  
30 three years of age to age of beginners which is in compliance

with Part B, this act and regulations and standards.

SECTION 302. PROGRAM REGULATIONS AND STANDARDS. <—

(A) PUBLIC WELFARE.--THE DEPARTMENT OF PUBLIC WELFARE SHALL  
DEFINE AND ADDRESS THE FOLLOWING ISSUES IN DEVELOPING  
REGULATIONS:

(1) METHODS FOR LOCATING AND IDENTIFYING ELIGIBLE  
CHILDREN.

(2) CRITERIA FOR ELIGIBLE PROGRAMS.

(3) CONTRACTING GUIDELINES.

(4) PERSONNEL QUALIFICATIONS 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  
LEVEL THROUGH THE STATE INTERAGENCY AGREEMENT AND LOCAL  
INTERAGENCY AGREEMENTS.

(11) CONTENT AND DEVELOPMENT OF IFSP'S.

(12) ANY OTHER ISSUES WHICH ARE REQUIRED UNDER THIS ACT  
AND PART [H] C.

(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) MUTUALLY AGREED-UPON WRITTEN ARRANGEMENT 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 IEP'S.
- (12) ANY OTHER ISSUES WHICH ARE REQUIRED UNDER THIS ACT AND PART B.

Section 304. Administration by Department of Education.

\* \* \*

(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] C. 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

1 to children less than three years of age. The Secretary of  
2 Education is authorized to delegate responsibility to the  
3 Secretary of Public Welfare for providing services for certain  
4 children over the age of three.

5 \* \* \*

6 SECTION 305. CHILD IDENTIFICATION, ASSESSMENT AND TRACKING  
7 SYSTEM. <—

8 (A) DEVELOPMENT OF SYSTEM.--THE DEPARTMENT OF PUBLIC  
9 WELFARE, THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF  
10 HEALTH SHALL DEVELOP A STATEWIDE SYSTEM FOR ELIGIBLE CHILD  
11 IDENTIFICATION, ASSESSMENT AND TRACKING. THIS SYSTEM SHALL BE  
12 DEVELOPED AND COORDINATED BY THE AGENCIES TO ASSURE THAT THE  
13 SYSTEM IS COMPATIBLE WITH THE CHILD-FIND SYSTEM AS REQUIRED BY  
14 PART B.

15 (B) AT-RISK CHILDREN.--FOR THE PURPOSES OF CHILD  
16 IDENTIFICATION, ASSESSMENT AND TRACKING FOR INFANTS AND  
17 TODDLERS, THE DEPARTMENT OF PUBLIC WELFARE SHALL ESTABLISH, BY  
18 REGULATION, POPULATION GROUPS TO BE INCLUDED IN THESE  
19 ACTIVITIES. THE POPULATION GROUPS SHALL INCLUDE, BUT NOT BE  
20 LIMITED TO, CHILDREN WHOSE BIRTH WEIGHT IS UNDER 1,500 GRAMS;  
21 CHILDREN CARED FOR IN NEONATAL INTENSIVE CARE UNITS OF  
22 HOSPITALS; CHILDREN BORN TO CHEMICALLY DEPENDENT MOTHERS AND  
23 REFERRED BY A PHYSICIAN, HEALTH CARE PROVIDER OR PARENT;  
24 CHILDREN WHO ARE SERIOUSLY ABUSED OR NEGLECTED, AS SUBSTANTIATED  
25 AND REFERRED BY THE COUNTY CHILDREN AND YOUTH AGENCY UNDER THE  
26 ACT OF NOVEMBER 26, 1975 (P.L.438, NO.124), KNOWN AS THE CHILD  
27 PROTECTIVE SERVICES LAW; AND CHILDREN WITH CONFIRMED DANGEROUS  
28 LEVELS OF LEAD POISONING AS SET BY THE DEPARTMENT OF HEALTH. THE  
29 DEPARTMENT OF PUBLIC WELFARE MAY ESTABLISH OTHER POPULATION  
30 GROUPS BY REGULATION AS IT DEEMS NECESSARY.

(C) COMPONENTS OF SYSTEM.--THE SYSTEM SHALL INCLUDE, BUT  
NEED NOT BE LIMITED TO, THE PROVISION OF THE FOLLOWING  
ACTIVITIES AND SERVICES:

(1) THE IDENTIFICATION OF ELIGIBLE CHILDREN AND REFERRAL  
TO EARLY INTERVENTION SERVICES AS SOON AFTER BIRTH AS  
POSSIBLE.

(2) REFERRAL SERVICES FOR FAMILIES OF ELIGIBLE CHILDREN.

(3) CONTINUING ASSESSMENT OF AT-RISK CHILDREN FROM BIRTH  
THROUGH AGE OF BEGINNERS.

(4) A DESCRIPTION OF AGENCIES PROVIDING EARLY  
INTERVENTION SERVICES AND THE SERVICES PROVIDED BY EACH  
AGENCY.

(5) PERTINENT INFORMATION REGARDING THE EXIT OF THE  
CHILD FROM EARLY INTERVENTION SERVICES.

(6) THE ORDERLY TRANSFER OF THE ACCUMULATED INFORMATION  
TO THE APPROPRIATE PROVIDER UPON THE CHILD'S ATTAINMENT OF  
AGE OF BEGINNERS, EXCEPT IF THE CHILD HAS MET EXIT CRITERIA  
CONTAINED IN THIS ACT.

(D) CONFIDENTIALITY.--PROPER MEASURES SHALL BE DEVELOPED AND  
IMPLEMENTED TO ASSURE THE CONFIDENTIALITY OF THE DATA CONTAINED  
IN THE SYSTEM. INFORMATION SHALL BE ACCESSED ONLY BY APPROPRIATE  
STAFF OF THE DEPARTMENT OF PUBLIC WELFARE, THE DEPARTMENT OF  
EDUCATION AND THE DEPARTMENT OF HEALTH, INCLUDING THE STAFF OF  
EACH AGENCY'S LOCAL ENTITIES, SUCH AS COUNTY MENTAL HEALTH AND  
MENTAL RETARDATION OFFICES, SCHOOL DISTRICTS AND INTERMEDIATE  
UNITS, WHICH ARE RESPONSIBLE FOR THE PROVISION OF SERVICES  
EITHER DIRECTLY OR THROUGH SUBCONTRACT TO PRIVATE PROVIDERS.  
NOTHING IN THIS SECTION IS INTENDED TO PRECLUDE THE UTILIZATION  
OF DATA TO PROVIDE FOR THE PREPARATION OF REPORTS, FISCAL  
INFORMATION OR OTHER DOCUMENTS REQUIRED BY THIS ACT OR THE

1 [EDUCATION OF THE HANDICAPPED ACT] INDIVIDUALS WITH DISABILITIES  
2 EDUCATION ACT; BUT NO INFORMATION MAY BE USED IN A MANNER WHICH  
3 WOULD ALLOW FOR THE IDENTIFICATION OF AN INDIVIDUAL CHILD OR  
4 FAMILY.

5 Section 501. Regulations and standards.

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

24 Section 2. This act shall take effect immediately.