

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1593 Session of 2023

INTRODUCED BY OTTEN, BULLOCK, MADDEN, STURLA, HOWARD, FREEMAN, HOHENSTEIN, HANBIDGE, RABB, McANDREW, PIELLI, KINSEY, KHAN, PARKER, SANCHEZ, STEELE, CIRESI, CERRATO, KRAJEWSKI, HILL-EVANS AND CEPEDA-FREYTIZ, AUGUST 7, 2023

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 4, 2023

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," in general provisions, further~~  
9 ~~providing for legislative findings for early intervention,~~  
10 ~~for definitions, for State interagency agreement and for~~  
11 ~~council; in Statewide system for provision of early~~  
12 ~~intervention services, further providing for requirements,~~  
13 ~~for program regulations and standards, for administration by~~  
14 ~~Department of Public Welfare, for administration by~~  
15 ~~Department of Education and for child identification,~~  
16 ~~assessment and tracking system; and making editorial changes.~~  
17 AMENDING THE ACT OF DECEMBER 19, 1990 (P.L.1372, NO.212), <--  
18 ENTITLED "AN ACT PROVIDING FOR EARLY INTERVENTION SERVICES  
19 FOR INFANTS, TODDLERS AND PRESCHOOL CHILDREN WHO QUALIFY;  
20 ESTABLISHING THE INTERAGENCY COORDINATING COUNCIL AND  
21 PROVIDING FOR ITS POWERS AND DUTIES; AND CONFERRING POWERS  
22 AND DUTIES UPON THE DEPARTMENT OF EDUCATION AND THE STATE  
23 BOARD OF EDUCATION, THE DEPARTMENT OF HEALTH AND THE  
24 DEPARTMENT OF PUBLIC WELFARE," FURTHER PROVIDING FOR TITLE OF  
25 THE ACT; IN GENERAL PROVISIONS, FURTHER PROVIDING FOR  
26 LEGISLATIVE FINDINGS FOR EARLY INTERVENTION, FOR DEFINITIONS,  
27 FOR STATE INTERAGENCY AGREEMENT, FOR OTHER DUTIES OF STATE  
28 AGENCIES AND FOR COUNCIL; IN STATEWIDE SYSTEM FOR PROVISION  
29 OF EARLY INTERVENTION SERVICES, FURTHER PROVIDING FOR  
30 REQUIREMENTS, FOR PROGRAM REGULATIONS AND STANDARDS, FOR  
31 ADMINISTRATION BY DEPARTMENT OF PUBLIC WELFARE, FOR

1 ADMINISTRATION BY DEPARTMENT OF EDUCATION AND FOR CHILD  
2 IDENTIFICATION, ASSESSMENT AND TRACKING SYSTEM; IN  
3 MISCELLANEOUS PROVISIONS, FURTHER PROVIDING FOR EFFECTIVE  
4 DATE; AND MAKING EDITORIAL CHANGES.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 ~~Section 1. The title and sections 102, 103, 104, 105, 106, <--~~  
8 ~~301, 302(a), 303, 304(c), 305 and 503 of the act of December 19,~~  
9 ~~1990 (P.L.1372, No.212), known as the Early Intervention~~  
10 ~~Services System Act, are amended to read:~~

11 AN ACT

12 ~~Providing for early intervention services for infants, toddlers~~  
13 ~~and preschool children who qualify; establishing the~~  
14 ~~Interagency Coordinating Council and providing for its powers~~  
15 ~~and duties; and conferring powers and duties upon the~~  
16 ~~Department of Education and the State Board of Education, the~~  
17 ~~Department of Health and the Department of [Public Welfare]~~  
18 ~~Human Services.~~

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] disabled in order to minimize their potential~~  
25 ~~for developmental delay.~~

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

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

32 ~~(4) Assist the families of [handicapped] eligible~~

1 ~~infants and toddlers to meet their children's special needs.~~

2 ~~(5) Implement the provisions of [Parts B and H] 20~~  
3 ~~U.S.C. Ch. 33 Subchs. II (relating to assistance for~~  
4 ~~education of all children with disabilities) and III~~  
5 ~~(relating to infants and toddlers with disabilities) in order~~  
6 ~~to be eligible to receive Federal funding to help establish~~  
7 ~~and maintain programs and services to assist [handicapped]~~  
8 ~~eligible infants, toddlers and their families and eligible~~  
9 ~~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 ~~Section 103. Definitions.~~

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

19 ~~"Adverse childhood experience." An event which can cause a~~  
20 ~~child to experience trauma as defined in section 102 of the act~~  
21 ~~of March 10, 1949 (P.L.30. No.14), known as the Public School~~  
22 ~~Code of 1949.~~

23 ~~"Age of beginners." The minimum age established by the~~  
24 ~~school district board of directors for admission to the~~  
25 ~~district's first grade under 22 Pa. Code § 11.15 (relating to~~  
26 ~~admission of beginners).~~

27 ~~"Council." The Interagency Coordinating Council established~~  
28 ~~in section 106.~~

29 ~~"Early intervention services." Developmental services which~~  
30 ~~meet all of the following:~~

1           ~~(1) Are provided under public supervision.~~

2           ~~(2) Are designed to meet the developmental needs of [a~~  
3 ~~handicapped infant, toddler or eligible young child] eligible~~  
4 ~~infants and toddlers and eligible young children in any of~~  
5 ~~the following areas:~~

6           ~~(i) Physical development.~~

7           ~~(ii) Cognitive development.~~

8           ~~(iii) Sensory development.~~

9           ~~(iv) Language and speech development or alternative~~  
10 ~~communication development.~~

11           ~~(v) Psycho social development.~~

12           ~~(vi) Self help skills.~~

13           ~~(3) Are developed to meet the requirements of this act,~~  
14 ~~including, but not limited to, the following:~~

15           ~~(i) Family training.~~

16           ~~(ii) Social work services, including counseling and~~  
17 ~~home visits.~~

18           ~~(iii) Special instruction.~~

19           ~~(iv) Speech pathology and audiology.~~

20           ~~(v) Occupational therapy.~~

21           ~~(vi) Physical therapy.~~

22           ~~(vii) Psychological services.~~

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

25           ~~(ix) Early identification, screening and assessment~~  
26 ~~services.~~

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

30           ~~(xi) Assistive technology devices and services.~~

1           ~~(xii) For [handicapped] eligible infants and~~  
2           ~~toddlers, other services required by [Part H] 20 U.S.C.~~  
3           ~~Ch. 33 Subch. III (relating to infants and toddlers with~~  
4           ~~disabilities).~~

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

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

13           ~~(6) Are provided to eligible young children in~~  
14           ~~compliance with the provisions of this act and [Part B] 20~~  
15           ~~U.S.C. Ch. 33 Subch. II (relating to assistance for education~~  
16           ~~of all children with disabilities). Compliance includes~~  
17           ~~procedural safeguards and free appropriate public education,~~  
18           ~~including related services and individualized education~~  
19           ~~programs.~~

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

30           ~~["Education of the Handicapped Act." The Education of the~~

1 ~~Handicapped Act (Public Law 91-230, 20 U.S.C. § 1401 et seq.).~~

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

5 ~~(1) They are experiencing developmental delays, as~~  
6 ~~defined by regulations of the Department of Human Services~~  
7 ~~and as measured by appropriate diagnostic instruments and~~  
8 ~~procedures in any of the following areas: cognitive~~  
9 ~~development, sensory development, physical development,~~  
10 ~~language and speech development, psycho social development or~~  
11 ~~self help skills.~~

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

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

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

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

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

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

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

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~~

~~or camping grounds due to the lack of alternative  
adequate accommodations.~~

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

~~(iv) Who are abandoned in a hospital.~~

~~(v) Who are awaiting foster care placement.~~

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

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

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

~~"IEP." Individualized Education Program.~~

~~"IFSP." Individualized Family Service Plan.~~

~~"Lead agency." For early intervention services to eligible  
children from birth to two years of age, inclusive, the  
Department of [Public Welfare] Human Services; 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.~~

~~"Mutually agreed upon written arrangements." An agreement  
between the Department of Education and intermediate units,~~

1 ~~school districts or other public or private agencies that comply~~  
2 ~~with the early intervention regulations of the State Board of~~  
3 ~~Education and early intervention standards of the Department of~~  
4 ~~Education. These agreements may include memoranda of~~  
5 ~~understanding pursuant to approved plans submitted to the~~  
6 ~~Department of Education by intermediate units and school~~  
7 ~~districts.~~

8 ~~["Part B." Part B of the Education for the Handicapped Act~~  
9 ~~(20 U.S.C. § 1411 et seq.), as it applies to preschool children.~~

10 ~~"Part H." Part H of the Education for the Handicapped Act~~  
11 ~~(20 U.S.C. § 1471 et seq.).]~~

12 ~~"Postpartum depression." Moderate to severe depression in a~~  
13 ~~woman after she has given birth, which depression occurs after~~  
14 ~~delivery or up to a year later.~~

15 ~~"State interagency agreement." An agreement entered into by~~  
16 ~~the Department of Education, the Department of Health, the~~  
17 ~~Department of [Public Welfare] Human Services and any other~~  
18 ~~Commonwealth agency for the purposes of this act and of [Part B~~  
19 ~~and Part H] 20 U.S.C. Ch. 33 Subchs. II and III.~~  
20 ~~Section 104. State interagency agreement.~~

21 ~~(a) Interagency agreement. The Department of Education, the~~  
22 ~~Department of Health and the Department of [Public Welfare]~~  
23 ~~Human Services shall enter into and maintain a State interagency~~  
24 ~~agreement to enable the State and local agencies serving~~  
25 ~~eligible infants[, ] and toddlers and eligible young children~~  
26 ~~[who are handicapped] to establish working relationships that~~  
27 ~~will increase the efficiency and effectiveness of their early~~  
28 ~~intervention services. The agreement shall outline the~~  
29 ~~responsibilities of those State and local agencies and shall~~  
30 ~~implement a coordinated service delivery system through local~~

1 ~~interagency agreements.~~

2 ~~(b) Components. The State interagency agreement shall~~  
3 ~~address, at a minimum, the following issues:~~

4 ~~(1) Responsibilities of State and local agencies.~~

5 ~~(2) Eligibility determination and referrals.~~

6 ~~(3) Establishment of local agreements.~~

7 ~~(4) Fiscal responsibilities of the agencies.~~

8 ~~(5) Dispute resolution between agencies.~~

9 ~~(6) Payor of last resort.~~

10 ~~(7) Maintenance of effort.~~

11 ~~(8) Administrative management structure.~~

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

22 ~~(10) Plans by the Department of Health, the Department~~  
23 ~~of [Public Welfare] Human Services and the Department of~~  
24 ~~Education to work together to develop a coordinated system of~~  
25 ~~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.] 20 U.S.C. Ch. 33 Subchs. II (relating to assistance~~  
29 ~~for education of all children with disabilities) and III~~  
30 ~~(relating to infants and toddlers with disabilities).~~

1 ~~Section 105. Other duties of State agencies.~~

2 ~~(a) Statewide system. The Department of Health, the~~  
3 ~~Department of [Public Welfare] Human Services and the Department~~  
4 ~~of Education shall be responsible for the establishment and~~  
5 ~~maintenance of a Statewide system of early intervention services~~  
6 ~~as provided in Chapter 3.~~

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

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

25 ~~Section 106. Council.~~

26 ~~(a) Establishment. The Interagency Coordinating Council is~~  
27 ~~established. The council shall consist of 15 voting members~~  
28 ~~appointed by the Governor. The council shall serve as the~~  
29 ~~council required by [the Education of the Handicapped Act~~  
30 ~~Amendments of 1986 (Public Law 99-457, 100 Stat. 1145)] 20~~

1 ~~U.S.C. Ch. 33 (relating to education of individuals with~~  
2 ~~disabilities). The term of office of the voting members shall be~~  
3 ~~three years, except for the cabinet officers or their designees~~  
4 ~~who shall serve as long as they are in office.~~

5 ~~(b) Membership. The membership of the council shall consist~~  
6 ~~of the following:~~

7 ~~(1) Three parents of [handicapped] eligible infants[,]~~  
8 ~~or toddlers or eligible young children.~~

9 ~~(2) One provider of a child development program, such as~~  
10 ~~Head Start.~~

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

13 ~~(4) Three providers of early intervention services,~~  
14 ~~including one school district provider, one intermediate unit~~  
15 ~~provider and one private provider.~~

16 ~~(5) One member from the General Assembly.~~

17 ~~(6) One representative of the American Academy of~~  
18 ~~Pediatrics.~~

19 ~~(7) One county mental [health/mental retardation] health~~  
20 ~~and developmental services administrator or designee.~~

21 ~~(8) One individual involved in personnel preparation.~~

22 ~~(9) The Secretary of Education or a designee.~~

23 ~~(10) The Secretary of [Public Welfare] Human Services or~~  
24 ~~a designee.~~

25 ~~(11) The Secretary of Health or a designee.~~

26 ~~(12) As ex officio members, who shall not have voting~~  
27 ~~privileges: a representative of the Developmental~~  
28 ~~Disabilities Planning Council and members appointed by the~~  
29 ~~chair of the council.~~

30 ~~(c) Designees. The designees of the cabinet officers under~~

1 subsection (b) must be deputy secretaries, commissioners or  
2 bureau directors.

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

6 (e) Committees. The chair of the council may appoint  
7 special committees, which may include nonmembers of the council,  
8 to make recommendations to the council concerning key issues  
9 related to this act.

10 (f) Powers and duties. The council has the following powers  
11 and duties:

12 (1) To review and comment to the Department of Health,  
13 the Department of [Public Welfare] Human Services, the  
14 Department of Education and the State Board of Education on  
15 draft regulations and standards for the implementation and  
16 maintenance of a Statewide system of early intervention  
17 services which are in accordance with the provisions of this  
18 act and [Parts B and H.] 20 U.S.C. Ch. 33 Subchs. II  
19 (relating to assistance for education of all children with  
20 disabilities) and III (relating to infants and toddlers with  
21 disabilities).

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

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

28 (i) recommendations for the implementation and  
29 maintenance of a Statewide comprehensive, coordinated,  
30 multidisciplinary, interagency program, as described in

1 Chapter ~~3,~~

2 ~~(ii) suggestions regarding sources of fiscal and~~  
3 ~~other support from Federal, State, local and private~~  
4 ~~sources, including insurance coverage; and~~

5 ~~(iii) recommendations regarding in service training~~  
6 ~~and personnel competencies.~~

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

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

24 ~~(6) To perform other functions required of a state's~~  
25 ~~interagency coordinating council under [Part H] 20 U.S.C. Ch.~~  
26 ~~33 Subch. III.~~

27 ~~(g) Compensation of members. The members shall serve~~  
28 ~~without compensation but shall be reimbursed for reasonable~~  
29 ~~costs incurred, including costs related to child care.~~

30 ~~(h) Staff. Staff services for the council shall be provided~~

1 by the Department of Health, the Department of ~~[Public Welfare]~~  
2 ~~Human Services~~ and the Department of Education and shall include  
3 the preparation and distribution of the annual report required  
4 under subsection (f) (4).

5 Section 301. Requirements.

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

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

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

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

1           ~~(4) For all [handicapped] eligible infants[, ] and~~  
2 ~~toddlers and their families, an IFSP in accordance with [Part~~  
3 ~~H] 20 U.S.C. Ch. 33 Subch. III (relating to infants and~~  
4 ~~toddlers with disabilities), including case management~~  
5 ~~services in accordance with the service plan.~~

6           ~~(5) For each eligible young child, an IEP in accordance~~  
7 ~~with [Part B] 20 U.S.C. Ch. 33 Subch. II (relating to~~  
8 ~~assistance for education of all children with disabilities).~~

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

13           ~~(7) A public awareness program focusing on early~~  
14 ~~identification of [handicapped] eligible infants[, ] and~~  
15 ~~toddlers and eligible young children.~~

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

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

25           ~~(10) A procedure for securing timely reimbursement of~~  
26 ~~funds.~~

27           ~~(11) Procedural safeguards with respect to programs~~  
28 ~~under this act.~~

29           ~~(12) A system for compiling data on the numbers of~~  
30 ~~[handicapped] eligible infants[, ] and toddlers and their~~

1 ~~families and eligible young children in need of appropriate~~  
2 ~~early intervention services; the number of eligible~~  
3 ~~infants[, ] and toddlers and their families and eligible young~~  
4 ~~children served; and the types of services provided.~~

5 ~~(13) A system of program standards evaluation and~~  
6 ~~compliance.~~

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

24 ~~(15) A system for the provision of services to children~~  
25 ~~from birth to age two, inclusive, which are in compliance~~  
26 ~~with [Part H] 20 U.S.C. Ch. 33 Subch. III.~~

27 ~~(16) A system for the provision of services to children~~  
28 ~~three years of age to age of beginners which is in compliance~~  
29 ~~with [Part B] 20 U.S.C. Ch. 33 Subch. II, this act and~~  
30 ~~regulations and standards.~~

1 ~~Section 302. Program regulations and standards.~~

2 ~~(a) [Public Welfare] Human Services. The Department of~~  
3 ~~[Public Welfare] Human Services shall define and address the~~  
4 ~~following issues in developing regulations:~~

5 ~~(1) Methods for locating and identifying eligible~~  
6 ~~children.~~

7 ~~(2) Criteria for eligible programs.~~

8 ~~(3) Contracting guidelines.~~

9 ~~(4) Personnel qualifications and a system of preservice~~  
10 ~~and in-service training.~~

11 ~~(5) Early intervention services.~~

12 ~~(6) Procedural safeguards.~~

13 ~~(7) Appropriate placement, including the least~~  
14 ~~restrictive environment.~~

15 ~~(8) A system of quality assurance, including evaluation~~  
16 ~~of the developmental appropriateness; quality and~~  
17 ~~effectiveness of programs; assurance of compliance with~~  
18 ~~program standards; and provision of assistance to assure~~  
19 ~~compliance.~~

20 ~~(9) Data collection and confidentiality.~~

21 ~~(10) Interagency cooperation at the State and local~~  
22 ~~level through the State interagency agreement and local~~  
23 ~~interagency agreements.~~

24 ~~(11) Content and development of IFSP's.~~

25 ~~(12) Any other issues which are required under this act~~  
26 ~~and [Part H] 20 U.S.C. Ch. 33 Subch. III (relating to infants~~  
27 ~~and toddlers with disabilities).~~

28 ~~\*\*\*~~

29 ~~Section 303. Administration by Department of [Public Welfare]~~  
30 ~~Human Services.~~

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

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

22       ~~(c) Education. In order to facilitate the transfer of~~  
23 ~~responsibility for eligible children from the Department of~~  
24 ~~[Public Welfare] Human Services to the Department of Education~~  
25 ~~at one time each year, consistent with the beginning of the~~  
26 ~~school year, the Secretary of [Public Welfare] Human Services~~  
27 ~~may delegate responsibility for serving certain children under~~  
28 ~~three years of age to the Department of Education and may accept~~  
29 ~~a delegation of responsibility from the Secretary of Education~~  
30 ~~under section 304(c) to serve certain children over the age of~~

1 ~~three.~~

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

7 ~~Section 304. Administration by Department of Education.~~

8 \* \* \*

9 ~~(c) [Public welfare] Human Services. The Secretary of~~  
10 ~~Education shall provide for the transition of eligible children,~~  
11 ~~including [handicapped] eligible infants and toddlers, who,~~  
12 ~~prior to their third birthday, received services under [Part II]~~  
13 ~~20 U.S.C. Ch. 33 Subch. III (relating to infants and toddlers~~  
14 ~~with disabilities). The Secretary of Education is authorized to~~  
15 ~~accept responsibility pursuant to delegation from the Secretary~~  
16 ~~of [Public Welfare] Human Services under section 303(c) for~~  
17 ~~providing early intervention services to children less than~~  
18 ~~three years of age. The Secretary of Education is authorized to~~  
19 ~~delegate responsibility to the Secretary of [Public Welfare]~~  
20 ~~Human Services for providing services for certain children over~~  
21 ~~the age of three.~~

22 \* \* \*

23 ~~Section 305. Child identification, assessment and tracking~~  
24 ~~system.~~

25 ~~(a) Development of system. The Department of [Public~~  
26 ~~Welfare] Human Services, the Department of Education and the~~  
27 ~~Department of Health shall develop a Statewide system for~~  
28 ~~eligible child identification, assessment and tracking. This~~  
29 ~~system shall be developed and coordinated by the agencies to~~  
30 ~~assure that the system is compatible with the child find system~~

1 ~~as required by [Part B] 20 U.S.C. Ch. 33 Subch. III (relating to~~  
2 ~~infants and toddlers with disabilities).~~

3 ~~(b) At risk children. For the purposes of child~~  
4 ~~identification, assessment and tracking for infants and~~  
5 ~~toddlers, the Department of [Public Welfare] Human Services~~  
6 ~~shall establish, by regulation, population groups to be included~~  
7 ~~in these activities. The population groups shall include, but~~  
8 ~~not be limited to, children whose birth weight is under 1,500~~  
9 ~~grams; children cared for in neonatal intensive care units of~~  
10 ~~hospitals; children born to chemically dependent mothers and~~  
11 ~~referred by a physician, health care provider or parent;~~  
12 ~~children who are seriously abused or neglected, as substantiated~~  
13 ~~and referred by the county children and youth agency under [the~~  
14 ~~act of November 26, 1975 (P.L.438, No.124), known as the Child~~  
15 ~~Protective Services Law] 23 Pa.C.S. Ch. 63 (relating to child~~  
16 ~~protective services); children with confirmed dangerous levels~~  
17 ~~of lead poisoning as set by the Department of Health; [and]~~  
18 ~~children who are homeless[.]; children born to a parent who is~~  
19 ~~at high risk for or is diagnosed as having postpartum depression~~  
20 ~~and referred by a physician, health care provider or parent; and~~  
21 ~~children who are at high risk of experiencing an adverse~~  
22 ~~childhood experience. The Department of [Public Welfare] Human~~  
23 ~~Services may establish other population groups by regulation as~~  
24 ~~it deems necessary.~~

25 ~~(c) Components of system. The system shall include, but~~  
26 ~~need not be limited to, the provision of the following~~  
27 ~~activities and services:~~

28 ~~(1) The identification of eligible children and referral~~  
29 ~~to early intervention services as soon after birth as~~  
30 ~~possible.~~

1           ~~(2) Referral services for families of eligible children.~~

2           ~~(3) Continuing assessment of at risk children from birth~~  
3 ~~through age of beginners.~~

4           ~~(4) A description of agencies providing early~~  
5 ~~intervention services and the services provided by each~~  
6 ~~agency.~~

7           ~~(5) Pertinent information regarding the exit of the~~  
8 ~~child from early intervention services.~~

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

13       ~~(d) Confidentiality. Proper measures shall be developed and~~  
14 ~~implemented to assure the confidentiality of the data contained~~  
15 ~~in the system. Information shall be accessed only by appropriate~~  
16 ~~staff of the Department of [Public Welfare] Human Services, the~~  
17 ~~Department of Education and the Department of Health, including~~  
18 ~~the staff of each agency's local entities, such as county mental~~  
19 ~~health and mental retardation offices, school districts and~~  
20 ~~intermediate units, which are responsible for the provision of~~  
21 ~~services either directly or through subcontract to private~~  
22 ~~providers. Nothing in this section is intended to preclude the~~  
23 ~~utilization of data to provide for the preparation of reports,~~  
24 ~~fiscal information or other documents required by this act or~~  
25 ~~the [Education of the Handicapped Act,] 20 U.S.C. Ch. 33~~  
26 ~~(relating to education of individuals with disabilities) but no~~  
27 ~~information may be used in a manner which would allow for the~~  
28 ~~identification of an individual child or family.~~

29       ~~Section 503. Effective date.~~

30       ~~This act shall take effect as follows:~~



1 INFANTS, TODDLERS AND ELIGIBLE YOUNG CHILDREN WHO ARE  
2 [HANDICAPPED] DISABLED IN ORDER TO MINIMIZE THEIR POTENTIAL  
3 FOR DEVELOPMENTAL DELAY.

4 (2) MINIMIZE THE NEED FOR SPECIAL EDUCATION SERVICES AS  
5 THESE INFANTS, TODDLERS AND ELIGIBLE YOUNG CHILDREN WHO ARE  
6 [HANDICAPPED] DISABLED ATTAIN THE AGE OF BEGINNERS.

7 (3) REDUCE THE NUMBER OF [HANDICAPPED] DISABLED  
8 INDIVIDUALS BEING PLACED IN INSTITUTIONS AND ENHANCE THEIR  
9 POTENTIAL FOR INDEPENDENT LIVING IN SOCIETY.

10 (4) ASSIST THE FAMILIES OF [HANDICAPPED] ELIGIBLE  
11 INFANTS AND TODDLERS TO MEET THEIR CHILDREN'S SPECIAL NEEDS.

12 (5) IMPLEMENT THE PROVISIONS OF PARTS B AND [H] C IN  
13 ORDER TO BE ELIGIBLE TO RECEIVE FEDERAL FUNDING TO HELP  
14 ESTABLISH AND MAINTAIN PROGRAMS AND SERVICES TO ASSIST  
15 [HANDICAPPED] ELIGIBLE INFANTS, TODDLERS AND THEIR FAMILIES  
16 AND ELIGIBLE YOUNG CHILDREN.

17 (B) REMEDY.--THE GENERAL ASSEMBLY FURTHER FINDS THAT EARLY  
18 INTERVENTION SERVICES FOR [HANDICAPPED] ELIGIBLE INFANTS,  
19 TODDLERS AND THEIR FAMILIES AND ELIGIBLE YOUNG CHILDREN ARE COST  
20 EFFECTIVE AND EFFECTIVELY SERVE THE DEVELOPMENTAL NEEDS OF  
21 CHILDREN WHO ARE [HANDICAPPED] DISABLED.

22 SECTION 103. DEFINITIONS.

23 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
24 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
25 CONTEXT CLEARLY INDICATES OTHERWISE:

26 "AGE OF BEGINNERS." THE MINIMUM AGE ESTABLISHED BY THE  
27 SCHOOL DISTRICT BOARD OF DIRECTORS FOR ADMISSION TO THE  
28 DISTRICT'S FIRST GRADE UNDER 22 PA. CODE § 11.15 (RELATING TO  
29 ADMISSION OF BEGINNERS).

30 "COUNCIL." THE INTERAGENCY COORDINATING COUNCIL ESTABLISHED

1 IN SECTION 106.

2 "EARLY INTERVENTION SERVICES." DEVELOPMENTAL SERVICES WHICH  
3 MEET ALL OF THE FOLLOWING:

4 (1) ARE PROVIDED UNDER PUBLIC SUPERVISION.

5 (2) ARE DESIGNED TO MEET THE DEVELOPMENTAL NEEDS OF [A  
6 HANDICAPPED INFANT, TODDLER OR ELIGIBLE YOUNG CHILD] ELIGIBLE  
7 INFANTS AND TODDLERS AND ELIGIBLE YOUNG CHILDREN IN ANY OF  
8 THE FOLLOWING AREAS:

9 (I) PHYSICAL DEVELOPMENT.

10 (II) COGNITIVE DEVELOPMENT.

11 (III) SENSORY DEVELOPMENT.

12 (IV) LANGUAGE AND SPEECH DEVELOPMENT OR ALTERNATIVE  
13 COMMUNICATION DEVELOPMENT.

14 (V) PSYCHO-SOCIAL DEVELOPMENT.

15 (VI) SELF-HELP SKILLS.

16 (3) ARE DEVELOPED TO MEET THE REQUIREMENTS OF THIS ACT,  
17 INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

18 (I) FAMILY TRAINING.

19 (II) SOCIAL WORK SERVICES, INCLUDING COUNSELING AND  
20 HOME VISITS.

21 (III) SPECIAL INSTRUCTION.

22 (IV) SPEECH PATHOLOGY AND AUDIOLOGY.

23 (V) OCCUPATIONAL THERAPY.

24 (VI) PHYSICAL THERAPY.

25 (VII) PSYCHOLOGICAL SERVICES.

26 (VIII) MEDICAL SERVICES ONLY FOR DIAGNOSTIC OR  
27 EVALUATION PURPOSES.

28 (IX) EARLY IDENTIFICATION, SCREENING AND ASSESSMENT  
29 SERVICES.

30 (X) HEALTH SERVICES NECESSARY TO ENABLE THE INFANT

1 OR TODDLER TO BENEFIT FROM THE OTHER EARLY INTERVENTION  
2 SERVICES.

3 (XI) ASSISTIVE TECHNOLOGY DEVICES AND SERVICES.

4 (XII) FOR [HANDICAPPED] ELIGIBLE INFANTS AND  
5 TODDLERS, OTHER SERVICES REQUIRED BY PART [H] C.

6 (4) ARE PROVIDED BY QUALIFIED PERSONNEL, INCLUDING, BUT  
7 NOT LIMITED TO, SPECIAL EDUCATORS, SPEECH AND LANGUAGE  
8 PATHOLOGISTS AND AUDIOLOGISTS, OCCUPATIONAL THERAPISTS,  
9 PHYSICAL THERAPISTS, PSYCHOLOGISTS, SOCIAL WORKERS, NURSES  
10 AND NUTRITIONISTS.

11 (5) ARE PROVIDED IN CONFORMITY WITH AN INDIVIDUALIZED  
12 FAMILY SERVICE PLAN FOR ELIGIBLE INFANTS, TODDLERS AND THEIR  
13 FAMILIES.

14 (6) ARE PROVIDED TO ELIGIBLE YOUNG CHILDREN IN  
15 COMPLIANCE WITH THE PROVISIONS OF THIS ACT AND PART B.  
16 COMPLIANCE INCLUDES PROCEDURAL SAFEGUARDS AND FREE  
17 APPROPRIATE PUBLIC EDUCATION, INCLUDING RELATED SERVICES AND  
18 INDIVIDUALIZED EDUCATION PROGRAMS.

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

29 ["EDUCATION OF THE HANDICAPPED ACT." THE EDUCATION OF THE  
30 HANDICAPPED ACT (PUBLIC LAW 91-230, 20 U.S.C. § 1401 ET SEQ.).]

1 "ELIGIBLE INFANTS AND TODDLERS." INDIVIDUALS RANGING IN AGE  
2 FROM BIRTH TO TWO YEARS OF AGE, INCLUSIVE, WHO NEED EARLY  
3 INTERVENTION SERVICES FOR ANY OF THE FOLLOWING REASONS:

4 (1) THEY ARE EXPERIENCING DEVELOPMENTAL DELAYS, AS  
5 DEFINED BY REGULATIONS OF THE DEPARTMENT OF HUMAN SERVICES  
6 AND AS MEASURED BY APPROPRIATE DIAGNOSTIC INSTRUMENTS AND  
7 PROCEDURES IN ANY OF THE FOLLOWING AREAS: COGNITIVE  
8 DEVELOPMENT, SENSORY DEVELOPMENT, PHYSICAL DEVELOPMENT,  
9 LANGUAGE AND SPEECH DEVELOPMENT, PSYCHO-SOCIAL DEVELOPMENT OR  
10 SELF-HELP SKILLS.

11 (2) THEY HAVE A DIAGNOSED PHYSICAL OR MENTAL CONDITION  
12 WHICH HAS A HIGH PROBABILITY OF RESULTING IN DEVELOPMENTAL  
13 DELAY UNDER PARAGRAPH (1). THIS PARAGRAPH APPLIES TO  
14 CONDITIONS WITH KNOWN ETIOLOGIES AND DEVELOPMENTAL  
15 CONSEQUENCES. THESE CONDITIONS INCLUDE DOWN SYNDROME, OTHER  
16 CHROMOSOMAL ABNORMALITIES, SENSORY IMPAIRMENTS, INCLUDING  
17 VISION AND HEARING, INBORN ERRORS OF METABOLISM,  
18 MICROCEPHALY, SEVERE ATTACHMENT DISORDERS, INCLUDING FAILURE  
19 TO THRIVE, SEIZURE DISORDERS AND FETAL ALCOHOL SYNDROME.

20 "ELIGIBLE YOUNG CHILD." A CHILD WHO IS YOUNGER THAN THE AGE  
21 OF BEGINNERS AND AT LEAST THREE YEARS OF AGE AND WHO MEETS ANY  
22 OF THE FOLLOWING CRITERIA:

23 (1) THE CHILD HAS ANY OF THE FOLLOWING PHYSICAL OR  
24 MENTAL DISABILITIES: AUTISM/PERVASIVE DEVELOPMENTAL DISORDER,  
25 SERIOUS EMOTIONAL DISTURBANCE, NEUROLOGICAL IMPAIRMENT,  
26 DEAFNESS/HEARING IMPAIRMENT, SPECIFIC LEARNING DISABILITY,  
27 [MENTAL RETARDATION, MULTIHANDICAP,] INTELLECTUAL DISABILITY,  
28 OTHER HEALTH IMPAIRMENT, PHYSICAL DISABILITY, SPEECH  
29 IMPAIRMENT OR BLINDNESS/VISUAL IMPAIRMENT.

30 (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 ["HANDICAPPED INFANTS AND TODDLERS." INDIVIDUALS RANGING IN  
4 AGE FROM BIRTH TO TWO YEARS OF AGE, INCLUSIVE, WHO NEED EARLY  
5 INTERVENTION SERVICES FOR ANY OF THE FOLLOWING REASONS:

6 (1) THEY ARE EXPERIENCING DEVELOPMENTAL DELAYS, AS  
7 DEFINED BY REGULATIONS OF THE DEPARTMENT OF PUBLIC WELFARE  
8 AND AS MEASURED BY APPROPRIATE DIAGNOSTIC INSTRUMENTS AND  
9 PROCEDURES IN ANY OF THE FOLLOWING AREAS: COGNITIVE  
10 DEVELOPMENT, SENSORY DEVELOPMENT, PHYSICAL DEVELOPMENT,  
11 LANGUAGE AND SPEECH DEVELOPMENT, PSYCHO-SOCIAL DEVELOPMENT OR  
12 SELF-HELP SKILLS.

13 (2) THEY HAVE A DIAGNOSED PHYSICAL OR MENTAL CONDITION  
14 WHICH HAS A HIGH PROBABILITY OF RESULTING IN DEVELOPMENTAL  
15 DELAY UNDER PARAGRAPH (1). THIS PARAGRAPH APPLIES TO  
16 CONDITIONS WITH KNOWN ETIOLOGIES AND DEVELOPMENTAL  
17 CONSEQUENCES. EXAMPLES OF THESE CONDITIONS INCLUDE DOWN  
18 SYNDROME; OTHER CHROMOSOMAL ABNORMALITIES; SENSORY  
19 IMPAIRMENTS, INCLUDING VISION AND HEARING; INBORN ERRORS OF  
20 METABOLISM; MICROCEPHALY; SEVERE ATTACHMENT DISORDERS,  
21 INCLUDING FAILURE TO THRIVE; SEIZURE DISORDERS; AND FETAL  
22 ALCOHOL SYNDROME.]

23 "HOMELESS." AN INDIVIDUAL WHO LACKS A FIXED, REGULAR AND  
24 ADEQUATE NIGHTTIME RESIDENCE. THE TERM INCLUDES:

25 (1) CHILDREN AND YOUTH IN ANY OF THE FOLLOWING:

26 (I) WHO ARE SHARING THE HOUSING OF ANOTHER PERSON  
27 DUE TO LOSS OF HOUSING, ECONOMIC HARDSHIP OR A SIMILAR  
28 REASON.

29 (II) WHO ARE LIVING IN A MOTEL, HOTEL, TRAILER PARK  
30 OR CAMPING GROUNDS DUE TO THE LACK OF ALTERNATIVE

1 ADEQUATE ACCOMMODATIONS.

2 (III) WHO ARE LIVING IN AN EMERGENCY OR TRANSITIONAL  
3 SHELTER.

4 (IV) WHO ARE ABANDONED IN A HOSPITAL.

5 (V) WHO ARE AWAITING FOSTER CARE PLACEMENT.

6 (VI) WHO HAVE A PRIMARY NIGHTTIME RESIDENCE THAT IS  
7 A PUBLIC OR A PRIVATE PLACE NOT DESIGNED FOR OR  
8 ORDINARILY USED AS A REGULAR SLEEPING ACCOMMODATION FOR  
9 HUMAN BEINGS.

10 (VII) WHO ARE LIVING IN A CAR, PARK, PUBLIC SPACE,  
11 ABANDONED BUILDING, SUBSTANDARD HOUSING, BUS OR TRAIN  
12 STATION OR SIMILAR SETTING.

13 (2) MIGRATORY CHILDREN WHO QUALIFY AS HOMELESS FOR THE  
14 PURPOSES OF THIS CHAPTER BECAUSE THE CHILD IS LIVING IN ONE  
15 OF THE CIRCUMSTANCES IN PARAGRAPH (1).

16 "IEP." INDIVIDUALIZED EDUCATION PROGRAM.

17 "IFSP." INDIVIDUALIZED FAMILY SERVICE PLAN.

18 "INDIVIDUALS WITH DISABILITIES EDUCATION ACT." THE  
19 INDIVIDUALS WITH DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230,  
20 20 U.S.C. § 1400 ET SEQ.).

21 "LEAD AGENCY." FOR EARLY INTERVENTION SERVICES TO ELIGIBLE  
22 CHILDREN FROM BIRTH TO TWO YEARS OF AGE, INCLUSIVE, THE  
23 DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES; FOR EARLY  
24 INTERVENTION SERVICES TO ELIGIBLE YOUNG CHILDREN, THE DEPARTMENT  
25 OF EDUCATION.

26 "LOCAL INTERAGENCY AGREEMENT." AN AGREEMENT ENTERED INTO BY  
27 LOCAL AGENCIES RECEIVING EARLY INTERVENTION FUNDS DIRECTLY FROM  
28 THE COMMONWEALTH AND MADE UNDER THE STATE INTERAGENCY AGREEMENT  
29 PROVIDING FOR THE DELIVERY OF EARLY INTERVENTION SERVICES WITHIN  
30 A SPECIFIED GEOGRAPHIC AREA.

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

10 "PART B." [PART B] SUBCHAPTER II OF THE [EDUCATION FOR THE  
11 HANDICAPPED] INDIVIDUALS WITH DISABILITIES EDUCATION ACT (20  
12 U.S.C. § 1411 ET SEQ.), AS IT APPLIES TO PRESCHOOL CHILDREN.

13 ["PART H." PART H OF THE EDUCATION FOR THE HANDICAPPED ACT  
14 (20 U.S.C. § 1471 ET SEQ.).]

15 "PART C." SUBCHAPTER III OF THE INDIVIDUALS WITH  
16 DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230, 20 U.S.C. § 1431  
17 ET SEQ.)

18 "POSTPARTUM DEPRESSION." MODERATE TO SEVERE DEPRESSION IN A  
19 WOMAN AFTER SHE HAS GIVEN BIRTH, WHICH DEPRESSION OCCURS AFTER  
20 DELIVERY OR UP TO A YEAR LATER.

21 "STATE INTERAGENCY AGREEMENT." AN AGREEMENT ENTERED INTO BY  
22 THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HEALTH, THE  
23 DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES AND ANY OTHER  
24 COMMONWEALTH AGENCY FOR THE PURPOSES OF THIS ACT AND OF PART B  
25 AND PART [H] C.  
26 SECTION 104. STATE INTERAGENCY AGREEMENT.

27 (A) INTERAGENCY AGREEMENT.--THE DEPARTMENT OF EDUCATION, THE  
28 DEPARTMENT OF HEALTH AND THE DEPARTMENT OF [PUBLIC WELFARE]  
29 HUMAN SERVICES SHALL ENTER INTO AND MAINTAIN A STATE INTERAGENCY  
30 AGREEMENT TO ENABLE THE STATE AND LOCAL AGENCIES SERVING

1 ELIGIBLE INFANTS [, ] AND TODDLERS AND ELIGIBLE YOUNG CHILDREN  
2 [WHO ARE HANDICAPPED] TO ESTABLISH WORKING RELATIONSHIPS THAT  
3 WILL INCREASE THE EFFICIENCY AND EFFECTIVENESS OF THEIR EARLY  
4 INTERVENTION SERVICES. THE AGREEMENT SHALL OUTLINE THE  
5 RESPONSIBILITIES OF THOSE STATE AND LOCAL AGENCIES AND SHALL  
6 IMPLEMENT A COORDINATED SERVICE DELIVERY SYSTEM THROUGH LOCAL  
7 INTERAGENCY AGREEMENTS.

8 (B) COMPONENTS.--THE STATE INTERAGENCY AGREEMENT SHALL  
9 ADDRESS, AT A MINIMUM, THE FOLLOWING ISSUES:

- 10 (1) RESPONSIBILITIES OF STATE AND LOCAL AGENCIES.
- 11 (2) ELIGIBILITY DETERMINATION AND REFERRALS.
- 12 (3) ESTABLISHMENT OF LOCAL AGREEMENTS.
- 13 (4) FISCAL RESPONSIBILITIES OF THE AGENCIES.
- 14 (5) DISPUTE RESOLUTION BETWEEN AGENCIES.
- 15 (6) PAYOR OF LAST RESORT.
- 16 (7) MAINTENANCE OF EFFORT.
- 17 (8) ADMINISTRATIVE MANAGEMENT STRUCTURE.
- 18 (9) ESTABLISHMENT AND MAINTENANCE OF LOCAL INTERAGENCY  
19 COORDINATING COUNCILS, WHICH SHALL INCLUDE, BUT NOT BE  
20 LIMITED TO, PARENTS AND PRIVATE PROVIDERS AND WHICH SHALL BE  
21 AUTHORIZED TO ADVISE AND COMMENT ON THE DEVELOPMENT OF LOCAL  
22 INTERAGENCY AGREEMENTS FOR THEIR SPECIFIED GEOGRAPHIC AREA  
23 AND TO COMMUNICATE DIRECTLY WITH THE DEPARTMENT OF EDUCATION,  
24 THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF [PUBLIC WELFARE]  
25 HUMAN SERVICES AND THE COUNCIL REGARDING THE LOCAL  
26 INTERAGENCY AGREEMENT AND ANY OTHER MATTERS PERTAINING TO  
27 THIS ACT.
- 28 (10) PLANS BY THE DEPARTMENT OF HEALTH, THE DEPARTMENT  
29 OF [PUBLIC WELFARE] HUMAN SERVICES AND THE DEPARTMENT OF  
30 EDUCATION TO WORK TOGETHER TO DEVELOP A COORDINATED SYSTEM OF

1 CASE MANAGEMENT.

2 (C) GOAL.--ISSUES UNDER SUBSECTION (B) SHALL BE ADDRESSED TO  
3 MEET THE REQUIREMENTS OF THIS ACT AND THE PROVISIONS OF PART B  
4 AND PART [H] C.

5 SECTION 105. OTHER DUTIES OF STATE AGENCIES.

6 (A) STATEWIDE SYSTEM.--THE DEPARTMENT OF HEALTH, THE  
7 DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES AND THE DEPARTMENT  
8 OF EDUCATION SHALL BE RESPONSIBLE FOR THE ESTABLISHMENT AND  
9 MAINTENANCE OF A STATEWIDE SYSTEM OF EARLY INTERVENTION SERVICES  
10 AS PROVIDED IN CHAPTER 3.

11 (B) RULEMAKING.--THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF  
12 [PUBLIC WELFARE] HUMAN SERVICES, THE STATE BOARD OF EDUCATION AS  
13 THE REGULATORY AUTHORITY FOR THE DEPARTMENT OF EDUCATION AND THE  
14 DEPARTMENT OF EDUCATION FOR STANDARDS SHALL SUBMIT DRAFT  
15 REGULATIONS AND STANDARDS TO THE COUNCIL RELATING TO THE  
16 IMPLEMENTATION OF THIS ACT PRIOR TO FORMAL PROMULGATION IN ORDER  
17 TO RECEIVE THE RECOMMENDATIONS OF THE COUNCIL. IF  
18 RECOMMENDATIONS ARE NOT RECEIVED BY THE APPROPRIATE STATE AGENCY  
19 WITHIN 60 DAYS OF RECEIPT BY THE COUNCIL, THE RESPECTIVE  
20 DEPARTMENT OR BOARD MAY CONTINUE TO DEVELOP AND PROMULGATE  
21 REGULATIONS AND STANDARDS.

22 (C) ANNUAL REPORTS.--BY JULY 31, THE DEPARTMENT OF HEALTH,  
23 THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES AND THE  
24 DEPARTMENT OF EDUCATION SHALL SUBMIT ANNUAL REPORTS TO THE  
25 COUNCIL ON THE STATUS OF EARLY INTERVENTION SERVICES DURING THE  
26 PRECEDING CALENDAR YEAR. THESE REPORTS SHALL BE USED AS THE  
27 BASIS FOR THE REPORT SUBMITTED BY THE COUNCIL UNDER SECTION  
28 106(F) (4).

29 SECTION 106. COUNCIL.

30 (A) ESTABLISHMENT.--THE INTERAGENCY COORDINATING COUNCIL IS

1 ESTABLISHED. THE COUNCIL SHALL CONSIST OF 15 VOTING MEMBERS  
2 APPOINTED BY THE GOVERNOR. THE COUNCIL SHALL SERVE AS THE  
3 COUNCIL REQUIRED BY THE [EDUCATION OF THE HANDICAPPED ACT  
4 AMENDMENTS OF 1986 (PUBLIC LAW 99-457, 100 STAT. 1145)]  
5 INDIVIDUALS WITH DISABILITIES EDUCATION ACT. THE TERM OF OFFICE  
6 OF THE VOTING MEMBERS SHALL BE THREE YEARS, EXCEPT FOR THE  
7 CABINET OFFICERS OR THEIR DESIGNEES WHO SHALL SERVE AS LONG AS  
8 THEY ARE IN OFFICE.

9 (B) MEMBERSHIP.--THE MEMBERSHIP OF THE COUNCIL SHALL CONSIST  
10 OF THE FOLLOWING:

11 (1) THREE PARENTS OF [HANDICAPPED] ELIGIBLE INFANTS [ , ]  
12 OR TODDLERS OR ELIGIBLE YOUNG CHILDREN.

13 (2) ONE PROVIDER OF A CHILD DEVELOPMENT PROGRAM, SUCH AS  
14 HEAD START.

15 (3) ONE PARENT OF A CHILD WHO HAS RECEIVED EARLY  
16 INTERVENTION SERVICES AND IS NOW BEYOND SIX YEARS OF AGE.

17 (4) THREE PROVIDERS OF EARLY INTERVENTION SERVICES,  
18 INCLUDING ONE SCHOOL DISTRICT PROVIDER, ONE INTERMEDIATE UNIT  
19 PROVIDER AND ONE PRIVATE PROVIDER.

20 (5) ONE MEMBER FROM THE GENERAL ASSEMBLY.

21 (6) ONE REPRESENTATIVE OF THE AMERICAN ACADEMY OF  
22 PEDIATRICS.

23 (7) ONE COUNTY MENTAL [HEALTH/MENTAL RETARDATION] HEALTH  
24 AND DEVELOPMENTAL SERVICES ADMINISTRATOR OR DESIGNEE.

25 (8) ONE INDIVIDUAL INVOLVED IN PERSONNEL PREPARATION.

26 (9) THE SECRETARY OF EDUCATION OR A DESIGNEE.

27 (10) THE SECRETARY OF [PUBLIC WELFARE] HUMAN SERVICES OR  
28 A DESIGNEE.

29 (11) THE SECRETARY OF HEALTH OR A DESIGNEE.

30 (12) AS EX OFFICIO MEMBERS, WHO SHALL NOT HAVE VOTING

1 PRIVILEGES: A REPRESENTATIVE OF THE DEVELOPMENTAL  
2 DISABILITIES PLANNING COUNCIL AND MEMBERS APPOINTED BY THE  
3 CHAIR OF THE COUNCIL.

4 (C) DESIGNEES.--THE DESIGNEES OF THE CABINET OFFICERS UNDER  
5 SUBSECTION (B) MUST BE DEPUTY SECRETARIES, COMMISSIONERS OR  
6 BUREAU DIRECTORS.

7 (D) OFFICERS.--THE CHAIR OF THE COUNCIL SHALL BE APPOINTED  
8 BY THE GOVERNOR AND MUST BE SELECTED FROM THOSE MEMBERS WHO ARE  
9 NEITHER EMPLOYEES OF THE COMMONWEALTH NOR ELECTED OFFICIALS.

10 (E) COMMITTEES.--THE CHAIR OF THE COUNCIL MAY APPOINT  
11 SPECIAL COMMITTEES, WHICH MAY INCLUDE NONMEMBERS OF THE COUNCIL,  
12 TO MAKE RECOMMENDATIONS TO THE COUNCIL CONCERNING KEY ISSUES  
13 RELATED TO THIS ACT.

14 (F) POWERS AND DUTIES.--THE COUNCIL HAS THE FOLLOWING POWERS  
15 AND DUTIES:

16 (1) TO REVIEW AND COMMENT TO THE DEPARTMENT OF HEALTH,  
17 THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES, THE  
18 DEPARTMENT OF EDUCATION AND THE STATE BOARD OF EDUCATION ON  
19 DRAFT REGULATIONS AND STANDARDS FOR THE IMPLEMENTATION AND  
20 MAINTENANCE OF A STATEWIDE SYSTEM OF EARLY INTERVENTION  
21 SERVICES WHICH ARE IN ACCORDANCE WITH THE PROVISIONS OF THIS  
22 ACT AND PARTS B AND H.

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,

1 MULTIDISCIPLINARY, INTERAGENCY PROGRAM, AS DESCRIBED IN  
2 CHAPTER 3;

3 (II) SUGGESTIONS REGARDING SOURCES OF FISCAL AND  
4 OTHER SUPPORT FROM FEDERAL, STATE, LOCAL AND PRIVATE  
5 SOURCES, INCLUDING INSURANCE COVERAGE; AND

6 (III) RECOMMENDATIONS REGARDING IN-SERVICE TRAINING  
7 AND PERSONNEL COMPETENCIES.

8 (4) TO PREPARE AND SUBMIT, WITH THE COOPERATION OF THE  
9 SECRETARY OF EDUCATION, THE SECRETARY OF HEALTH AND THE  
10 SECRETARY OF [PUBLIC WELFARE] HUMAN SERVICES, AN ANNUAL  
11 REPORT DURING THE MONTH OF SEPTEMBER TO THE GOVERNOR AND THE  
12 MAJORITY AND MINORITY CHAIRMEN OF THE EDUCATION COMMITTEE OF  
13 THE SENATE AND THE EDUCATION COMMITTEE OF THE HOUSE OF  
14 REPRESENTATIVES. THIS REPORT SHALL INCLUDE THE NUMBER OF  
15 PROGRAMS BEING PROVIDED BY INTERMEDIATE UNITS, SCHOOL  
16 DISTRICTS AND PUBLIC AND PRIVATE PROVIDERS, INCLUDING HEAD  
17 START; THE NUMBER OF CHILDREN BEING SERVED; THE STATUS OF  
18 COMPLIANCE WITH STATE REGULATIONS AND STANDARDS; DESCRIPTIVE  
19 INFORMATION ON THE PROGRAMS; INFORMATION ON PERSONNEL NEEDS;  
20 ANY SUGGESTED CHANGES IN STATE STATUTES AND REGULATIONS  
21 GOVERNING THESE PROGRAMS; ANY INFORMATION THE UNITED STATES  
22 SECRETARY OF EDUCATION MAY REQUIRE; AND ANY OTHER INFORMATION  
23 THE COUNCIL DEEMS APPROPRIATE.

24 (5) TO MEET AT LEAST SIX TIMES A YEAR.

25 (6) TO PERFORM OTHER FUNCTIONS REQUIRED OF A STATE'S  
26 INTERAGENCY COORDINATING COUNCIL UNDER PART [H] C.

27 (G) COMPENSATION OF MEMBERS.--THE MEMBERS SHALL SERVE  
28 WITHOUT COMPENSATION BUT SHALL BE REIMBURSED FOR REASONABLE  
29 COSTS INCURRED, INCLUDING COSTS RELATED TO CHILD CARE.

30 (H) STAFF.--STAFF SERVICES FOR THE COUNCIL SHALL BE PROVIDED

1 BY THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF [PUBLIC WELFARE]  
2 HUMAN SERVICES AND THE DEPARTMENT OF EDUCATION AND SHALL INCLUDE  
3 THE PREPARATION AND DISTRIBUTION OF THE ANNUAL REPORT REQUIRED  
4 UNDER SUBSECTION (F) (4).

5 SECTION 301. REQUIREMENTS.

6 A STATEWIDE SYSTEM OF COORDINATED, COMPREHENSIVE,  
7 MULTIDISCIPLINARY, INTERAGENCY PROGRAMS SHALL BE ESTABLISHED AND  
8 MAINTAINED BY THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF  
9 [PUBLIC WELFARE] HUMAN SERVICES AND THE DEPARTMENT OF EDUCATION  
10 TO PROVIDE APPROPRIATE EARLY INTERVENTION SERVICES TO ALL  
11 [HANDICAPPED] ELIGIBLE INFANTS[, ] AND TODDLERS AND THEIR  
12 FAMILIES AND TO ELIGIBLE YOUNG CHILDREN. THE SYSTEM SHALL  
13 INCLUDE THE FOLLOWING MINIMUM COMPONENTS:

14 (1) COMPATIBLE DEFINITIONS OF THE TERM "DEVELOPMENTAL  
15 DELAY" SHALL BE PROMULGATED AND ADOPTED BY THE DEPARTMENT OF  
16 [PUBLIC WELFARE] HUMAN SERVICES, THE DEPARTMENT OF HEALTH AND  
17 THE DEPARTMENT OF EDUCATION, WITH REVIEW AND COMMENT OF THE  
18 COUNCIL UNDER SECTION 106(F) (1). THE DEFINITION SHALL PROVIDE  
19 FOR THE CONTINUITY OF PROGRAM SERVICES AND SHALL BE USED IN  
20 IMPLEMENTING PROGRAMS UNDER THIS ACT.

21 (2) AN ASSURANCE THAT APPROPRIATE EARLY INTERVENTION  
22 SERVICES ARE AVAILABLE TO ALL ELIGIBLE [HANDICAPPED] ELIGIBLE  
23 INFANTS[, ] AND TODDLERS AND THEIR FAMILIES BY SEPTEMBER 1,  
24 1991, AND TO ALL ELIGIBLE YOUNG CHILDREN BY JULY 1, 1991.

25 (3) A TIMELY, COMPREHENSIVE, MULTIDISCIPLINARY  
26 EVALUATION OF THE FUNCTIONING OF EACH [HANDICAPPED] ELIGIBLE  
27 INFANT[, ] AND TODDLER AND ELIGIBLE YOUNG CHILD AND THE NEEDS  
28 OF THE FAMILIES TO ASSIST APPROPRIATELY IN THE DEVELOPMENT OF  
29 THE [HANDICAPPED] ELIGIBLE INFANT[, ] AND TODDLER AND ELIGIBLE  
30 YOUNG CHILD.

1 (4) FOR ALL [HANDICAPPED] ELIGIBLE INFANTS[, ] AND  
2 TODDLERS AND THEIR FAMILIES, AN IFSP IN ACCORDANCE WITH PART  
3 [H] C, INCLUDING CASE MANAGEMENT SERVICES IN ACCORDANCE WITH  
4 THE SERVICE PLAN.

5 (5) FOR EACH ELIGIBLE YOUNG CHILD, AN IEP IN ACCORDANCE  
6 WITH PART B.

7 (6) A COMPREHENSIVE CHILD-FIND SYSTEM, INCLUDING A  
8 SYSTEM FOR MAKING REFERRALS TO SERVICE PROVIDERS THAT  
9 INCLUDES TIMELINES AND PROVIDES FOR THE PARTICIPATION BY  
10 PRIMARY REFERRAL SOURCES.

11 (7) A PUBLIC AWARENESS PROGRAM FOCUSING ON EARLY  
12 IDENTIFICATION OF [HANDICAPPED] ELIGIBLE INFANTS[, ] AND  
13 TODDLERS AND ELIGIBLE YOUNG CHILDREN.

14 (8) A CENTRAL DIRECTORY, WHICH INCLUDES EARLY  
15 INTERVENTION SERVICES, RESOURCES AND EXPERTS AVAILABLE IN  
16 THIS COMMONWEALTH AND RESEARCH AND DEMONSTRATION PROJECTS  
17 BEING CONDUCTED IN THIS COMMONWEALTH.

18 (9) A COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT AND  
19 POLICIES AND PROCEDURES RELATING TO THE ESTABLISHMENT AND  
20 MAINTENANCE OF STANDARDS TO ENSURE THAT PERSONNEL NECESSARY  
21 TO CARRY OUT THIS ACT ARE APPROPRIATELY AND ADEQUATELY  
22 PREPARED AND TRAINED.

23 (10) A PROCEDURE FOR SECURING TIMELY REIMBURSEMENT OF  
24 FUNDS.

25 (11) PROCEDURAL SAFEGUARDS WITH RESPECT TO PROGRAMS  
26 UNDER THIS ACT.

27 (12) A SYSTEM FOR COMPILING DATA ON THE NUMBERS OF  
28 [HANDICAPPED] ELIGIBLE INFANTS[, ] AND TODDLERS AND THEIR  
29 FAMILIES AND ELIGIBLE YOUNG CHILDREN IN NEED OF APPROPRIATE  
30 EARLY INTERVENTION SERVICES; THE NUMBER OF ELIGIBLE

1 INFANTS [ , ] AND TODDLERS AND THEIR FAMILIES AND ELIGIBLE YOUNG  
2 CHILDREN SERVED; AND THE TYPES OF SERVICES PROVIDED.

3 (13) A SYSTEM OF PROGRAM STANDARDS EVALUATION AND  
4 COMPLIANCE.

5 (14) AN EXIT CRITERIA, WHICH PROVIDES PROCEDURES FOR A  
6 CHILD TO EXIT FROM EARLY INTERVENTION SERVICES. THIS EXIT  
7 PLAN MUST ADDRESS BOTH THE NEEDS OF THE CHILD WHO HAS  
8 ATTAINED AGE OF BEGINNERS AS WELL AS THE CHILD WHO, AT ANY  
9 AGE BETWEEN BIRTH AND AGE OF BEGINNERS, NO LONGER MEETS THE  
10 ELIGIBILITY CRITERIA. IF A CHILD HAS BEEN SUCCESSFUL IN  
11 OBTAINING AGE-APPROPRIATE BEHAVIOR AND ABILITIES, THE FACT  
12 THAT THE CHILD PARTICIPATED IN EARLY INTERVENTION SERVICES  
13 MAY NOT BE COMMUNICATED TO THE SCHOOL DISTRICT UNLESS THE  
14 PARENT SO CHOOSES, NOR MAY IT BE CONSIDERED AS A RATIONALE  
15 FOR PLACEMENT IN PUBLIC SCHOOL AGE SPECIAL EDUCATION CLASSES.  
16 IF THE CHILD DOES NOT MEET EXIT CRITERIA AND THE CHILD'S IEP  
17 OR IFSP DEMONSTRATES THAT THE CHILD WILL BENEFIT FROM  
18 SERVICES WHICH CAN BE PROVIDED ONLY THROUGH SPECIAL  
19 EDUCATION, NOTHING IN THIS ACT SHALL PREVENT THAT PLACEMENT.  
20 IN EITHER CASE, TRANSITION SERVICES SHALL BE PROVIDED TO THE  
21 CHILD AND THE CHILD'S PARENTS.

22 (15) A SYSTEM FOR THE PROVISION OF SERVICES TO CHILDREN  
23 FROM BIRTH TO AGE TWO, INCLUSIVE, WHICH ARE IN COMPLIANCE  
24 WITH PART [H] C.

25 (16) A SYSTEM FOR THE PROVISION OF SERVICES TO CHILDREN  
26 THREE YEARS OF AGE TO AGE OF BEGINNERS WHICH IS IN COMPLIANCE  
27 WITH PART B, THIS ACT AND REGULATIONS AND STANDARDS.

28 SECTION 302. PROGRAM REGULATIONS AND STANDARDS.

29 (A) [PUBLIC WELFARE] HUMAN SERVICES.--THE DEPARTMENT OF  
30 [PUBLIC WELFARE] HUMAN SERVICES SHALL DEFINE AND ADDRESS THE

1 FOLLOWING ISSUES IN DEVELOPING REGULATIONS:

2 (1) METHODS FOR LOCATING AND IDENTIFYING ELIGIBLE  
3 CHILDREN.

4 (2) CRITERIA FOR ELIGIBLE PROGRAMS.

5 (3) CONTRACTING GUIDELINES.

6 (4) PERSONNEL QUALIFICATIONS AND A SYSTEM OF PRESERVICE  
7 AND IN-SERVICE TRAINING.

8 (5) EARLY INTERVENTION SERVICES.

9 (6) PROCEDURAL SAFEGUARDS.

10 (7) APPROPRIATE PLACEMENT, INCLUDING THE LEAST  
11 RESTRICTIVE ENVIRONMENT.

12 (8) A SYSTEM OF QUALITY ASSURANCE, INCLUDING EVALUATION  
13 OF THE DEVELOPMENTAL APPROPRIATENESS; QUALITY AND  
14 EFFECTIVENESS OF PROGRAMS; ASSURANCE OF COMPLIANCE WITH  
15 PROGRAM STANDARDS; AND PROVISION OF ASSISTANCE TO ASSURE  
16 COMPLIANCE.

17 (9) DATA COLLECTION AND CONFIDENTIALITY.

18 (10) INTERAGENCY COOPERATION AT THE STATE AND LOCAL  
19 LEVEL THROUGH THE STATE INTERAGENCY AGREEMENT AND LOCAL  
20 INTERAGENCY AGREEMENTS.

21 (11) CONTENT AND DEVELOPMENT OF IFSP'S.

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

24 \* \* \*

25 SECTION 303. ADMINISTRATION BY DEPARTMENT OF [PUBLIC WELFARE]  
26 HUMAN SERVICES.

27 (A) ASSISTANCE TO COUNTIES.--FROM THE SUM APPROPRIATED TO  
28 THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES FOR THE  
29 PURPOSES OF THIS ACT, THE DEPARTMENT SHALL DISTRIBUTE FUNDS TO  
30 THE COUNTY MENTAL HEALTH AND MENTAL RETARDATION OFFICES, UNDER

1 SECTION 509 OF THE ACT OF OCTOBER 20, 1966 (3RD SP.SESS.,  
2 P.L.96, NO.6), KNOWN AS THE MENTAL HEALTH AND [MENTAL  
3 RETARDATION] INTELLECTUAL DISABILITY ACT OF 1966, FOR THE  
4 PROVISION OF EARLY INTERVENTION SERVICES TO CHILDREN FROM BIRTH  
5 TO AGE TWO, INCLUSIVE. THE COUNTY OFFICES MAY MEET THEIR  
6 OBLIGATION TO ASSURE APPROPRIATE EARLY INTERVENTION SERVICES TO  
7 ALL ELIGIBLE CHILDREN THROUGH CONTRACTS WITH PUBLIC OR PRIVATE  
8 AGENCIES THAT MEET THE REQUIREMENTS OF THE REGULATIONS AND  
9 PROGRAM STANDARDS DEVELOPED UNDER THIS ACT. THE COUNTY OFFICES  
10 SHALL ASSURE ANNUALLY THAT THE SERVICE PROVIDERS RECEIVING FUNDS  
11 ARE IN COMPLIANCE WITH THE COMMONWEALTH'S REGULATIONS AND  
12 STANDARDS.

13 (B) FEDERAL BENEFITS.--NOTHING IN THIS ACT SHALL PRECLUDE  
14 MEDICAL OR OTHER ASSISTANCE AVAILABLE UNDER TITLE V OR XIX OF  
15 THE SOCIAL SECURITY ACT (PUBLIC LAW 74-271, 42 U.S.C. § 701 ET  
16 SEQ. OR § 1396 ET SEQ.) OR ANY OTHER BENEFITS AVAILABLE UNDER  
17 FEDERAL LAW.

18 (C) EDUCATION.--IN ORDER TO FACILITATE THE TRANSFER OF  
19 RESPONSIBILITY FOR ELIGIBLE CHILDREN FROM THE DEPARTMENT OF  
20 [PUBLIC WELFARE] HUMAN SERVICES TO THE DEPARTMENT OF EDUCATION  
21 AT ONE TIME EACH YEAR, CONSISTENT WITH THE BEGINNING OF THE  
22 SCHOOL YEAR, THE SECRETARY OF [PUBLIC WELFARE] HUMAN SERVICES  
23 MAY DELEGATE RESPONSIBILITY FOR SERVING CERTAIN CHILDREN UNDER  
24 THREE YEARS OF AGE TO THE DEPARTMENT OF EDUCATION AND MAY ACCEPT  
25 A DELEGATION OF RESPONSIBILITY FROM THE SECRETARY OF EDUCATION  
26 UNDER SECTION 304(C) TO SERVE CERTAIN CHILDREN OVER THE AGE OF  
27 THREE.

28 (D) USE OF FUNDS.--FROM THE SUM OF STATE FUNDS APPROPRIATED  
29 BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF [PUBLIC WELFARE]  
30 HUMAN SERVICES FOR THIS ACT, THE DEPARTMENT SHALL USE 2% TO 4%

1 OF THE APPROPRIATION FOR PERSONNEL TRAINING AND PROGRAM  
2 TECHNICAL ASSISTANCE.

3 SECTION 304. ADMINISTRATION BY DEPARTMENT OF EDUCATION.

4 \* \* \*

5 (C) [PUBLIC WELFARE] HUMAN SERVICES.--THE SECRETARY OF  
6 EDUCATION SHALL PROVIDE FOR THE TRANSITION OF ELIGIBLE CHILDREN,  
7 INCLUDING HANDICAPPED INFANTS AND TODDLERS, WHO, PRIOR TO THEIR  
8 THIRD BIRTHDAY, RECEIVED SERVICES UNDER PART [H] C. THE  
9 SECRETARY OF EDUCATION IS AUTHORIZED TO ACCEPT RESPONSIBILITY  
10 PURSUANT TO DELEGATION FROM THE SECRETARY OF [PUBLIC WELFARE]  
11 HUMAN SERVICES UNDER SECTION 303(C) FOR PROVIDING EARLY  
12 INTERVENTION SERVICES TO CHILDREN LESS THAN THREE YEARS OF AGE.  
13 THE SECRETARY OF EDUCATION IS AUTHORIZED TO DELEGATE  
14 RESPONSIBILITY TO THE SECRETARY OF [PUBLIC WELFARE] HUMAN  
15 SERVICES FOR PROVIDING SERVICES FOR CERTAIN CHILDREN OVER THE  
16 AGE OF THREE.

17 \* \* \*

18 SECTION 305. CHILD IDENTIFICATION, ASSESSMENT AND TRACKING  
19 SYSTEM.

20 (A) DEVELOPMENT OF SYSTEM.--THE DEPARTMENT OF [PUBLIC  
21 WELFARE] HUMAN SERVICES, THE DEPARTMENT OF EDUCATION AND THE  
22 DEPARTMENT OF HEALTH SHALL DEVELOP A STATEWIDE SYSTEM FOR  
23 ELIGIBLE CHILD IDENTIFICATION, ASSESSMENT AND TRACKING. THIS  
24 SYSTEM SHALL BE DEVELOPED AND COORDINATED BY THE AGENCIES TO  
25 ASSURE THAT THE SYSTEM IS COMPATIBLE WITH THE CHILD-FIND SYSTEM  
26 AS REQUIRED BY PART B.

27 (B) AT-RISK CHILDREN.--FOR THE PURPOSES OF CHILD  
28 IDENTIFICATION, ASSESSMENT AND TRACKING FOR INFANTS AND  
29 TODDLERS, THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES  
30 SHALL ESTABLISH, BY REGULATION, POPULATION GROUPS TO BE INCLUDED

1 IN THESE ACTIVITIES. THE POPULATION GROUPS SHALL INCLUDE, BUT  
2 NOT BE LIMITED TO, CHILDREN WHOSE BIRTH WEIGHT IS UNDER 1,500  
3 GRAMS; CHILDREN CARED FOR IN NEONATAL INTENSIVE CARE UNITS OF  
4 HOSPITALS; CHILDREN BORN TO CHEMICALLY DEPENDENT MOTHERS AND  
5 REFERRED BY A PHYSICIAN, HEALTH CARE PROVIDER OR PARENT;  
6 CHILDREN WHO ARE SERIOUSLY ABUSED OR NEGLECTED, AS SUBSTANTIATED  
7 AND REFERRED BY THE COUNTY CHILDREN AND YOUTH AGENCY UNDER [THE  
8 ACT OF NOVEMBER 26, 1975 (P.L.438, NO.124), KNOWN AS THE CHILD  
9 PROTECTIVE SERVICES LAW] 23 PA.C.S. CH. 63 (RELATING TO CHILD  
10 PROTECTIVE SERVICES); CHILDREN WITH CONFIRMED DANGEROUS LEVELS  
11 OF LEAD POISONING AS SET BY THE DEPARTMENT OF HEALTH; [AND]  
12 CHILDREN WHO ARE HOMELESS[.]; AND CHILDREN BORN TO MOTHERS WHO  
13 ARE HIGH RISK FOR POSTPARTUM DEPRESSION AND REFERRED BY A  
14 PHYSICIAN, HEALTH CARE PROVIDER OR PARENT. THE DEPARTMENT OF  
15 [PUBLIC WELFARE] HUMAN SERVICES MAY ESTABLISH OTHER POPULATION  
16 GROUPS BY REGULATION AS IT DEEMS NECESSARY.

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

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

23 (2) REFERRAL SERVICES FOR FAMILIES OF ELIGIBLE CHILDREN.

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

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

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

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

5 (D) CONFIDENTIALITY.--PROPER MEASURES SHALL BE DEVELOPED AND  
6 IMPLEMENTED TO ASSURE THE CONFIDENTIALITY OF THE DATA CONTAINED  
7 IN THE SYSTEM. INFORMATION SHALL BE ACCESSED ONLY BY APPROPRIATE  
8 STAFF OF THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES, THE  
9 DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH, INCLUDING  
10 THE STAFF OF EACH AGENCY'S LOCAL ENTITIES, SUCH AS COUNTY MENTAL  
11 HEALTH AND MENTAL RETARDATION OFFICES, SCHOOL DISTRICTS AND  
12 INTERMEDIATE UNITS, WHICH ARE RESPONSIBLE FOR THE PROVISION OF  
13 SERVICES EITHER DIRECTLY OR THROUGH SUBCONTRACT TO PRIVATE  
14 PROVIDERS. NOTHING IN THIS SECTION IS INTENDED TO PRECLUDE THE  
15 UTILIZATION OF DATA TO PROVIDE FOR THE PREPARATION OF REPORTS,  
16 FISCAL INFORMATION OR OTHER DOCUMENTS REQUIRED BY THIS ACT OR  
17 THE [EDUCATION OF THE HANDICAPPED ACT;] INDIVIDUALS WITH  
18 DISABILITIES EDUCATION ACT BUT NO INFORMATION MAY BE USED IN A  
19 MANNER WHICH WOULD ALLOW FOR THE IDENTIFICATION OF AN INDIVIDUAL  
20 CHILD OR FAMILY.

21 SECTION 503. EFFECTIVE DATE.

22 THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

23 (1) FOR THE PURPOSES OF MEETING THE PROGRAM REQUIREMENTS  
24 IMPOSED UPON THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN  
25 SERVICES UNDER THE PROVISIONS OF THE EDUCATION OF THE  
26 HANDICAPPED ACT AMENDMENTS OF 1986 (PUBLIC LAW 99-457, 100  
27 STAT. 1145), THIS ACT SHALL TAKE EFFECT JULY 1, 1990.

28 (2) THE PROVISIONS OF THIS ACT PERTAINING TO THE  
29 ENTITLEMENT OF SERVICES BY THE DEPARTMENT OF [PUBLIC WELFARE]  
30 HUMAN SERVICES SHALL TAKE EFFECT SEPTEMBER 1, 1991.

1           (3) THE PROVISIONS OF THIS ACT PERTAINING TO THE  
2 ENTITLEMENT OF SERVICES BY THE DEPARTMENT OF EDUCATION SHALL  
3 TAKE EFFECT JULY 1, 1991.

4           (4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
5 IMMEDIATELY.

6 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.