

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 22, 1992

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 and 106 of the act of
17 December 19, 1990 (P.L.1372, No.212), known as the Early
18 Intervention Services System Act, are amended to read:

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

1 infants, toddlers and eligible young children [who are
2 handicapped] with disabilities in order to minimize their
3 potential 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] with disabilities attain the age of beginners.

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

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

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

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

23 Section 103. Definitions.

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

27 "Age of beginners." The minimum age established by the
28 school district board of directors for admission to the
29 district's first grade under 22 Pa. Code § 11.15 (relating to
30 admission of beginners).

1 "Council." The Interagency Coordinating Council established
2 in section 106.

3 "Early intervention services." Developmental services which
4 meet all of the following:

5 (1) Are provided under public supervision.

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

10 (i) Physical development.

11 (ii) Cognitive development.

12 (iii) Sensory development.

13 (iv) [Language and speech] Communication development
14 or alternative communication development.

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

16 [(vi) Self-help skills.]

17 (vi) Adaptive development.

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

20 (i) Family training.

21 (ii) Social work services, including counseling and
22 home visits.

23 (iii) Special instruction.

24 (iv) Speech pathology and audiology.

25 (v) Occupational therapy.

26 (vi) Physical therapy.

27 (vii) Psychological services.

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

30 (ix) Early identification, screening and assessment

1 services.

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

5 (xi) Assistive technology devices and services.

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

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

14 (xiii) Vision services.

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

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

25 (6) Are provided to eligible young children in
26 compliance with the provisions of this act and Part B.
27 Compliance includes procedural safeguards and free
28 appropriate public education, including related services and
29 individualized education programs.

30 [(7) Are provided in the least restrictive environment

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

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

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

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

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

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

28 ["Handicapped infants and toddlers."] "Infants and toddlers
29 with disabilities." Individuals ranging in age from birth to
30 two years of age, inclusive, who need early intervention

1 services for any of the following reasons:

2 (1) They are experiencing developmental delays, as
3 defined by regulations of the Department of Public Welfare
4 and as measured by appropriate diagnostic instruments and
5 procedures in any of the following areas: cognitive
6 development, sensory development, physical development,
7 [language and speech development, psycho-social development
8 or self-help skills] communication development, social-
9 emotional development or adaptive development and are based
10 on informed clinical opinion and procedures.

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. Examples of these conditions include Down
16 syndrome; other chromosomal abnormalities; sensory
17 impairments, including vision and hearing; inborn errors of
18 metabolism; microcephaly; severe attachment disorders,
19 including failure to thrive; seizure disorders; and fetal
20 alcohol syndrome.

21 "Individuals with Disabilities Education Act." The
22 Individuals with Disabilities Education Act (Public Law 91-230,
23 20 U.S.C. § 1401 et seq.).

24 "IEP." Individualized Education Program.

25 "IFSP." Individualized Family Service Plan.

26 "Informed clinical opinion." Documentation by a number of
27 qualified personnel, as contained in the definition of "early
28 intervention services," and is based on direct observation as
29 well as other knowledge of the child when there are no
30 standardized measures or the procedures are not appropriate for

1 the child's level of functioning or manifestation of the
2 disability or development areas. The multidisciplinary team will
3 then determine, through its informed clinical opinion, that a
4 child is eligible for early intervention services.

5 "Lead agency." For early intervention services to eligible
6 children from birth to two years of age, inclusive, the
7 Department of Public Welfare; for early intervention services to
8 eligible young children, the Department of Education.

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

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

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

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

29 "State interagency agreement." An agreement entered into by
30 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.

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 to establish working
9 relationships that will increase the efficiency and
10 effectiveness of their early intervention services. The
11 agreement shall outline the responsibilities of those State and
12 local agencies and shall implement a coordinated service
13 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. The local
3 interagency coordinating councils are the duly recognized
4 local body for the purposes of this act.

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

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

12 Section 106. Council.

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

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

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

30 (2) One [provider of a child development program, such

1 as] Head Start provider.

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

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

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

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

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

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

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

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

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

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

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

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

26 (12) The Insurance Commissioner or a designee.

27 (13) Two private providers of programs for infants and
28 toddlers with disabilities.

29 (14) One public or private provider of child care
30 services.

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

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

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

11 (e) Committees.--The chair of the council may appoint
12 special committees, which may include nonmembers of the council,
13 to make recommendations to the council concerning key issues
14 related to this act.

15 (f) Powers and duties.--The council has the following powers
16 and duties:

17 (1) To review and comment to the Department of Health,
18 the Department of Public Welfare, the Department of Education
19 and the State Board of Education on draft regulations and
20 standards for the implementation and maintenance of a
21 Statewide system of early intervention services which are in
22 accordance with the provisions of this act and Parts B and H.
23 The council may advise and assist the lead agency for Part H
24 and the Department of Education regarding the development of
25 and implementation of appropriate services for children ages
26 birth to age of beginners.

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

30 (3) To assist and advise Commonwealth agencies in their

1 effort to carry out the provisions of this act. This
2 paragraph includes, but is not limited to:

3 (i) recommendations for the implementation and
4 maintenance of a Statewide comprehensive, coordinated,
5 multidisciplinary, interagency program, as described in
6 Chapter 3;

7 (ii) suggestions regarding sources of fiscal and
8 other support from Federal, State, local and private
9 sources, including insurance coverage; and

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

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

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

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

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

10 (h) Staff.--Staff services for the council shall be provided
11 by the Department of Health, the Department of Public Welfare
12 and the Department of Education and shall include the
13 preparation and distribution of the annual report required under
14 subsection (f)(4).

15 Section 2. Sections 301, 303 and 304 of the act are amended
16 to read:

17 Section 301. Requirements.

18 A Statewide system of coordinated, comprehensive,
19 multidisciplinary, interagency programs shall be established and
20 maintained by the Department of Health, the Department of Public
21 Welfare and the Department of Education to provide appropriate
22 early intervention services to all [handicapped] infants[,] and
23 toddlers with disabilities and their families and to eligible
24 young children. The system shall include the following minimum
25 components:

26 (1) Compatible definitions of the term "developmental
27 delay" shall be promulgated and adopted by the Department of
28 Public Welfare, the Department of Health and the Department
29 of Education, with review and comment of the council under
30 section 106(f)(1). The definition shall provide for the

1 continuity of program services and shall be used in
2 implementing programs under this act.

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

8 [(3) A timely, comprehensive, multidisciplinary
9 evaluation of the functioning of each handicapped infant,
10 toddler and eligible young child and the needs of the
11 families to assist appropriately in the development of the
12 handicapped infant, toddler and eligible young child.]

13 (3) A timely, comprehensive, multidisciplinary
14 evaluation of the strengths and needs of each infant and
15 toddler and eligible young child and the resources and
16 priorities to assist appropriately in the development of the
17 infant, toddler and eligible young child with a disability.

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

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

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

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

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

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

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

12 (11) Procedural safeguards with respect to programs
13 under this act.

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

20 (13) A system of program standards evaluation and
21 compliance.

22 (14) An exit criteria, which provides procedures for a
23 child to exit from early intervention services. This exit
24 plan must address both the needs of the child who has
25 attained age of beginners as well as the child who, at any
26 age between birth and age of beginners, no longer meets the
27 eligibility criteria. If a child has been successful in
28 obtaining age-appropriate behavior and abilities, the fact
29 that the child participated in early intervention services
30 may not be communicated to the school district unless the

parent so chooses, nor may it be considered as a rationale for placement in public school age special education classes. If the child does not meet exit criteria and the child's IEP or IFSP demonstrates that the child will benefit from services which can be provided only through special education, nothing in this act shall prevent that placement. In either case, transition services shall be provided to the child and the child's parents.

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

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

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

Section 303. Administration by Department of Public Welfare.

(a) Assistance to counties.--From the sum appropriated to the Department of Public Welfare for the purposes of this act, the department shall distribute funds to the county mental health and mental retardation offices, under section 509 of the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental Retardation Act of 1966, for the provision of early intervention services to children from birth to age two, inclusive. The county offices may meet their obligation to assure appropriate early intervention services to

1 all eligible children through contracts with public or private
2 agencies that meet the requirements of the regulations and
3 program standards developed under this act. The county offices
4 shall assure annually that the service providers receiving funds
5 are in compliance with the Commonwealth's regulations and
6 standards.

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

12 (c) Education.--In order to facilitate the transfer of
13 responsibility for eligible children from the Department of
14 Public Welfare to the Department of Education at one time each
15 year, consistent with the beginning of the school year, the
16 Secretary of Public Welfare may delegate responsibility for
17 serving certain children under three years of age to the
18 Department of Education and may accept a delegation of
19 responsibility from the Secretary of Education under section
20 304(c) to serve certain children over the age of three.

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

26 Section 304. Administration by Department of Education.

27 (a) Overall responsibility.--

28 (1) Subject to the provisions of this subsection, the
29 Department of Education shall be responsible for the delivery
30 of early intervention services for all eligible young

1 children between three years of age and the age of beginners.

2 (2) Eligible young children who receive early
3 intervention services and who have attained the minimum age
4 of admission to the school district kindergarten program
5 under section 503 of the act of March 10, 1949 (P.L.30,
6 No.14), known as the Public School Code of 1949, shall be
7 included in the school district's membership and entitled to
8 the same subsidies and funding requirements under Article XXV
9 of the Public School Code of 1949 as any kindergarten pupils.
10 School districts and intermediate units that provide
11 transportation for any eligible young child to any early
12 intervention program shall be eligible for the purpose of
13 reimbursement of transportation costs under sections 2509.1
14 and 2541 of the Public School Code of 1949.

15 (3) From the funds appropriated to the Department of
16 Education for the purposes of this act, the department shall
17 provide for the delivery of early intervention services for
18 all eligible young children not receiving services provided
19 in school district kindergarten programs. The department may
20 provide for the delivery of some or all of such services
21 through mutually agreed-upon written arrangements. An
22 intermediate unit or school district may provide for some or
23 all of such services through subcontracts with other public
24 or private agencies which comply with the regulations and
25 standards developed under this act. An intermediate unit or
26 school district shall be responsible for the delivery of
27 early intervention services only to the extent to which the
28 intermediate unit or school district agrees to provide the
29 services through mutually agreed-upon written arrangements
30 with the department. Mutually agreed-upon written

1 arrangements for services for eligible young children in
2 approved district kindergarten programs shall pay for all
3 early intervention services not subsidized under paragraph
4 (2). Each intermediate unit, school district or other public
5 or private provider which enters into such written
6 arrangements with the department shall assure the department
7 annually that the service provider is in compliance with the
8 Commonwealth's regulations and standards.

9 (4) The department shall provide for the programs of
10 eligible young children who are not eligible for services
11 provided in school district kindergarten programs and who are
12 placed in approved private schools or chartered schools
13 pursuant to the provisions of section 1376 or 1376.1 of the
14 Public School Code of 1949 from the State funds appropriated
15 to the department for special education in approved private
16 schools. The department shall provide only for the excess
17 costs for eligible young children who are eligible for
18 services provided in school district kindergarten programs
19 and who are placed in approved private schools or chartered
20 schools pursuant to the provisions of section 1376 or 1376.1
21 of the Public School Code of 1949 from the State funds
22 appropriated to the department for special education in
23 approved private schools.

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

29 (c) Public welfare.--The Secretary of Education shall
30 provide for the transition of eligible children, including

1 [handicapped] infants and toddlers with disabilities, who, prior
2 to their third birthday, received services under Part H. The
3 Secretary of Education is authorized to accept responsibility
4 pursuant to delegation from the Secretary of Public Welfare
5 under section 303(c) for providing early intervention services
6 to children less than three years of age. The Secretary of
7 Education is authorized to delegate responsibility to the
8 Secretary of Public Welfare for providing services for certain
9 children over the age of three.

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

14 Section 3. This act shall take effect immediately.