
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1270 Session of
2019

INTRODUCED BY TOOHIL, APRIL 17, 2019

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, APRIL 17, 2019

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 title of
9 the act; in general provisions, further providing for
10 definitions; in Statewide system for provision of early
11 intervention services, further providing for child
12 identification, assessment and tracking system; and making
13 editorial changes.

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

16 Section 1. The title of the act of December 19, 1990
17 (P.L.1372, No.212), known as the Early Intervention Services
18 System Act, is amended to read:

19 AN ACT

20 Providing for early intervention services for infants, toddlers
21 and preschool children who qualify; establishing the
22 Interagency Coordinating Council and providing for its powers
23 and duties; and conferring powers and duties upon the
24 Department of Education and the State Board of Education, the

1 Department of Health and the Department of [Public Welfare]
2 Human Services.

3 Section 2. The definitions of "handicapped infants and
4 toddlers," "lead agency" and "State interagency agreement" in
5 section 103 of the act are amended and the section is amended by
6 adding a definition to read:

7 Section 103. Definitions.

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

11 * * *

12 "Handicapped infants and toddlers." Individuals ranging in
13 age from birth to two years of age, inclusive, who need early
14 intervention services for any of the following reasons:

15 (1) They are experiencing developmental delays, as
16 defined by regulations of the Department of [Public Welfare]
17 Human Services and as measured by appropriate diagnostic
18 instruments and procedures in any of the following areas:
19 cognitive development, sensory development, physical
20 development, language and speech development, psycho-social
21 development or self-help skills.

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

1 alcohol syndrome.

2 * * *

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

8 * * *

9 "Postpartum depression." Moderate to severe depression in a
10 woman after she has given birth, which depression occurs after
11 delivery or up to a year later.

12 "State interagency agreement." An agreement entered into by
13 the Department of Education, the Department of Health, the
14 Department of [Public Welfare] Human Services and any other
15 Commonwealth agency for the purposes of this act and of Part B
16 and Part H.

17 Section 3. Sections 104, 105, 106(b)(10), (f)(1) and (4) and
18 (h), 301 introductory paragraph and (1), 302(a), 303, 304(c),
19 305 and 503 of the act are amended to read:

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 infants, toddlers and eligible young children who are
26 handicapped to establish working relationships that will
27 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.

29 Section 105. Other duties of State agencies.

30 (a) Statewide system.--The Department of Health, the

1 Department of [Public Welfare] Human Services and the Department
2 of Education shall be responsible for the establishment and
3 maintenance of a Statewide system of early intervention services
4 as provided in Chapter 3.

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

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

23 Section 106. Council.

24 * * *

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

27 * * *

28 (10) The Secretary of [Public Welfare] Human Services or
29 a designee.

30 * * *

1 (f) Powers and duties.--The council has the following powers
2 and duties:

3 (1) To review and comment to the Department of Health,
4 the Department of [Public Welfare] Human Services, the
5 Department of Education and the State Board of Education on
6 draft regulations and standards for the implementation and
7 maintenance of a Statewide system of early intervention
8 services which are in accordance with the provisions of this
9 act and Parts B and H.

10 * * *

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

27 * * *

28 (h) Staff.--Staff services for the council shall be provided
29 by the Department of Health, the Department of [Public Welfare]
30 Human Services and the Department of Education and shall include

1 the preparation and distribution of the annual report required
2 under subsection (f) (4).

3 Section 301. Requirements.

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

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

19 * * *

20 Section 302. Program regulations and standards.

21 (a) [Public Welfare] Human Services.--The Department of
22 [Public Welfare] Human Services shall define and address the
23 following issues in developing regulations:

24 (1) Methods for locating and identifying eligible
25 children.

26 (2) Criteria for eligible programs.

27 (3) Contracting guidelines.

28 (4) Personnel qualifications and a system of preservice
29 and in-service training.

30 (5) Early intervention services.

1 (6) Procedural safeguards.

2 (7) Appropriate placement, including the least
3 restrictive environment.

4 (8) A system of quality assurance, including evaluation
5 of the developmental appropriateness; quality and
6 effectiveness of programs; assurance of compliance with
7 program standards; and provision of assistance to assure
8 compliance.

9 (9) Data collection and confidentiality.

10 (10) Interagency cooperation at the State and local
11 level through the State interagency agreement and local
12 interagency agreements.

13 (11) Content and development of IFSP's.

14 (12) Any other issues which are required under this act
15 and Part H.

16 * * *

17 Section 303. Administration by Department of [Public Welfare]
18 Human Services.

19 (a) Assistance to counties.--From the sum appropriated to
20 the Department of [Public Welfare] Human Services for the
21 purposes of this act, the department shall distribute funds to
22 the county mental health and mental retardation offices, under
23 section 509 of the act of October 20, 1966 (3rd Sp.Sess.,
24 P.L.96, No.6), known as the Mental Health and Mental Retardation
25 Act of 1966, for the provision of early intervention services to
26 children from birth to age two, inclusive. The county offices
27 may meet their obligation to assure appropriate early
28 intervention services to all eligible children through contracts
29 with public or private agencies that meet the requirements of
30 the regulations and program standards developed under this act.

1 The county offices shall assure annually that the service
2 providers receiving funds are in compliance with the
3 Commonwealth's regulations and standards.

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

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

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

24 Section 304. Administration by Department of Education.

25 * * *

26 (c) [Public welfare] Human Services.--The Secretary of
27 Education shall provide for the transition of eligible children,
28 including handicapped infants and toddlers, who, prior to their
29 third birthday, received services under Part H. The Secretary of
30 Education is authorized to accept responsibility pursuant to

1 delegation from the Secretary of [Public Welfare] Human Services
2 under section 303(c) for providing early intervention services
3 to children less than three years of age. The Secretary of
4 Education is authorized to delegate responsibility to the
5 Secretary of [Public Welfare] Human Services for providing
6 services for certain children over the age of three.

7 * * *

8 Section 305. Child identification, assessment and tracking
9 system.

10 (a) Development of system.--The Department of [Public
11 Welfare] Human Services, the Department of Education and the
12 Department of Health shall develop a Statewide system for
13 eligible child identification, assessment and tracking. This
14 system shall be developed and coordinated by the agencies to
15 assure that the system is compatible with the child-find system
16 as required by Part B.

17 (b) At-risk children.--For the purposes of child
18 identification, assessment and tracking for infants and
19 toddlers, the Department of [Public Welfare] Human Services
20 shall establish, by regulation, population groups to be included
21 in these activities. The population groups shall include, but
22 not be limited to, children whose birth weight is under 1,500
23 grams; children cared for in neonatal intensive care units of
24 hospitals; children born to chemically dependent mothers and
25 referred by a physician, health care provider or parent;
26 children who are seriously abused or neglected, as substantiated
27 and referred by the county children and youth agency under [the
28 act of November 26, 1975 (P.L.438, No.124), known as the Child
29 Protective Services Law] 23 Pa.C.S. Ch. 63 (relating to child
30 protective services); children with confirmed dangerous levels

1 of lead poisoning as set by the Department of Health; [and]
2 children who are homeless[.]; and children born to mothers who
3 are high risk for postpartum depression and referred by a
4 physician, health care provider or parent. The Department of
5 [Public Welfare] Human Services may establish other population
6 groups by regulation as it deems necessary.

7 (c) Components of system.--The system shall include, but
8 need not be limited to, the provision of the following
9 activities and services:

10 (1) The identification of eligible children and referral
11 to early intervention services as soon after birth as
12 possible.

13 (2) Referral services for families of eligible children.

14 (3) Continuing assessment of at-risk children from birth
15 through age of beginners.

16 (4) A description of agencies providing early
17 intervention services and the services provided by each
18 agency.

19 (5) Pertinent information regarding the exit of the
20 child from early intervention services.

21 (6) The orderly transfer of the accumulated information
22 to the appropriate provider upon the child's attainment of
23 age of beginners, except if the child has met exit criteria
24 contained in this act.

25 (d) Confidentiality.--Proper measures shall be developed and
26 implemented to assure the confidentiality of the data contained
27 in the system. Information shall be accessed only by appropriate
28 staff of the Department of [Public Welfare] Human Services, the
29 Department of Education and the Department of Health, including
30 the staff of each agency's local entities, such as county mental

1 health and mental retardation offices, school districts and
2 intermediate units, which are responsible for the provision of
3 services either directly or through subcontract to private
4 providers. Nothing in this section is intended to preclude the
5 utilization of data to provide for the preparation of reports,
6 fiscal information or other documents required by this act or
7 the Education of the Handicapped Act; but no information may be
8 used in a manner which would allow for the identification of an
9 individual child or family.

10 Section 503. Effective date.

11 This act shall take effect as follows:

12 (1) For the purposes of meeting the program requirements
13 imposed upon the Department of [Public Welfare] Human
14 Services under the provisions of the Education of the
15 Handicapped Act Amendments of 1986 (Public Law 99-457, 100
16 Stat. 1145), this act shall take effect July 1, 1990.

17 (2) The provisions of this act pertaining to the
18 entitlement of services by the Department of [Public Welfare]
19 Human Services shall take effect September 1, 1991.

20 (3) The provisions of this act pertaining to the
21 entitlement of services by the Department of Education shall
22 take effect July 1, 1991.

23 (4) The remainder of this act shall take effect
24 immediately.

25 Section 4. This act shall take effect in 60 days.