

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 1270** Session of  
2019

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INTRODUCED BY TOOHL, SCHLOSSBERG, OBERLANDER, MILLARD, BULLOCK,  
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DONATUCCI, SNYDER, DALEY, ULLMAN, NEILSON AND KIM,  
APRIL 17, 2019

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

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## 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:

## AN ACT

20 Providing for early intervention services for infants, toddlers  
21 and preschool children who qualify; establishing the

1 Interagency Coordinating Council and providing for its powers  
2 and duties; and conferring powers and duties upon the  
3 Department of Education and the State Board of Education, the  
4 Department of Health and the Department of [Public Welfare]  
5 Human Services.

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

10 Section 103. Definitions.

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

14 \* \* \*

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

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

25 (2) They have a diagnosed physical or mental condition  
26 which has a high probability of resulting in developmental  
27 delay under paragraph (1). This paragraph applies to  
28 conditions with known etiologies and developmental  
29 consequences. Examples of these conditions include Down  
30 syndrome; other chromosomal abnormalities; sensory

1       impairments, including vision and hearing; inborn errors of  
2       metabolism; microcephaly; severe attachment disorders,  
3       including failure to thrive; seizure disorders; and fetal  
4       alcohol syndrome.

5       \* \* \*

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

11      \* \* \*

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      Section 3. Sections 104, 105, 106(b)(10), (f)(1) and (4) and  
21      (h), 301 introductory paragraph and (1), 302(a), 303, 304(c),  
22      305 and 503 of the act are amended to read:

23      Section 104. State interagency agreement.

24      (a) Interagency agreement.--The Department of Education, the  
25      Department of Health and the Department of [Public Welfare]  
26      Human Services shall enter into and maintain a State interagency  
27      agreement to enable the State and local agencies serving  
28      infants, toddlers and eligible young children who are  
29      handicapped to establish working relationships that will  
30      increase the efficiency and effectiveness of their early

1 intervention services. The agreement shall outline the  
2 responsibilities of those State and local agencies and shall  
3 implement a coordinated service delivery system through local  
4 interagency agreements.

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

7 (1) Responsibilities of State and local agencies.

8 (2) Eligibility determination and referrals.

9 (3) Establishment of local agreements.

10 (4) Fiscal responsibilities of the agencies.

11 (5) Dispute resolution between agencies.

12 (6) Payor of last resort.

13 (7) Maintenance of effort.

14 (8) Administrative management structure.

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

25 (10) Plans by the Department of Health, the Department  
26 of [Public Welfare] Human Services and the Department of  
27 Education to work together to develop a coordinated system of  
28 case management.

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

1 and Part H.

2 Section 105. Other duties of State agencies.

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

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

19 (c) Annual reports.--By July 31, the Department of Health,  
20 the Department of [Public Welfare] Human Services and the  
21 Department of Education shall submit annual reports to the  
22 council on the status of early intervention services during the  
23 preceding calendar year. These reports shall be used as the  
24 basis for the report submitted by the council under section  
25 106(f)(4).

26 Section 106. Council.

27 \* \* \*

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

30 \* \* \*

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

3           \* \* \*

4           (f) Powers and duties.--The council has the following powers  
5 and duties:

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

13           \* \* \*

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

30           \* \* \*

1 (h) Staff.--Staff services for the council shall be provided  
2 by the Department of Health, the Department of [Public Welfare]  
3 Human Services and the Department of Education and shall include  
4 the preparation and distribution of the annual report required  
5 under subsection (f) (4).

6 Section 301. Requirements.

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

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

22 \* \* \*

23 Section 302. Program regulations and standards.

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

27 (1) Methods for locating and identifying eligible  
28 children.

29 (2) Criteria for eligible programs.

30 (3) Contracting guidelines.

1 (4) Personnel qualifications and a system of preservice  
2 and in-service training.

3 (5) Early intervention services.

4 (6) Procedural safeguards.

5 (7) Appropriate placement, including the least  
6 restrictive environment.

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

12 (9) Data collection and confidentiality.

13 (10) Interagency cooperation at the State and local  
14 level through the State interagency agreement and local  
15 interagency agreements.

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

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

19 \* \* \*

20 Section 303. Administration by Department of [Public Welfare]  
21 Human Services.

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



1 intervention services to all eligible children through contracts  
2 with public or private agencies that meet the requirements of  
3 the regulations and program standards developed under this act.  
4 The county offices shall assure annually that the service  
5 providers receiving funds are in compliance with the  
6 Commonwealth's regulations and 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] Human Services to the Department of Education  
15 at one time each year, consistent with the beginning of the  
16 school year, the Secretary of [Public Welfare] Human Services  
17 may delegate responsibility for serving certain children under  
18 three years of age to the Department of Education and may accept  
19 a delegation of responsibility from the Secretary of Education  
20 under section 304(c) to serve certain children over the age of  
21 three.

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

27 Section 304. Administration by Department of Education.

28 \* \* \*

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

1 including handicapped infants and toddlers, who, prior to their  
2 third birthday, received services under Part H. The Secretary of  
3 Education is authorized to accept responsibility pursuant to  
4 delegation from the Secretary of [Public Welfare] Human Services  
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] Human Services for providing  
9 services for certain children over the age of three.

10 \* \* \*

11 Section 305. Child identification, assessment and tracking  
12 system.

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

20 (b) At-risk children.--For the purposes of child  
21 identification, assessment and tracking for infants and  
22 toddlers, the Department of [Public Welfare] Human Services  
23 shall establish, by regulation, population groups to be included  
24 in these activities. The population groups shall include, but  
25 not be limited to, children whose birth weight is under 1,500  
26 grams; children cared for in neonatal intensive care units of  
27 hospitals; children born to chemically dependent mothers and  
28 referred by a physician, health care provider or parent;  
29 children who are seriously abused or neglected, as substantiated  
30 and referred by the county children and youth agency under [the

1 act of November 26, 1975 (P.L.438, No.124), known as the Child  
2 Protective Services Law] 23 Pa.C.S. Ch. 63 (relating to child  
3 protective services); children with confirmed dangerous levels  
4 of lead poisoning as set by the Department of Health; [and]  
5 children who are homeless[.]; and children born to mothers who  
6 are high risk for postpartum depression and referred by a  
7 physician, health care provider or parent. The Department of  
8 [Public Welfare] Human Services may establish other population  
9 groups by regulation as it deems necessary.

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

13 (1) The identification of eligible children and referral  
14 to early intervention services as soon after birth as  
15 possible.

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

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

19 (4) A description of agencies providing early  
20 intervention services and the services provided by each  
21 agency.

22 (5) Pertinent information regarding the exit of the  
23 child from early intervention services.

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

28 (d) Confidentiality.--Proper measures shall be developed and  
29 implemented to assure the confidentiality of the data contained  
30 in the system. Information shall be accessed only by appropriate

1 staff of the Department of [Public Welfare] Human Services, the  
2 Department of Education and the Department of Health, including  
3 the staff of each agency's local entities, such as county mental  
4 health and mental retardation offices, school districts and  
5 intermediate units, which are responsible for the provision of  
6 services either directly or through subcontract to private  
7 providers. Nothing in this section is intended to preclude the  
8 utilization of data to provide for the preparation of reports,  
9 fiscal information or other documents required by this act or  
10 the Education of the Handicapped Act; but no information may be  
11 used in a manner which would allow for the identification of an  
12 individual child or family.

13 Section 503. Effective date.

14 This act shall take effect as follows:

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

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

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

26 (4) The remainder of this act shall take effect  
27 immediately.

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