

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 105 Session of
1993

INTRODUCED BY COWELL, STAIRS, MUNDY, TIGUE, SCHULER, HERMAN,
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LaGROTTA, STISH, BATTISTO, MELIO, GIGLIOTTI, HALUSKA,
KIRKLAND, FAJT, RUDY, HANNA AND DALEY, JANUARY 27, 1993

REFERRED TO COMMITTEE ON RULES, JANUARY 27, 1993

AN ACT

1 Amending the act of December 19, 1990 (P.L.1372, No.212),
2 entitled "An act providing for early intervention services
3 for infants, toddlers and preschool children who qualify;
4 establishing the Interagency Coordinating Council and
5 providing for its powers and duties; and conferring powers
6 and duties upon the Department of Education and the State
7 Board of Education, the Department of Health and the
8 Department of Public Welfare," further providing for
9 intervention services for infants, toddlers and eligible
10 young children with disabilities; expanding the membership of
11 the Interagency Coordinating Council; further providing for
12 the expenditure of certain appropriations; and making
13 editorial changes.

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

16 Section 1. Sections 102, 103, 104, 105(c), 106, 301, 303,
17 304 and 501 of the act of December 19, 1990 (P.L.1372, No.212),
18 known as the Early Intervention Services System Act, are amended
19 to read:

20 Section 102. Legislative findings for early intervention.

21 (a) Needs.--The General Assembly finds that there is a need

1 to:

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

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

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

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

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

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

25 Section 103. Definitions.

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

29 "Age of beginners." The minimum age established by the
30 school district board of directors for admission to the

1 district's first grade under 22 Pa. Code § 11.15 (relating to
2 admission of beginners).

3 "Council." The Interagency Coordinating Council established
4 in section 106.

5 "Early intervention services." Developmental services which
6 meet all of the following:

7 (1) Are provided under public supervision.

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

12 (i) Physical development.

13 (ii) Cognitive development.

14 (iii) Sensory development.

15 (iv) [Language and speech] Communication development
16 or alternative communication development.

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

18 [(vi) Self-help skills.]

19 (vi) Adaptive development.

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

23 (i) Family training.

24 (ii) Social work services, including counseling and
25 home visits.

26 (iii) Special instruction.

27 (iv) Speech pathology and audiology.

28 (v) Occupational therapy.

29 (vi) Physical therapy.

30 (vii) Psychological services.

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

(ix) Early identification, screening and assessment services.

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

(xi) Assistive technology devices and services.

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

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

(xiii) Vision services.

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

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

[(6) Are provided to eligible young children in compliance with the provisions of this act and Part B.

Compliance includes procedural safeguards and free

1 appropriate public education, including related services and
2 individualized education programs.

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

13 (6) For eligible young children, are developed to
14 include specialized instruction in compliance with the
15 provisions of this act and Part B. Compliance, for this
16 purpose, includes the procedural safeguards and free
17 appropriate education, including related services and
18 individualized education programs, which are necessary to
19 insure that compliance is effected. These developmental
20 services shall include, but not be limited to, the following
21 related services:

22 (i) Family training.

23 (ii) Social work services, including counseling and
24 home visits.

25 (iii) Speech pathology and audiology.

26 (iv) Occupational therapy.

27 (v) Physical therapy.

28 (vi) Psychological services.

29 (vii) Medical services, for diagnostic or evaluation
30 purposes only.

(viii) Early identification, screening and assessment services.

(ix) Assistant technology devices and services.

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

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

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

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

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

"IEP." Individualized Education Program.

"IFSP." Individualized Family Service Plan.

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

["Handicapped infants and toddlers."] "Infants and toddlers with disabilities." Individuals ranging in age from birth to two years of age, inclusive, who need early intervention services for any of the following reasons:

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

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

["IEP." Individualized Education Program.

"IFSP." Individualized Family Service Plan.]

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

1 "Lead agency." For early intervention services to eligible
2 children from birth to two years of age, inclusive, the
3 Department of Public Welfare; for early intervention services to
4 eligible young children, the Department of Education.

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

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

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

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

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

27 "State interagency agreement." An agreement entered into by
28 the Department of Education, the Department of Health, the
29 Department of Public Welfare and any other Commonwealth agency
30 for the purposes of this act and of Part B and Part H.

1 Section 104. State interagency agreement.

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

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

14 (1) Responsibilities of State and local agencies.

15 (2) Eligibility determination and referrals.

16 (3) Establishment of local agreements.

17 (4) Fiscal responsibilities of the agencies.

18 (5) Dispute resolution between agencies.

19 (6) Payor of last resort.

20 (7) Maintenance of effort.

21 (8) Administrative management structure.

22 (9) Establishment and maintenance of local interagency
23 coordinating councils, which shall include, but not be
24 limited to, parents and private providers and which shall be
25 authorized to advise and comment on the development of local
26 interagency agreements for their specified geographic area
27 and to communicate directly with the Department of Education,
28 the Department of Health, the Department of Public Welfare
29 and the council regarding the local interagency agreement and
30 any other matters pertaining to this act. At least 50% of the

1 members of the local interagency coordinating council shall
2 be parents of infants or toddlers with disabilities or
3 eligible young children with disabilities who are 12 years of
4 age or younger. The local interagency coordinating councils
5 are the duly recognized local body for the purposes of this
6 act.

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

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

14 Section 105. Other duties of State agencies.

15 * * *

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

22 Section 106. Council.

23 (a) Establishment.--The Interagency Coordinating Council is
24 established as the duly recognized council for the purposes of
25 this act. The council shall consist of [15] a minimum of 25
26 voting members but shall not exceed 30 voting members appointed
27 by the Governor. The council shall serve as the council required
28 by the [Education of the Handicapped Act Amendments of 1986
29 (Public Law 99-457, 100 Stat. 1145)] Individuals with
30 Disabilities Education Act. The term of office of the voting

1 members shall be three years, except for the cabinet officers or
2 their designees who shall serve as long as they are in office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 [(12) As ex officio members, who shall not have voting
3 privileges: a representative of the Developmental
4 Disabilities Planning Council and members appointed by the
5 chair of the council.]

6 (12) The Insurance Commissioner or a designee.

7 (13) Two private providers of programs for infants and
8 toddlers with disabilities.

9 (14) One public or private provider of child care
10 services.

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

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

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

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

25 (f) Powers and duties.--The council has the following powers
26 and duties:

27 (1) To review and comment to the Department of Health,
28 the Department of Public Welfare, the Department of Education
29 and the State Board of Education on draft regulations and
30 standards for the implementation and maintenance of a

1 Statewide system of early intervention services which are in
2 accordance with the provisions of this act and Parts B and H.
3 The council may advise and assist the lead agency for Part H
4 and the Department of Education regarding the development of
5 and implementation of appropriate services for children ages
6 birth to age of beginners.

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

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

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

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

20 (iii) recommendations regarding in-service training
21 and personnel competencies.

22 (4) To prepare and submit, with the cooperation of the
23 Secretary of Education, the Secretary of Health and the
24 Secretary of Public Welfare, an annual report during the
25 month of [September] December to the Governor and the
26 Majority and Minority Chairmen of the Education Committee of
27 the Senate and the Education Committee of the House of
28 Representatives. This report shall include the number of
29 programs being provided by intermediate units, school
30 districts and public and private providers, including Head

1 Start; the number of children being served; the status of
2 compliance with State regulations and standards; descriptive
3 information on the programs; information on personnel needs;
4 any suggested changes in State statutes and regulations
5 governing these programs; any information the United States
6 Secretary of Education may require; and any other information
7 the council deems appropriate.

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

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

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

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

25 Section 301. Requirements.

26 A Statewide system of coordinated, comprehensive,
27 multidisciplinary, interagency programs shall be established and
28 maintained by the Department of Health, the Department of Public
29 Welfare and the Department of Education to provide appropriate
30 early intervention services to all [handicapped] infants[,] and

1 toddlers with disabilities and their families and to eligible
2 young children. The system shall include the following minimum
3 components:

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

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

16 [(3) A timely, comprehensive, multidisciplinary
17 evaluation of the functioning of each handicapped infant,
18 toddler and eligible young child and the needs of the
19 families to assist appropriately in the development of the
20 handicapped infant, toddler and eligible young child.]

21 (3) A timely, comprehensive, multidisciplinary
22 evaluation of the strengths and needs of each infant and
23 toddler and eligible young child and the resources and
24 priorities to assist appropriately in the development of the
25 infant, toddler and eligible young child with a disability.

26 (4) For all [handicapped] infants[,] and toddlers with
27 disabilities and their families, an IFSP in accordance with
28 Part H, including [case management] service coordination
29 services in accordance with the service plan.

30 (5) For each eligible young child, an IEP in accordance

1 with Part B.

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

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

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

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

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

20 (11) Procedural safeguards with respect to programs
21 under this act.

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

28 (13) A system of program standards evaluation and
29 compliance.

30 (14) An exit criteria, which provides procedures for a

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

17 (14.1) Policies and practices are adopted to ensure
18 meaningful involvement of traditionally underserved groups,
19 including minority, low-income and rural families, in the
20 planning and implementation of all the requirements of this
21 act and to ensure that such families have access to services
22 within their local areas.

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

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

29 Section 303. Administration by Department of Public Welfare.

30 (a) Assistance to counties.--From the sum appropriated to

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

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

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

29 (d) Use of funds.--From the sum of State funds appropriated
30 by the General Assembly to the Department of Public Welfare for

1 this act, the department shall use [2% to 4%] 3% to 5% of the
2 appropriation for personnel training and program technical
3 assistance.

4 Section 304. Administration by Department of Education.

5 (a) Overall responsibility.--

6 (1) Subject to the provisions of this subsection, the
7 Department of Education shall be responsible for the delivery
8 of early intervention services for all eligible young
9 children between three years of age and the age of beginners.

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

23 (3) From the funds appropriated to the Department of
24 Education for the purposes of this act, the department shall
25 provide for the delivery of early intervention services for
26 all eligible young children not receiving services provided
27 in school district kindergarten programs. The department may
28 provide for the delivery of some or all of such services
29 through mutually agreed-upon written arrangements. An
30 intermediate unit or school district may provide for some or

1 all of such services through subcontracts with other public
2 or private agencies which comply with the regulations and
3 standards developed under this act. An intermediate unit or
4 school district shall be responsible for the delivery of
5 early intervention services only to the extent to which the
6 intermediate unit or school district agrees to provide the
7 services through mutually agreed-upon written arrangements
8 with the department. Mutually agreed-upon written
9 arrangements for services for eligible young children in
10 approved district kindergarten programs shall pay for all
11 early intervention services not subsidized under paragraph
12 (2). Each intermediate unit, school district or other public
13 or private provider which enters into such written
14 arrangements with the department shall assure the department
15 annually that the service provider is in compliance with the
16 Commonwealth's regulations and standards.

17 (4) The department shall provide for the programs of
18 eligible young children who are not eligible for services
19 provided in school district kindergarten programs and who are
20 placed in approved private schools or chartered schools
21 pursuant to the provisions of section 1376 or 1376.1 of the
22 Public School Code of 1949 from the State funds appropriated
23 to the department for special education in approved private
24 schools. The department shall provide only for the excess
25 costs for eligible young children who are eligible for
26 services provided in school district kindergarten programs
27 and who are placed in approved private schools or chartered
28 schools pursuant to the provisions of section 1376 or 1376.1
29 of the Public School Code of 1949 from the State funds
30 appropriated to the department for special education in

1 approved private schools.

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

7 (c) Public welfare.--The Secretary of Education shall
8 provide for the transition of eligible children, including
9 [handicapped] infants and toddlers with disabilities, who, prior
10 to their third birthday, received services under Part H. The
11 Secretary of Education is authorized to accept responsibility
12 pursuant to delegation from the Secretary of Public Welfare
13 under section 303(c) for providing early intervention services
14 to children less than three years of age. The Secretary of
15 Education is authorized to delegate responsibility to the
16 Secretary of Public Welfare for providing services for certain
17 children over the age of three.

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

22 Section 501. Regulations and standards.

23 Regulations of the State Board of Education, 22 Pa. Code Ch.
24 14, published at 20 Pa.B. 3339 (June 16, 1990), and the
25 Department of Education Standards, 22 Pa. Code Ch. 342,
26 published at 20 Pa.B. 3357 (June 16, 1990), as approved by the
27 State Board of Education, governing the provision of early
28 intervention services, shall take effect upon their
29 reaffirmation by the State Board of Education. [The definition
30 of eligible young child in those regulations and standards is,

1 with regard to the reference to being two years and nine months
2 of age by September 1, superseded by the definition of eligible
3 young child in this act.] Should the State Board of Education
4 propose to make any revisions in the regulations at the time of
5 reaffirmation and at any time thereafter, the regulations shall
6 be subject to the provisions of the act of July 31, 1968
7 (P.L.769, No.240), referred to as the Commonwealth Documents
8 Law, the act of October 15, 1980 (P.L.950, No.164), known as the
9 Commonwealth Attorneys Act, and the act of June 25, 1982
10 (P.L.633, No.181), known as the Regulatory Review Act.
11 Section 2. This act shall take effect immediately.