
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 200 Session of
2017

INTRODUCED BY TOOHIL, SCHLOSSBERG, BOBACK, V. BROWN, BULLOCK,
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O'BRIEN, READSHAW, ROZZI, SCHWEYER, SIMMONS, SIMS, WARD AND
WATSON, FEBRUARY 1, 2017

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 1, 2017

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 title of the act, for definitions and for child
10 identification, assessment and tracking system; and making
11 editorial changes.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

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

17 AN ACT

18 Providing for early intervention services for infants, toddlers
19 and preschool children who qualify; establishing the
20 Interagency Coordinating Council and providing for its powers

1 and duties; and conferring powers and duties upon the
2 Department of Education and the State Board of Education, the
3 Department of Health and the Department of [Public Welfare]
4 Human Services.

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

9 Section 103. Definitions.

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

13 * * *

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

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

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

1 metabolism; microcephaly; severe attachment disorders,
2 including failure to thrive; seizure disorders; and fetal
3 alcohol syndrome.

4 * * *

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] Human Services; for early
8 intervention services to eligible young children, the Department
9 of Education.

10 * * *

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

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

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

22 Section 104. State interagency agreement.

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

1 responsibilities of those State and local agencies and shall
2 implement a coordinated service delivery system through local
3 interagency agreements.

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

6 (1) Responsibilities of State and local agencies.

7 (2) Eligibility determination and referrals.

8 (3) Establishment of local agreements.

9 (4) Fiscal responsibilities of the agencies.

10 (5) Dispute resolution between agencies.

11 (6) Payor of last resort.

12 (7) Maintenance of effort.

13 (8) Administrative management structure.

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

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

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

1 Section 105. Other duties of State agencies.

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

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

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

25 Section 106. Council.

26 * * *

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

29 * * *

30 (10) The Secretary of [Public Welfare] Human Services or

1 a designee.

2 * * *

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

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

12 * * *

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

29 * * *

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

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

5 Section 301. Requirements.

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

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

21 * * *

22 Section 302. Program regulations and standards.

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

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

28 (2) Criteria for eligible programs.

29 (3) Contracting guidelines.

30 (4) Personnel qualifications and a system of preservice

1 and in-service training.

2 (5) Early intervention services.

3 (6) Procedural safeguards.

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

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

11 (9) Data collection and confidentiality.

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

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

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

18 * * *

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

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

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

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

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

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

26 Section 304. Administration by Department of Education.

27 * * *

28 (c) [Public welfare] Human Services.--The Secretary of
29 Education shall provide for the transition of eligible children,
30 including handicapped infants and toddlers, who, prior to their

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

9 * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

11 Section 503. Effective date.

12 This act shall take effect as follows:

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

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

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

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

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