
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 200 Session of
2021

INTRODUCED BY BARTOLOTTA, SCHWANK, FONTANA, KEARNEY, AUMENT,
TARTAGLIONE, COLLETT, MENSCH, CAPPELLETTI, COMITTA, K. WARD
AND KANE, APRIL 9, 2021

REFERRED TO HEALTH AND HUMAN SERVICES, APRIL 9, 2021

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 legislative findings for early intervention, for definitions,
11 for State interagency agreement, for other duties of State
12 agencies and for council; in Statewide system for provision
13 of early intervention services, further providing for
14 requirements, for program regulations and standards, for
15 administration by Department of Public Welfare, for
16 administration by Department of Education and for child
17 identification, assessment and tracking system; in
18 miscellaneous provisions, further providing for effective
19 date; and making editorial changes.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. The title and sections 102, 103, 104, 105, 106,
23 301, 302(a), 303, 304(c), 305 and 503 of the act of December 19,
24 1990 (P.L.1372, No.212), known as the Early Intervention
25 Services System Act, are amended to read:

26 AN ACT

1 Providing for early intervention services for infants, toddlers
2 and preschool children who qualify; establishing the
3 Interagency Coordinating Council and providing for its powers
4 and duties; and conferring powers and duties upon the
5 Department of Education and the State Board of Education, the
6 Department of Health and the Department of [Public Welfare]
7 Human Services.

8 Section 102. Legislative findings for early intervention.

9 (a) Needs.--The General Assembly finds that there is a need
10 to:

11 (1) Increase the opportunity for the development of
12 infants, toddlers and eligible young children who are
13 [handicapped] disabled in order to minimize their potential
14 for developmental delay.

15 (2) Minimize the need for special education services as
16 these infants, toddlers and eligible young children who are
17 [handicapped] disabled attain the age of beginners.

18 (3) Reduce the number of [handicapped] disabled
19 individuals being placed in institutions and enhance their
20 potential for independent living in society.

21 (4) Assist the families of [handicapped] eligible
22 infants and toddlers to meet their children's special needs.

23 (5) Implement the provisions of Parts B and [H] C in
24 order to be eligible to receive Federal funding to help
25 establish and maintain programs and services to assist
26 [handicapped] eligible infants, toddlers and their families
27 and eligible young children.

28 (b) Remedy.--The General Assembly further finds that early
29 intervention services for [handicapped] eligible infants,
30 toddlers and their families and eligible young children are cost

1 effective and effectively serve the developmental needs of
2 children who are [handicapped] disabled.

3 Section 103. Definitions.

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

7 "Age of beginners." The minimum age established by the
8 school district board of directors for admission to the
9 district's first grade under 22 Pa. Code § 11.15 (relating to
10 admission of beginners).

11 "Council." The Interagency Coordinating Council established
12 in section 106.

13 "Early intervention services." Developmental services which
14 meet all of the following:

15 (1) Are provided under public supervision.

16 (2) Are designed to meet the developmental needs of [a
17 handicapped infant, toddler or eligible young child] eligible
18 infants and toddlers and eligible young children in any of
19 the following areas:

20 (i) Physical development.

21 (ii) Cognitive development.

22 (iii) Sensory development.

23 (iv) Language and speech development or alternative
24 communication development.

25 (v) Psycho-social development.

26 (vi) Self-help skills.

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

29 (i) Family training.

30 (ii) Social work services, including counseling and

- 1 home visits.
- 2 (iii) Special instruction.
- 3 (iv) Speech pathology and audiology.
- 4 (v) Occupational therapy.
- 5 (vi) Physical therapy.
- 6 (vii) Psychological services.
- 7 (viii) Medical services only for diagnostic or
8 evaluation purposes.
- 9 (ix) Early identification, screening and assessment
10 services.
- 11 (x) Health services necessary to enable the infant
12 or toddler to benefit from the other early intervention
13 services.
- 14 (xi) Assistive technology devices and services.
- 15 (xii) For [handicapped] eligible infants and
16 toddlers, other services required by Part [H] C.
- 17 (4) Are provided by qualified personnel, including, but
18 not limited to, special educators, speech and language
19 pathologists and audiologists, occupational therapists,
20 physical therapists, psychologists, social workers, nurses
21 and nutritionists.
- 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] nondisabled children. Each
6 infant's or toddler's IFSP and each [eligible] young child's
7 IEP must contain the recommended service option placement and
8 the rationale for why it represents the least restrictive
9 environment.

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

12 "Eligible infants and toddlers." Individuals ranging in age
13 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 Human Services
17 and as measured by appropriate diagnostic instruments and
18 procedures in any of the following areas: cognitive
19 development, sensory development, physical development,
20 language and speech development, psycho-social development or
21 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. These conditions include Down syndrome, other
27 chromosomal abnormalities, sensory impairments, including
28 vision and hearing, inborn errors of metabolism,
29 microcephaly, severe attachment disorders, including failure
30 to thrive, seizure disorders and fetal alcohol syndrome.

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

4 (1) The child has any of the following physical or
5 mental disabilities: autism/pervasive developmental disorder,
6 serious emotional disturbance, neurological impairment,
7 deafness/hearing impairment, specific learning disability,
8 [mental retardation, multihandicap,] intellectual disability,
9 other health impairment, physical disability, speech
10 impairment or blindness/visual impairment.

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

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 and as measured by appropriate diagnostic instruments and
20 procedures in any of the following areas: cognitive
21 development, sensory development, physical development,
22 language and speech development, psycho-social development or
23 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 "Homeless." An individual who lacks a fixed, regular and
5 adequate nighttime residence. The term includes:

6 (1) Children and youth in any of the following:

7 (i) Who are sharing the housing of another person
8 due to loss of housing, economic hardship or a similar
9 reason.

10 (ii) Who are living in a motel, hotel, trailer park
11 or camping grounds due to the lack of alternative
12 adequate accommodations.

13 (iii) Who are living in an emergency or transitional
14 shelter.

15 (iv) Who are abandoned in a hospital.

16 (v) Who are awaiting foster care placement.

17 (vi) Who have a primary nighttime residence that is
18 a public or a private place not designed for or
19 ordinarily used as a regular sleeping accommodation for
20 human beings.

21 (vii) Who are living in a car, park, public space,
22 abandoned building, substandard housing, bus or train
23 station or similar setting.

24 (2) Migratory children who qualify as homeless for the
25 purposes of this chapter because the child is living in one
26 of the circumstances in paragraph (1).

27 "IEP." Individualized Education Program.

28 "IFSP." Individualized Family Service Plan.

29 "Individuals with Disabilities Education Act." The
30 Individuals with Disabilities Education Act (Public Law 91-230,

1 20 U.S.C. § 1400 et seq.).

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

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

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 that comply
15 with the early intervention regulations of the State Board of
16 Education and early intervention standards of the Department of
17 Education. These agreements may include memoranda of
18 understanding pursuant to approved plans submitted to the
19 Department of Education by intermediate units and school
20 districts.

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

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

26 "Part C." Subchapter III of the Individuals with
27 Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1431
28 et seq.)

29 "Postpartum depression." Moderate to severe depression in a
30 woman after she has given birth, which depression occurs after

1 delivery or up to a year later.

2 "State interagency agreement." An agreement entered into by
3 the Department of Education, the Department of Health, the
4 Department of [Public Welfare] Human Services and any other
5 Commonwealth agency for the purposes of this act and of Part B
6 and Part [H] C.

7 Section 104. State interagency agreement.

8 (a) Interagency agreement.--The Department of Education, the
9 Department of Health and the Department of [Public Welfare]
10 Human Services shall enter into and maintain a State interagency
11 agreement to enable the State and local agencies serving
12 eligible infants[,] and toddlers and eligible young children
13 [who are handicapped] to establish working relationships that
14 will increase the efficiency and effectiveness of their early
15 intervention services. The agreement shall outline the
16 responsibilities of those State and local agencies and shall
17 implement a coordinated service delivery system through local
18 interagency agreements.

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

- 21 (1) Responsibilities of State and local agencies.
- 22 (2) Eligibility determination and referrals.
- 23 (3) Establishment of local agreements.
- 24 (4) Fiscal responsibilities of the agencies.
- 25 (5) Dispute resolution between agencies.
- 26 (6) Payor of last resort.
- 27 (7) Maintenance of effort.
- 28 (8) Administrative management structure.
- 29 (9) Establishment and maintenance of local interagency
30 coordinating councils, which shall include, but not be

1 limited to, parents and private providers and which shall be
2 authorized to advise and comment on the development of local
3 interagency agreements for their specified geographic area
4 and to communicate directly with the Department of Education,
5 the Department of Health, the Department of [Public Welfare]
6 Human Services and the council regarding the local
7 interagency agreement and any other matters pertaining to
8 this act.

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

13 (c) Goal.--Issues under subsection (b) shall be addressed to
14 meet the requirements of this act and the provisions of Part B
15 and Part [H] C.

16 Section 105. Other duties of State agencies.

17 (a) Statewide system.--The Department of Health, the
18 Department of [Public Welfare] Human Services and the Department
19 of Education shall be responsible for the establishment and
20 maintenance of a Statewide system of early intervention services
21 as provided in Chapter 3.

22 (b) Rulemaking.--The Department of Health, the Department of
23 [Public Welfare] Human Services, the State Board of Education as
24 the regulatory authority for the Department of Education and the
25 Department of Education for standards shall submit draft
26 regulations and standards to the council relating to the
27 implementation of this act prior to formal promulgation in order
28 to receive the recommendations of the council. If
29 recommendations are not received by the appropriate State agency
30 within 60 days of receipt by the council, the respective

1 department or board may continue to develop and promulgate
2 regulations and standards.

3 (c) Annual reports.--By July 31, the Department of Health,
4 the Department of [Public Welfare] Human Services and the
5 Department of Education shall submit annual reports to the
6 council on the status of early intervention services during the
7 preceding calendar year. These reports shall be used as the
8 basis for the report submitted by the council under section
9 106(f)(4).

10 Section 106. Council.

11 (a) Establishment.--The Interagency Coordinating Council is
12 established. The council shall consist of 15 voting members
13 appointed by the Governor. The council shall serve as the
14 council required by the [Education of the Handicapped Act
15 Amendments of 1986 (Public Law 99-457, 100 Stat. 1145)]
16 Individuals with Disabilities Education Act. The term of office
17 of the voting members shall be three years, except for the
18 cabinet officers or their designees who shall serve as long as
19 they are in office.

20 (b) Membership.--The membership of the council shall consist
21 of the following:

22 (1) Three parents of [handicapped] eligible infants[,]
23 or toddlers or eligible young children.

24 (2) One provider of a child development program, such as
25 Head Start.

26 (3) One parent of a child who has received early
27 intervention services and is now beyond six years of age.

28 (4) Three providers of early intervention services,
29 including one school district provider, one intermediate unit
30 provider and one private provider.

- 1 (5) One member from the General Assembly.
- 2 (6) One representative of the American Academy of
3 Pediatrics.
- 4 (7) One county mental [health/mental retardation] health
5 and developmental services administrator or designee.
- 6 (8) One individual involved in personnel preparation.
- 7 (9) The Secretary of Education or a designee.
- 8 (10) The Secretary of [Public Welfare] Human Services or
9 a designee.
- 10 (11) The Secretary of Health or a designee.
- 11 (12) As ex officio members, who shall not have voting
12 privileges: a representative of the Developmental
13 Disabilities Planning Council and members appointed by the
14 chair of the council.

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] Human Services, the
29 Department of Education and the State Board of Education on
30 draft regulations and standards for the implementation and

1 maintenance of a Statewide system of early intervention
2 services which are in accordance with the provisions of this
3 act and Parts B and H.

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

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

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

14 (ii) suggestions regarding sources of fiscal and
15 other support from Federal, State, local and private
16 sources, including insurance coverage; and

17 (iii) recommendations regarding in-service training
18 and personnel competencies.

19 (4) To prepare and submit, with the cooperation of the
20 Secretary of Education, the Secretary of Health and the
21 Secretary of [Public Welfare] Human Services, an annual
22 report during the month of September to the Governor and the
23 Majority and Minority Chairmen of the Education Committee of
24 the Senate and the Education Committee of the House of
25 Representatives. This report shall include the number of
26 programs being provided by intermediate units, school
27 districts and public and private providers, including Head
28 Start; the number of children being served; the status of
29 compliance with State regulations and standards; descriptive
30 information on the programs; information on personnel needs;

1 any suggested changes in State statutes and regulations
2 governing these programs; any information the United States
3 Secretary of Education may require; and any other information
4 the council deems appropriate.

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

6 (6) To perform other functions required of a state's
7 interagency coordinating council under Part [H] C.

8 (g) Compensation of members.--The members shall serve
9 without compensation but shall be reimbursed for reasonable
10 costs incurred, including costs related to child care.

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

16 Section 301. Requirements.

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

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

1 implementing programs under this act.

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

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

12 (4) For all [handicapped] eligible infants[,] and
13 toddlers and their families, an IFSP in accordance with Part
14 [H] C, including case management services in accordance with
15 the service plan.

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

18 (6) A comprehensive child-find system, including a
19 system for making referrals to service providers that
20 includes timelines and provides for the participation by
21 primary referral sources.

22 (7) A public awareness program focusing on early
23 identification of [handicapped] eligible infants[,] and
24 toddlers and eligible young children.

25 (8) A central directory, which includes early
26 intervention services, resources and experts available in
27 this Commonwealth and research and demonstration projects
28 being conducted in this Commonwealth.

29 (9) A comprehensive system of personnel development and
30 policies and procedures relating to the establishment and

1 maintenance of standards to ensure that personnel necessary
2 to carry out this act are appropriately and adequately
3 prepared and trained.

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

6 (11) Procedural safeguards with respect to programs
7 under this act.

8 (12) A system for compiling data on the numbers of
9 [handicapped] eligible infants[,] and toddlers and their
10 families and eligible young children in need of appropriate
11 early intervention services; the number of eligible
12 infants[,] and toddlers and their families and eligible young
13 children served; and the types of services provided.

14 (13) A system of program standards evaluation and
15 compliance.

16 (14) An exit criteria, which provides procedures for a
17 child to exit from early intervention services. This exit
18 plan must address both the needs of the child who has
19 attained age of beginners as well as the child who, at any
20 age between birth and age of beginners, no longer meets the
21 eligibility criteria. If a child has been successful in
22 obtaining age-appropriate behavior and abilities, the fact
23 that the child participated in early intervention services
24 may not be communicated to the school district unless the
25 parent so chooses, nor may it be considered as a rationale
26 for placement in public school age special education classes.
27 If the child does not meet exit criteria and the child's IEP
28 or IFSP demonstrates that the child will benefit from
29 services which can be provided only through special
30 education, nothing in this act shall prevent that placement.

1 In either case, transition services shall be provided to the
2 child and the child's parents.

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

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

9 Section 302. Program regulations and standards.

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

13 (1) Methods for locating and identifying eligible
14 children.

15 (2) Criteria for eligible programs.

16 (3) Contracting guidelines.

17 (4) Personnel qualifications and a system of preservice
18 and in-service training.

19 (5) Early intervention services.

20 (6) Procedural safeguards.

21 (7) Appropriate placement, including the least
22 restrictive environment.

23 (8) A system of quality assurance, including evaluation
24 of the developmental appropriateness; quality and
25 effectiveness of programs; assurance of compliance with
26 program standards; and provision of assistance to assure
27 compliance.

28 (9) Data collection and confidentiality.

29 (10) Interagency cooperation at the State and local
30 level through the State interagency agreement and local

1 interagency agreements.

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

3 (12) Any other issues which are required under this act
4 and Part [H] C.

5 * * *

6 Section 303. Administration by Department of [Public Welfare]
7 Human Services.

8 (a) Assistance to counties.--From the sum appropriated to
9 the Department of [Public Welfare] Human Services for the
10 purposes of this act, the department shall distribute funds to
11 the county mental health and mental retardation offices, under
12 section 509 of the act of October 20, 1966 (3rd Sp.Sess.,
13 P.L.96, No.6), known as the Mental Health and [Mental
14 Retardation] Intellectual Disability Act of 1966, for the
15 provision of early intervention services to children from birth
16 to age two, inclusive. The county offices may meet their
17 obligation to assure appropriate early intervention services to
18 all eligible children through contracts with public or private
19 agencies that meet the requirements of the regulations and
20 program standards developed under this act. The county offices
21 shall assure annually that the service providers receiving funds
22 are in compliance with the Commonwealth's regulations and
23 standards.

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) Education.--In order to facilitate the transfer of
30 responsibility for eligible children from the Department of

1 [Public Welfare] Human Services to the Department of Education
2 at one time each year, consistent with the beginning of the
3 school year, the Secretary of [Public Welfare] Human Services
4 may delegate responsibility for serving certain children under
5 three years of age to the Department of Education and may accept
6 a delegation of responsibility from the Secretary of Education
7 under section 304(c) to serve certain children over the age of
8 three.

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

14 Section 304. Administration by Department of Education.

15 * * *

16 (c) [Public welfare] Human Services.--The Secretary of
17 Education shall provide for the transition of eligible children,
18 including handicapped infants and toddlers, who, prior to their
19 third birthday, received services under Part [H] C. The
20 Secretary of Education is authorized to accept responsibility
21 pursuant to delegation from the Secretary of [Public Welfare]
22 Human Services under section 303(c) for providing early
23 intervention services to children less than three years of age.
24 The Secretary of Education is authorized to delegate
25 responsibility to the Secretary of [Public Welfare] Human
26 Services for providing services for certain children over the
27 age of three.

28 * * *

29 Section 305. Child identification, assessment and tracking
30 system.

1 (a) Development of system.--The Department of [Public
2 Welfare] Human Services, the Department of Education and the
3 Department of Health shall develop a Statewide system for
4 eligible child identification, assessment and tracking. This
5 system shall be developed and coordinated by the agencies to
6 assure that the system is compatible with the child-find system
7 as required by Part B.

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

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

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

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

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

7 (4) A description of agencies providing early
8 intervention services and the services provided by each
9 agency.

10 (5) Pertinent information regarding the exit of the
11 child from early intervention services.

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

16 (d) Confidentiality.--Proper measures shall be developed and
17 implemented to assure the confidentiality of the data contained
18 in the system. Information shall be accessed only by appropriate
19 staff of the Department of [Public Welfare] Human Services, the
20 Department of Education and the Department of Health, including
21 the staff of each agency's local entities, such as county mental
22 health and mental retardation offices, school districts and
23 intermediate units, which are responsible for the provision of
24 services either directly or through subcontract to private
25 providers. Nothing in this section is intended to preclude the
26 utilization of data to provide for the preparation of reports,
27 fiscal information or other documents required by this act or
28 the [Education of the Handicapped Act;] Individuals with
29 Disabilities Education Act but no information may be used in a
30 manner which would allow for the identification of an individual

1 child or family.

2 Section 503. Effective date.

3 This act shall take effect as follows:

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

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

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

15 (4) The remainder of this act shall take effect
16 immediately.

17 Section 2. This act shall take effect in 60 days.