

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, KANE AND J. WARD, APRIL 9, 2021

SENATOR BROOKS, HEALTH AND HUMAN SERVICES, AS AMENDED, DECEMBER 14, 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:

AN ACT

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

Section 102. Legislative findings for early intervention.

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

(1) Increase the opportunity for the development of infants, toddlers and eligible young children who [are] ~~handicapped~~ disabled HAVE A DISABILITY OR DEVELOPMENTAL DELAY in order to minimize their potential for developmental delay. <--

(2) Minimize the need for special education services as these infants, toddlers and eligible young children who [are] ~~handicapped~~ disabled HAVE A DISABILITY OR DEVELOPMENTAL DELAY attain the age of beginners. <--

(3) Reduce the number of [handicapped] ~~disabled~~ individuals WHO HAVE A DISABILITY OR DEVELOPMENTAL DELAY being placed in institutions and enhance their potential for independent living in society. <--

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

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

1 and eligible young children.

2 (b) Remedy.--The General Assembly further finds that early
3 intervention services for [handicapped] eligible infants,
4 toddlers and their families and eligible young children are cost
5 effective and effectively serve the developmental needs of
6 children who [~~are {handicapped}~~] ~~disabled~~ HAVE A DISABILITY OR <--
7 DEVELOPMENTAL DELAY.

8 Section 103. Definitions.

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

12 "Age of beginners." The minimum age established by the
13 school district board of directors for admission to the
14 district's first grade under 22 Pa. Code § 11.15 (relating to
15 admission of beginners).

16 "Council." The Interagency Coordinating Council established
17 in section 106.

18 "Early intervention services." Developmental services which
19 meet all of the following:

20 (1) Are provided under public supervision.

21 (2) Are designed to meet the developmental needs of [a
22 handicapped infant, toddler or eligible young child] eligible
23 infants and toddlers and eligible young children in any of
24 the following areas:

25 (i) Physical development.

26 (ii) Cognitive development.

27 (iii) Sensory development.

28 (iv) Language and speech development or alternative
29 communication development.

30 (v) Psycho-social development.

1 (vi) Self-help skills.

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

4 (i) Family training.

5 (ii) Social work services, including counseling and
6 home visits.

7 (iii) Special instruction.

8 (iv) Speech pathology and audiology.

9 (v) Occupational therapy.

10 (vi) Physical therapy.

11 (vii) Psychological services.

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

14 (ix) Early identification, screening and assessment
15 services.

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

19 (xi) Assistive technology devices and services.

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

22 (4) Are provided by qualified personnel, including, but
23 not limited to, special educators, speech and language
24 pathologists and audiologists, occupational therapists,
25 physical therapists, psychologists, social workers, nurses
26 and nutritionists.

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

30 (6) Are provided to eligible young children in

1 compliance with the provisions of this act and Part B.
2 Compliance includes procedural safeguards and free
3 appropriate public education, including related services and
4 individualized education programs.

5 (7) Are provided in the least restrictive environment
6 appropriate to the child's needs. Infants, toddlers and
7 [eligible] young children who will be served in a non-home-
8 based setting must, to the maximum extent consistent with the
9 child's abilities, receive early intervention services in a
10 setting with [nonhandicapped] ~~nondisabled~~ children WHO ARE <--
11 NOT DISABLED. Each infant's or toddler's IFSP and each
12 [eligible] young child's IEP must contain the recommended
13 service option placement and the rationale for why it
14 represents the least restrictive environment.

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

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

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

27 (2) They have a diagnosed physical or mental condition
28 which has a high probability of resulting in developmental
29 delay under paragraph (1). This paragraph applies to
30 conditions with known etiologies and developmental

1 consequences. These conditions include Down syndrome, other
2 chromosomal abnormalities, sensory impairments, including
3 vision and hearing, inborn errors of metabolism,
4 microcephaly, severe attachment disorders, including failure
5 to thrive, seizure disorders and fetal alcohol syndrome.

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

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

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

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

22 (1) They are experiencing developmental delays, as
23 defined by regulations of the Department of Public Welfare
24 and as measured by appropriate diagnostic instruments and
25 procedures in any of the following areas: cognitive
26 development, sensory development, physical development,
27 language and speech development, psycho-social development or
28 self-help skills.

29 (2) They have a diagnosed physical or mental condition
30 which has a high probability of resulting in developmental

1 delay under paragraph (1). This paragraph applies to
2 conditions with known etiologies and developmental
3 consequences. Examples of these conditions include Down
4 syndrome; other chromosomal abnormalities; sensory
5 impairments, including vision and hearing; inborn errors of
6 metabolism; microcephaly; severe attachment disorders,
7 including failure to thrive; seizure disorders; and fetal
8 alcohol syndrome.]

9 "Homeless." An individual who lacks a fixed, regular and
10 adequate nighttime residence. The term includes:

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

12 (i) Who are sharing the housing of another person
13 due to loss of housing, economic hardship or a similar
14 reason.

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

18 (iii) Who are living in an emergency or transitional
19 shelter.

20 (iv) Who are abandoned in a hospital.

21 (v) [Who are awaiting foster care placement]

<--

22 (RESERVED).

23 (vi) Who have a primary nighttime residence that is
24 a public or a private place not designed for or
25 ordinarily used as a regular sleeping accommodation for
26 human beings.

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

30 (2) Migratory children who qualify as homeless for the

1 purposes of this chapter because the child is living in one
2 of the circumstances in paragraph (1).

3 "IEP." Individualized Education Program.

4 "IFSP." Individualized Family Service Plan.

5 "Individuals with Disabilities Education Act." The
6 Individuals with Disabilities Education Act (Public Law 91-230,
7 20 U.S.C. § 1400 et seq.).

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

13 "Local interagency agreement." An agreement entered into by
14 local agencies receiving early intervention funds directly from
15 the Commonwealth and made under the State interagency agreement
16 providing for the delivery of early intervention services within
17 a specified geographic area.

18 "Mutually agreed-upon written arrangements." An agreement
19 between the Department of Education and intermediate units,
20 school districts or other public or private agencies that comply
21 with the early intervention regulations of the State Board of
22 Education and early intervention standards of the Department of
23 Education. These agreements may include memoranda of
24 understanding pursuant to approved plans submitted to the
25 Department of Education by intermediate units and school
26 districts.

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

30 ["Part H." Part H of the Education for the Handicapped Act

1 (20 U.S.C. § 1471 et seq.).]

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

5 "Postpartum depression." Moderate to severe depression in a
6 woman after she has given birth, which depression occurs after
7 delivery or up to a year later.

8 "State interagency agreement." An agreement entered into by
9 the Department of Education, the Department of Health, the
10 Department of [Public Welfare] Human Services and any other
11 Commonwealth agency for the purposes of this act and of Part B
12 and Part [H] C.

13 Section 104. State interagency agreement.

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

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

- 27 (1) Responsibilities of State and local agencies.
28 (2) Eligibility determination and referrals.
29 (3) Establishment of local agreements.
30 (4) Fiscal responsibilities of the agencies.

1 (5) Dispute resolution between agencies.
2 (6) Payor of last resort.
3 (7) Maintenance of effort.
4 (8) Administrative management structure.
5 (9) Establishment and maintenance of local interagency
6 coordinating councils, which shall include, but not be
7 limited to, parents and private providers and which shall be
8 authorized to advise and comment on the development of local
9 interagency agreements for their specified geographic area
10 and to communicate directly with the Department of Education,
11 the Department of Health, the Department of [Public Welfare]
12 Human Services and the council regarding the local
13 interagency agreement and any other matters pertaining to
14 this act.

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

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

22 Section 105. Other duties of State agencies.

23 (a) Statewide system.--The Department of Health, the
24 Department of [Public Welfare] Human Services and the Department
25 of Education shall be responsible for the establishment and
26 maintenance of a Statewide system of early intervention services
27 as provided in Chapter 3.

28 (b) Rulemaking.--The Department of Health, the Department of
29 [Public Welfare] Human Services, the State Board of Education as
30 the regulatory authority for the Department of Education and the

1 Department of Education for standards shall submit draft
2 regulations and standards to the council relating to the
3 implementation of this act prior to formal promulgation in order
4 to receive the recommendations of the council. If
5 recommendations are not received by the appropriate State agency
6 within 60 days of receipt by the council, the respective
7 department or board may continue to develop and promulgate
8 regulations and standards.

9 (c) Annual reports.--By July 31, the Department of Health,
10 the Department of [Public Welfare] Human Services and the
11 Department of Education shall submit annual reports to the
12 council on the status of early intervention services during the
13 preceding calendar year. These reports shall be used as the
14 basis for the report submitted by the council under section
15 106(f)(4).

16 Section 106. Council.

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

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

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

30 (2) One provider of a child development program, such as

1 Head Start.

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

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

7 (5) One member from the General Assembly.

8 (6) One representative of the American Academy of
9 Pediatrics.

10 (7) One county mental [health/mental retardation] health
11 and developmental services administrator or designee.

12 (8) One individual involved in personnel preparation.

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

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

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

17 (12) As ex officio members, who shall not have voting
18 privileges: a representative of the Developmental
19 Disabilities Planning Council and members appointed by the
20 chair of the council.

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

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

27 (e) Committees.--The chair of the council may appoint
28 special committees, which may include nonmembers of the council,
29 to make recommendations to the council concerning key issues
30 related to this act.

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

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

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

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

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

20 (ii) suggestions regarding sources of fiscal and
21 other support from Federal, State, local and private
22 sources, including insurance coverage; and

23 (iii) recommendations regarding in-service training
24 and personnel competencies.

25 (4) To prepare and submit, with the cooperation of the
26 Secretary of Education, the Secretary of Health and the
27 Secretary of [Public Welfare] Human Services, an annual
28 report during the month of September to the Governor and the
29 Majority and Minority Chairmen of the Education Committee of
30 the Senate and the Education Committee of the House of

1 Representatives. This report shall include the number of
2 programs being provided by intermediate units, school
3 districts and public and private providers, including Head
4 Start; the number of children being served; the status of
5 compliance with State regulations and standards; descriptive
6 information on the programs; information on personnel needs;
7 any suggested changes in State statutes and regulations
8 governing these programs; any information the United States
9 Secretary of Education may require; and any other information
10 the council deems appropriate.

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

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

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

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

22 Section 301. Requirements.

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

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

8 (2) An assurance that appropriate early intervention
9 services are available to all eligible [handicapped] ~~eligible~~ <--
10 infants[,] and toddlers and their families by September 1,
11 1991, and to all eligible young children by July 1, 1991.

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

18 (4) For all [handicapped] eligible infants[,] and
19 toddlers and their families, an IFSP in accordance with Part
20 [H] C, including case management services in accordance with
21 the service plan.

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

24 (6) A comprehensive child-find system, including a
25 system for making referrals to service providers that
26 includes timelines and provides for the participation by
27 primary referral sources.

28 (7) A public awareness program focusing on early
29 identification of [handicapped] eligible infants[,] and
30 toddlers and eligible young children.

1 (8) A central directory, which includes early
2 intervention services, resources and experts available in
3 this Commonwealth and research and demonstration projects
4 being conducted in this Commonwealth.

5 (9) A comprehensive system of personnel development and
6 policies and procedures relating to the establishment and
7 maintenance of standards to ensure that personnel necessary
8 to carry out this act are appropriately and adequately
9 prepared and trained.

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

12 (11) Procedural safeguards with respect to programs
13 under this act.

14 (12) A system for compiling data on the numbers of
15 [handicapped] eligible infants[,] and toddlers and their
16 families and eligible young children in need of appropriate
17 early intervention services; the number of eligible
18 infants[,] and toddlers and their families and eligible young
19 children served; and the types of services provided.

20 (13) A system of program standards evaluation and
21 compliance.

22 (14) An exit criteria, which provides procedures for a
23 child to exit from early intervention services. This exit
24 plan must address both the needs of the child who has
25 attained age of beginners as well as the child who, at any
26 age between birth and age of beginners, no longer meets the
27 eligibility criteria. If a child has been successful in
28 obtaining age-appropriate behavior and abilities, the fact
29 that the child participated in early intervention services
30 may not be communicated to the school district unless the

1 parent so chooses, nor may it be considered as a rationale
2 for placement in public school age special education classes.
3 If the child does not meet exit criteria and the child's IEP
4 or IFSP demonstrates that the child will benefit from
5 services which can be provided only through special
6 education, nothing in this act shall prevent that placement.
7 In either case, transition services shall be provided to the
8 child and the child's parents.

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

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

15 Section 302. Program regulations and standards.

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

19 (1) Methods for locating and identifying eligible
20 children.

21 (2) Criteria for eligible programs.

22 (3) Contracting guidelines.

23 (4) Personnel qualifications and a system of preservice
24 and in-service training.

25 (5) Early intervention services.

26 (6) Procedural safeguards.

27 (7) Appropriate placement, including the least
28 restrictive environment.

29 (8) A system of quality assurance, including evaluation
30 of the developmental appropriateness; quality and

1 effectiveness of programs; assurance of compliance with
2 program standards; and provision of assistance to assure
3 compliance.

4 (9) Data collection and confidentiality.

5 (10) Interagency cooperation at the State and local
6 level through the State interagency agreement and local
7 interagency agreements.

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

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

11 * * *

12 Section 303. Administration by Department of [Public Welfare]
13 Human Services.

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

30 (b) Federal benefits.--Nothing in this act shall preclude

1 medical or other assistance available under Title V or XIX of
2 the Social Security Act (Public Law 74-271, 42 U.S.C. § 701 et
3 seq. or § 1396 et seq.) or any other benefits available under
4 Federal law.

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

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

20 Section 304. Administration by Department of Education.

21 * * *

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

1 delegate responsibility to the Secretary of [Public Welfare]
2 Human Services for providing services for certain children over
3 the age of three.

4 * * *

5 Section 305. Child identification, assessment and tracking
6 system.

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

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

1 ~~physician, health care provider or parent. WHO HAVE A PARENT WHO <--~~
2 IS EITHER HIGH RISK FOR OR IS DIAGNOSED AS HAVING POSTPARTUM
3 DEPRESSION AND WHO ARE REFERRED BY A PHYSICIAN, HEALTH CARE
4 PROVIDER OR PARENT. The Department of [Public Welfare] Human
5 Services may establish other population groups by regulation as
6 it deems necessary.

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

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

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

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

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

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

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

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

1 health and [mental retardation] DEVELOPMENTAL PROGRAMS OR <--
2 INTELLECTUAL DISABILITY 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;] Individuals with
9 Disabilities Education Act but no information may be used in a
10 manner which would allow for the identification of an individual
11 child or family.

12 Section 503. Effective date.

13 This act shall take effect as follows:

14 (1) For the purposes of meeting the program requirements
15 imposed upon the Department of [Public Welfare] Human
16 Services under the provisions of the [Education of the <--
17 Handicapped Act Amendments of 1986 (Public Law 99-457, 100
18 Stat. 1145)] INDIVIDUALS WITH DISABILITIES EDUCATION ACT <--
19 (PUBLIC LAW 91-230, 20 U.S.C. § 1400 ET SEQ.), this act shall
20 take effect July 1, 1990.

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

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

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

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