

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 1593** Session of  
2023

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INTRODUCED BY OTTEN, BULLOCK, MADDEN, STURLA, HOWARD, FREEMAN,  
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AUGUST 7, 2023

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AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
APRIL 9, 2024

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## AN ACT

1 Amending the act of December 19, 1990 (P.L.1372, No.212),  
2 entitled "An act providing for early intervention services  
3 for infants, toddlers and preschool children who qualify;  
4 establishing the Interagency Coordinating Council and  
5 providing for its powers and duties; and conferring powers  
6 and duties upon the Department of Education and the State  
7 Board of Education, the Department of Health and the  
8 Department of Public Welfare," further providing for title of  
9 the act; in general provisions, further providing for  
10 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

1 Services System Act, are amended to read:

2 AN ACT

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

10 Section 102. Legislative findings for early intervention.

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

13 (1) Increase the opportunity for the development of  
14 [infants, toddlers] ELIGIBLE INFANTS AND TODDLERS and <--  
15 eligible young children who [are {handicapped}] ~~disabled~~ HAVE <--  
16 A DISABILITY OR DEVELOPMENTAL DELAY in order to minimize  
17 their potential for developmental delay.

18 (2) Minimize the need for special education services as  
19 these [infants, toddlers] ELIGIBLE INFANTS AND TODDLERS and <--  
20 eligible young children who [are {handicapped}] ~~disabled~~ HAVE <--  
21 A DISABILITY OR DEVELOPMENTAL DELAY attain the age of  
22 beginners.

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

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

29 (5) Implement the provisions of Parts B and [H] C in  
30 order to be eligible to receive Federal funding to help

1 establish and maintain programs and services to assist  
2 ~~[handicapped] eligible infants, toddlers~~ [HANDICAPPED <--  
3 INFANTS, TODDLERS] ELIGIBLE INFANTS AND TODDLERS and their  
4 families and eligible young children.

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

11 Section 103. Definitions.

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

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

19 "Council." The Interagency Coordinating Council established  
20 in section 106.

21 "Early intervention services." Developmental services which  
22 meet all of the following:

23 (1) Are provided under public supervision.

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

28 (i) Physical development.

29 (ii) Cognitive development.

30 (iii) Sensory development.

1 (iv) Language and speech development or alternative  
2 communication development.

3 (v) Psycho-social development.

4 (vi) Self-help skills.

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

7 (i) Family training.

8 (ii) Social work services, including counseling and  
9 home visits.

10 (iii) Special instruction.

11 (iv) Speech pathology and audiology.

12 (v) Occupational therapy.

13 (vi) Physical therapy.

14 (vii) Psychological services.

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

17 (ix) Early identification, screening and assessment  
18 services.

19 (x) Health services necessary to enable the ELIGIBLE <--  
20 infant or toddler to benefit from the other early  
21 intervention services.

22 (xi) Assistive technology devices and services.

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

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

30 (5) Are provided in conformity with an individualized

1 family service plan for eligible [infants, toddlers] INFANTS <--  
2 AND TODDLERS and their families.

3 (6) Are provided to eligible young children in  
4 compliance with the provisions of this act and Part B.  
5 Compliance includes procedural safeguards and free  
6 appropriate public education, including related services and  
7 individualized education programs.

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

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

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

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

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

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

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

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

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

26           (1) They are experiencing developmental delays, as  
27 defined by regulations of the Department of Public Welfare  
28 and as measured by appropriate diagnostic instruments and  
29 procedures in any of the following areas: cognitive  
30 development, sensory development, physical development,

1 language and speech development, psycho-social development or  
2 self-help skills.

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

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

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

16 (i) Who are sharing the housing of another person  
17 due to loss of housing, economic hardship or a similar  
18 reason.

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

22 (iii) Who are living in an emergency or transitional  
23 shelter.

24 (iv) Who are abandoned in a hospital.

25 (v) Who are awaiting foster care placement.

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

30 (vii) Who are living in a car, park, public space,

1 abandoned building, substandard housing, bus or train  
2 station or similar setting.

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

6 "IEP." Individualized Education Program.

7 "IFSP." Individualized Family Service Plan.

8 "Individuals with Disabilities Education Act." The  
9 Individuals with Disabilities Education Act (Public Law 91-230,  
10 20 U.S.C. § 1400 et seq.).

11 "Lead agency." For early intervention services to eligible  
12 [children from birth to two years of age, inclusive] INFANTS AND <--  
13 TODDLERS, the Department of [Public Welfare] Human Services; for  
14 early intervention services to eligible young children, the  
15 Department of Education.

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

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

30 "Part B." [Part B] Subchapter II of the [Education for the



1 Handicapped] Individuals with Disabilities Education Act (20  
2 U.S.C. § 1411 et seq.), as it applies to preschool children.

3 ["Part H." Part H of the Education for the Handicapped Act  
4 (20 U.S.C. § 1471 et seq.).]

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

8 "Postpartum depression." Moderate to severe depression in a  
9 woman after she PARENT AFTER THE PARENT has given birth, which <--  
10 depression occurs after delivery or up to a year later.

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

16 Section 104. State interagency agreement.

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

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

30 (1) Responsibilities of State and local agencies.

- 1 (2) Eligibility determination and referrals.
- 2 (3) Establishment of local agreements.
- 3 (4) Fiscal responsibilities of the agencies.
- 4 (5) Dispute resolution between agencies.
- 5 (6) Payor of last resort.
- 6 (7) Maintenance of effort.
- 7 (8) Administrative management structure.
- 8 (9) Establishment and maintenance of local interagency
- 9 coordinating councils, which shall include, but not be
- 10 limited to, parents and private providers and which shall be
- 11 authorized to advise and comment on the development of local
- 12 interagency agreements for their specified geographic area
- 13 and to communicate directly with the Department of Education,
- 14 the Department of Health, the Department of [Public Welfare]
- 15 Human Services and the council regarding the local
- 16 interagency agreement and any other matters pertaining to
- 17 this act.
- 18 (10) Plans by the Department of Health, the Department
- 19 of [Public Welfare] Human Services and the Department of
- 20 Education to work together to develop a coordinated system of
- 21 case management.
- 22 (c) Goal.--Issues under subsection (b) shall be addressed to
- 23 meet the requirements of this act and the provisions of Part B
- 24 and Part [H] C.
- 25 Section 105. Other duties of State agencies.
- 26 (a) Statewide system.--The Department of Health, the
- 27 Department of [Public Welfare] Human Services and the Department
- 28 of Education shall be responsible for the establishment and
- 29 maintenance of a Statewide system of early intervention services
- 30 as provided in Chapter 3.

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

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

19 Section 106. Council.

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

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

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

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

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

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

10 (5) One member from the General Assembly.

11 (6) One representative of the American Academy of  
12 Pediatrics.

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

15 (8) One individual involved in personnel preparation.

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

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

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

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

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

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

30 (e) Committees.--The chair of the council may appoint

1 special committees, which may include nonmembers of the council,  
2 to make recommendations to the council concerning key issues  
3 related to this act.

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

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

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

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

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

23 (ii) suggestions regarding sources of fiscal and  
24 other support from Federal, State, local and private  
25 sources, including insurance coverage; and

26 (iii) recommendations regarding in-service training  
27 and personnel competencies.

28 (4) To prepare and submit, with the cooperation of the  
29 Secretary of Education, the Secretary of Health and the  
30 Secretary of [Public Welfare] Human Services, an annual

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

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

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

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

20 (h) Staff.--Staff services for the council shall be provided  
21 by the Department of Health, the Department of [Public Welfare]  
22 Human Services and the Department of Education and shall include  
23 the preparation and distribution of the annual report required  
24 under 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  
29 [Public Welfare] Human Services and the Department of Education  
30 to provide appropriate early intervention services to all

1 [handicapped] eligible infants[, ] and toddlers and their  
2 families and to eligible young children. The system shall  
3 include the following minimum components:

4 (1) Compatible definitions of the term "developmental  
5 delay" shall be promulgated and adopted by the Department of  
6 [Public Welfare] Human Services, the Department of Health and  
7 the Department of Education, with review and comment of the  
8 council under section 106(f)(1). The definition shall provide  
9 for the 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] eligible <--  
13 infants[, ] and toddlers and their families by September 1,  
14 1991, and to all eligible young children by July 1, 1991.

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

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

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

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

1 (7) A public awareness program focusing on early  
2 identification of [handicapped] eligible infants[, ] and  
3 toddlers and eligible young children.

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

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

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

15 (11) Procedural safeguards with respect to programs  
16 under this act.

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

23 (13) A system of program standards evaluation and  
24 compliance.

25 (14) An exit criteria, which provides procedures for a  
26 child to exit from early intervention services. This exit  
27 plan must address both the needs of the child who has  
28 attained age of beginners as well as the child who, at any  
29 age between birth and age of beginners, no longer meets the  
30 eligibility criteria. If a child has been successful in



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

12 (15) A system for the provision of services to [children <--  
13 from birth to age two, inclusive] ELIGIBLE INFANTS AND <--  
14 TODDLERS, which are in compliance with Part [H] C.

15 (16) A system for the provision of services to [children <--  
16 three years of age to age of beginners] ELIGIBLE YOUNG <--  
17 CHILDREN which is in compliance with Part B, this act and  
18 regulations and standards.

19 Section 302. Program regulations and standards.

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

23 (1) Methods for locating and identifying eligible  
24 children.

25 (2) Criteria for eligible programs.

26 (3) Contracting guidelines.

27 (4) Personnel qualifications and a system of preservice  
28 and in-service training.

29 (5) Early intervention services.

30 (6) Procedural safeguards.

1 (7) Appropriate placement, including the least  
2 restrictive environment.

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

8 (9) Data collection and confidentiality.

9 (10) Interagency cooperation at the State and local  
10 level through the State interagency agreement and local  
11 interagency agreements.

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

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

15 \* \* \*

16 Section 303. Administration by Department of [Public Welfare]  
17 Human Services.

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

1 under this act. The county offices shall assure annually that  
2 the service providers receiving funds are in compliance with the  
3 Commonwealth's regulations and standards.

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

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

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

24 Section 304. Administration by Department of Education.

25 \* \* \*

26 (c) [Public welfare] Human Services.--The Secretary of  
27 Education shall provide for the transition of eligible children,  
28 including [handicapped] ELIGIBLE infants and toddlers, who, <--  
29 prior to their third birthday, received services under Part [H]  
30 C. The Secretary of Education is authorized to accept

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

8 \* \* \*

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

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

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

1 protective services); children with confirmed dangerous levels  
2 of lead poisoning as set by the Department of Health; [and]  
3 children who are homeless[.]; and children born to mothers-- <--  
4 PARENTS who are AT high risk for, OR DIAGNOSED AS HAVING <--  
5 postpartum depression and, IF THE CHILDREN ARE referred by a <--  
6 physician, health care provider or parent. The Department of  
7 [Public Welfare] Human Services may establish other population  
8 groups by regulation as it deems necessary.

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

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

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

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

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

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

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

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

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

13 Section 503. Effective date.

14 This act shall take effect as follows:

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

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

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

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

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