
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 200 Session of
2021

INTRODUCED BY TOOHIL, SCHLOSSBERG, MILLARD, KINSEY, STRUZZI,
DRISCOLL, HOHENSTEIN, HOWARD, HILL-EVANS, DeLUCA, WEBSTER,
N. NELSON, O'MARA, MERSKI, SCHWEYER, ROZZI AND SCHLEGEL
CULVER, FEBRUARY 24, 2021

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 24, 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 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 attain the age of beginners.

(3) Reduce the number of handicapped disabled individuals 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 and eligible young children.

(b) Remedy.--The General Assembly further finds that early intervention services for handicapped eligible infants,

1 toddlers and their families and eligible young children are cost
2 effective and effectively serve the developmental needs of
3 children who are [handicapped] disabled.

4 Section 103. Definitions.

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

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

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

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

16 (1) Are provided under public supervision.

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

21 (i) Physical development.

22 (ii) Cognitive development.

23 (iii) Sensory development.

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

26 (v) Psycho-social development.

27 (vi) Self-help skills.

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

30 (i) Family training.

1 (ii) Social work services, including counseling and
2 home visits.

3 (iii) Special instruction.

4 (iv) Speech pathology and audiology.

5 (v) Occupational therapy.

6 (vi) Physical therapy.

7 (vii) Psychological services.

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

10 (ix) Early identification, screening and assessment
11 services.

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

15 (xi) Assistive technology devices and services.

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

18 (4) Are provided by qualified personnel, including, but
19 not limited to, special educators, speech and language
20 pathologists and audiologists, occupational therapists,
21 physical therapists, psychologists, social workers, nurses
22 and nutritionists.

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

26 (6) Are provided to eligible young children in
27 compliance with the provisions of this act and Part B.
28 Compliance includes procedural safeguards and free
29 appropriate public education, including related services and
30 individualized education programs.

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

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

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

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

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

1 to thrive, seizure disorders and fetal alcohol syndrome.

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

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

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

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

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

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

1 impairments, including vision and hearing; inborn errors of
2 metabolism; microcephaly; severe attachment disorders,
3 including failure to thrive; seizure disorders; and fetal
4 alcohol syndrome.]

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

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

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

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

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

16 (iv) Who are abandoned in a hospital.

17 (v) Who are awaiting foster care placement.

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

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

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

28 "IEP." Individualized Education Program.

29 "IFSP." Individualized Family Service Plan.

30 "Individuals with Disabilities Education Act." The

1 Individuals with Disabilities Education Act (Public Law 91-230,
2 20 U.S.C. § 1400 et seq.).

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

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

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

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

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

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

30 "Postpartum depression." Moderate to severe depression in a

1 woman after she has given birth, which depression occurs after
2 delivery or up to a year later.

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

8 Section 104. State interagency agreement.

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

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

- 22 (1) Responsibilities of State and local agencies.
- 23 (2) Eligibility determination and referrals.
- 24 (3) Establishment of local agreements.
- 25 (4) Fiscal responsibilities of the agencies.
- 26 (5) Dispute resolution between agencies.
- 27 (6) Payor of last resort.
- 28 (7) Maintenance of effort.
- 29 (8) Administrative management structure.
- 30 (9) Establishment and maintenance of local interagency

1 coordinating councils, which shall include, but not be
2 limited to, parents and private providers and which shall be
3 authorized to advise and comment on the development of local
4 interagency agreements for their specified geographic area
5 and to communicate directly with the Department of Education,
6 the Department of Health, the Department of [Public Welfare]
7 Human Services and the council regarding the local
8 interagency agreement and any other matters pertaining to
9 this act.

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

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

17 Section 105. Other duties of State agencies.

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

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

1 within 60 days of receipt by the council, the respective
2 department or board may continue to develop and promulgate
3 regulations and standards.

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

11 Section 106. Council.

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

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

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

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

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

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

1 provider and one private provider.

2 (5) One member from the General Assembly.

3 (6) One representative of the American Academy of
4 Pediatrics.

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

7 (8) One individual involved in personnel preparation.

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

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

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

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

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

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

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

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

28 (1) To review and comment to the Department of Health,
29 the Department of [Public Welfare] Human Services, the
30 Department of Education and the State Board of Education on

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

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

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

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

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

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

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

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

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

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

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

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

17 Section 301. Requirements.

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

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

1 for the continuity of program services and shall be used in
2 implementing programs under this act.

3 (2) An assurance that appropriate early intervention
4 services are available to all eligible [handicapped] eligible
5 infants[,] and toddlers and their families by September 1,
6 1991, and to all eligible young children by July 1, 1991.

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

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

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

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

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

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

30 (9) A comprehensive system of personnel development and

1 policies and procedures relating to the establishment and
2 maintenance of standards to ensure that personnel necessary
3 to carry out this act are appropriately and adequately
4 prepared and trained.

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

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

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

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

17 (14) An exit criteria, which provides procedures for a
18 child to exit from early intervention services. This exit
19 plan must address both the needs of the child who has
20 attained age of beginners as well as the child who, at any
21 age between birth and age of beginners, no longer meets the
22 eligibility criteria. If a child has been successful in
23 obtaining age-appropriate behavior and abilities, the fact
24 that the child participated in early intervention services
25 may not be communicated to the school district unless the
26 parent so chooses, nor may it be considered as a rationale
27 for placement in public school age special education classes.
28 If the child does not meet exit criteria and the child's IEP
29 or IFSP demonstrates that the child will benefit from
30 services which can be provided only through special

1 education, nothing in this act shall prevent that placement.
2 In either case, transition services shall be provided to the
3 child and the child's parents.

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

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

10 Section 302. Program regulations and standards.

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

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

16 (2) Criteria for eligible programs.

17 (3) Contracting guidelines.

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

20 (5) Early intervention services.

21 (6) Procedural safeguards.

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

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

29 (9) Data collection and confidentiality.

30 (10) Interagency cooperation at the State and local

1 level through the State interagency agreement and local
2 interagency agreements.

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

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

6 * * *

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

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

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

30 (c) Education.--In order to facilitate the transfer of

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

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

15 Section 304. Administration by Department of Education.

16 * * *

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

29 * * *

30 Section 305. Child identification, assessment and tracking

1 system.

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

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

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

1 activities and services:

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

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

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

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

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

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

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

1 manner which would allow for the identification of an individual
2 child or family.

3 Section 503. Effective date.

4 This act shall take effect as follows:

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

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

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

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

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