

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO SENATE BILL NO. 1269

Sponsor:

Printer's No. 1836

1 Amend Bill, page 1, line 8, by inserting after "Welfare,"
2 further providing for the title of the act;

3 Amend Bill, page 1, line 9, by inserting after "definitions"
4 , for State interagency agreement, for other duties of State
5 agencies and for council

6 Amend Bill, page 1, line 10, by inserting after "providing"
7 for requirements, for program regulations and standards, for
8 administration by Department of Public Welfare, for
9 administration by Department of Education and

10 Amend Bill, page 1, line 14, by striking out "Section 103"
11 and inserting

12 The title

13 Amend Bill, page 1, by inserting between lines 16 and 17

14 AN ACT

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

22 Section 2. The definitions of "eligible young child,"
23 "handicapped infants and toddlers," "lead agency" and "State
24 interagency agreement" in section 103 of the act are amended and
25 the section is amended by adding a definition to read:

26 Amend Bill, page 1, by inserting between lines 21 and 22

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

30 (1) The child has any of the following physical or
31 mental disabilities: autism/pervasive developmental disorder,
32 serious emotional disturbance, neurological impairment,

1 deafness/hearing impairment, specific learning disability,
2 [mental retardation] intellectual disability, multihandicap,
3 other health impairment, physical disability, speech
4 impairment or blindness/visual impairment.

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

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

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

18 (2) They have a diagnosed physical or mental condition
19 which has a high probability of resulting in developmental
20 delay under paragraph (1). This paragraph applies to
21 conditions with known etiologies and developmental
22 consequences. Examples of these conditions include Down
23 syndrome; other chromosomal abnormalities; sensory
24 impairments, including vision and hearing; inborn errors of
25 metabolism; microcephaly; severe attachment disorders,
26 including failure to thrive; seizure disorders; and fetal
27 alcohol syndrome.

28 * * *

29 "Lead agency." For early intervention services to eligible
30 children from birth to two years of age, inclusive, the
31 Department of [Public Welfare] Human Services; for early
32 intervention services to eligible young children, the Department
33 of Education.

34 * * *

35 Amend Bill, page 2, line 2, by striking out all of said line
36 and inserting

37 "State interagency agreement." An agreement entered into by
38 the Department of Education, the Department of Health, the
39 Department of [Public Welfare] Human Services and any other
40 Commonwealth agency for the purposes of this act and of Part B
41 and Part H.

42 Section 3. Sections 104(a) and (b), 105, 106(b), (f) and
43 (h), 301 introductory paragraph and (1), 302(a) introductory
44 paragraph, 303 and 304(c) of the act are amended to read:
45 Section 104. State interagency agreement.

46 (a) Interagency agreement.--The Department of Education, the
47 Department of Health and the Department of [Public Welfare]
48 Human Services shall enter into and maintain a State interagency
49 agreement to enable the State and local agencies serving

1 infants, toddlers and eligible young children who are
2 handicapped to establish working relationships that will
3 increase the efficiency and effectiveness of their early
4 intervention services. The agreement shall outline the
5 responsibilities of those State and local agencies and shall
6 implement a coordinated service delivery system through local
7 interagency agreements.

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

- 10 (1) Responsibilities of State and local agencies.
- 11 (2) Eligibility determination and referrals.
- 12 (3) Establishment of local agreements.
- 13 (4) Fiscal responsibilities of the agencies.
- 14 (5) Dispute resolution between agencies.
- 15 (6) Payor of last resort.
- 16 (7) Maintenance of effort.
- 17 (8) Administrative management structure.
- 18 (9) Establishment and maintenance of local interagency
19 coordinating councils, which shall include, but not be
20 limited to, parents and private providers and which shall be
21 authorized to advise and comment on the development of local
22 interagency agreements for their specified geographic area
23 and to communicate directly with the Department of Education,
24 the Department of Health, the Department of [Public Welfare]
25 Human Services and the council regarding the local
26 interagency agreement and any other matters pertaining to
27 this act.
- 28 (10) Plans by the Department of Health, the Department
29 of [Public Welfare] Human Services and the Department of
30 Education to work together to develop a coordinated system of
31 case management.

32 * * *

33 Section 105. Other duties of State agencies.

34 (a) Statewide system.--The Department of Health, the
35 Department of [Public Welfare] Human Services and the Department
36 of Education shall be responsible for the establishment and
37 maintenance of a Statewide system of early intervention services
38 as provided in Chapter 3.

39 (b) Rulemaking.--The Department of Health, the Department of
40 [Public Welfare] Human Services, the State Board of Education as
41 the regulatory authority for the Department of Education and the
42 Department of Education for standards shall submit draft
43 regulations and standards to the council relating to the
44 implementation of this act prior to formal promulgation in order
45 to receive the recommendations of the council. If
46 recommendations are not received by the appropriate State agency
47 within 60 days of receipt by the council, the respective
48 department or board may continue to develop and promulgate
49 regulations and standards.

50 (c) Annual reports.--By July 31, the Department of Health,
51 the Department of [Public Welfare] Human Services and the

1 Department of Education shall submit annual reports to the
2 council on the status of early intervention services during the
3 preceding calendar year. These reports shall be used as the
4 basis for the report submitted by the council under section
5 106(f)(4).

6 Section 106. Council.

7 * * *

8 (b) Membership.--The membership of the council shall consist
9 of the following:

10 (1) Three parents of handicapped infants, toddlers or
11 eligible young children.

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

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

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

19 (5) One member from the General Assembly.

20 (6) One representative of the American Academy of
21 Pediatrics.

22 (7) One county [mental health/mental retardation] mental
23 health/intellectual disability administrator or designee.

24 (8) One individual involved in personnel preparation.

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

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

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

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

33 * * *

34 (f) Powers and duties.--The council has the following powers
35 and duties:

36 (1) To review and comment to the Department of Health,
37 the Department of [Public Welfare] Human Services, the
38 Department of Education and the State Board of Education on
39 draft regulations and standards for the implementation and
40 maintenance of a Statewide system of early intervention
41 services which are in accordance with the provisions of this
42 act and Parts B and H.

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

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

49 (i) recommendations for the implementation and
50 maintenance of a Statewide comprehensive, coordinated,
51 multidisciplinary, interagency program, as described in

1 Chapter 3;

2 (ii) suggestions regarding sources of fiscal and
3 other support from Federal, State, local and private
4 sources, including insurance coverage; and

5 (iii) recommendations regarding in-service training
6 and personnel competencies.

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

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

24 (6) To perform other functions required of a state's
25 interagency coordinating council under Part H.

26 * * *

27 (h) Staff.--Staff services for the council shall be provided
28 by the Department of Health, the Department of [Public Welfare]
29 Human Services and the Department of Education and shall include
30 the preparation and distribution of the annual report required
31 under subsection (f)(4).

32 Section 301. Requirements.

33 A Statewide system of coordinated, comprehensive,
34 multidisciplinary, interagency programs shall be established and
35 maintained by the Department of Health, the Department of
36 [Public Welfare] Human Services and the Department of Education
37 to provide appropriate early intervention services to all
38 handicapped infants, toddlers and their families and to eligible
39 young children. The system shall include the following minimum
40 components:

41 (1) Compatible definitions of the term "developmental
42 delay" shall be promulgated and adopted by the Department of
43 [Public Welfare] Human Services, the Department of Health and
44 the Department of Education, with review and comment of the
45 council under section 106(f)(1). The definition shall provide
46 for the continuity of program services and shall be used in
47 implementing programs under this act.

48 * * *

49 Section 302. Program regulations and standards.

50 (a) [Public Welfare] Human Services.--The Department of
51 [Public Welfare] Human Services shall define and address the

1 following issues in developing regulations:

2 * * *

3 Section 303. Administration by Department of [Public Welfare]
4 Human Services.

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

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

26 (c) Education.--In order to facilitate the transfer of
27 responsibility for eligible children from the Department of
28 [Public Welfare] Human Services to the Department of Education
29 at one time each year, consistent with the beginning of the
30 school year, the Secretary of [Public Welfare] Human Services
31 may delegate responsibility for serving certain children under
32 three years of age to the Department of Education and may accept
33 a delegation of responsibility from the Secretary of Education
34 under section 304(c) to serve certain children over the age of
35 three.

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

41 Section 304. Administration by Department of Education.

42 * * *

43 (c) [Public welfare] Human services.--The Secretary of
44 Education shall provide for the transition of eligible children,
45 including handicapped infants and toddlers, who, prior to their
46 third birthday, received services under Part H. The Secretary of
47 Education is authorized to accept responsibility pursuant to
48 delegation from the Secretary of [Public Welfare] Human Services
49 under section 303(c) for providing early intervention services
50 to children less than three years of age. The Secretary of
51 Education is authorized to delegate responsibility to the

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

3 * * *

4 Amend Bill, page 2, line 3, by striking out "2" and inserting

5 4

6 Amend Bill, page 2, line 30; page 3, line 1; by striking out
7 "to the Department of" in line 30 on page 2 and "Human Services"

8 in line 1 on page 3

9 Amend Bill, page 3, line 28, by inserting a bracket before

10 "mental"

11 Amend Bill, page 3, line 28, by inserting after "retardation"

12] intellectual disability

13 Amend Bill, page 4, line 7, by striking out "3" and inserting

14 5