

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 1998-4]

Interagency Committee to Coordinate Services Provided to Individuals with Disabilities

August 12, 1998

Whereas, the administrative agencies of the Commonwealth have the responsibility to develop practical and efficient means for coordination of their work pursuant to sections 501 and 502 of The Administrative Code of 1929 (71 P. S. §§ 181 and 182); and

Whereas, the Department of Education has the duty to administer all of the laws of this Commonwealth with regard to the establishment, maintenance, and conduct of the public schools pursuant to the Public School Code of 1949 (24 P. S. §§ 1-101 et. seq.), the Individuals with Disabilities Education Act (IDEA) Amendments of 1997 (20 U.S.C.A. § 1400 et seq.), the State Board of Education's Regulations at 22 Pa. Code Chapter 14, Special Education Programs and Services, and the Department of Education's Standards at 22 Pennsylvania Code Chapter 342, Special Education Services and Programs; and

Whereas, the Department of Education is the agency responsible for ensuring that each local education agency provides a free, appropriate public education to eligible students; and

Whereas, the Department of Labor and Industry is responsible for promoting the employment of individuals with disabilities by providing vocational rehabilitation, job training and placement services pursuant to the Rehabilitation Act of 1973 (29 U.S.C. § 701 et. seq.) as amended, the Vocational Rehabilitation Act of 1988 (43 P. S. § 682.1 et. seq.); and the Job Training Partnership Act (29 U.S.C. § 1501 et. seq.), as amended; and

Whereas, the Department of Public Welfare is responsible for administering the State Plan to ensure eligible children receive Medical Assistance benefits pursuant to Title XIX of the Social Security Act, 42 U.S.C.A. § 1396 et. seq.; providing grants to counties for services to individuals with mental illness or mental retardation pursuant to the Mental Health and Mental Retardation Act of 1966, 50 P. S. § 4101 et seq.; and promoting the employment of individuals who are blind or visually impaired by providing vocational rehabilitation, job training, and placement services pursuant to the Rehabilitation Act of 1973, (29 U.S.C.A. § 701 et seq.), as amended; and

Whereas, the Department of Health is responsible for protecting the health of the people of this Commonwealth, pursuant to 71 P. S. § 532, and is authorized under 42 U.S.C.A. § 701 et seq. to administer certain maternal and child health programs; and

Whereas, Commonwealth agencies cooperate and collaborate, in whole or in part, in the provision of services to children with disabilities in a variety of contexts in the continuum of services required from birth through age 21, including but not limited to: early intervention; special education and related services; transition from school to employment; adult, continuing and postsecondary education; adult services; independent living; and community participation; and

Whereas, the Commonwealth has programmatic and fiscal responsibilities for early intervention, special education and related services, as well as services related to the transitioning of students with disabilities to adult life; and

Whereas, the coordination and direct involvement of the following agencies is essential: the Department of Education's Bureau of Special Education, Bureau of Vocational and Technical Education, and Office of School to Work Programs; Department of Labor and Industry's Office of Vocational Rehabilitation, Office for the Deaf and Hard of Hearing, and the Bureau of Employment Services and Training; Department of Health; and the Department of Public Welfare's Office of Mental Health and Substance Abuse Services, Office of Mental Retardation, Bureau of Blindness and Visual Services in the Office of Social Programs, and the Office of Medical Assistance Programs; and

Whereas, the Departments of Education, Health, Labor and Industry, and Public Welfare have operated under a number of Memoranda of Understanding (MOUs), specifying the respective duties of each agency under applicable law, in the following areas: services and programs for early intervention (PDE, DPW, Health); data tracking (PDE, DPW); Medical Assistance (PDE, DPW); school age mentally retarded persons transferred between residential facilities (PDE, DPW); students in partial hospitalization (PDE, DPW); County Child and Adult Services System Programs (PDE, DPW); transition (PDE, L&I, DPW); and the Job Training Partnership Act (PDE, L&I); and

Whereas, the Departments of Education, Health, Labor and Industry, and Public Welfare are directed to implement planning, services, and fiscal supports, as appropriate, to serve children with disabilities in a variety of contexts in the continuum of services provided from birth through age 21, including, but not limited to: early intervention; special education and related services; transition from school to employment; adult, continuing and postsecondary education; adult services; independent living; and community participation.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Interagency Committee to Coordinate Services Provided to Individuals with Disabilities (hereinafter referred to as "Committee") as hereinafter set forth.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. COUNCILS AND COMMITTEES

Subchapter A. INTERAGENCY COMMITTEE TO COORDINATE SERVICES PROVIDED TO INDIVIDUALS WITH DISABILITIES

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§ 6.1. Objectives.

The Departments of Education, Health, Labor and Industry and Public Welfare shall execute an interagency agreement to establish coordination and collaboration at the State level by defining fiscal and programmatic responsibilities for each agency under applicable law. This interagency agreement shall also provide specific direction for local level interagency cooperation to achieve the objectives listed in this section. The interagency agreement shall be executed prior to the expiration of this subchapter. The directives and responsibilities set forth under the agreement will be coordinated and directed by the Pennsylvania Human Resources Investment Council, if applicable, with the involvement of appropriate advisory councils. The objectives are as follows:

- (1) To promote systematic funding to support students with disabilities. This includes the implementation of a reimbursement mechanism and the assignment of responsibilities for services each department will provide

pursuant to the terms of Federal or State law or State-level interagency agreement. The interagency agreement shall include:

(i) An identification of, or a method for defining, the financial responsibility of each agency for providing services to ensure a free appropriate public education to children with disabilities, provided that the financial responsibility of each public agency otherwise obligated under State or Federal law or State policy to provide or pay for any services that are also considered special education or related services shall precede the financial responsibility of the local educational agency (or the State agency responsible for developing the child's Individualized Education Program (IEP)).

(ii) The conditions, terms and procedures under which a local educational agency shall be reimbursed by other agencies.

(iii) Procedures for resolving interagency disputes, including procedures under which local educational agencies may initiate proceedings, under the agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism.

(iv) Policies and procedures for agencies to determine and identify the responsibilities of each agency to promote interagency coordination and timely and appropriate delivery of services.

(2) To promote interagency cooperation in the implementation of the Individuals with Disabilities Education Act (20 U.S.C.A. §§ 1400—1485). With reference to transition services, the interagency agreement shall identify:

(i) Policies, practices and procedures that can be coordinated between agencies, including definitions, standards for eligibility, policies and procedures for making referrals, procedures for outreach to and identification of students who are receiving special education services and are in need of transition services, and procedures and time frames for evaluation and follow-up on those students.

(ii) The roles of each agency, including provisions for determining the State lead agencies and qualified personnel with primary responsibility for transition services.

(iii) Procedures for providing training for staff of State and local educational agencies as to the availability, benefits of and eligibility standards for other State agencies providing transition services.

(iv) Available resources, including sources of funds for the development and expansion of services.

(v) Other components necessary to ensure meaningful cooperation among agencies, including procedures to facilitate the development of local teams to coordinate the provision of services to students with disabilities, sharing data and joint training of staff in the provision of transition services.

(3) To assure that local agreements, consistent with the objectives of the State-level interagency agreement, are developed and implemented among the Office of Vocational Rehabilitation district offices, local school districts, vocational technical schools, intermediate units, county mental health/mental retardation programs, district offices of Blindness and Visual Services and other appropriate agencies.

(4) To evaluate the need for and implement, as appropriate, joint training and ongoing in-service training for staff of the Bureau of Special Education, Office of Vocational Rehabilitation, Bureau of Employment Services and Training; the Office for the Deaf and Hard of Hearing; the State Office of Mental Health and Substance Abuse Services and County Mental Health; the State Office of Mental Retardation; county mental retardation offices; the Bureau of Blindness and Visual Services; intermediate units; school districts; vocational-technical schools; postsecondary institutions as well as for parents/families, service providers and representatives from business and industry.

(5) To promote the availability of appropriate choices and options for students with disabilities and their families in securing services, including

early intervention, special education and related services, and to enable students to make the transition from school to becoming successful, participating members of the community.

(6) To review existing databases for students/clients with disabilities, while maintaining proper confidentiality, as a means to make recommendations for improving coordinated services.

(7) To provide mechanisms for the replication of exemplary programs.

(8) To provide for a system to resolve conflicts or questions which may arise under this subchapter or under existing memoranda of understanding through the Governor's Office of General Counsel.

§ 6.2. Composition.

(a) The Interagency Committee to Coordinate Services Provided to Individuals with Disabilities Committee (Committee) members will be appointed by the respective Secretaries or other agency director, and will, at a minimum, include:

(1) A member of the staff of the Governor's Policy Office, and the Policy Offices of the Departments of Education, Health, Labor and Industry and Public Welfare.

(2) A deputy secretary from each of the departments or a designee.

(3) One representative each from the Department of Education's Bureau of Special Education, Bureau of Vocational-Technical Education and Office of School to Work.

(4) One representative each from the Department of Labor and Industry's Office of Vocational Rehabilitation, Office for the Deaf and Hard of Hearing and Bureau of Employment Services and Training.

(5) One representative each from the Department of Public Welfare's Office of Mental Health and Substance Abuse Services, Office of Mental Retardation, Office of Medical Assistance Programs and Bureau of Blindness and Visual Services.

(b) The Committee will meet at least quarterly.

(c) The Committee will conduct its responsibilities under the direction of the Governor's Policy Office and, where applicable, consistent with directives from the Pennsylvania Human Resources Investment Council.

§ 6.3. Implementation strategy.

Until the interagency agreement is executed, existing law and memoranda of understanding shall serve as the basis for determining and effecting any responsibilities that the departments named in the memoranda of understanding may have for providing services to children with disabilities. If there is a disagreement regarding the responsibility for providing early intervention, special education, related services or transition services, or that the memoranda of understanding do not include an agency that may have responsibility for the services, it is the responsibility of the Interagency Committee to Coordinate Services Provided to Individuals with Disabilities (Committee) to arrange for the modification of the existing memoranda of understanding, or the development of a new memoranda of understanding to include other agencies, which shall be contingent upon review and approval by the Office of General Counsel. If disputes cannot be resolved by the Committee, the issue shall be submitted to the Office of General Counsel for final resolution. No moneys for services may be encumbered by another agency unless those services are authorized by the existing memoranda of understanding, an interim memoranda of understanding, a duly executed modification thereof or pursuant to direction by the Office of General Counsel.

§ 6.4. Effective date.

This Subchapter is effective July 1, 1998.

§ 6.5. Termination date.

This subchapter will terminate December 31, 1999.

Governor

Fiscal Note: GOV 98-4. No fiscal impact; (8) recommends adoption.

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