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**EARLY INTERVENTION ADVOCATES COALITION**  
*Individuals and Organizations Concerned about Young Children with Disabilities  
and their Families.* November 6, 2002

BY FACSIMILE AND FIRST CLASS MAIL

John R. McGinley, Esq.  
Chair, Independent Regulatory Review Commission  
14<sup>th</sup> Floor, 333 Market Street  
Harrisburg, PA 17101

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INDEPENDENT REGULATORY COMMISSION

Re: Final Form Regulations for the PA Infants and Toddlers Program

Dear Mr. McGinley:

I am writing on behalf of the Early Intervention Advocates Coalition, a group of advocates, parents, providers, and clinical experts throughout the state who are daily engaged in the business of helping young children with disabilities and their families. The Coalition has been very active in reviewing and commenting on these regulations, from the initial drafts circulated years ago through the current regulatory process. We want to commend the PA Department of Public Welfare, and the staff of the Office for Mental Retardation, for their willingness to struggle with us to produce regulations that are in the best interest of children and families. While we did not always agree, the conversations were always candid and helpful, and many of our suggestions were adopted.

On November 4, 2002, the Coalition met (via a teleconference that included participants from 7 sites throughout the State) to formulate a position on the final form regulations. The unanimous consensus of the group is that, despite certain concerns, we support these regulations, relying on Department commitments described herein. The group's two primary concerns were §4226.6, a new provision which authorizes the Department to grant counties a waiver of specific regulatory requirements, and §4226.53, which sets out the minimum qualifications for "service coordinators," staff who work closely with families.

Waiver Provision

With respect to the "waiver" provision, the group understands that there are situations where a waiver is both appropriate and necessary. In fact, many Coalition members suggested that the Department have a process for waiving the requirement that the evaluation of the child be conducted "by personnel independent of services provision." §4226.61(a)(2). The group does not, however, want the Department to use this provision to waive important protections, such as the 14 day timeline in which the services on a child's education plan must be delivered. §4226.74(6)(ii). In recent discussions with representatives of the Department, we have been assured that this

authority will be used with care to protect, and not to eliminate protections for, children with disabilities, and our support for these regulations rests in part on that reassurance.

#### Credentials for Service Coordinator

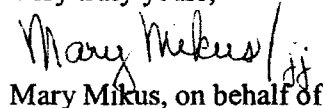
The education and experience requirements in 4226.53(c)(1) and (2) were the result of excruciatingly detailed discussions between the Coalition and OMR staff. Compromises were made on both sides which resulted in credentials that assure that service coordinators will be qualified to do their job. In addition, DPW added, at the Coalition's request, a provision that requires that, "before performing service coordination activities," service coordinators must demonstrate that they are knowledgeable about these children, the legal requirements, and early intervention services. The problem is that §4226.53(c)(3) bypasses the carefully formulated education and experience requirements in 4226.53(c)(1) and (2), and states that anyone who meets the more generic requirements of the PA Civil Service Commission's Caseworker 2 or 3 classification is qualified to serve as a service coordinator.

Following the release of the final form regulations, Coalition representatives had conversations with OMR staff and counsel regarding this problem. Because of various legal constraints, including the limitations of the regulatory process at this stage, we understand that this regulation cannot now be changed. However, we have been assured that the Department will request the PA Civil Service Commission to approve a new classification specific to service coordinators, and that the minimum credentials for that position would be the same as those in §4226.53(c)(1) and (2). Counties would then be able to utilize service coordinators who only meet the generic Caseworker 2 and 3 classification only when they are unable to identify sufficient staff who meet the more stringent requirements. We believe that is a reasonable approach to this problem, and only ask that the Department identify a timeframe for beginning this process. The members of the Coalition also offer our help to the Department as things proceed.

In closing, we urge the IRRC to approve the final form regulations that are currently before it. We believe that the regulations, together with the commitments described in this letter, will benefit young children with disabilities and their families, will standardize protections and procedures statewide, and will help Pennsylvania comply with federal law.

Thank you for considering our views on this matter.

Very truly yours,



Mary Mikus, on behalf of  
PA Early Intervention Coalition