

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

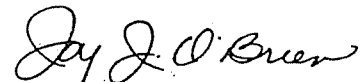
No. 1397

S.P. 509

In Senate, April 27, 1989

Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.

Reference to the Committee on Education suggested and ordered printed.


JOY J. O'BRIEN
Secretary of the Senate

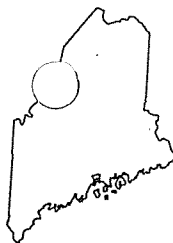
Presented by Senator GILL of Cumberland.

Cosponsored by Senator ESTES of York, Representative HANDY of Lewiston and Representative RYDELL of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Amend and Clarify the Laws Relating to Services to Infants and Young Children, Ages 0 through 5, Who are Handicapped for at-risk for Developmental Delay.



1 **Be it enacted by the People of the State of Maine as follows:**

3 **Sec. 1. 20-A MRSA §7701**, as enacted by PL 1981, c. 693, §§5
and 8, is amended to read:

5 **§7701. Purpose**

7
9 The purpose of this chapter is to maintain coordinated
11 delivery systems for ~~pre-school-handicapped-children~~ infants and
13 children, ages 0 through 5, who are handicapped or at-risk for
15 developmental delay, based on the models developed through pilot
projects. Local sites have been established to provide statewide
coverage for the purpose of ensuring services for infants and
children ages 0 through 5, who are handicapped or at-risk for
developmental delay pursuant to this chapter.

17 **Sec. 2. 20-A MRSA §7702**, as enacted by PL 1981, c. 693, §§5
and 8, is repealed and the following enacted in its place:

19 **§7702. Definitions**

21 As used in this chapter, unless the context otherwise
23 indicates, the following terms have the following meanings.

25 1. Agency. "Agency" means the organizational unit, public
27 or private, at the state and local levels involved in the
governance and provision of services under the interdepartmental
29 service delivery system.

31 2. At risk for developmental delay. "At risk for
33 developmental delay" means those children and families at-risk
under one or a combination of the 3 categories: identified,
biological or environmental.

35 3. Commissioner. "Commissioner" means the Commissioner of
37 Educational and Cultural Services.

39 4. Commissioners. "Commissioners" means the Commissioner
41 of Educational and Cultural Services, the Commissioner of Human
Services, the Commissioner of Mental Health and Mental
Retardation and the Commissioner of Corrections.

43 5. Council. "Council" means the Committee for the
45 Interdepartmental Coordination of Services to Children and
Families as established in Title 34-B, section 1214. The
47 membership of the council includes the Commissioner of Human
Services, the Commissioner of Mental Health and Mental
49 Retardation, the Commissioner of Educational and Cultural
Services and the Commissioner of Corrections.

51 6. Department. "Department" means the Department of
Educational and Cultural Services.

1
2 7. Departments. "Departments" means 2 or more of the
3 participating state agencies in the 0 through 5 interdepartmental
4 coordination system.

5
6 8. Early intervention services. "Early intervention
7 services" means:

8 A. Those services which are designed to meet a young
9 child's developmental needs in any one or more of the
10 following areas:

11
12 (1) Physical development;

13 (2) Cognitive development;

14 (3) Language and speech development;

15 (4) Psycho-social development; or

16 (5) Self-help skills.

17
18 B. These services can include, but are not limited to:

19 (1) Family training, counseling or home-based services;

20 (2) Special instruction;

21 (3) Speech pathology and audiology;

22 (4) Occupational therapy;

23 (5) Psychological services;

24 (6) Case management services;

25 (7) Medical services for diagnostic or evaluation
26 purposes only;

27 (8) Early identification, screening and assessment
28 services;

29 (9) Health services necessary to enable the child to
30 benefit from the other early intervention services;

31 (10) Respite care services; and

32 (11) Transportation.

33
34 9. Handicapped. "Handicapped" means individuals age 0
35 through age 5, inclusive, who need early intervention services
36 because they:

1
3 A. Are experiencing developmental delay, as measured by
appropriate diagnostic instruments and procedures in one or
5 more of the following areas:

7 (1) Cognitive development;

9 (2) Physical development;

11 (3) Language and speech development;

13 (4) Psychosocial development; or

15 (5) Self-help areas; or

17 B. Have a diagnosed physical or mental condition that has a
high probability of resulting in developmental delay.

19 10. Interdepartmental Coordinating Committee for Preschool
21 Handicapped Children. "Interdepartmental Coordinating Committee
23 for Preschool Handicapped Children" meant the committee as
25 established in section 7704 for the purposes of ensuring
interdepartmental coordination at the state level for programs
and services for the target population.

27 11. Intermediate Educational Unit. "Intermediate
29 Educational Unit" as defined in Public Law 94-142, means any
31 public authority, other than a local educational agency, that is
33 under the general supervision of a state educational agency, this
is established by state law for the purpose of providing free
public education on a regional basis and that provides special
education and related services to handicapped children within
that state.

35 12. Local coordinating committee. "Local coordinating
37 committee" means the committee as established in section 7703 at
39 each of the local sites to ensure interdepartmental coordination
at the local level and provide governance for the local site
operations.

41 13. Site. "Site" means each of the local coordination
43 programs, previously referred to as "pilot projects" or
"preschool coordination projects".

45 14. Services. "Services" means those activities undertaken
47 to screen, evaluate and provide early intervention services for
49 infants and children ages 0 through 5, who are handicapped or
at-risk for developmental delay. Services may also include
education and related services during the prenatal period and
other activities designed to prevent developmental disabilities.

51

1 15. Target population. "Target population" means infants
2 and children ages 0 through 5 who are handicapped or who are
3 at-risk for developmental delay. The target population does not
4 include those children who are eligible for public school
5 enrollment because of their age.

7 Sec. 3. 20-A MRSA §7703, as amended by PL 1983, c. 624, §2,
8 is further amended to read:

9 §7703. Authorization for expenditure of funds

11 The commissioner may, ~~from funds authorized to the~~
12 ~~department,~~ authorize the Interdepartmental Coordinating
13 Committee for Preschool Handicapped Children as established in
14 section 7704 to make grants from funds authorized to the
15 department, to local coordinating committees as established in
16 section 7704, subsection 4 and to agencies and school
17 administrative units to establish local coordinated delivery
18 systems to serve preschool--handicapped--children infants and
19 children, under 6 years of age, who are handicapped or at-risk
20 for developmental delay.

23 1. Grants. Grants First time coordination grants shall be
24 made on a competitive basis, according to rules adopted or
25 amended by the ~~commissioner~~ department. Renewal grants may be
26 made on a noncompetitive basis, according to rules adopted or
27 amended by the department.

29 2. Rules. The rules shall assure ensure participation at
30 the local level by agencies currently serving ~~preschool~~
31 ~~handicapped-children~~ infants and children ages 0 through 5 who
32 are handicapped or at-risk for developmental delay. They shall
33 require that existing resources for providing services to
34 ~~preschool-handicapped-children~~ infants and children under 6 years
35 of age who are handicapped or at-risk for developmental delay be
36 exhausted prior to using grant funds to provide services.

37 3. Fiscal agent. The agency, ~~institution or school~~
38 ~~administrative unit~~ local coordinating committee, receiving a
39 grant under this chapter may ~~function only in the role of~~ shall
40 ensure the services of a fiscal agent, as described in
41 regulations promulgated by the department departments for
42 regulating the local administration of these programs.

45 4. Local coordinating committee. A local coordinating
46 committee, organized prior to application for receipt of a grant,
47 shall be responsible for governance of each local ~~program~~ site.
48 Membership shall include representatives of preschool programs in
49 the region to be served by the grant, representatives of the
50 appropriate regional offices of the Department of Human Services
51 and the Department of Mental Health and Mental Retardation,
 representatives of participating school administrative units,

1 parents of handicapped children and other community members as
2 appropriate. Terms of membership and methods of appointment or
3 election shall be determined by local coordinating committee
4 bylaws, subject to approval of the department Interdepartmental
5 Coordinating Committee for Preschool Handicapped Children.
6 Responsibilities of local coordinating committees shall be
7 detailed in the regulations promulgated by the department.

9 ~~5.---Coordination---services.---Coordination---and---referral~~
10 ~~services---may---be---provided---to---preschool---handicapped---children---below~~
11 ~~the---age---of---3---years.~~

13 **Sec. 4. 20-A MRSA §7704**, as amended by PL 1985, c. 295, §31,
14 is repealed and the following enacted in its place:

15 **§7704. Interdepartmental coordination**

17 The council as established, pursuant to Title 34-B, section
18 1214, to encourage the coordination of policies and programs for
19 Maine children and families.

21 An Interdepartmental Coordinating Committee for Preschool
22 Handicapped Children pursuant to Title 5, chapter 379,
23 representing the department, the Department of Human Services,
24 the Department of Mental Health and Mental Retardation and the
25 public, shall be appointed by the Governor to work with the
26 departments to establish guidelines and rules, including
27 continuation applications, to monitor grants and to evaluate the
28 performance of programs developed through the grants.

31 The Interdepartmental Coordinating Committee for Preschool
32 Handicapped Children is established as an Intermediate Education
33 Unit for the purposes of carrying out those duties and
34 obligations as outlined and assigned in this chapter.

35 **1. Membership.** A member appointed by an agency serves for
36 a term of 2 years or until the person terminates employment with
37 the agency, whichever occurs first. Members appointed by the
38 Governor serve for a term of 2 years expiring July 1 of every
39 odd-numbered year. Individual members may be reappointed for no
40 more than 2 consecutive terms.

43 **2. Chair.** The members of the Interdepartmental
44 Coordinating Committee for Preschool Handicapped Children shall
45 annually elect one member to serve as chair.

47 **3. Meetings.** The Interdepartmental Coordinating Committee
48 for Preschool Handicapped Children shall meet at least bi-monthly
49 and shall adopt rules for the conduct of its meetings.

1 4. Consensus. Any action taken by the Interdepartmental
3 Coordinating Committee for Preschool Handicapped Children must be
 approved by a majority vote of the members present.

5 5. Policies. The Interdepartmental Coordinating Committee
7 for Preschool Handicapped Children shall establish a policy for
 carrying out its duties under this chapter.

9 6. Allocation of resources. The Interdepartmental
11 Coordinating Committee for Preschool Handicapped Children shall
13 direct the departments to allocate funds as appropriated to the
 departments under this chapter to each local coordinating
 committee that assumes implementation responsibilities.

15 7. Complaint resolution. The Interdepartmental
17 Coordinating Committee for Preschool Handicapped Children shall
19 develop a method for local coordinating committees funded under
21 this chapter to respond to individual complaints regarding
 services provided by or through the interdepartmental service
 delivery system.

23 8. Conflict resolution. The Interdepartmental Coordinating
25 Committee for Preschool Handicapped Children shall facilitate the
27 development and implementation of a method for resolution of
 conflicts as identified through the Interdepartmental
 Coordinating Committee for Preschool Handicapped Children.

29 9. Subcommittee and advisory activities. The
31 Interdepartmental Coordinating Committee for Preschool
33 Handicapped Children shall establish subcommittees and other
 advisory groups composed of parents, professionals and advocacy
 groups.

35 The subcommittees shall meet and serve under the rules of the
37 Interdepartmental Coordinating Committee for Preschool
 Handicapped Children.

39 Sec. 5. 20-A MRSA §7705, as enacted by PL 1981, c. 693, §§5
 and 8, is amended to read:

41 §7705. Early childhood consultant

43 The position of early childhood consultant to within the
45 Division of Special Education shall be established continued to
47 direct ensure the department's participation in the coordinated
 service delivery system for preschool--handicapped--children
 infants and children, ages 0 through 5, who are handicapped or
 at-risk for developmental delay.

49 Additional consultant positions may be established in each
51 of the participating departments to provide joint staffing and
 administrative support and ensure the departments' participation

1 in the coordinated service delivery system for infants and
3 children ages 0 through 5 who are handicapped or at-risk for
developmental delay.

5 Sec. 6. 20-A MRSA §§7707, 7708 and 7709, as enacted by PL
7 1985, c. 721, §3, are repealed.

9 Sec. 7. 20-A MRSA §7710 is enacted to read:

11 §7710. Duties, powers and obligations

13 The Interdepartmental Coordinating Committee for Preschool
Handicapped Children shall:

15 1. Address. Address, with the advice of the local
17 coordinating committees, contemporary issues affecting
intervention services in the State including, but not limited to,
19 the following:

21 A. Successful early intervention strategies;

23 B. Personnel preparation and continuing education;

25 C. Child find activities and methods;

27 D. Public awareness; and

29 E. Contemporary research;

31 2. Advise. Advise with the advice of the local
33 coordinating committees, the departments on legislation that is
needed to develop further and to maintain a statewide system of
35 quality intervention services for the target population. The
Interdepartmental Coordinating Committee for Preschool
37 Handicapped Children may assist in the development and submission
of legislation to the departments or comment on pending
legislation that affects the target population.

39 3. Select. Select an executive director and shall direct
41 the Department of Educational and Cultural Services to employ
that person.

43 4. Assist. Assist in the development and implementation of
45 rules, through the council, as may be necessary to carry out the
duties and purposes of this chapter. Any regulation adopted by
47 the departments shall be promulgated in conformity with the Maine
Administrative Procedure Act, Title 5, chapter 375.

49 5. Accept. Accept grants and gifts on behalf of the local
51 sites and pay such funds directly to the sites upon receipt.

1 6. Hire. Hire staff and subject to the approval of the
2 council enter into contracts for services.

3 7. Fulfill duties. Fulfill other duties assigned by the
4 Legislature.

5 §7711. Reimbursement

6 Agency representatives on the Interdepartmental Coordinating
7 Committee for Preschool Handicapped Children are entitled to
8 reimbursement for expenses incurred in the performance of their
9 committee duties by the appointing agencies in accordance with
10 the travel provisions for state employees in the General
11 Appropriations Act. The lay member and advisory committee
12 members are entitled to reimbursement from the Interdepartmental
13 Coordinating Committee for Preschool Handicapped Children for
14 actual and necessary expenses incurred in the performance of
15 their duties.

16 **Sec. 8. 20-A MRSA §7722, as enacted by PL 1985, c. 487, §3,**
17 **is amended to read:**

18 **§7722. Preschool services to handicapped children**

19 In addition to the programs authorized in subchapter I, the
20 commissioner may authorize expenditures to school administrative
21 units for services to preschool handicapped students for infants
22 and children ages 0 through 5 who are handicapped or at-risk for
23 developmental delay.

24 ~~1. School year 1985-86. For the school year 1985-86,~~
25 ~~allowable special education expenditures as defined in section~~
26 ~~15603, subsection 22, paragraph D, subparagraph (1), will be made~~
27 ~~directly to school administrative units based on costs for the~~
28 ~~base year 1983-84 updated to 1984-85 expenditures.~~

29 2. School year 1986-87 and subsequent years. Starting in
30 1986-87 for base year costs in 1984-85 expenditures will be made
31 through the school subsidy formula.

32 3. Federal and state funds. Federal and state grants
33 awarded to school administrative units to initiate these services
34 shall be considered local funds in computing the units
35 educational costs in chapter 606. ~~For the base year 1984-85~~
36 ~~only, federal money passed through to the local units under the~~
37 ~~federal Public Law 94-142 legislation and used to fund preschool~~
38 ~~classrooms for handicapped students may be considered local funds~~
39 ~~in computing the units educational costs under chapter 606.~~

40 4. Governance and financial responsibility. The school
41 board responsible for operating the preschool service shall
42 assume the financial responsibility for the program. It shall

1 receive the state subsidy for the program and may charge tuition
3 for costs which exceed expenditures made for those programs in
the base year.

5 5. Dedication of funds. Funds generated under the school
7 subsidy formula through expenditures for programs for infants and
9 children ages 0 through 5 who are handicapped or at-risk to
11 developmental delay shall be committed to continue to fund
13 programs and services for the target population at the local
15 level.

17 6. Coordination of services and resource development
19 activities. School administrative units shall coordinate their
21 program and service activities for infants and children ages 0
23 through 5, who are handicapped or at-risk for developmental delay
25 with their local site to avoid duplication, maximize the use of
27 available funds and resources, and to ensure compliance with
29 rules as promulgated by the Interdepartmental Coordinating
31 Committee for Preschool Handicapped Children.

21 STATEMENT OF FACT

23 The interdepartmental coordination system, operating between
25 the Department of Mental Health and Mental Retardation, the
27 Department of Human Services and the Department of Educational
29 and Cultural Services for over 10 years, has successfully
31 developed a statewide system serving children ages 0 through 5,
33 who are handicapped or at-risk. Passage by Congress of Public
Law 99-457 requires that this State respond to mandated services
for this population by 1990-91. The bill contains the necessary
changes, expansions and considerations required under this
federal law.