

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1866

S.P. 753

In Senate, March 19, 1996

An Act to Improve the Child Development Services System.

Reported by Senator SMALL from the Committee on Education and Cultural Affairs
pursuant to Joint Order S.P. 722 and printed under Joint Rule 2.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

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

4 **Sec. 1. 20-A MRSA §7727, sub-§2,** as amended by PL 1993, c. 625, §3, is further amended to read:

6 **2. Plan.** The department shall submit the State's plan for
8 meeting the requirements of the federal Individuals with
10 Disabilities Education Act, 20 United States Code, Section 1400
et seq., to the Federal Government. The State's plan may not
require services that exceed minimum federal requirements.

12 **Sec. 2. 20-A MRSA §7730,** as enacted by PL 1991, c. 843, §3,
14 is amended to read:

16 **§7730. Regional site board of directors**

18 Each board of directors of a regional intermediate education
20 unit or a private nonprofit corporation is responsible for
governance of its activities, including the management and
22 oversight of its general operations as established in section
7728. Membership must include representatives of the regional
24 offices of the Department of Human Services and the Department of
Mental Health and Mental Retardation, representatives of
26 participating school administrative units, parents of infants and
children with disabilities and other community members as
determined appropriate. A regional site board member or a board
28 member's employer may not, during the term for which the member
serves on the board, derive any revenue from work performed for
the Child Development Services System. A representative of a
30 participating school administrative unit whose participation in
the system is limited to work performed for the school
32 administrative unit is exempt from the requirements of this
section. Terms of membership and methods of appointment or
34 election must be determined by board of directors bylaws, subject
to approval of the department.

36 **Sec. 3. 20-A MRSA §7730-A** is enacted to read:

38 **§7730-A. Completion of term**

40 Notwithstanding section 7730, a board member serving on a
42 regional site board and deriving revenue from work performed for
the Child Development Services System on the effective date of
44 this section may complete that board member's term of office.

46 **Sec. 4. 20-A MRSA §7731, sub-§2,** as enacted by PL 1991, c.
48 843, §3, is amended to read:

50 **2. Employees.** Employ qualified professional and other staff
at the local site. The board of directors has the authority to

hire, fire and supervise the staff of the regional site and to
develop and adopt personnel policies for its employees.
Professional therapists may be employed as site staff when the
board and the state intermediate education unit find that:

A. Site staff therapists are needed to perform evaluations
of children to ensure appropriate service plans;

B. Therapists serving children on a contractual basis are
unable to provide required services within timelines
mandated by the federal Individuals with Disabilities
Education Act, 20 United States Code, Section 1400 et seq.;
or

C. Site staff therapists are able to provide services
comparable to those provided by contract therapists at an
identifiable savings to the Child Development Services
System, as determined by the commissioner and the council;

Sec. 5. 20-A MRSA §7732-A, sub-§§8 and 9, as enacted by PL
1993, c. 625, §10, are amended to read:

8. Designate personnel for training. Designate local
personnel for training to commit funds for free, appropriate
public education. Personnel who commit funds for free,
appropriate public education must be trained and certified by the
state intermediate educational unit. The board of directors
shall determine which trained and certified personnel may commit
funds; and

9. Targeted case management. Following certification by the
Bureau of Medical Services within the Department of Human
Services, seek reimbursement, whenever feasible, for targeted
case management; and

Sec. 6. 20-A MRSA §7732-A, sub-§10 is enacted to read:

10. Provider advisory board. Establish an advisory board
consisting of representatives of catchment area service providers
to advise the regional board on matters related to the provision
of services to children and families within the region.
Provider advisory boards must be established subject to rules
established by the commissioner. Rules adopted pursuant to this
subsection are major substantive rules as defined in Title 5,
chapter 375, subchapter II-A.

Sec. 7. 20-A MRSA §7733, first ¶, as amended by PL 1993, c.
625, §11, is further amended to read:

2 The Interdepartmental Coordinating Council for Early
Intervention, as established in Title 5, section 12004-G,
4 subsection 8-A, is established as an advisory body to the
commissioner and the joint standing committee of the Legislature
6 having jurisdiction over education and cultural affairs matters
regarding the coordination of policies and programs aimed at
8 implementing the federal Individuals with Disabilities Education
Act, 20 United States Code, Section 1400 et seq. and 34 Code of
Federal Regulations, 303.650 to 303.654, July 1993.

10 **Sec. 8. Review provision of mandated services; private insurance.**

12 The Commissioner of Education shall establish a review committee
to analyze the Maine Revised Statutes and rules adopted pursuant
14 to the Maine Administrative Procedure Act and all federal laws
and rules affecting the Child Development Services System, or
16 "CDS," to determine which services provided by the system exceed
the minimum federal requirements. The committee shall also
18 analyze the use of private insurance in paying for CDS services.
The committee consists of one representative from the Department
20 of Education, selected by the commissioner; one representative
from the Interdepartmental Coordinating Council for Early
22 Intervention, selected by the council; one CDS site director,
selected by the site directors; one CDS board chair, selected by
24 the board chairs; one service provider, selected by service
providers; one parent of a child receiving CDS services, selected
26 by the commissioner; one special education director employed by a
school administrative unit, selected by the commissioner; one
28 University of Maine System representative with expertise in
special education, selected by the commissioner; one at-large
30 representative, selected by the commissioner; and one Legislator
appointed by the joint standing committee of the Legislature
32 having jurisdiction over education and cultural affairs matters.
If the review committee determines that current services exceed
34 the minimum federal requirements, the committee shall include in
its report necessary legislation to amend state law and rules to
36 conform to and not exceed the minimum federal requirements. The
committee may also include recommendations concerning use of
38 private insurance. The committee shall submit its findings to
the joint standing committee of the Legislature having
40 jurisdiction over education and cultural affairs matters by
December 15, 1996.

42 **Sec. 9. Review costs.** The Commissioner of Education, with
44 assistance from the Interdepartmental Coordinating Council for
Early Intervention, shall establish a method to determine the
46 cost of employing one or more professional therapists as an
employee of a local site. Costs include all costs for salary,
48 benefits, administration, occupancy, phone, travel, supplies,
postage, billing, clerical assistance and any other cost as
50 determined by the commissioner. The commissioner shall submit

2 these findings to the joint standing committee of the Legislature
3 having jurisdiction over education and cultural affairs matters
4 by December 15, 1996.

6 **Sec. 10. Improve quality and consistency.** The Interdepartmental
7 Coordinating Council for Early Intervention, with assistance from
8 the Department of Education, the regional sites and other
9 interested groups and individuals, shall review and make
10 recommendations for improvements in quality and consistency of
11 service to children, families, service providers and others who
12 participate in the Child Development Services System. The
13 council shall submit its findings and any recommendations to the
14 joint standing committee of the Legislature having jurisdiction
15 over education and cultural affairs matters by December 15, 1996.

16 STATEMENT OF FACT

18 This bill makes the following changes to the Child
19 Development Services System or "CDS."
20

22 1. It requires the Commissioner of Education to establish a
23 committee to review and report back to the next Legislature on
24 the provision of mandated services within the Child Development
25 Services System. If services exceed minimum federal
26 requirements, the commissioner must recommend changes to limit
27 services to the minimum required by federal law.
28

30 2. It requires the Commissioner of Education, with
31 assistance from the Child Development Services System advisory
32 board, to establish a method to determine the cost of employing
33 professional therapists as CDS site staff and report those
34 recommendations to the next Legislature.

36 3. Under current law, the Interdepartmental Coordinating
37 Council for Early Intervention is established as an advisory body
38 to the Commissioner of Education. This bill also requires the
39 council to advise the Legislature on the status of the Child
40 Development Services System.

42 4. It requires the Interdepartmental Coordinating Council
43 for Early Intervention to review and make recommendations to the
44 next Legislature to improve quality and consistency in the Child
45 Development Services System.

46 5. It permits the board of directors of a CDS regional site
47 to hire one or more professional therapists as site employees if
48 the therapists are needed to perform child evaluations, if the
49 therapists can perform services at a substantial savings to the

2 Child Development Services System or if contract therapists are
unable to provide required services within federal timelines.

4 6. It limits membership on regional boards governing the
6 Child Development Services System to members who derive no
revenue from work performed for the system.

8 7. It establishes service provider advisory boards to each
10 regional site board of directors.