

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1164

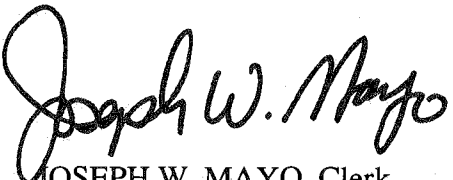
H.P. 859

House of Representatives, February 20, 1997

### An Act to Amend the Laws Regarding Child Development Services.

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative FARNSWORTH of Portland.

Cosponsored by Senator LIBBY of York and

Representatives: BRENNAN of Portland, MITCHELL of Portland, SAXL of Bangor, SHANNON of Lewiston, SIROIS of Caribou, Senators: MacKINNON of York, SMALL of Sagadahoc.

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

**Sec. 1. 20-A MRSA §7724, sub-§1,** as amended by PL 1993, c. 625, §2, is further amended to read:

**1. Establishment.** The Child Development Services System is established for the purpose of maintaining a coordinated service delivery system for the provision of childfind activities for children, from birth to under age 3, early intervention services for eligible children, from birth to under age 3, and free, appropriate and public education services for eligible children, from age 3 to under age 6, who have a disability. The Child Development Services System consists of no more than 5 regional sites organized as intermediate educational units or as private nonprofit corporations, one state-level intermediate educational unit and the Interdepartmental Coordinating Council for Early Intervention advisory board. The Child Development Services System shall ensure application of the provisions of this chapter statewide through a contractual or grant relationship between the Department of Education and each regional site.

**Sec. 2. 20-A MRSA §7731, sub-§2,** as amended by PL 1995, c. 662, §4, is further amended to read:

**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;~~

**Sec. 3. 20-A MRSA §7732-A,** as amended by PL 1995, c. 662, §§5 and 6, is further amended to read:

**§7732-A. Regional site; duties, obligations and limitations**

The board of directors of a private nonprofit corporation or a regional local intermediate educational unit shall:

1. **Childfind.** Ensure provision of childfind activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

2. **Childcount.** Ensure provision of childcount activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

3. **Part H.** Ensure appropriate data collection, training, and staff development and ~~direct service provision to eligible children, from birth to under age 3,~~ in accordance with Part H of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

4. **Early intervention services.** Ensure that eligible children, from birth to under age 3, receive early intervention services, in accordance with the payment provisions established by the State;

5. **Free, appropriate public education.** Ensure that eligible children, from age 3 to under age 6, receive free, appropriate public education services;

6. **Individual family service plan.** ~~Coordinate~~ Ensure the coordination and development of individual family service plans with eligible families;

7. **Service providers.** Contract, whenever possible, with providers of early intervention services approved by the Bureau of Medical Services within the Department of Human Services;

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;

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~~ Ensure the delivery of case management services to each eligible family and to develop contractual agreements with private, not-for-profit agencies that will allow those agencies to achieve certification and to seek reimbursement from the Department of Human Services;

2       **10. Provider advisory board.** Establish an advisory board  
4 consisting of representatives of catchment area service providers  
6 to advise the regional board on matters related to the provision  
8 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.; and

10       **11. Limitations.** Refrain from the delivery of direct  
12 services to children or families. In carrying out their  
14 responsibilities, regional sites are limited to the following  
activities:

16       A. Contracting with private professionals or private  
18 not-for-profit agency providers for services on behalf of  
eligible children or families;

20       B. Paying for services delivered to eligible children or  
22 families that are not reimbursable through other sources.  
These payments must be made directly to the provider of the  
24 service; and

26       C. Monitoring contracts and providing quality assurance to  
28 ensure the appropriateness, quantity and quality of services  
being purchased and delivered.

30       **Sec. 4. Pilot study.** The Department of Education shall  
32 establish a pilot project to study and evaluate the possibility  
34 of coordinating the provision of preschool programs for children  
36 with special needs through the public schools rather than through  
the present regional system. The department shall select one  
school administrative unit in the State to operate the project.  
The department shall submit its report including an evaluation of  
the operation of the project, recommendations and any necessary  
implementing legislation to the joint standing committee of the  
Legislature having jurisdiction over educational matters and the  
Legislature by December 1, 1999.

## 42 SUMMARY

44       This bill clarifies the role of the regional sites in the  
46 operation of the Child Development Services System. This bill  
also establishes a pilot project to be operated by the Department  
of Education to test the possibility of providing preschool  
48 services through local school units to children with special  
needs.