

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

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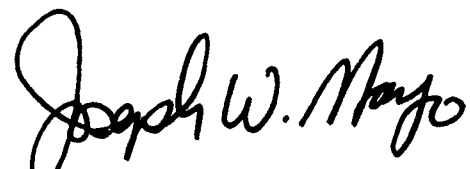
H.P. 931

House of Representatives, February 16, 1999

An Act to Clarify Roles and Responsibilities in the Child Development Services System.

(EMERGENCY)

Submitted by the Department of Education pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative RICHARD of Madison.
Cosponsored by Representative BELANGER of Caribou, Senators: BERUBE of Androscoggin, SMALL of Sagadahoc.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 Whereas, this Act ensures that early intervention services
and free appropriate public education services for eligible
children with disabilities will continue to be made available; and

8
10 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
12 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

16 **Sec. 1. 20-A MRSA §7727, sub-§2,** as amended by PL 1995, c.
18 662, §1, is further amended to read:

20 **2. Plan.** The department shall submit the State's plan for
meeting the requirements of the federal Individuals with
22 Disabilities Education Act, 20 United States Code, Section 1400
et seq., to the Federal Government. ~~The State's plan may not~~
24 ~~require services that exceed minimum federal requirements. If the~~
State's plan requires services that exceed minimum federal
26 requirements, the department shall provide, to the joint standing
committee of the Legislature having jurisdiction over educational
28 matters, the justification for the difference between the State's
plan and the federal statute or regulation.

30 **Sec. 2. 20-A MRSA §7727, sub-§4,** as amended by PL 1993, c.
32 625, §3, is further amended to read:

34 **4. Contracts.** The department may enter into contracts,
leases and agreements and any other instruments and arrangements
36 that are necessary, incidental or convenient to the performance
of its duties and the execution of its powers under this chapter.

38
40 The department shall contract with the board of directors of a
private nonprofit corporation for no fewer than 3 years and
approve an annual entitlement plan with the board of directors of
42 a regional intermediate educational unit for the purpose of
ensuring coordinated service delivery in each region of the
44 State. The department shall make yearly grant awards to regional
intermediate educational units in accordance with a funding
46 formula developed by the department to ensure adequate yearly
funding to the extent permitted by department funding and to
48 provide incentives for cost containment.

50 ~~Contracts with boards of directors of private nonprofit~~
~~corporations or plans~~ Plans of regional intermediate educational
52 units must ensure:

2 A. That screening, evaluation and referral services, at no
4 cost to the family, are accessible to all children, from
birth to under age 6 years of age;

6 B. That preschool children with disabilities, from age 3
8 years of age to under age 6 years of age, have free,
appropriate public education services available to them at
no cost to the family; and

10 C. That infants and toddlers, from birth to under age 3
12 years of age, have early intervention services available to
14 them ~~by--July--1,--1994--through~~ and that, where applicable,
3rd-party payment or ~~through--a--system--of~~ payments by
16 families, including a schedule of sliding fees, are secured.

18 **Sec. 3. 20-A MRSA §7732-A, sub-§9**, as amended by PL 1995, c.
662, §5, is further amended to read:

20 **9. Medicaid cost reimbursement.** Following ~~certification-by~~
22 enrollment with the Bureau of Medical Services within the
Department of Human Services, seek reimbursement, ~~--whenever~~
24 feasible, for targeted case management and for other Medicaid
reimbursable services provided by regional site employees; and

26 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

30 **SUMMARY**

32 The amendments to the Maine Revised Statutes, Title 20-A,
chapter 307-A clarify certain roles and responsibilities in the
34 Child Development Services, or CDS, System, specifically:

36 1. That when the plan for meeting the requirements of the
federal Individuals with Disabilities Education Act exceeds
38 federal minimum requirements, the Department of Education provide
justification, to the joint standing committee of the Legislature
40 having jurisdiction over educational matters, for the difference
between the State's plan and the federal statute or regulation;

42 2. That regional boards are required to seek reimbursement
44 from Medicaid for targeted case management and for Medicaid
reimbursable services provided by regional site employees; and

46 3. That the department is responsible for developing a
48 funding formula for yearly grants to the regional sites, and that
this funding formula must ensure adequate yearly funding to the
50 extent permitted by department funding and must provide
incentives for cost containment.

52