

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2077

H.P. 1456

House of Representatives, March 30, 1999

**An Act to Transfer the Child Development Services System to the
Department of Human Services.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative QUINT of Portland.
Cosponsored by Senator RAND of Cumberland and
Representatives: BAKER of Bangor, MARTIN of Eagle Lake, SNOWE-MELLO of Poland,
STEVENS of Orono, TOWNSEND of Portland, Senators: CATHCART of Penobscot,
MITCHELL of Penobscot.

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

2
3 **Sec. 1. 5 MRSA §12004-G, sub-§8-A,** as amended by PL 1991, c.
4 843, §1, is further amended to read:

6	8-A.	Interde-	Expenses	20-A-MRSA
	Education	partmental	Only	§7733
8	<u>Human Services</u>	Coordina-		<u>22 MRSA</u>
		ting Coun-		<u>§8430</u>
10		cil for		
		Early Inter-		
12		vention		

14 **Sec. 2. 20-A MRSA c. 307-A,** as amended, is repealed.

16 **Sec. 3. 22 MRSA c. 1676** is enacted to read:

18 CHAPTER 1676

20 SERVICES FOR INFANTS AND CHILDREN
21 WITH DISABILITIES

22 §8421. System

24
25 1. Establishment. The Child Development Services System is
26 established for the purpose of maintaining a coordinated service
27 delivery system for the provision of childfind activities for
28 children, from birth to under 6 years of age, early intervention
29 services for eligible children, from birth to under 3 years of
30 age, and free, appropriate public education services for eligible
31 children, from 3 years of age to under 6 years of age, who have a
32 disability. The Child Development Services System consists of
33 regional sites organized as intermediate educational units or as
34 private nonprofit corporations, one state-level intermediate
35 educational unit within the Department of Human Services and the
36 Interdepartmental Coordinating Council for Early Intervention
37 advisory board. The Child Development Services System shall
38 ensure application of the provisions of this chapter statewide
39 through a contractual or grant relationship between the
40 Department of Human Services and each regional site.

42 2. Governmental purpose. The Child Development Services
43 System is established as a body corporate and politic and as a
44 public instrumentality of the State, and the exercise of the
45 powers conferred by this section is deemed to be the performance
46 of essential governmental functions.

48 §8422. Definitions

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

4 1. Child Development Services System. "Child Development
5 Services System" means regional sites, a state-level
6 intermediate educational unit and the Interdepartmental
7 Coordinating Council for Early Intervention established to ensure
8 the provision of childfind activities, early intervention
9 services and free, appropriate public education services to
10 eligible children.

12 2. Childfind. "Childfind" means the identification,
13 location and evaluation, at no cost to the family, of children,
14 from birth to under 6 years of age, with disabilities.

16 3. Council. "Council" means the Interdepartmental
17 Coordinating Council for Early Intervention created in section
18 8430.

20 4. Disability. "Disability" means:

22 A. For children from birth to under 3 years of age,
23 developmental delays as measured by appropriate diagnostic
24 instruments and procedures in one or more of the following
25 areas: cognitive development; physical development,
26 including vision and hearing; communication development;
27 social or emotional development; or adaptive development,
28 with the delay being such that the child needs early
29 intervention services or a diagnosed physical or mental
30 condition that has a high probability of resulting in
31 developmental delay, with the condition being such that the
32 child needs early intervention services; or

34 B. For children 3 years of age to under 6 years of age,
35 evaluated in accordance with 34 Code of Federal Regulations,
36 300.530-534, developmental delays, as measured by
37 appropriate diagnostic instruments and procedures, or
38 impairments in one or more of the following areas:
39 cognitive development; physical development, including
40 vision and hearing; communication development; social or
41 emotional development; adaptive development; mental
42 retardation; hearing impairments, including deafness; speech
43 or language impairments; visual impairments, including
44 blindness; serious emotional disturbance; orthopedic
45 impairments; autism; traumatic brain injury; other health
46 impairments; specific learning disabilities; deaf-blindness;
47 or multiple disabilities, with the delay or impairment being
48 such that the child needs special education and related
49 services.

2 **5. Early intervention services.** "Early intervention
3 services" means services that are designed to meet the
4 developmental needs of each child, from birth to under 3 years of
5 age, eligible under the federal Individuals with Disabilities
6 Education Act, 20 United States Code, Chapter 33 and the needs of
7 the family related to enhancing the child's development that are
8 provided under public supervision by qualified providers and that
9 are made available by use of 3rd-party resources or a system of
10 payments by families, including a schedule of sliding fees.

11 **6. Free, appropriate public education services.** "Free,
12 appropriate public education services" means those services that
13 are designed to meet the developmental needs of eligible
14 children, from 3 years of age to under 6 years of age, who have a
15 disability. These services include:

16 **A. Early identification, screening and assessment services;**

17 **B. Medical services for diagnostic or evaluation purposes**
18 **only;**

19 **C. Occupational therapy;**

20 **D. Parent counseling and training;**

21 **E. Physical therapy;**

22 **F. Psychological services;**

23 **G. Special instruction;**

24 **H. Speech pathology and audiology; and**

25 **I. Transportation.**

26 **7. Intermediate educational unit.** "Intermediate
27 educational unit," as defined in the federal Individuals with
28 Disabilities Education Act, 20 United States Code, Chapter 33,
29 means any public authority, other than a local education agency,
30 under the general supervision of a state education agency that is
31 established for the purpose of providing free, appropriate public
32 education on a regional basis and that provides special education
33 and related services to children with a disability within the
34 State.

35 **8. Regional site.** "Regional site" means locally governed
36 regional intermediate educational units or private nonprofit
37 corporations established to ensure provision of services to
38 infants and children under this chapter.

2 **§8423. Department of Human Services**

4 **1. Responsibility.** The department is designated as the
6 state agency responsible for carrying out the State's obligations
under the federal Individuals with Disabilities Education Act, 20
United States Code, Chapter 33.

8 **2. Plan.** The department shall submit the State's plan for
10 meeting the requirements of the federal Individuals with
Disabilities Education Act, 20 United States Code, Chapter 33 to
12 the Federal Government. The State's plan may not require
services that exceed minimum federal requirements.

14 **3. Administration of federal funds.** The department is the
16 entity responsible for assigning financial responsibility among
appropriate agencies under 34 Code of Federal Regulations,
18 Section 303.143, July 1993 and in accordance with 34 Code of
Federal Regulations, Section 303.523, July 1993.

20 **4. Rule-making authority.** The commissioner may adopt rules
22 necessary to implement this chapter in accordance with the Maine
Administrative Procedure Act. Except as otherwise provided,
24 those rules are routine technical rules as defined in Title 5,
chapter 375, subchapter II-A.

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

32 The department shall contract with the board of directors of a
private nonprofit corporation for no fewer than three years and
34 approve an annual entitlement plan with the board of directors of
an intermediate educational unit for the purpose of ensuring
36 coordinated service delivery in each region of the State.

38 Contracts with boards of directors of private nonprofit
corporations and plans of intermediate educational units must
40 ensure:

42 A. That free screening, evaluation and referral services
are accessible to all children, from birth to under 6 years
44 of age;

46 B. That children with disabilities, from 3 years of age to
under 6 years of age, have free, appropriate public
48 education services available to them; and

50 C. That children, from birth to under 3 years of age, have
early intervention services available to them by July 1,

2 1994 through 3rd-party payment or through a system of
3 payments by families, including a schedule of sliding fees.

4 6. Implementation of early intervention and of free,
5 appropriate public education services. The department, through
6 the Child Development Services System, shall ensure:

8 A. That free screening, evaluation and referral services
9 are accessible to all children, from birth to under 6 years
10 of age;

12 B. That preschool children with disabilities, from 3 years
13 of age to under 6 years of age, have free, appropriate
14 public education services available to them;

16 C. That rules are developed, adopted and implemented
17 describing minimum standards for:

18 (1) A least restrictive environment;

20 (2) Nondiscrimination;

22 (3) The rights of parents;

24 (4) Free and appropriate public services;

26 (5) Eligibility criteria;

28 (6) The federal "childfind" program;

30 (7) Program development, service descriptors and
32 service delivery;

34 (8) An early childhood team;

36 (9) An individualized family service plan;

38 (10) Statements of assurances;

40 (11) Procedural safeguards and appeals processes;

42 (12) Due process hearings;

44 (13) Confidentiality of information;

46 (14) Data collection, reporting and utilization;

48 (15) Surrogate parents;

2 (16) Standardized procedures and rates of payment for
3 early intervention and free appropriate public
4 education services; and

5 (17) The frequency and intensity of developmental
6 therapy and special instruction services;

7 D. That children, from birth to under 3 years of age, have
8 early intervention services available to them through
9 3rd-party payment or through a system of payments by
10 families, including a schedule of sliding fees; and

11 E. That the nonsupplanting requirement under the federal
12 Individuals with Disabilities Education Act, 20 United
13 States Code, Chapter 33 and its implementing regulations is
14 addressed by the council for purposes of reporting under
15 section 8432.

16 7. Regional site compliance. The department, in
17 consultation with regional sites and the council, shall develop
18 an action plan with time lines to achieve compliance for regional
19 sites that are not in compliance with federal or state law. The
20 department may assume temporary responsibility for operations at
21 a site that fails to meet compliance requirements.

22 **§8424. State intermediate educational unit; establishment;**
23 **powers; duties and obligations**

24 The commissioner shall establish and supervise a state
25 intermediate educational unit to perform the following duties:

26 1. Federal obligations. To develop and adopt statewide
27 policies and rules for carrying out the provisions of this
28 chapter to meet federal obligations under the federal Individuals
29 with Disabilities Education Act, 20 United States Code, Chapter
30 33, Subchapter II and Subchapter VIII. These obligations must
31 include but are not limited to:

32 A. Personnel standards;

33 B. A comprehensive system of personnel development;

34 C. Program monitoring;

35 D. Data collection and storage, consistent with department
36 policies;

37 E. Interagency agreements at the state level;

38 F. Public awareness;

- 2 G. Payment for early intervention and free, appropriate
3 public education services; and
- 4
- 5 H. Standards for frequency and intensity of developmental
6 therapy and special instruction services;
- 7
- 8 2. Program and policy compliance. To provide training and
9 technical assistance in the policies and procedures necessary to
10 meet all federal and state guidelines required by this chapter;
- 11
- 12 3. Fiscal compliance. To ensure regional site fiscal
13 compliance by reviewing or performing regular audits of site
14 records;
- 15
- 16 4. Free, appropriate public education training. To provide
17 training and certification to regional site employees and others
18 in commitment of funds used to provide free, appropriate public
19 education;
- 20
- 21 5. Employees. Employ professional and other staff
22 necessary to carry out the state-level functions required by this
23 chapter;
- 24
- 25 6. Suits. Sue and be sued in its own name;
- 26
- 27 7. Acquire supplies. Acquire supplies, materials and
28 incidental services through cash purchases, sole-source purchase
29 orders and bids or contracts as necessary or convenient to
30 fulfill the purposes of this chapter;
- 31
- 32 8. Acquire property. Acquire by purchase, gift, lease or
33 rent any property, lands, buildings, structures, facilities or
34 equipment necessary to fulfill the purposes of this chapter;
- 35
- 36 9. Other duties. Perform other duties assigned by the
37 Legislature, delegate duties and authority, but not
38 responsibility, as necessary for the efficient operation of this
39 chapter and do any other acts or things necessary or convenient
40 to carry out the powers expressly granted or reasonably implied
41 in this chapter; and
- 42
- 43 10. Dissemination of information. Apply the federal Family
44 Educational Rights and Privacy Act of 1974, Public Law 93-380, as
45 amended by Public Law 93-568, and the federal Individuals with
46 Disabilities Education Act, 20 United States Code, Chapter 33 to
47 the dissemination of information about children, from birth to
48 under 6 years of age, who are served by the Child Development
49 Services System.
- 50

2 All state intermediate educational unit employees are
employees for purposes of the Maine Tort Claims Act.

4 **§8425. Regional site governance**

6 Boards of directors of the regional sites established to
ensure childfind activities for children, from birth to under 6
8 years of age, to coordinate early intervention services for
eligible children, from birth to under 6 years of age and to
10 coordinate free, appropriate public education services for
eligible children from 3 years of age to under 6 years of age
12 shall organize, at the discretion of each board, as a private
nonprofit corporation or an intermediate educational unit.
14 Regional site boards of directors may take formal action, in
accordance with their regional bylaws, to dissolve or to
16 consolidate with another regional site board that has agreed to
the consolidation. The process of dissolution and any decisions
18 to consolidate are subject to the approval of the department.

20 **§8426. Regional site board of directors**

22 Each board of directors of a regional intermediate
educational unit or a private nonprofit corporation is
24 responsible for governance of its activities, including the
management and oversight of its general operations as established
26 in section 8425. Membership must include representatives of the
regional offices of the department and the Department of Mental
28 Health, Mental Retardation and Substance Abuse Services,
representatives of participating school administrative units,
30 parents of infants and children with disabilities and other
community members as determined appropriate. A regional site
32 board member or a board member's employer may not, during the
term for which the member serves on the board, derive any revenue
34 from work performed for the Child Development Services System. A
representative of a participating school administrative unit
36 whose participation in the system is limited to work performed
for the school administrative unit is exempt from the
38 requirements of this section. Terms of membership and methods of
appointment or election must be determined by board bylaws,
40 subject to approval of the department.

42 **§8427. Completion of term**

44 Notwithstanding section 8426, a board member serving on a
regional site board and deriving revenue from work performed for
46 the Child Development Services System on the effective date of
this section may complete that board member's term of office.

48 **§8428. Regional site; administration**

50

A regional site board of directors shall:

2
4 1. Fiscal services. Provide fiscal management of money
6 allocated to it, in compliance with state and federal laws and
subject to proof by an annual audit. Fiscal services may be
secured as a contracted or in-kind service;

8 2. Employees. Employ qualified professional and other
10 staff at the local site. The board of directors has the
12 authority to hire, fire and supervise the staff of the regional
14 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 educational unit find
that:

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

20 B. Therapists serving children on a contractual basis are
22 unable to provide required services within the time lines
mandated by the federal Individuals with Disabilities
Education Act, 20 United States Code, Chapter 33; or

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

30 3. Collective bargaining. Bargain collectively if
32 employees choose to be represented by a collective bargaining
agent. The board of directors of a local intermediate education
34 unit is a public employer within the meaning of Title 26, section
962, subsection 7. Employees of a regional site board of
directors are public employees within the meaning of Title 26,
36 section 962, subsection 6;

38 4. Fringe benefits. Determine which fringe benefits may be
40 offered to employees, dependent on cost, ease of administration
and competitiveness in recruiting and retaining qualified
personnel;

42 5. Retirement plan. Select an employee retirement plan
44 option that meets all applicable federal and state requirements;

46 6. Contracts. Subject to the approval of the department,
48 enter into contracts, leases and agreements and any other
instruments and arrangements that are necessary, incidental or
50 convenient to the performance of its duties and the execution of
its powers under this chapter. A regional site board of
directors shall consider collaboration with school administrative

2 units that are operating or that wish to develop, pursuant to
3 Title 20-A, section 4253, early childhood programs in the
4 regional board's area in order to:

5 A. Maximize the benefit of state interdepartmental
6 agreements and efforts;

7 B. Maximize the effective use of qualified personnel,
8 facilities and other resources;

9 C. Ensure consistent quality of early childhood
10 programming; and

11 D. Facilitate the transition process, for children and
12 families, from the Child Development Services System to the
13 public school system;

14 7. Suits. Sue and be sued in its own name;

15 8. Acquire supplies. Acquire supplies, materials and
16 incidental services, through cash purchases, sole-source purchase
17 orders, bids or contracts, as necessary or convenient to fulfill
18 the purposes of this chapter;

19 9. Acquire property. Acquire by purchase, gift, lease or
20 rent any property, lands, buildings, structures, facilities or
21 equipment necessary to fulfill the purposes of this chapter;

22 10. Other duties. Fulfill other duties as necessary for
23 the efficient operation of this chapter and do any other acts or
24 things necessary or convenient to carry out the powers expressly
25 granted or reasonably implied in this chapter; and

26 11. Dissemination of information. Apply the federal Family
27 Educational Rights and Privacy Act of 1974, 20 United States
28 Code, Section 12329, and the federal Individuals with
29 Disabilities Education Act, 20 United States Code, Chapter 33 to
30 the dissemination of information about infants and children, from
31 birth to under 6 years of age, with disabilities who are served
32 through the regional site.

33 All regional site employees and board members of a regional
34 intermediate educational unit are employees for purposes of the
35 Maine Tort Claims Act.

36 **§8429. Regional site; duties and obligations**

37 The board of directors of a private nonprofit corporation or
38 an intermediate educational unit shall:

- 2 1. Childfind. Ensure provision of childfind activities as
3 required by the federal Individuals with Disabilities Education
4 Act, 20 United States Code, Chapter 33;
- 6 2. Childcount. Ensure provision of childcount activities
7 as required by the federal Individuals with Disabilities
8 Education Act, 20 United States Code, Chapter 33;
- 10 3. Part H. Ensure appropriate data collection, training,
11 staff development and direct service provision to eligible
12 children, from birth to under 3 years of age, in accordance with
13 Part H of the federal Individuals with Disabilities Education
14 Act, 20 United States Code, Chapter 33;
- 16 4. Early intervention services. Ensure that eligible
17 children, from birth to under 3 years of age, receive early
18 intervention services, in accordance with the payment provisions
19 established by the State;
- 21 5. Free, appropriate public education. Ensure that
22 eligible children, from 3 years of age to under 6 years of age,
23 receive free, appropriate public education services, in
24 collaboration with school administrative units, when possible;
- 26 6. Individual family service plan. Coordinate development
27 of individual family service plans with eligible families;
- 29 7. Service providers. Contract, whenever possible, with
30 providers of early intervention services approved by the Bureau
31 of Medical Services within the department;
- 33 8. Designate personnel for training. Designate local
34 personnel for training to commit funds for free, appropriate
35 public education. Personnel who commit funds for free,
36 appropriate public education must be trained and certified by the
37 state intermediate educational unit. The board of directors
38 shall determine which trained and certified personnel may commit
39 funds;
- 41 9. Targeted case management. Following certification by the
42 Bureau of Medical Services, within the department, seek
43 reimbursement, whenever feasible, for targeted case management;
44 and
- 46 10. Provider advisory board. Establish an advisory board
47 consisting of representatives of area service providers to advise
48 the regional board on matters related to the provision of
49 services to children and families within the region. Provider
50 advisory boards must be established subject to rules established
51 by the commissioner. Rules adopted pursuant to this subsection

are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

§8430. Interdepartmental coordination

The council, as established in Title 5, section 12004-G, subsection 8-A, is created as an advisory body to the commissioner regarding the coordination of policies and programs aimed at implementing the federal Individuals with Disabilities Education Act, 20 United States Code, Chapter 33 and 34 Code of Federal Regulations, 303.650 to 303.654, July 1993.

The obligations of the council, as set forth in this section, may be met at the commissioner's discretion by any other advisory body to the commissioner required under the federal Individuals with Disabilities Education Act, 20 United States Code, Chapter 33 for school-aged children with disabilities, provided that the federal membership requirements of the council are met.

Membership of the council must be in keeping with the federal Individuals with Disabilities Education Act, 20 United States Code, Chapter 33, contingent upon state participation in the federal Individuals with Disabilities Education Act, Parts B and H. Appointments to the council must be made by the Governor for terms defined in rules adopted by the commissioner. The council shall meet at least quarterly.

The commissioner shall adopt rules describing the composition of the council, selection process and duties of the members consistent with the purposes of this chapter.

The council shall designate from among its members a steering committee responsible to the council for carrying out the duties described in this section. The commissioner shall adopt rules describing the composition, selection process and responsibilities of the steering committee.

1. Recommendations. The council shall recommend to the Department, with the advice of the regional site boards of directors, legislation that is needed to maintain or further develop the statewide system of early intervention services.

2. Consider issues. The council shall consider, with the advice of the regional site boards of directors and the state intermediate educational unit, issues affecting early intervention services in the State, including, but not limited to:

A. Successful early intervention strategies:

2 B. Personnel preparation and continuing education:

4 C. Childfind activities and methods as required by the
6 federal Individuals with Disabilities Education Act, 20
8 United States Code, Chapter 33;

10 D. Public awareness as required by the federal Individuals
12 with Disabilities Education Act, 20 United States Code,
14 Chapter 33; and

16 E. Contemporary research.

18 3. Bylaws. The council shall develop and adopt bylaws for
20 its conduct.

22 4. Advise. The council shall advise the department in the
24 development and implementation of rules, to be carried out by the
26 department, as necessary to carry out the duties and purposes of
28 this chapter.

30 5. Chair. The council shall annually elect one member to
32 serve as chair.

34 6. Compensation. The members of the council are entitled
36 to compensation in accordance with Title 5, section 12004-G,
38 subsection 8-A. Agency representatives on the council are
40 entitled to reimbursement for expenses incurred in the
42 performance of their council duties by the represented agencies
44 in accordance with the provisions for state employees. Consumer
46 members are entitled to reimbursement for actual and necessary
48 expenses incurred in the performance of their duties.

50 7. Staffing. The department and the state intermediate
 educational unit shall provide to the council the equivalent of
 one full-time professional staff person from funds allocated to
 operation of the state intermediate educational unit.

8. Committee and advisory activities. The council may
 establish committees composed of parents, professionals, advocacy
 group representatives, board representatives and employees in
 keeping with the bylaws adopted by the council.

9. Voting. The council shall adopt bylaws that define a
 quorum for the purpose of conducting business of the council.

10. Dispute resolution. The council shall assist the lead
 agency in dispute resolution in a manner consistent with 34 Code
 of Federal Regulations, Section 303.524, July 1993.

§8431. Distribution of funds to school administrative units

2 In addition to the programs authorized in this chapter, the
4 commissioner may authorize expenditures to school administrative
6 units for services for children, from birth to under 6 years of
8 age, who are disabled, in a manner consistent with Title 20-A,
 sections 4251 to 4254 and section 15603, subsection 22, paragraph
 D.

10 1. Governance and financial responsibility. The school
12 board responsible for operating the preschool service shall
14 assume the financial responsibility for the program. The school
 board is entitled to receive the state subsidy for the program
 and may charge tuition for costs that exceed expenditures made
 for those programs in the base year.

16 2. Dedication of funds. Funds generated under the school
18 subsidy formula through expenditures for programs for children,
20 from birth to under 6 years of age, who are disabled, must be
 committed to continue to fund programs and services for the
 target population at the local level.

22 3. Coordination of services and resource development
24 activities. School administrative units shall coordinate their
26 program and service activities for children, from birth to under
28 6 years of age, who are disabled, with the regional sites to
 avoid duplication and maximize the use of resources in accordance
 with the rules adopted by the department.

30 §8432. Annual report

32 The council shall provide to the joint standing committee of
34 the Legislature having jurisdiction over human services matters
36 and to the commissioner an annual report on the early
38 intervention services in the State. This report must include a
40 demonstration that: the funds provided under the federal
42 Individuals with Disabilities Education Act, 20 United States
44 Code, Chapter 33, Subchapter II and Subchapter VIII were used to
46 supplement and increase, and not to supplant, the level of other
48 federal, state and local funds that are available for children
 with disabilities; and the federal funds generated under the
 federal Individuals with Disabilities Education Act, 20 United
 States Code, Chapter 33, Subchapter II and Subchapter VIII were
 not used to satisfy a financial commitment for services that
 would have been paid for by a health agency or another agency
 pursuant to policy or practice, but for the fact that these
 services are now listed on the individualized family service
 plans of children with disabilities.

2 **Sec. 4. 26 MRSA §962, sub-§7, ¶A**, as amended by PL 1997, c.
698, §1, is further amended to read:

4 A. Any officer, board, commission, council, committee or
6 other persons or body acting on behalf of:

8 (1) Any municipality or any subdivision of a
municipality;

10 (2) Any school, water, sewer, fire or other district;

12 (3) The Maine Turnpike Authority;

14 (4) Any board of directors functioning as a regional
intermediate education unit pursuant to ~~Title--20-A,~~
16 ~~section-7730~~ Title 22, section §8426;

18 (5) Any county or subdivision of a county; or

20 (6) The Maine State Retirement System; or

22 **Sec. 5. Transition provisions.**

24 **1. Funds transferred.** Notwithstanding the Maine Revised
26 Statutes, Title 5, sections 1585 and 1586, all accrued
expenditures, assets, liabilities, balances, appropriations or
28 allocations, transfers, revenues and other available funds in any
account or subdivision of any account of the Child Development
30 Services System are transferred to the Department of Human
Services as required by the assignment of responsibilities of
32 this Act.

34 **2. Personnel and employment benefits transferred.** All
employees of the Child Development Services System under the
36 Department of Education are transferred to the Department of
Human Services as required by the assignment of responsibilities
of this Act.

38 **3. Equipment and property transferred.** All equipment,
40 records and property of the State used by employees and officials
of the Child Development Services System under the Department of
42 Education are transferred to the Department of Human Services as
required by the assignment of responsibilities of this Act.

44 **4. Financial order required.** The Commissioner of Human
46 Services and the Commissioner of Education shall jointly request,
by financial order through the State Budget Office, the
48 Governor's approval of the funds, positions, equipment and
property to be transferred.

50

2 **5. Rules and procedures.** All rules and procedures
4 currently in effect and in operation pertaining to the Child
6 Development Services System under the Department of Education
8 remain in effect until rescinded or amended as provided by state
10 law.

12 **6. Contracts and agreements.** All contracts and agreements
14 currently in effect with respect to the Child Development
16 Services System under the Department of Education remain in
18 effect until rescinded, terminated or modified as provided by
20 state law.

22 **7. Organization and operation.** Planning or preparatory
24 work necessary to implement this Act may occur prior to the
26 effective date of this Act, but is not binding until the
28 effective date of this Act.

30 **Sec. 6. Implementation.** The transfer of responsibility for
32 administration of the Child Development Services System from the
34 Department of Education to the Department of Human Services takes
36 effect July 1, 2000. Following the effective date of this Act,
38 the Commissioner of Human Services shall review this Act and
40 institute a study of the transfer. The study must identify any
42 necessary amendments to this Act and other issues necessitating
legislative action to accomplish the purposes of the Act. The
commissioner shall report the results of the study to Joint
Standing Committee on Health and Human Services and the Joint
Standing Committee on Education and Cultural Affairs by December
1, 1999. Following receipt of the commissioner's report, either
legislative committee may introduce legislation to the Second
Regular Session of the 119th Legislature to amend or clarify this
Act.

SUMMARY

This bill transfers responsibility for administering the
Child Development Services System from the Department of
Education to the Department of Human Services, effective July 1,
2000. The Child Development Services System is responsible for
identifying eligible children and ensuring and coordinating the
provision of appropriate developmental services for children from
birth to 6 years of age with disabilities.