



# LAWS OF ALASKA

1992

**Source**

CSHB 191(FIN)

**Chapter No.**

77

## AN ACT

Relating to early intervention services for certain young children and their families; and providing for an effective date.

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**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** June 16, 1992

**Actual Effective Date:** July 1, 1992

AN ACT

1 Relating to early intervention services for certain young children and their families; and providing for  
2 an effective date.

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4 \* Section 1. FINDINGS. The legislature finds that

5 (1) there are 32,000 children in the state under the age of three, six percent of whom  
6 experience developmental delays or disabilities and an additional four percent of whom are at risk of  
7 delays or disabilities due to social, environmental, or biological factors;

8 (2) there are existing programs, such as infant learning, head start, parent and child  
9 centers, child development services, handicapped children's programs, community developmental  
10 disabilities programs, and child care assistance programs that can and do meet many of the needs of  
11 young children and their families if the programs are family-oriented, community-based, coordinated,  
12 and provided with sufficient resources;

13 (3) many current social programs are aimed at addressing needs after problems occur  
14 rather than addressing prevention and early intervention; early identification and treatment have proven

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1 effective in reducing and sometimes totally eliminating the long-term effects of disabling conditions,  
2 lowering long-term costs to society as a whole, and reducing the incidence of child abuse, divorce, and  
3 domestic violence in families with children who experience disabilities;

4 (4) there is an urgent and substantial need to

5 (A) support the development of children under the age of three who experience  
6 developmental delays or disabilities or who are at risk of experiencing developmental delays or  
7 disabilities;

8 (B) help reduce the stress on parents and other family members that results from  
9 the special needs of children under the age of three with developmental delays or disabilities;

10 (C) recognize the importance of parents and families as the constant in the child's  
11 life, as the primary caregivers and teachers of infants, especially those who experience  
12 developmental delays or disabilities;

13 (D) recognize family strengths and diversity, and to encourage a variety of  
14 methods of coping;

15 (E) encourage normal patterns of living in the home and community;

16 (F) encourage and facilitate parent-to-parent support;

17 (G) support the unique ability of communities to address issues at the local and  
18 family levels with different combinations of resources;

19 (H) facilitate parent and professional collaboration at all levels of education and  
20 health care, and to assure that education and health care services are designed to be flexible,  
21 accessible, and responsive to families;

22 (I) reduce the long-term educational costs to the state by minimizing the need for  
23 special education and related services after children with developmental delays and disabilities  
24 reach school age;

25 (J) minimize the likelihood of institutionalization or out-of-home placement of  
26 persons with developmental delays or disabilities;

27 (K) maximize the potential for persons with developmental delays or disabilities  
28 to lead independent, productive lives within their communities.

29 \* Sec. 2. AS 47.20 is amended by adding new sections to read:

30 Sec. 47.20.060. PURPOSE. It is the purpose of this chapter to

31 (1) subject to the availability of funding, provide quality learning and related early

1 intervention family support services to eligible children under the age of three who have  
2 developmental delays or disabilities and, on a discretionary basis, to those children under the age  
3 of three who are at risk of developmental delays or disabilities;

4 (2) bring together and make optimal use of all available federal, state, local, and  
5 private resources for the benefit of children under the age of three with developmental delays or  
6 disabilities and their families;

7 (3) expand and improve existing learning and early intervention services and to  
8 provide and arrange for comprehensive services through local agencies and statewide support  
9 programs.

10 Sec. 47.20.070. ESTABLISHMENT OF PROGRAM. (a) The department, with the  
11 assistance of the Governor's Council for the Handicapped and Gifted, shall establish a  
12 coordinated, comprehensive, statewide system of multidisciplinary interagency programs that  
13 provide appropriate early intervention services to eligible persons under this chapter.

14 (b) The department is the lead agency for purposes of federal law with respect to the  
15 administration of the early intervention services system required under (a) of this section. The  
16 department shall establish and administer the system required under (a) of this section so that the  
17 state is eligible for the maximum available funding from public and private sources.

18 (c) In connection with the system established under (a) of this section, the department  
19 shall

20 (1) develop a state plan that identifies the best methods of providing services to  
21 children under the age of three with developmental delays or disabilities and their families and  
22 report to the governor on the extent to which that plan is being implemented in the state;

23 (2) develop and implement an educational program concerning the nature and  
24 effects of developmental delays and disabilities;

25 (3) serve as a clearinghouse for educational materials and information about  
26 developmental delays and disabilities;

27 (4) organize and encourage training programs for persons who provide services  
28 to children under the age of three with developmental delays and disabilities and their families;

29 (5) establish a training program for paraprofessionals who provide services to  
30 children under the age of three with developmental delays and disabilities and their families;

31 (6) cooperate with other public and private agencies and individuals to facilitate

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1 the transition of children served in the early intervention system to the formal education system;  
2 (7) identify and use all public and private resources available to the state; and  
3 (8) monitor and evaluate the services provided to ensure the demonstrable  
4 effectiveness of the services and compliance with state and federal law and department policy  
5 regarding the provision of early intervention services.

6 Sec. 47.20.080. PROGRAM ELIGIBILITY. (a) A child and the child's family are  
7 eligible for core early intervention services and additional early intervention services under this  
8 chapter if the child is under the age of three and

9 (1) experiencing developmental delay or disability; or  
10 (2) at risk of experiencing developmental delay or disability if early intervention  
11 services are not provided.

12 (b) If the department estimates that funding available for services under this chapter will  
13 be insufficient to provide services to all persons who are eligible under (a) of this section, the  
14 department shall eliminate coverage for services in the following order:

15 (1) additional early intervention services for persons eligible under (a)(2) of this  
16 section;  
17 (2) additional early intervention services for persons eligible under (a)(1) of this  
18 section;  
19 (3) core early intervention services for persons eligible under (a)(2) of this  
20 section; and  
21 (4) core early intervention services for persons eligible under (a)(1) of this section.

22 Sec. 47.20.090. FINDING AND EVALUATING ELIGIBLE PARTICIPANTS. (a) The  
23 department shall establish a comprehensive system for finding children and their families who  
24 are eligible for services under this chapter. This child find system must

25 (1) include a public awareness program focusing on early identification of  
26 developmentally delayed and disabled children under three years of age;  
27 (2) provide for participation by primary referral sources; and  
28 (3) include procedures with timelines for referral of eligible participants to service  
29 providers.

30 (b). The department shall, within 45 days after a child's referral for services under (a) of  
31 this section, ensure that all affected public agencies and service providers

1 (1) provide for a comprehensive multidisciplinary evaluation of the functioning  
2 of the child and the needs of the child's family so that the family can appropriately assist in the  
3 development of the child;

4 (2) in consultation with the child's parents, develop a written individualized  
5 service plan that identifies how the needs of the child and the family could be met.

6 Sec. 47.20.100. INDIVIDUALIZED FAMILY SERVICE PLAN. The individualized  
7 family service plan developed under AS 47.20.090(b)(2) must be based on the evaluation  
8 conducted under AS 47.20.090(b)(1) and must include, subject to AS 47.20.080(b),

9 (1) provisions for case management services to implement the plan, including the  
10 name of the case manager from the profession most immediately relevant to the child's or  
11 family's needs who will be responsible for the implementation of the plan and coordination with  
12 other agencies and persons;

13 (2) a statement of the child's present levels of physical development, cognitive  
14 development, language and speech development, psychosocial development, and self-help skills,  
15 based on appropriate objective criteria;

16 (3) a description of the family's concerns, priorities, and resources as they relate  
17 to the future enhancement of the child's development;

18 (4) a description of the specific early intervention services that will help meet the  
19 unique needs of the child and the family, including the frequency, intensity, and method with  
20 which the services should be delivered;

21 (5) the projected dates for initiation of services and the anticipated duration of the  
22 services;

23 (6) an outline of the major outcomes expected to be achieved for the child and  
24 the family along with the criteria, procedures, and timelines that will be used to determine the  
25 degree to which progress toward achieving the outcomes are being made and whether  
26 modifications or revisions of the outcomes or services are necessary; and

27 (7) a statement of the steps that will be taken to support the transition of the child  
28 and the family to the use of services available under other appropriate programs, including  
29 programs for children who are three years of age or older.

30 Sec. 47.20.110. OTHER DUTIES OF THE DEPARTMENT. (a) The department shall  
31 adopt regulations necessary to implement this chapter, including regulations

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1 (1) for personnel development, including preservice and in-service training  
2 programs for providers of early intervention services;

3 (2) to govern resolution of intraagency and interagency disputes about the  
4 provision of services under this chapter and the financial responsibility of the respective parties  
5 for those services;

6 (3) that ensure that services are provided to children and their families in a timely  
7 manner pending the resolution of disputes among public agencies or service providers;

8 (4) providing for due process with respect to the rights of children and parents  
9 who are eligible for services under this chapter; the regulations must provide that during the  
10 pendency of a complaint about a change in services, the child and family shall continue to  
11 receive the prior services unless the state and the family otherwise agree, or, if the complaint  
12 relates to an application for initial services, the child and family shall receive the services that  
13 are not in dispute.

14 (b) The department shall establish a system for compiling data on the numbers of  
15 children and their families in the state who need early intervention services, the numbers being  
16 served, the types of services provided, and other information as required under federal law.  
17 Personally identifiable information obtained under this chapter is confidential for purposes of  
18 AS 09.25.110 - 09.25.120.

19 Sec. 47.20.290. DEFINITIONS. In this chapter,

20 (1) "additional early intervention services" means

21 (A) family training and counseling;

22 (B) speech pathology and audiology;

23 (C) occupational therapy;

24 (D) physical therapy;

25 (E) psychological services;

26 (F) medical services only for diagnostic or evaluation purposes; and

27 (G) health services for the child that are necessary to enable the child to

28 benefit from the other early intervention services;

29 (2) "core early intervention services" means

30 (A) case management services;

31 (B) special instruction; and

1 (C) early identification, screening, and assessment;

2 (3) "department" means the Department of Health and Social Services;

3 (4) "developmentally delayed" means functioning at least 15 percent below a  
4 chronological or corrected age or 1.5 standard deviations below age appropriate norms in one or  
5 more of the following areas: cognitive development, gross motor development, sensory  
6 development, speech or language development, or psychosocial development, including self-help  
7 skills and behavior, as measured and verified by appropriate diagnostic instruments and  
8 procedures or through systematic observation of functional abilities in a daily routine by two  
9 professionals and a parent, developmental history, and appropriate assessment procedures;

10 (5) "disability" means having an identifiable physical, mental, sensory, or  
11 psychosocial condition that has a probability of resulting in developmental delay even though a  
12 developmental delay may not be exhibited at the time the condition is identified, including

13 (A) chromosomal abnormalities associated with delays in development,  
14 such as Down's syndrome, Turner's syndrome, Cornelia de Lange syndrome, or fragile  
15 X syndrome;

16 (B) other syndromes and conditions associated with delays in development,  
17 such as fetal alcohol syndrome, cocaine and other drug-related syndromes, metabolic  
18 disorders, cleft lip, or cleft palate;

19 (C) neurological disorders associated with delays in development, such as  
20 cerebral palsy, microcephaly, hydrocephaly, spina bifida, or periventricular leukomalacia;

21 (D) sensory impairment, such as hearing loss or deafness, visual loss or  
22 blindness, or a combination of hearing and visual loss, that interferes with the child's  
23 ability to respond effectively to environmental stimulus;

24 (E) congenital infections, such as rubella, cytomegalovirus, toxoplasmosis,  
25 or acquired immune deficiency syndrome;

26 (F) chronic illness or conditions that may limit learning or development,  
27 such as cystic fibrosis, bronchopulmonary dysplasia, tracheostomies, amputations, arthritis,  
28 or muscular dystrophy;

29 (G) psychosocial disorders, such as reactive attachment disorder, infant  
30 autism, or childhood schizophrenia; or

31 (H) atypical growth patterns consistent with a prognosis of developmental

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1 delay based upon parental and professional judgment, such as failure to thrive;

2 (6) "early intervention services" or "services" means services that are designed  
3 to help meet the developmental needs of a child under the age of three who is developmentally  
4 delayed or disabled or at risk of developmental delay or disability or the needs of the child's  
5 family so that the family can support the child's development.

6 \* Sec. 3. AS 47.80.900(6) is amended to read:

7 (6) "person with a handicap" means a person with a developmental disability as  
8 defined in (7) of this section or a person who is hard of hearing, deaf, speech impaired, visually  
9 handicapped, seriously emotionally disturbed, orthopedically or otherwise health impaired, or who  
10 has a specific learning disability; the term includes but is not limited to "exceptional children"  
11 as defined in AS 14.30.350 [AS 14.30.350(1) AND AS 47.20.050];

12 \* Sec. 4. AS 47.20.005, 47.20.010, 47.20.020, and 47.20.050 are repealed.

13 \* Sec. 5. This Act takes effect July 1, 1992.