

BY THE HESS COMMITTEE

1 IN THE HOUSE

2

HOUSE BILL NO. 598

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to young children with developmental
7 delays or disabilities; and providing for an effective
8 date."

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

10 * Section 1. FINDINGS. The legislature finds that

11 (1) there are 32,000 children in the state under the age of
12 three, six percent of whom experience developmental delays or disabilities
13 and an additional four percent of whom are at risk of delays or disabili-
14 ties due to social or environmental factors;

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

21 (3) many current social programs are aimed at addressing needs
22 after problems occur rather than addressing prevention and early interven-
23 tion; early identification and treatment have proven effective in reducing
24 and sometimes totally eliminating the long-term effects of disabling condi-
25 tions, lowering long-term costs to society as a whole, and reducing the
26 incidence of child abuse, divorce, and domestic violence in families with
27 children who experience disabilities;

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

29 (A) support the development of children under the age of

1 three who experience developmental delays or disabilities or who are
2 at risk of having disabilities;

3 (B) help reduce the stress on parents and other family
4 members that results from the special needs of children under the age
5 of three with disabilities;

6 (C) recognize the importance of parents and families as the
7 constant in the child's life, as the primary caregivers and teachers
8 of infants, especially those who experience disabilities;

9 (D) recognize family strengths and diversity, and to en-
10 courage a variety of methods of coping;

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

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

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

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

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

24 (J) minimize the likelihood of institutionalization or
25 out-of-home placement of people with disabilities;

26 (K) maximize the potential for people with disabilities to
27 lead independent, productive lives within their communities.

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

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

1 (1) provide quality learning and related early intervention
2 family support services to all children under the age of three who
3 have disabilities or developmental delays, and on a discretionary
4 basis to those children under the age of three who are at risk of
5 disabilities or delays;

6 (2) bring together and make optimal use of all available
7 federal, state, local, and private resources for the benefit of chil-
8 dren under the age of three with disabilities and their families;

9 (3) expand and improve existing learning and early inter-
10 vention services and to provide and arrange for comprehensive services
11 through local agencies and statewide support programs.

12 Sec. 47.20.070. DUTIES OF THE DEPARTMENT. The department shall
13 provide financial assistance to designated providers and administer,
14 supervise, and monitor the following programs:

15 (1) a program that identifies and coordinates all available
16 resources, including provisions that guarantee due process, that
17 ensures that services to young children with disabilities and their
18 families are provided in a timely manner, and that governs resolution
19 of intraagency and interagency disputes and development of interagency
20 agreements regarding provision and payment of services;

21 (2) a learning and early intervention services program for
22 young children with disabilities; the program must include the follow-
23 ing components:

24 (A) a public awareness program focusing on early
25 identification of young children who have disabilities or delays,
26 or are at risk of having substantial developmental delays;

27 (B) a comprehensive system for finding eligible young
28 children;

29 (C) a timely, comprehensive, multidisciplinary

1 evaluation of the functioning of each eligible child and the
2 strengths and needs of the family to assist in the child's devel-
3 opment;

4 (D) an individualized family service plan for each
5 eligible child, including family services coordination or case
6 management under the service plan;

7 (E) a central directory of services, resources, and
8 experts available in the state, including a parent-to-parent
9 network;

10 (F) procedural safeguards;

11 (G) services in family training, counseling, home
12 visits, special instruction, speech pathology and audiology,
13 occupational and physical therapy, psychology, care coordination,
14 medicine, diagnosis or evaluation, early identification, screen-
15 ing, and assessments, and the nutrition, nursing, social work,
16 transportation, and health care services necessary to enable the
17 young child to benefit from the other learning and early inter-
18 vention services.

19 Sec. 47.20.080. REQUIRED REGULATIONS. The department shall
20 adopt regulations, after consulting with the Governor's Council for
21 the Handicapped and Gifted, to implement a statewide infant learning
22 and early intervention services program described under AS 47.20.070;
23 the regulations must

24 (1) include timetables for ensuring that appropriate learn-
25 ing and early intervention services will be available to all young
26 children with disabilities;

27 (2) include a comprehensive system of personnel develop-
28 ment;

29 (3) include policies regarding designation of service areas

1 and providers, administration of grants, contracts, or purchase of
2 service agreements with service providers;

3 (4) include policies regarding determining the eligibility
4 of young children with disabilities;

5 (5) include standards for personnel who provide services
6 and training;

7 (6) include a system for collecting data on the number of
8 infants and families needing services, receiving services, and the
9 types of services provided;

10 (7) include provisions for the interagency and multidisci-
11 plinary coordination and delivery of services statewide;

12 (8) facilitate the coordination of payment for comprehen-
13 sive infant learning and early intervention services so that costs can
14 be shared by federal, state, local, and private funding sources;

15 (9) develop a program that will emphasize individual needs,
16 be home and family based, and involve parents directly in the educa-
17 tion and training of their young children.

18 Sec. 47.20.090. DEFINITIONS. In this chapter,

19 (1) "at risk of having substantial developmental delays"
20 means demonstrating two or more risk factors, either biologically or
21 environmentally;

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

24 (3) "developmental delay" means functioning below a chrono-
25 logical or corrected age or performing significantly below the devel-
26 opmental norm in one or more of the following areas: cognition, gross
27 or fine motor skills, sensory awareness, speech or language, or
28 psychosocial skills, or demonstrating atypical development as docu-
29 mented through systematic observation of functional abilities in a

1 daily routine by a professional and a parent, or other appropriate
2 assessment procedure;

3 (4) "young children with disabilities" means children from
4 birth to age three who need learning and early intervention services
5 because the children

6 (A) are experiencing developmental delays;

7 (B) have an identifiable physical, mental, sensory, or
8 psychosocial condition that has a high probability of resulting
9 in developmental delay even though a developmental delay may not
10 be exhibited at the time the condition is identified; or

11 (C) are at risk of having substantial developmental
12 delays if infant learning and early intervention services are not
13 provided.

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

15 (6) "person with a handicap" means a person with a develop-
16 mental disability as defined in (7) of this section or a person who is
17 hard of hearing, deaf, speech impaired, visually handicapped, serious-
18 ly emotionally disturbed, orthopedically or otherwise health impaired,
19 or who has a specific learning disability; the term includes but is
20 not limited to "exceptional children" as defined in AS 14.30.350(1)
21 [AND AS 47.20.050];

22 * Sec. 4. AS 47.20.005, 47.20.010, 47.20.020, and 47.20.050 are re-
23 pealed.

24 * Sec. 5. This Act takes effect July 1, 1990.