

SENATE BILL NO. 248

IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATORS ZHAROFF, Collins

Introduced: 4/12/91
Referred: HES, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to early intervention services for certain young children and their
2 families; and providing for an effective date."

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

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

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) provide quality learning and related early intervention family support services

1 to eligible children under the age of three who have developmental delays or disabilities and, on
2 a discretionary basis, to those children under the age of three who are at risk of developmental
3 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 pro-
9 grams.

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 federal financial support.

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

1 the transition of children served in the early intervention system to the formal education system.

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

4 (1) experiencing developmental delay or disability; or

5 (2) at risk of experiencing developmental delay or disability if early intervention
6 services are not provided.

7 (b) The department shall serve children and their families who are eligible for services
8 under (a)(1) of this section. If all persons eligible under (a)(1) of this section are receiving all
9 the services included in the individualized family service plans developed for them under
10 AS 47.20.100, the department shall, within available funds, serve children and their families who
11 are eligible for services under (a)(2) of this section.

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

15 (1) include a public awareness program focusing on early identification of
16 developmentally delayed and disabled children under three years of age;

17 (2) provide for participation by primary referral sources; and

18 (3) include procedures with timelines for referral of eligible participants to service
19 providers.

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

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

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

27 Sec. 47.20.100. INDIVIDUALIZED FAMILY SERVICE PLAN. The individualized
28 family service plan developed under AS 47.20.090(b)(2) must be based on the evaluation
29 conducted under AS 47.20.090(b)(1) and must include

30 (1) provisions for case management services to implement the plan, including the
31 name of the case manager from the profession most immediately relevant to the child's or

1 family's needs who will be responsible for the implementation of the plan and coordination with
2 other agencies and persons;

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

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

8 (4) a description of the specific early intervention services that meet the unique
9 needs of the child and the family, including the frequency, intensity, and method with which the
10 services should be delivered;

11 (5) the projected dates for initiation of services and the anticipated duration of the
12 services;

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

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

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

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

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

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

29 (4) providing for due process with respect to the rights of children and parents
30 who are eligible for services under this chapter; the regulations must provide that during the
31 pendency of a complaint about a change in services, the child and family shall continue to

1 receive the prior services unless the state and the family otherwise agree, or, if the complaint
2 relates to an application for initial services, the child and family shall receive the services that
3 are not in dispute.

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

9 Sec. 47.20.290. DEFINITIONS. In this chapter,

10 (1) "department" means the Department of Health and Social Services;

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

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

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

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

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

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

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

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

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

8 (H) atypical growth patterns consistent with a prognosis of developmental
9 delay based upon parental and professional judgment, such as failure to thrive;

10 (4) "early intervention services" or "services" means services that are designed
11 to meet the developmental needs of a child under the age of three who is developmentally
12 delayed or disabled or the needs of the child's family so that the family can support the child's
13 development; the services may include

14 (A) family training, counseling, and home visits;

15 (B) special instruction;

16 (C) speech pathology and audiology;

17 (D) occupational therapy;

18 (E) physical therapy;

19 (F) psychological services;

20 (G) case management services;

21 (H) medical services only for diagnostic or evaluation purposes;

22 (I) early identification, screening, and assessments; and

23 (J) health services for the child that are necessary to enable the child to
24 benefit from the other early intervention services.

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

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

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

1 * Sec. 5. This Act takes effect July 1, 1991.