

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 388, As Amended

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO EARLY CHILDHOOD AND EARLY INTERVENTION SERVICES; AMENDING THE
2 HEADING FOR CHAPTER 1, TITLE 16, IDAHO CODE; AMENDING SECTION 16-101,
3 IDAHO CODE, TO REVISE PROVISIONS RELATING TO LEGISLATIVE FINDINGS AND
4 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-102, IDAHO CODE,
5 TO REVISE PROVISIONS RELATING TO CERTAIN POLICY OF THE STATE OF IDAHO;
6 AMENDING SECTION 16-103, IDAHO CODE, TO DEFINE TERMS, TO REVISE DEFINI-
7 TIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-104, IDAHO
8 CODE, TO REVISE PROVISIONS RELATING TO THE EARLY INTERVENTION SYS-
9 TEM; AMENDING CHAPTER 1, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW
10 SECTION 16-104A, IDAHO CODE, TO PROVIDE FOR THE EARLY CHILDHOOD COMPRE-
11 HENSIVE SYSTEM AND TO PROVIDE FOR THE RESPONSIBILITIES OF SUCH SYSTEM;
12 AMENDING SECTION 16-105, IDAHO CODE, TO REVISE THE NAME OF A CERTAIN
13 COUNCIL, TO PROVIDE THAT THE GOVERNOR SHALL DESIGNATE THE EARLY CHILD-
14 HOOD COORDINATING COUNCIL TO SERVE AS THE STATE ADVISORY COUNCIL, AND
15 TO REVISE AND TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO MEMBERSHIP
16 QUALIFICATIONS AND MEMBERSHIP MAKEUP OF THE EARLY CHILDHOOD COORDINAT-
17 ING COUNCIL; AMENDING SECTION 16-106, IDAHO CODE, TO REVISE AND TO PRO-
18 VIDE ADDITIONAL AUTHORITY AND DUTIES OF THE EARLY CHILDHOOD COORDINAT-
19 ING COUNCIL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-107,
20 IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RESPONSIBILITIES OF
21 THE DEPARTMENT OF HEALTH AND WELFARE AND TO MAKE TECHNICAL CORRECTIONS;
22 AMENDING SECTION 16-108, IDAHO CODE, TO REVISE THE NAME OF CERTAIN COM-
23 MITTEES, TO REVISE PROVISIONS RELATING TO THE REGIONAL EARLY CHILDHOOD
24 COMMITTEES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 16-109,
25 IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE INDIVIDUALIZED FAM-
26 ILY SERVICE PLAN AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
27 16-110, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL COR-
28 RECTION; AMENDING SECTION 16-111, IDAHO CODE, TO ESTABLISH THE EARLY
29 INTERVENTION SERVICES FUND, TO PROVIDE MONEYS FOR SUCH FUND, TO REVISE
30 PROVISIONS RELATING TO THE ALLOCATION OF MONEYS FROM SUCH FUND, TO PRO-
31 VIDE REQUIREMENTS IN THE EVENT CERTAIN FEDERAL MONEYS ARE NO LONGER
32 AVAILABLE AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 1, TITLE
33 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-111A, IDAHO CODE,
34 TO ESTABLISH THE EARLY CHILDHOOD COMPREHENSIVE SYSTEM FUND, TO PROVIDE
35 MONEYS FOR SUCH FUND, TO SPECIFY EXPENDITURE REQUIREMENTS FOR SUCH
36 FUND, TO PROVIDE THAT INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN
37 SUCH FUND SHALL BE RETAINED IN SUCH FUND AND TO PROVIDE THAT UPON A CER-
38 TAIN CONDITION SUCH FUND SHALL BE DISSOLVED; AMENDING SECTION 16-112,
39 IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PROHIBITED USE OF MON-
40 EYS FROM THE EARLY INTERVENTION SERVICES FUND; AMENDING SECTION 16-113,
41 IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE THE NAME OF A CERTAIN EN-
42 TITY AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING A SUNSET DATE.
43

44 Be It Enacted by the Legislature of the State of Idaho:

1 SECTION 1. That the Heading for Chapter 1, Title 16, Idaho Code, be, and
2 the same is hereby amended to read as follows:

3 CHAPTER 1
4 EARLY CHILDHOOD AND EARLY INTERVENTION SERVICES

5 SECTION 2. That Section 16-101, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 16-101. LEGISLATIVE FINDINGS. The legislature finds that there is an
8 urgent and substantial need:

9 (1) To enhance the development of all ~~infants and toddlers with dis-~~
10 ~~abilities~~ young children age birth to five (5) years with special needs in
11 the state of Idaho in order to minimize developmental delay, and to maximize
12 individual potential for adult independence;

13 (2) To enhance the capacity of families to meet the ~~special~~ needs of
14 their young children, particularly infants and toddlers with disabilities
15 special needs;

16 (3) To reduce the educational costs by minimizing the need for special
17 education and related services after infants and toddlers with ~~disabilities~~
18 special needs reach school age;

19 (4) To reduce social services costs and to minimize the likelihood of
20 institutionalization of individuals with ~~disabilities~~ special needs;

21 (5) To reduce the health costs of preventable secondary impairments and
22 ~~disabilities~~ special needs by screening and monitoring children at risk and
23 improving the long-term health of ~~infants and toddlers with disabilities~~
24 young children; and

25 (6) To comply with federal law as it pertains to services for infants
26 and toddlers with ~~disabilities~~ special needs and their families; and

27 (7) To develop, implement and sustain a statewide early childhood
28 strategic plan.

29 SECTION 3. That Section 16-102, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 16-102. POLICY. The legislature intends that the policy of the state
32 of Idaho shall be:

33 (1) To reaffirm the importance of the family in all areas of the child's
34 development and to reinforce the role of the family in the decision making
35 processes regarding their child;

36 (2) To provide assistance and support to the family of an infant or tod-
37 dler with a ~~disability~~ special needs that addresses the individual needs of
38 the family;

39 (3) To develop and implement with available resources a statewide
40 screening and tracking system for ~~infants and toddlers~~ young children at
41 risk;

42 (4) To develop and implement a statewide, comprehensive, coordinated,
43 multidisciplinary, interagency system of early intervention services for
44 all infants and toddlers with ~~disabilities~~ special needs and their families;

1 (5) To enhance the capacity to provide quality early intervention ser-
 2 vices and expand and improve existing early intervention services being pro-
 3 vided to infants and toddlers with ~~disabilities~~ special needs;

4 (6) To facilitate the coordination of payment for early intervention
 5 services from federal, state, local, and private sources including public
 6 and private insurance coverage; ~~and~~

7 (7) To guarantee financial assistance for the purposes of coordinating
 8 early intervention services in communities and to enhance their capacity to
 9 provide individualized services to infants and toddlers with ~~disabilities~~
 10 special needs and their families; and

11 (8) To build on statewide outcomes and shared goals that will enhance
 12 child well-being through family and community efforts.

13 SECTION 4. That Section 16-103, Idaho Code, be, and the same is hereby
 14 amended to read as follows:

15 16-103. DEFINITIONS. In this chapter:

16 (1) "Allocation" means state and federal funds designated for coordi-
 17 nation of program functions in the seven (7) regions.

18 (2) "Applications" means the documents submitted by the regional
 19 ~~infant-toddler~~ committees to the ~~infant-toddler~~ early childhood coordi-
 20 nating council, detailing the budget request for the regional committee
 21 activities and comprehensive component plans for the planning and coordina-
 22 tion of programs authorized in this chapter.

23 (3) ~~"Awards and contracts" mean the state and federal funds designated~~
 24 ~~by the lead agency for projects relating to planning, resource development,~~
 25 ~~or provision of direct service~~ "At risk" means there is a need for screening
 26 and tracking services to monitor a young child's development because such
 27 child has:

28 (a) Medical or biological risk factors, which refer to prenatal, peri-
 29 natal and neonatal events that increase the probability of delayed de-
 30 velopment or result in disability (for example, low birth weight, pre-
 31 maturity or abnormal neurological findings); or

32 (b) Environmental risk factors, which refer to high-risk environmental
 33 influences that may affect development or result in disability (for ex-
 34 ample, adolescent parent, poverty, psychiatric stress or known history
 35 of child abuse or neglect).

36 (4) "Council" means the state ~~interagency~~ early childhood coordinating
 37 council established in section 16-105, Idaho Code.

38 (5) "Director" means the director of the state department of health and
 39 welfare.

40 (6) "Early childhood comprehensive system" means the management
 41 structure established in section 16-104A, Idaho Code, that provides the
 42 interdependent continuum of services and activities for the provision of a
 43 statewide, comprehensive, interagency approach to coordinate resources for
 44 young children.

45 (7) "Early intervention services" means those services which are pro-
 46 vided under public supervision by qualified personnel, in conformity with
 47 the individual family service plan (IFSP), and are designed to meet the de-
 48 velopmental needs of eligible children as defined in this chapter. These
 49 services are selected and provided in collaboration with the families; and,

1 to the extent appropriate, are provided in types of settings in which infants
 2 and toddlers without ~~disabilities~~ special needs would participate. These
 3 services, necessary to enable the child to benefit from the other early in-
 4 tervention services, include:

- 5 (a) ~~a~~Audiology;
- 6 (b) ~~ease management s~~Services coordination, including transitions
 7 planning;
- 8 (c) ~~f~~Family training, counseling or home-based services;
- 9 (d) ~~h~~Health services including dental;
- 10 (e) ~~m~~Medical services for diagnostic or evaluation purposes only;
- 11 (f) ~~n~~Nursing services to support the implementation of the individual-
 12 ized family services plan;
- 13 (g) ~~n~~Nutrition services;
- 14 (h) ~~e~~Occupational therapy;
- 15 (i) ~~p~~Physical therapy;
- 16 (j) ~~p~~Psychological services;
- 17 (k) ~~r~~Respice care;
- 18 (l) ~~s~~Social work services;
- 19 (m) ~~s~~Special instruction/developmental therapy;
- 20 (n) ~~s~~Speech and language pathology services; and
- 21 (o) ~~t~~Transportation including the cost of travel (e.g. for example,
 22 mileage, or travel by taxi, common carrier, or other means) and related
 23 costs (parking expense) that are necessary to enable an eligible child
 24 and the child's family to receive early intervention services; and
 25 (p) Vision and mobility training.

26 (68) "Early intervention system" means the management structure es-
 27 tablished in ~~this chapter~~ section 16-104, Idaho Code, comprised of the
 28 interdependent continuum of services and activities for the provision of
 29 a statewide, comprehensive, coordinated, multidisciplinary, interagency
 30 program for ~~young children~~ infants and toddlers who have a ~~disability~~
 31 special needs or who are at risk.

32 (79) "Health and safety standards" means those standards that meet re-
 33 quired state and federal licensure or certification standards which address
 34 the facilities where early intervention childhood services are offered, ex-
 35 cluding the child's home. Such standards may include, but are not limited
 36 to, the dimensions or size of a facility, communicable disease, social envi-
 37 ronment, nutrition, immunization, and fire codes.

38 (810) "Include" means that all items named are not all of the possible
 39 items that are covered whether like or unlike the ones named.

40 (911) "Individualized family service plan (IFSP)" means a written plan
 41 designed to address the strengths and needs of an infant or toddler with
 42 ~~disabilities~~ special needs and the family that meets the requirements of
 43 section 16-109, Idaho Code.

44 (10) "~~Infants and toddlers at risk~~" mean ~~children who are in need of~~
 45 ~~screening and tracking services to monitor their development because they~~
 46 ~~have:~~

- 47 (a) ~~Medical or biological risk factors, which refer to prenatal, peri-~~
 48 ~~natal, and neonatal events which increase the probability of delayed~~
 49 ~~development or result in disability (e.g., low birth weight, prematu-~~
 50 ~~rity, abnormal neurological findings); or~~

1 ~~(b) Environmental risk factors, which refer to high-risk environmental~~
 2 ~~influences that may affect development or result in disability (e.g.,~~
 3 ~~adolescent parent, poverty, psychiatric stress or known history of~~
 4 ~~child abuse or neglect).~~

5 (112) "Infants and toddlers with disabilities special needs" means
 6 children age birth to thirty-six (36) months who need early intervention
 7 services because:

8 (a) They are experiencing developmental delays, as measured by diag-
 9 nostic instruments and procedures (referenced in administrative rules)
 10 in one (1) or more of the following areas:

- 11 (i) ~~p~~Physical development;
- 12 (ii) ~~e~~Cognitive development;
- 13 (iii) ~~e~~Communication, language, speech and hearing development;
- 14 (iv) ~~ps~~ychosocial Social and emotional development;
- 15 (v) ~~self-help~~ Adaptive skills;
- 16 (vi) ~~s~~Sensory skills; or

17 (b) They are at risk of experiencing developmental delay due to estab-
 18 lished risk factors, which refer to diagnosed disorders where the con-
 19 dition is known to ultimately affect development or result in disabil-
 20 ity (~~e.g. for example,~~ the congenital anomalies associated ~~with~~ with Down
 21 syndrome or hydrocephaly).

22 (123) "Lead agency" means the department of health and welfare.

23 (134) "Multidisciplinary team" means a group comprised of the parent (s)
 24 or legal guardian and the professionals described in this chapter, as appro-
 25 priate, who are assembled for the purposes of assessing the developmental
 26 needs of an infant or toddler, developing the IFSP, and providing the infant
 27 or toddler and the family with the early intervention services as detailed in
 28 the IFSP design to meet the individual family needs.

29 (15) "Procedural safeguards" means administrative activities that
 30 public agencies and other early intervention service providers perform to
 31 ensure that parents and guardians of children receiving early intervention
 32 services are fully informed about service actions that are proposed, refused
 33 or carried out in relation to the needs of their child or children.

34 (146) "Program standards" means those standards defined in accordance
 35 with department rules which address the coordination and provision of early
 36 intervention childhood services. Such standards may include, but are not
 37 limited to, service year, length of program, personnel qualifications,
 38 staff/child ratio, caseload, maximum class size, ~~and~~ length of day and other
 39 research-based quality indicators.

40 (157) "Qualified" means that a person has met the highest standards
 41 of state approved or recognized certification, licensing, registration or
 42 other comparable requirements that apply to the area in which the person is
 43 providing early ~~intervention~~ childhood services.

44 (168) "Region" means one (1) of the ~~seven (7)~~ administrative regions ~~of~~
 45 as defined in rule by the lead agency.

46 (179) "Regional early childhood committee" means an ~~interagency co-~~
 47 ~~ordinating~~ early childhood committee established within each of the seven
 48 ~~(7)~~ an administrative regions of the lead agency to facilitate interagency
 49 coordination at the regional level and provide applications for regional

1 committee activities, planning and direction for regional program activi-
2 ties.

3 ~~(1820)~~ "Screening and tracking services" means the identification of
4 infants and toddlers delayed or at risk of delay using standardized proce-
5 dures, and the entry of demographic information into an automated system for
6 periodically monitoring the child's services, ~~or~~ need for services and de-
7 velopmental status.

8 ~~(1921)~~ "Service providers" means those individuals or programs that
9 deliver services to eligible ~~infants and toddlers~~ young children and their
10 families in compliance with the applicable standards of state and local li-
11 censing and operational rules and regulations.

12 (22) "Special needs" means a developmental delay or disability or a
13 condition that has a high probability of resulting in a developmental delay.

14 (23) "Strategic plan" means the comprehensive early childhood plan
15 for the state of Idaho that addresses common goals in critical areas such as
16 health, social and emotional development, early care and learning, parent
17 education, family self-sufficiency and systems development.

18 (24) "Young children" means children age birth to five (5) years.

19 SECTION 5. That Section 16-104, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 16-104. EARLY INTERVENTION SYSTEM. The early intervention system
22 shall consist of the lead agency, the early childhood coordinating council,
23 the regional early childhood committees, program personnel, a statewide
24 parent education and resource system, eligible ~~children~~ infants and tod-
25 dlers, families, advocates, and public and private providers of early
26 intervention services. The lead agency shall identify statewide and re-
27 gional early intervention staff to be responsible for establishing program
28 standards and for planning, developing, coordinating, monitoring and eval-
29 uating the requirements of this chapter that relate to infants and toddlers
30 and their families.

31 SECTION 6. That Chapter 1, Title 16, Idaho Code, be, and the same is
32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
33 ignated as Section 16-104A, Idaho Code, and to read as follows:

34 16-104A. EARLY CHILDHOOD COMPREHENSIVE SYSTEM. The early childhood
35 comprehensive system shall consist of the lead agency, the early child-
36 hood coordinating council, the regional early childhood committees, young
37 children and their families, advocates and other persons and entities that
38 influence policy and service delivery for young children and their families.
39 The early childhood comprehensive system shall connect and coordinate with
40 the stakeholders who serve young children and their families at the state
41 and local levels for the purpose of facilitating health, mental health, de-
42 velopment and care, parent education, family self-sufficiency and systems
43 building.

44 SECTION 7. That Section 16-105, Idaho Code, be, and the same is hereby
45 amended to read as follows:

1 16-105. ~~INTERAGENCY~~ EARLY CHILDHOOD COORDINATING COUNCIL. (1) The
 2 governor shall appoint the members and the chair of the ~~interagency~~ early
 3 childhood coordinating council. The governor shall designate the early
 4 childhood coordinating council to serve as the state advisory council. For
 5 budgetary purposes, the council shall be assigned to the lead agency. The
 6 term of appointment for a member of the council shall be three (3) years,
 7 and members may be reappointed. In making appointments to the council, the
 8 governor shall ensure that the membership geographically represents the
 9 population of the state and represents the entities that are responsible for
 10 early childhood and early intervention services.

11 (2) The council membership shall consist of the following:

- 12 (a) At least ~~three~~ twenty percent (320%) shall be parents of young chil-
 13 children with ~~disabilities~~ special needs who have knowledge of or experi-
 14 ence with programs for young children with special needs, and not less
 15 than one (1) such member shall be a parent of a young child with special
 16 needs who is age five (5) years or younger;
 17 (b) At least ~~three~~ twenty percent (320%) ~~public or~~ shall be private
 18 providers of early intervention services;
 19 (c) At least one (1) member of the state legislature;
 20 (d) At least one (1) person involved in personnel preparation;
 21 (e) The superintendent of public instruction, or designee;
 22 (f) A representative of the executive council of the lead agency;
 23 ~~(g) A physician or health care professional skilled in early interven-~~
 24 ~~tion;~~
 25 ~~(h) A representative of the council on developmental disabilities;~~
 26 (h) A representative of an early childhood professional organization;
 27 (i) A representative of the state department of health and welfare who
 28 is responsible for the state medicaid plan;
 29 (j) A representative of the state department of health and welfare who
 30 is responsible for foster care services;
 31 (k) A representative of the state department of health and welfare who
 32 is responsible for child mental health services;
 33 (l) A representative of the state department of health and welfare who
 34 is responsible for maternal and child health services;
 35 (m) A representative of the state department of health and welfare who
 36 is responsible for childcare services;
 37 (n) A representative of the state department of insurance;
 38 (o) A representative of the state coordinator for homeless education;
 39 (p) A representative of the Idaho migrant council or of the migrant and
 40 seasonal head start program;
 41 (q) A representative of a head start association or program;
 42 (r) A representative of the head start collaboration office;
 43 (s) A representative of the Idaho infant toddler program;
 44 (t) A representative of the regional early childhood committees; and
 45 (u) Other persons at the discretion of the governor.

46 SECTION 8. That Section 16-106, Idaho Code, be, and the same is hereby
 47 amended to read as follows:

48 16-106. DUTIES OF THE EARLY CHILDHOOD COORDINATING COUNCIL. (1) The
 49 early childhood coordinating council shall have the following authority,

1 duties and responsibilities, and such other functions as may be assigned by
2 executive order:

3 (a) To assist the lead agency and all other appropriate agencies in
4 ensuring the joint development and maintenance of a statewide system of
5 coordinated, comprehensive, multidisciplinary, interagency programs
6 providing early intervention services to all infants and toddlers with
7 ~~disabilities~~ special needs and their families. Such system shall in-
8 clude the following minimum components:

9 (i) ~~a~~A definition of child and family early intervention eligi-
10 bility under this program;

11 (ii) ~~a~~A central directory, accessible to the general public;

12 (iii) ~~a~~A public awareness program;

13 (iv) ~~a~~A child find program consistent with the individuals with
14 disabilities education act which identifies infants and toddlers
15 with ~~disabilities~~ special needs and other risk factors;

16 (v) ~~a~~A comprehensive, multidisciplinary evaluation for each
17 ~~referred child~~ referred to early intervention;

18 (vi) ~~a~~A program of personnel development;

19 (vii) ~~s~~Standards and certification necessary to assure qualified
20 personnel;

21 (viii) ~~f~~Family education and participation ~~throughout the early~~
22 ~~intervention system~~;

23 (ix) ~~a~~A statewide data collection system for monitoring and eval-
24 uating the early intervention system. The system shall meet the
25 individuals with disabilities education act federal requirements
26 and statewide needs;

27 (x) ~~a~~An individualized family services plan for each eligible
28 child and family who chooses to participate in the program;

29 (xi) ~~p~~Procedural safeguards that meet the requirements in sec-
30 tion 16-110, Idaho Code.

31 (b) To assist the lead agency and all other appropriate agencies to en-
32 sure:

33 (i) ~~a~~Adoption of uniform or compatible administrative rules
34 dealing with early intervention services;

35 (ii) ~~r~~Reasonable transition between and among the participating
36 agencies;

37 (iii) ~~a~~Available funds under the provisions of this chapter are
38 shared by the participating agencies in a manner that enables the
39 optimum provision of necessary services for the child and the fam-
40 ily;

41 (iv) ~~u~~Uniformity of program and health and safety standards; and

42 (v) ~~p~~Program policies dealing with infants and toddlers with
43 ~~disabilities~~ special needs and their families reflect the policy
44 priorities of the council.

45 (c) To participate with the lead agency in the implementation of ~~time~~
46 ~~lines~~ timelines for a statewide, comprehensive, coordinated, intera-
47 gency system of early intervention services;

48 (d) To prepare and submit periodic reports no less than annually to the
49 governor, legislature and the lead agency on the status of early inter-
50 vention ~~programs~~ services for infants and toddlers with ~~disabilities~~

1 special needs and their families with recommendations for timely cor-
 2 rective action as needed;

3 (e) To develop a public awareness program focusing on the importance
 4 of child development and early identification of infants and toddlers
 5 young children with disabilities special needs;

6 (f) To participate with the lead agency and other appropriate agencies
 7 in the development, maintenance, evaluation, and revision of program,
 8 health and safety standards;

9 (g) To conduct public hearings, to provide opportunities for public
 10 comment and to conduct community needs assessments, for the purpose of
 11 developing and maintaining the state plan and applications for funding;

12 (h) To develop the strategic plan and to provide oversight for the im-
 13 plementation and sustainability of the strategic plan;

14 (i) To compile and align data from the early intervention and early
 15 childhood comprehensive systems in order to identify indicators of
 16 well-being for young children and their families;

17 (j) To promote and foster partnerships and initiatives that support a
 18 comprehensive system of early childhood development;

19 (k) To develop, and to update at least every five (5) years, a compre-
 20 hensive needs assessment of early childhood programs and resources;

21 (l) To collaborate with the early childhood comprehensive system in
 22 order to promote the health and well-being of young children and their
 23 families;

24 (m) To identify and compile information relating to the current best
 25 practices in order to inform and guide the stakeholders; and

26 (n) To accept contributions and donations from private persons and pri-
 27 vate entities for deposit in the early childhood comprehensive system
 28 fund established in section 16-111A, Idaho Code.

29 (2) No member of the council shall cast a vote on any matter which would
 30 provide direct financial benefit to that member or otherwise give the ap-
 31 pearance of a conflict of interest.

32 SECTION 9. That Section 16-107, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 16-107. RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND WELFARE. The
 35 department of health and welfare, as the lead agency for administration of
 36 the provisions of this chapter, shall have primary responsibility for:

37 (a1) The administration of all funds appropriated to implement the pro-
 38 visions of this chapter;

39 (b2) The identification and coordination of all available financial
 40 resources within the state from federal, state, local and private sources;

41 (e3) The entry into formal intra-agency and interagency agreements
 42 with other agencies involved in early intervention services. The agree-
 43 ment(s) must include programmatic and financial responsibility, procedures
 44 for resolving disputes and additional components necessary to ensure effec-
 45 tive cooperation and coordination among all agencies involved in the state's
 46 early intervention system. Agreements are to include statements addressing
 47 nonsubstitution or commingling of funds, interim payments and reimburse-
 48 ments, nonreduction of benefits and confidentiality. Agreements are to be
 49 signed by the administrators of:

1 (i)a) ~~Title V, social security act (relating to maternal and child~~
2 health);

3 (i)b) ~~Title XIX, social security act (relating to medicaid and EPSDT);~~

4 (i)c) ~~The head start act;~~

5 (i)d) ~~parts B and H of The individuals with disabilities education~~
6 act;

7 (e) ~~Subpart 2, part B, chapter I of title I of the elementary and sec-~~
8 ~~ondary education act, 1964, as amended;~~

9 (vi)f) ~~The developmentally disabled developmental disabilities as-~~
10 ~~sistance and bill of rights act (PL100-146) of 2000, 42 U.S.C. section~~
11 ~~15001 et seq.;~~

12 (vi)g) ~~Other federal programs.~~

13 (d4) The entry into contracts with service provider agencies within a
14 local community which have been identified by the regional committee;

15 (e5) The development of procedures to monitor services that are pro-
16 vided to infants and toddlers with ~~disabilities~~ special needs and their fam-
17 ilies;

18 (f6) The development of procedures to ensure that services are provided
19 to infants and toddlers with ~~disabilities~~ special needs and their families
20 in a timely manner pending resolution of any disputes among public agencies
21 or service providers;

22 (g7) The writing of all ~~policy~~ policies and procedures and administra-
23 tive rules in conjunction with the council which are necessary for implemen-
24 tation of the provisions of this chapter;

25 (h8) Providing staff and services as may be necessary to carry out the
26 functions of the ~~interagency~~ early childhood coordinating council.

27 SECTION 10. That Section 16-108, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 16-108. REGIONAL EARLY CHILDHOOD COMMITTEES. (1) The regional direc-
30 tor of each of the ~~seven (7)~~ administrative regions of the lead agency shall
31 appoint a ~~local interagency coordinating~~ regional early childhood commit-
32 tee to assist the regional lead agency and all other appropriate agencies
33 in the planning and coordinating of early childhood and early intervention
34 services for infants and toddlers young children with disabilities special
35 needs and their families who reside within the region served by the regional
36 committee. With recommendations from the regional committee, the regional
37 director shall appoint staff to support regional committee activities and
38 early intervention services. ~~Staff persons will report to the regional di-~~
39 ~~rector.~~

40 (2) Membership on the committee shall consist of parents, agency per-
41 sonnel with the authority to effectively represent their agencies and other
42 public officials, early childhood professionals and private providers.

43 (3) The regional ~~interagency coordinating~~ early childhood committees
44 shall have the following ~~responsibility~~ responsibilities:

45 (a) To advise and assist the council on regional issues or concerns; and

46 (b) To assist the lead agency and other appropriate agencies in the
47 implementation of the early intervention and early childhood com-
48 prehensive systems locally as ~~stipulated~~ provided for in rules and
49 regulations of the lead agency.

1 SECTION 11. That Section 16-109, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 16-109. INDIVIDUALIZED FAMILY SERVICE PLAN. (1) Infants and toddlers
4 receiving early intervention services and their families shall receive the
5 following:

6 (a) A comprehensive multidisciplinary evaluation of the strengths and
7 needs of the infant or toddler and the family, and the identification of
8 services to meet such needs;

9 (b) An explanation of the multidisciplinary evaluation and all service
10 options in the family's native language or through an interpreter, if
11 necessary; and

12 (c) A written individualized family service plan developed by a mul-
13 tidisciplinary team with the parents as fully participating members of
14 the team.

15 (2) The individualized family service plan shall be developed within a
16 reasonable time following the completed evaluation required in subsection
17 (1) of this section. With the parent's consent, development of an interim
18 individualized family service plan and compliance with evaluation time-
19 lines, early intervention services may commence prior to the completion of
20 such assessment.

21 (3) The individualized family service plan shall be in writing and a
22 copy of the plan shall be made available to the family, and in the family's
23 native language when appropriate and necessary to ensure understanding, and
24 shall contain the following:

25 (a) A statement of the infant's or toddler's present levels of physi-
26 cal development, cognitive development, communication, language and
27 speech development, ~~psychosocial~~ social and emotional development,
28 sensory impairment and self-help skills based on objective criteria;

29 (b) A statement of the family's strengths and needs related to enhanc-
30 ing the development of the infant or toddler with ~~disabilities~~ special
31 needs, developed with concurrence of the family;

32 (c) A statement of the goals and objectives expected to be achieved for
33 the infant or toddler and the family, including the criteria, proced-
34 ures, and ~~time lines~~ timelines used to determine the degree to which
35 progress toward achieving the outcomes is being made, and whether modi-
36 fications or revisions of the outcomes or services are necessary;

37 (d) A statement of specific early intervention services necessary to
38 meet the individual needs of the infant or toddler with ~~disabilities~~
39 special needs and the family; such statement should include the fre-
40 quency, intensity and the method of delivering these services;

41 (e) A statement of the health status, and medical needs of the infant
42 or toddler and family to support the development of the child, and the
43 names of the health care providers;

44 (f) The projected dates for initiation of services and the anticipated
45 duration of such services;

46 (g) The name of the ~~case manager~~ service coordinator who will be respon-
47 sible for facilitating the implementation of the plan and coordination
48 with other agencies and persons; and

1 (h) The steps to be taken in supporting the transition of the infant or
2 toddler to other services.

3 (4) The individualized family service plan shall serve as the singular
4 comprehensive service plan for all agencies involved in providing early in-
5 tervention services to the infant or toddler and the family.

6 (5) The individualized family service plan shall be evaluated once a
7 year and the family shall be provided a review of the plan at six (6) months
8 intervals or more frequently where appropriate based on the needs of the in-
9 fant or toddler and the family.

10 SECTION 12. That Section 16-110, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 16-110. EARLY INTERVENTION PROCEDURAL SAFEGUARDS. The procedural
13 safeguards to be included in the statewide system shall provide, at a mini-
14 mum, the following:

15 (1) The timely administrative resolution of complaints by parents;

16 (2) The right to confidentiality of personally identifiable informa-
17 tion;

18 (3) The opportunity for parents or guardian to examine and receive a
19 copy of records relating to assessment, screening eligibility determina-
20 tions, and the development and implementation of the IFSP;

21 (4) Procedures to protect the rights of the infant or toddler with
22 ~~disabilities~~ special needs whenever the parents or guardian of the child are
23 not known or are unavailable or the child is a ward of the state, including
24 the assignment of an individual, ~~who shall not be an employee of any state~~
25 ~~agency involved in the provision of early intervention or other services to~~
26 ~~the child,~~ to act as surrogate for the parents or guardian;

27 (5) Written notice to the parents or guardian of the infant or toddler
28 whenever the state agency or service provider proposes, or refuses, to ini-
29 tiate or change the identification, evaluation, placement, or the provision
30 of early intervention services to the infant or toddler;

31 (6) Written consent of the parents or guardian of the infant or toddler
32 whenever the state agency or service provider proposes to initiate or change
33 the identification, evaluation, placement or the provision of early inter-
34 vention services to the infant or toddler;

35 (7) Procedures designed to assure that the notice required in subsec-
36 tion (5) of this section fully informs the parents or guardian, in the par-
37 ents' or guardian's native language or by an interpreter of all procedures
38 available pursuant to this section; and

39 (8) Procedures for impartial complaint resolution.

40 SECTION 13. That Section 16-111, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 16-111. ~~USES OF~~ EARLY INTERVENTION SERVICES FUNDS. (1) There is hereby
43 created in the state treasury a fund to be known as the early intervention
44 services fund. The early intervention services fund shall consist of mon-
45 eys received pursuant to the individuals with disabilities education act
46 (IDEA), state moneys and moneys made available from any public agency, gov-
47 ernmental source or any other source. All money in the fund is appropriated

1 continuously for the purpose of carrying out the provisions of this chapter.
 2 The use of federal P.L. 99-457, part H funds moneys received pursuant to IDEA
 3 as well as state ~~funds moneys~~ shall be allocated by the director through
 4 collaborative regional programs to implement the statewide system required
 5 under ~~such law~~ IDEA, in the following priority:

6 (1a) For early intervention services to infants and toddlers with
 7 ~~disabilities~~ special needs that are not otherwise provided from other
 8 public or private funds;

9 (2b) To expand and improve on the services for infants and toddlers with
 10 ~~disabilities~~ special needs that are otherwise available; and

11 (3c) For screening and tracking of ~~infants and toddlers~~ young children
 12 at risk of developmental delay.

13 (2) In the event federal moneys received pursuant to IDEA are no longer
 14 available, the council membership shall be limited and aligned with the cur-
 15 rent requirements of IDEA part C within thirty (30) days of the loss of such
 16 moneys.

17 SECTION 14. That Chapter 1, Title 16, Idaho Code, be, and the same is
 18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 19 ignated as Section 16-111A, Idaho Code, and to read as follows:

20 16-111A. EARLY CHILDHOOD COMPREHENSIVE SYSTEM FUND. There is hereby
 21 created in the state treasury a fund to be known as the early childhood com-
 22 prehensive system fund. The early childhood comprehensive system fund shall
 23 consist of private contributions and donations and moneys made available
 24 from any public agency, governmental source or any other source. All moneys
 25 in such fund shall be expended by the council for the purpose of carrying out
 26 its duties and responsibilities pursuant to the provisions of this chapter
 27 and to support the statewide effort in the development and sustainability of
 28 the council and of early childhood services and programs. Interest earned
 29 from the investment of moneys in the early childhood comprehensive system
 30 fund shall be retained in such fund. In the event federal law no longer
 31 requires the existence of an interagency coordinating council and early
 32 childhood advisory council, the moneys in the early childhood comprehensive
 33 system fund shall be transferred to the early intervention services fund and
 34 the early childhood comprehensive system fund shall be dissolved.

35 SECTION 15. That Section 16-112, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 16-112. PROHIBITED USE OF EARLY INTERVENTION SERVICES FUNDS. The use
 38 of moneys from the early intervention services funds provided under this
 39 chapter to supplant funds from other sources is not permitted. ~~All local and~~
 40 ~~state programs for infants and toddlers with disabilities shall maintain the~~
 41 ~~funding which supported infant and toddler programs at levels as of July 1,~~
 42 ~~1990.~~

43 SECTION 16. That Section 16-113, Idaho Code, be, and the same is hereby
 44 amended to read as follows:

1 16-113. MAINTENANCE OF EXISTING PROGRAM LEVELS. Nothing in this chap-
2 ter shall be construed to permit:

3 (1) The reduction of local, state, or federal medical or other assis-
4 tance available;

5 (2) The alteration of eligibility under title V of the social security
6 act (relating to maternal and child health);

7 (3) The alteration of eligibility under title XIX of the social secu-
8 rity act (relating to medicaid for infants and toddlers with ~~disabilities~~
9 special needs);

10 (4) The reduction of early intervention services provided by the state
11 department of education, the department of health and welfare, or the ~~school~~
12 bureau of educational services for the deaf and the blind.

13 SECTION 17. The provisions of Sections 7, 8 and 14 of this act shall be
14 null, void and of no force and effect on and after a change to the federal law
15 that would no longer require the existence of an Interagency Coordinating
16 Council and Early Childhood Advisory Council.