

As Engrossed: 3/8/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Mahony**
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A BILL ACT 1017 OF 1991
HOUSE BILL 1867

7
8 **For An Act To Be Entitled**

9 "AN ACT TO AMEND ACT 658 OF 1987 AND VARIOUS SECTIONS OF
10 THE ARKANSAS CODE OF 1987 ANNOTATED PERTAINING TO EARLY
11 INTERVENTION PROGRAMS FOR INFANTS AND TODDLERS; AND FOR
12 OTHER PURPOSES."

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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15 SECTION 1. Paragraphs (a) and (b) of Section 2 of Act 658 of 1987 are
16 hereby amended to read as follows:

17 "The statewide system of early intervention services shall be developed
18 consistent with federal requirements and timetables for the implementation of
19 Public Law 99-457."
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21 SECTION 2. Ark. Code Ann. §20-14-503 is hereby amended to read as
22 follows:

23 "20-14-503. Statewide system of programs - Minimum requirements.

24 (a) A statewide system of coordinated, comprehensive,
25 multidisciplinary, interagency programs providing appropriate early
26 intervention services to all handicapped infants and toddlers and their
27 families shall include the minimum components under subsection (b) of this
28 section.

29 (b) The statewide system required by subsection (a) of this section
30 shall include, at a minimum:

31 (1) A definition of the term 'developmentally delayed' that will
32 be used by the state in carrying out programs under this section;

33 (2) Timetables for ensuring appropriate early intervention
34 services available to all handicapped infants and toddlers in the state
35 consistent with the federal timetables for the implementation of Public Law
36 99-457;

1 (3) A timely, comprehensive, multidisciplinary evaluation of the
2 functioning of each handicapped infant and toddler in the state and the needs
3 of the families to appropriately assist in the development of the handicapped
4 infant or toddler;

5 (4) For each handicapped infant and toddler in the state, an
6 individualized family service plan in accordance with federal regulations
7 under Public Law 99-457, including case management services in accordance with
8 the service plan;

9 (5) A comprehensive child-find system, consistent with federal
10 requirements, including a system for making referrals to service providers
11 that includes timelines and provides for the participation by primary referral
12 sources;

13 (6) A public awareness program focusing on early identification
14 of handicapped infants and toddlers;

15 (7) A central directory which includes early intervention
16 services, resources, and experts available in the state and research and
17 demonstration projects being conducted in the state;

18 (8) A comprehensive system of personnel development;

19 (9) A single line of responsibility in a lead agency designated
20 or established by the Governor for carrying out:

21 (A) The general administration, supervision, and monitoring
22 of programs and activities receiving assistance under Public Law 99-457, and
23 monitoring other federal and state funds to ensure compliance with this
24 section;

25 (B) The identification and coordination of all available
26 resources within the state from federal, state, local, and private sources;

27 (C) The assignment of financial responsibility to the
28 appropriate agency;

29 (D) The development of procedures to ensure that services
30 are provided to handicapped infants and toddlers and their families in a
31 timely manner pending the resolution of any disputes between public agencies
32 or service providers;

33 (E) The resolution of intra- and interagency disputes; and

34 (F) The entry into formal interagency agreements that
35 define the financial responsibility of each agency for paying for early

1 intervention services, consistent with state law, and procedures for resolving
2 disputes that include all additional components necessary to ensure meaningful
3 cooperation and coordination;

4 (10) A policy pertaining to the contracting or making of other
5 arrangements with service providers to provide early intervention services in
6 the state, consistent with the provisions of this section, including the
7 contents of the application used and the conditions of the contract or other
8 arrangements;

9 (11) A procedure for securing timely reimbursement of funds;

10 (12) Procedural safeguards with respect to programs; and

11 (13) Policies and procedures relating to the establishment and
12 maintenance of standards to ensure that personnel necessary to carry out this
13 subchapter are appropriately and adequately prepared and trained, including:

14 (A) The establishment and maintenance of standards which
15 are consistent with any state-approved or recognized certification, licensing,
16 registration, or other comparable requirements which apply to the area in
17 which personnel are providing early intervention services; and

18 (B) To the extent the standards are not based on the
19 highest requirements in the state applicable to a specific profession or
20 discipline, the steps the state is taking to require the retraining or hiring
21 of personnel who meet appropriate professional requirements in the state; and

22 (14) A system for compiling data on the numbers of handicapped
23 infants and toddlers and their families in the state in need of appropriate
24 early intervention services, which may be based on a sampling of data, the
25 number of such infants and toddlers and their families served, the types of
26 services provided, which may be based on a sampling of data, and other
27 information required by the Secretary of the Department of Education.

28 (15) *A process for increasing early intervention services and*
29 *developing services in unserved areas by giving existing providers an*
30 *opportunity to provide additional services in their service areas and by*
31 *implementing a request for proposal process for developing services in areas*
32 *where there is no existing provider."*

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34 SECTION 3. Ark. Code Ann. §20-14-508(a) and (b) are hereby amended to
35 read as follows:

1 "(a) (1) A State Interagency Coordinating Council composed of fifteen
2 (15) members shall be established.

3 (2) The council and the co-chairpersons of the council shall be
4 appointed by the Governor. One co-chairperson shall be the parent of a child
5 specified in subsection (b) (1) of this section, and the other co-chairperson
6 shall be a public or private provider of early intervention services as
7 provided in subsection (b) (2) of this section. In making appointments to the
8 council, the Governor shall ensure that the membership of the council
9 reasonably represents the population of the state.

10 (b) The council shall be composed of:

11 (1) At least three (3) parents of handicapped infants or toddlers
12 or handicapped children aged three (3) through six (6) years, inclusive;

13 (2) At least three (3) public or private providers of early
14 intervention services;

15 (3) At least one (1) representative from the General Assembly;

16 (4) At least one (1) person involved in personnel preparation;

17 (5) The directors of the Arkansas Department of Health, the
18 Arkansas Department of Education, and the Arkansas Department of Human
19 Services; and

20 (6) Other members representing each of the appropriate agencies
21 involved in the provision of or payment for early intervention services to
22 handicapped infants and toddlers and their families and others selected by the
23 Governor.

24 (7) The members of the council shall not receive compensation for
25 their services as members but shall receive reimbursement for necessary
26 expenses incurred in connection with the performance of their duties as
27 council members."

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29 SECTION 4. All provisions of this act of a general and permanent nature
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
31 Revision Commission shall incorporate the same in the Code.

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33 SECTION 5. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

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4 SECTION 6. All laws and parts of laws in conflict with this act are
5 hereby repealed.

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/s/ J. Mahony

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APPROVED: 4/8/91

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