

Chapter 3A. EARLY INTERVENTION FOR INFANTS AND TODDLERS WITH DISABILITIES.

NOTES

Effective date

The act which added this chapter became effective August 31, 1993.

§ 21-3A-1. Short title.

STATUTORY TEXT

This chapter shall be known and may be cited as the Alabama **Early Intervention** Act for Infants and Toddlers with Disabilities. (Acts 1993, 1st Ex. Sess., No. 93-920, p. 224, §1.)

§ 21-3A-2. Legislative intent.

STATUTORY TEXT

The Legislature finds that there is an urgent and substantial need to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system of **early intervention** services for all eligible infants and toddlers with disabilities and their families. (Acts 1993, 1st Ex. Sess., No. 93-920, p. 224, §2.)

§ 21-3A-3. Definitions.

STATUTORY TEXT

The following words and phrases used in this chapter have the following respective meanings unless the context clearly indicates otherwise:

- (1) Council. The Interagency Coordinating Council as established in Section 21-3A-4.
- (2) **Early intervention** services. Any developmental services that:
 - a. Are provided under public supervision.
 - b. Are designed to meet the developmental needs of each eligible child and the needs of the family related to enhancing the development of the child.
 - c. Are selected in collaboration with the parents.
 - d. Are provided by qualified personnel as determined by the personnel standards of the state, the standards of the **early intervention** program, and the regulations.

- e. Are provided in conformity with an individualized family service plan.
- f. Meet the requirements of Public Law 99-457 as amended (20 U.S.C. §§1471 to 1485, inclusive), and the **early intervention** standards of the State of Alabama.
- g. Are provided, to the extent appropriate, in the types of settings in which infants and toddlers without disabilities would participate.
- h. Include, but are not limited to, the following services:
 - 1. Assistive Technology Devices and Assistive Technology Services.
 - 2. Audiology.
 - 3. Family Training, Counseling, and Home Visits.
 - 4. Health Services.
 - 5. Medical Services Only for Diagnostic or Evaluation Purposes.
 - 6. Nursing Services.
 - 7. Nutrition Services.
 - 8. Occupational Therapy.
 - 9. Physical Therapy.
 - 10. Psychological Services.
 - 11. Service Coordination Services.
 - 12. Social Work Services.
 - 13. Special Instruction.
 - 14. Speech-Language Pathology.
 - 15. Transportation and related costs that are necessary to enable an infant or toddler, and the family of the infant or toddler to receive **early intervention** services.
 - 16. Vision Services.

(3) **Early intervention** system. The total effort in the state that is directed at meeting the needs of eligible infants and toddlers and their families.

(4) Eligible infants and toddlers. Individuals, from birth through age two, inclusive, who need **early intervention** services because of one or both of the following:

- a. They are experiencing developmental delays as measured by appropriate diagnostic instruments and procedures in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; or adaptive development.
- b. They have a diagnosed physical or mental condition which has a high

probability of resulting in developmental delay.

c. Services for the at-risk population may be incorporated into the **early intervention** services system but are not included as a requirement of this chapter.

(5) Individualized family service plan. A process which includes the development of a written plan containing the required elements designed to address the needs of eligible infants and toddlers and their families in accordance with Section 1477 of Title 20 of the United States Code.

(6) Lead agency. The Alabama Department of Education.

(7) Local coordinating council. A working group of interagency representatives, parents and other family members, and others at the local or regional level.

(8) Multidisciplinary. The involvement of two or more disciplines or professions in the provision of integrated and coordinated services, including evaluation and assessment activities and development of the individualized family service plan. The multidisciplinary team means a group comprised of the parents, service providers, and others as deemed appropriate by the family.

(9) Parent. A parent, a guardian, a person acting as a parent of a child, or an appointed surrogate parent. The term does not include the state if the child is a ward of the state.

(10) Policies. The state statutes, regulations, orders of the Governor, directives by the lead agency, participating agencies, the Executive Committee, or other written documents that represent the position of the state concerning any matter within the purview of this chapter.

(11) Public agency. A department, commission, council, board, division, service, private community provider, or an office or administration that is responsible for providing services to eligible infants and toddlers and their families pursuant to this chapter, including, but not limited to, the following:

- a. Alabama Department of Education.
- b. Alabama Department of Human Resources.
- c. Alabama Department of Insurance.
- d. Alabama Department of Mental Health and Mental Retardation.
- e. Alabama Department of Public Health.
- f. Alabama Institute for Deaf and Blind.
- g. Alabama Medicaid Agency.

(12) Regulations. The regulations implementing Part H of Public Law 99-457 as amended (20 U.S.C. §§1471 to 1485, inclusive), titled **Early Intervention** Program for Infants and Toddlers with Disabilities and codified as Part 303 of Title 34 of the Code of Federal Regulations.

(13) Service coordination. The case management and other activities carried out by a service coordinator to assist and enable a child eligible under Part H of Public Law 99-457

as amended (20 U.S.C. 1471 to 1485, inclusive), and the family of the child, to receive the rights, procedural safeguards, and services that are authorized to be provided under the **early intervention** system of the state.

(14) Service provider. Any individual or public or private agency who does all or any of the following:

- a. Consults with or provides services to parents.
- b. Consults with or provides services to other service providers.
- c. Participates in the multidisciplinary team evaluation and assessment of a child and family of a child to develop the individualized family service plan.
- d. Assists parents and others to provide services. (Acts 1993, 1st Ex. Sess., No. 93-920, p. 224, §3.)

§ 21-3A-4. Composition; appointment and duties of members.

STATUTORY TEXT

(a) For the purposes of implementing this chapter, the Governor shall appoint the Interagency Coordinating Council. The council shall consist of not less than 15 members nor more than the number allowed by regulation.

(b) The Governor shall designate a member of the council to serve as the chair, or shall require the council to designate a member to serve as the chair.

(c) The council shall be composed as follows:

(1) At least 20 percent of the members shall be parents, including minority parents, of infants and toddlers with disabilities or children with disabilities aged 12 or younger. At least one member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger.

(2) At least 20 percent of the members shall be public or private providers of **early intervention** services.

(3) One representative from the Alabama Legislature.

(4) One person involved in personnel preparation.

(5) The directors of the appropriate agencies involved in the provision of or payment for **early intervention** services to eligible infants, toddlers, and their families, or their designated representative. These agencies include, but are not limited to, each of the following:

- a. Alabama Department of Education.
- b. Alabama Department of Human Resources.
- c. Alabama Department of Insurance.

- d. Alabama Department of Mental Health and Mental Retardation.
- e. Alabama Department of Public Health.
- f. Alabama Institute for Deaf and Blind.
- g. Alabama Medicaid Agency.
- h. Others selected by the Governor, which may include a representative of the local coordinating councils.

(d) The seven enumerated directors of state agencies or their designees shall serve ex officio. All other appointments shall be made by the Governor with initial staggered terms and subsequent terms of two years.

(e) The council shall meet at least quarterly. Meetings shall be open to the public.

(f) The council shall advise and assist the lead agency in the performance of its responsibilities consistent with its role in federal law, regulations, and state policy.

(g) No member of the council shall cast a vote on any matter which would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under state law.

(h) The Governor shall designate an executive committee, composed of the seven enumerated directors of the state agencies and at least two family members represented on the Interagency Coordinating Council, as the policy making body for the early intervention program. Its authority to set policy is limited to those broad policy areas which the executive committee or Interagency Coordinating Council has identified as having significant impact on the early intervention system, policies, and funding of the respective agencies. The policies shall be adopted only after deliberation and consultation with the Interagency Coordinating Council. The executive committee shall have each of the following duties:

- (1) Ensure interagency collaboration and mutual sharing of information to facilitate policy decisions and implementation of the comprehensive statewide system of early intervention services.
- (2) Assure the development of a state plan to coordinate available resources related to early intervention.
- (3) Identify areas of duplicative or fragmented public policies and regulations which may require modification or amendment and plan action directed at those issues.
- (4) Resolve interagency disputes.
- (5) Provide for coordinated program planning and joint budget development related to early intervention services based on the studies and recommendations of the council.
- (6) Assign financial responsibility among appropriate agencies. (Acts 1993, 1st Ex. Sess., No. 93-920, p. 224, §4.)

§ 21-3A-5. Early intervention services.

STATUTORY TEXT

To the extent required by and consistent with Part H of Public Law 99-457 as amended, (20 U.S.C. §§1471 to 1485, inclusive), and its implementing regulations, a statewide system of coordinated comprehensive, multidisciplinary, interagency services providing appropriate **early intervention** services to all eligible infants and toddlers and their families shall include the required minimum components under federal law. (Acts 1993, 1st Ex. Sess., No. 93-920, p. 224, §5.)

§ 21-3A-6. Duties of local coordinating council.

STATUTORY TEXT

The statewide system shall be implemented at the local level through local coordinating councils. The local coordinating council shall focus on the development of a formal, working team or agency involving parental and other representatives who regularly meet to perform each of the following duties:

- (1) Develop a common information base.
- (2) Eliminate unnecessary duplication of services.
- (3) Develop a local plan.
- (4) Coordinate local or regional **early intervention** services.
- (5) Identify gaps in service.
- (6) Collaborate on utilization of resources.
- (7) Facilitate delivery of service to all eligible infants, toddlers, and their families. (Acts 1993, 1st Ex. Sess., No. 93-920, p. 224, §6.)

§ 21-3A-7. Duties of lead agency.

STATUTORY TEXT

(a) The lead agency shall be responsible for the general administration, supervision, and monitoring of programs and activities within the **early intervention** system, including coordination of all available financial resources within the state from federal, state, local, and private sources, and other responsibilities as detailed in federal law.

(b) All providers of **early intervention** services shall be responsible for meeting all policies, procedures, and standards adopted by the state in providing **early intervention** services to eligible infants, toddlers, and their families. All participating agencies shall cooperate with the lead agency in meeting these responsibilities. (Acts 1993, 1st Ex. Sess., No. 93-920, p. 224, §7.)

§ 21-3A-8. Evaluations; assessments.

STATUTORY TEXT

(a) Upon full implementation of the early intervention system, eligible infants and toddlers, and their families shall receive each of the following:

(1) A comprehensive, multidisciplinary evaluation and assessment of the needs of the infant and toddler and the resources, priorities, and concerns of the family, and the identification of services to meet these needs.

(2) An explanation of the evaluation and assessment and all service options in the native language of the family and other accommodations as may be necessary to assure meaningful involvement in the planning and implementation of all services provided under this chapter. The explanation shall accommodate for cultural differences.

(3) A written individualized family service plan developed according to the recommendations of a multidisciplinary team with the parents as fully participating members of the team.

(4) The services outlined in the individual family service plan which, at a minimum, shall include service coordination.

(5) Procedural safeguards outlined in the regulations.

(b) The individualized family service plan shall serve as the singular comprehensive service plan for all agencies and service providers involved in providing early intervention services to the eligible infant or toddler and the family. (Acts 1993, 1st Ex. Sess., No. 93-920, p. 224, §8.)

§ 21-3A-9. Use of funds appropriated for early intervention services.

STATUTORY TEXT

Any federal funds made available to the state through Part H of Public Law 99-457, as amended, (20 U.S.C. §§1471 to 1485, inclusive), and any additional state funds appropriated for early intervention services shall not be used to satisfy a financial commitment for services that would otherwise have been paid for from another public or private source but for the enactment of Part H of Public Law 99-457, as amended, (20 U.S.C. §§1471 to 1485, inclusive). Funds under this part shall only be used for early intervention services that an eligible child needs but is not currently entitled to under any other federal, state, local, or private source.

All public agencies named in this chapter shall comply with Part H of Public Law 99-457, as amended, (20 U.S.C. §§1471 to 1485, inclusive), and its implementing regulations. The public agencies shall participate in the funding of the early intervention system as detailed in each agency's agreement with the lead agency. The lead agency shall present an annual budget request to the Legislature that is developed in conjunction with and through coordination with the named public agencies. (Acts 1993, 1st Ex. Sess., No. 93-920, p. 224, §9.)

§ 21-3A-10. Furthering purpose and policy.

STATUTORY TEXT

This chapter shall be interpreted to be consistent with and further the purpose and policy of Part H of Public Law 99-457, as amended, (20 U.S.C. §§1471 to 1485, inclusive), its implementing regulations, and any subsequent amendments to the law and its implementing regulations. (Acts 1993, 1st Ex. Sess., No. 93-920, p. 224, §10.)

§ 21-3A-11. Implementation. Repealed by Acts 1997, No. 97-418, §1, effective May 14, 1997.