

## HOUSE BILL No. 2522

By Committee on Appropriations

2-16

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AN ACT concerning children; relating to the infant and toddler program; transferring certain powers and duties to the state board of education; amending K.S.A. 75-5648 and 75-5649 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 75-5648 is hereby amended to read as follows: 75-5648. As used in this act:

(a) "Infants and toddlers with disabilities" means children from birth through two years of age who need early intervention services because:

(1) They are experiencing developmental delays; or

(2) they have a diagnosed mental or physical condition that has a high probability of resulting in developmental delay.

(b) "Early intervention services" means developmental services which are designed to meet the developmental needs of each eligible child and the needs of the family related to enhancing the child's development.

(c) "Lead agency" means the ~~Kansas department of health and environment~~ *state board of education*, designated by the governor to perform the duties described in K.S.A. 75-5649 and amendments thereto.

(d) "Council" means the coordinating council on early childhood developmental services established in K.S.A. 74-7801 to 74-7803 and amendments thereto.

(e) "Local council" means an interagency coordinating council established in a local community for the purpose of coordinating early intervention services for infants and toddlers with disabilities and their families who reside within that local community.

Sec. 2. K.S.A. 75-5649 is hereby amended to read as follows: 75-5649. The ~~secretary of health and environment~~ *state board of education* may adopt rules and regulations in order to carry out the responsibilities of the lead agency under PL 102-119, Part H which include, but are not limited to:

(a) The administration of federal and state funds designated for this program;

(b) the entry into contracts with agencies in a local community which

1 have been designated by a local council as the providers of services within  
2 their community;

3 (c) the development of procedures to ensure that services are pro-  
4 vided to infants and toddlers with disabilities and their families in a timely  
5 manner;

6 (d) a procedure for contracting or making of other arrangements with  
7 service providers to provide early intervention services in Kansas;

8 (e) procedural safeguards with respect to programs under this early  
9 intervention system shall include, but are not limited to, procedures  
10 which address resolution of complaints, confidentiality issues, ability of  
11 parents to examine records, informed consent, provision of services dur-  
12 ing disputes and adequate notice to parents;

13 (f) procedures relating to the establishment and maintenance of stan-  
14 dards to ensure that personnel necessary to carry out this program are  
15 appropriately and adequately prepared and trained;

16 (g) a system for compiling data on the numbers of infants and tod-  
17 dlers with disabilities and their families in Kansas in need of appropriate  
18 early intervention services, the number of such infants and toddlers and  
19 their families served, types of services provided, and other information  
20 required by the United States secretary of education;

21 (h) the development of an early intervention service system which  
22 shall consist of local councils which plan and coordinate early intervention  
23 services for infants and toddlers with disabilities and their families; and

24 (i) a procedure for making grants or other funding mechanisms,  
25 within the limits of appropriations, by the ~~secretary of health and envi-~~  
26 ~~ronment~~ *state board of education* to local community agencies or entities  
27 to provide comprehensive, coordinated, multidisciplinary, interagency,  
28 early intervention services for infants and toddlers with disabilities and  
29 their families.

30 New Sec. 3. All of the powers, duties and functions of the depart-  
31 ment of health and environment concerning the infants and toddlers pro-  
32 gram established under K.S.A. 75-5649, and amendments thereto, are  
33 hereby transferred to and conferred upon the state board of education.

34 New Sec. 4. (a) Except as otherwise provided by this act, the state  
35 board of education shall be the successor in every way to the powers,  
36 duties and functions of the department of health and environment con-  
37 cerning the infants and toddlers program in which the same were vested  
38 prior to the effective date of this section. Every act performed in the  
39 exercise of such powers, duties and functions by or under the authority  
40 of the state board of education shall have the same force and effect as if  
41 performed by the department of health and environment in which such  
42 powers, duties and functions were vested prior to the effective date of  
43 this section.

1 (b) Except as otherwise provided by this act, whenever the depart-  
2 ment of health and environment, or words of like effect concerning the  
3 infants and toddlers program, is referred to or designated by a statute,  
4 contract or other document, such reference or designation shall be  
5 deemed to apply to the state board of education.

6 (c) All rules and regulations of the department of health and envi-  
7 ronment concerning the infants and toddlers program in existence on the  
8 effective date of this act shall continue to be effective and shall be deemed  
9 to be duly adopted rules and regulations of the state board of education  
10 until revised, amended, revoked or nullified pursuant to law.

11 New Sec. 5. On and after the effective date of this act, officers and  
12 employees who, immediately prior to such date, were in positions en-  
13 gaged in the performance of powers, duties or functions of the infants  
14 and toddlers program which are transferred by this act, or who become  
15 a part of the state board of education, or the powers, duties and functions  
16 of which are transferred to the state board of education, and if, in the  
17 opinion of the state board of education, those positions are necessary to  
18 perform the powers, duties and functions of the state board of education  
19 concerning the infants and toddlers program, shall be transferred to, and  
20 shall become officers and employees of the state board of education. Any  
21 such officer or employee shall retain all retirement benefits and all rights  
22 of civil service which had accrued to or vested in such officer or employee  
23 prior to the effective date of this section. The service of each such officer  
24 and employee so transferred shall be deemed to have been continuous.  
25 All transfers of personnel positions in the classified service under the  
26 Kansas civil service act shall be in accordance with civil service laws and  
27 any rules and regulations adopted thereunder.

28 New Sec. 6. (a) When any conflict arises as to the disposition of any  
29 power, duty or function or the unexpended balance of any appropriation  
30 as a result of any abolition, transfer, attachment or change made by or  
31 under authority of this act, such conflict shall be resolved by the governor,  
32 whose decision shall be final.

33 (b) The state board of education shall succeed to all property and  
34 records concerning the infants and toddlers program which were used  
35 for or pertain to the performance of the powers, duties and functions  
36 transferred to the state board of education. Any conflict as to the proper  
37 disposition of property or records arising under this section, and resulting  
38 from the transfer or attachment of any state agency, or all or part of the  
39 powers, duties and functions thereof, shall be determined by the gover-  
40 nor, whose decision shall be final.

41 New Sec. 7. (a) The state board of education shall have the legal  
42 custody of all records, memoranda, writings, entries, prints, representa-  
43 tions or combinations thereof of any act, transaction, occurrence or event

1 of the department of health and environment concerning the infants and  
2 toddlers program.

3 (b) No suit, action or other proceeding, judicial or administrative,  
4 lawfully commenced, or which could have been commenced, by or against  
5 any state agency mentioned in this act, or by or against any officer of the  
6 state in such officer's official capacity or in relation to the discharge of  
7 such officer's official capacity or in relation to the discharge of such of-  
8 ficer's official duties, shall abate by reason of the governmental reorgan-  
9 ization effected under the provisions of this act. The court may allow any  
10 such suit, action or other proceeding to be maintained by or against the  
11 successor of any such state agency or any officer affected.

12 (c) No criminal action commenced or which could have been com-  
13 menced by the state shall abate by reason of the governmental reorgan-  
14 ization effected under the provisions of this act.

15 New Sec. 8. The unexpended balance of any appropriation for any  
16 state and federal funds available to the department of health and envi-  
17 ronment relating to administration and supervision of the infant and tod-  
18 dlers program shall be transferred to the state board of education.

19 Sec. 9. K.S.A. 75-5648 and 75-5649 are hereby repealed.

20 Sec. 10. This act shall take effect and be in force from and after its  
21 publication in the statute book.

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