

SENATE BILL No. 408

By Legislative Educational Planning Committee

1-3

9 AN ACT concerning early childhood education; relating to the transfer
10 of authority of the infants and toddlers with disabilities services pro-
11 gram to the department of education; amending K.S.A. 75-5648 and
12 75-5649 and repealing the existing sections.
13

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

15 Section 1. K.S.A. 75-5648 is hereby amended to read as follows: 75-
16 5648. As used in this act:

17 (a) “Infants and toddlers with disabilities” means children from birth
18 through two years of age who need early intervention services because
19 *they*:

20 (1) ~~They~~ Are experiencing developmental delays; or

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

23 (b) “Early intervention services” means developmental services
24 which are designed to meet the developmental needs of each eligible
25 child and the needs of the family related to enhancing the child’s
26 development.

27 (c) “Lead agency” means the ~~Kansas department of health and en-~~
28 ~~vironment~~ *state board of education*, designated by the governor to per-
29 form the duties described in K.S.A. 75-5649, and amendments thereto.

30 (d) “Council” means the coordinating council on early childhood de-
31 velopmental services established in K.S.A. 74-7801 ~~to~~ *through* 74-7803,
32 and amendments thereto.

33 (e) “Local council” means an interagency coordinating council estab-
34 lished in a local community for the purpose of coordinating early inter-
35 vention services for infants and toddlers with disabilities and their families
36 who reside within that local community.

37 (f) “*State board*” means *the state board of education*.

38 Sec. 2. K.S.A. 75-5649 is hereby amended to read as follows: 75-
39 5649. The ~~secretary of health and environment~~ *state board* may adopt
40 rules and regulations in order to carry out the responsibilities of the lead
41 agency under ~~PL 102-119, Part H~~ *20 U.S.C. 1435(a)(10)*, which include,
42 but are not limited to:

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

1 program;

2 (b) the entry into contracts with agencies in a local community which
3 have been designated by a local council as the providers of services within
4 their community;

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

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

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

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

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

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

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

32 New Sec. 3. (a) As used in this section:

33 (1) "State board" means the state board of education; and

34 (2) "department" means the department of social and rehabilitation
35 services.

36 (b) All powers, duties and functions of the department relating to the
37 infants and toddlers with disabilities program are hereby transferred to
38 the state board.

39 (c) Whenever the Kansas department of health and environment or
40 words of like effect are referred to or designated by a contract or other
41 document, such reference or designation shall be deemed to apply to the
42 state board.

43 (d) All orders and directives of the department relating to the per-

1 formance of the powers, duties and functions transferred to the state
2 board pursuant to this section, in existence immediately prior to the ef-
3 fective date of this act shall continue to be effective and shall be deemed
4 to be the orders or directives of the state board until revised, amended,
5 repealed or nullified pursuant to law.

6 (e) All rules and regulations of the department relating to the per-
7 formance of the powers, duties and functions transferred to the state
8 board pursuant to this section in existence immediately prior to the ef-
9 fective date of this act shall continue to be effective and shall be deemed
10 to be the rules and regulations of the state board until revised, repealed
11 or nullified pursuant to law.

12 (f) Whenever any conflict arises as to the disposition of any power,
13 duty or function as a result of any transfer made pursuant to this section
14 such conflict shall be resolved by the governor, and the decision of the
15 governor shall be final.

16 (g) The state board shall succeed to all property and records which
17 were used for, or pertain to, the performance of the powers, duties and
18 functions transferred to the state board pursuant to this section.

19 (h) Any conflict as to the proper disposition of property or records
20 arising under this section shall be determined by the governor, and the
21 decision of the governor shall be final.

22 (i) No suit, action or other proceeding, judicial or administrative, law-
23 fully commenced, or which could have been commenced, by or against
24 the department, or by or against any officer or employee of the depart-
25 ment in the official capacity of such officer or employee or in relation to
26 the discharge of official duties of such officer or employee, shall abate by
27 reason of the governmental reorganization effected under the provisions
28 of this section. The court may allow any such suit, action or other pro-
29 ceeding to be maintained by or against the successor of such state agency
30 or any officer or employee affected.

31 Sec. 4. K.S.A. 75-5648 and 75-5649 are hereby repealed.

32 Sec. 5. This act shall take effect and be in force from and after its
33 publication in the statute book.