

By: Senator(s) Hickman, Boyd

To: Public Health and Welfare

SENATE BILL NO. 2485

1 AN ACT TO AMEND SECTION 41-87-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF QUALIFIED PERSONNEL WHO PROVIDE EARLY  
3 INTERVENTION SERVICES UNDER THE EARLY INTERVENTION ACT FOR INFANTS  
4 AND TODDLERS TO INCLUDE INDIVIDUALS WHO HOLD A DEGREE IN HUMAN  
5 DEVELOPMENT AND FAMILY SCIENCE OR CHILD AND FAMILY SCIENCE WITH A  
6 CONCENTRATION IN CHILD DEVELOPMENT AND LICENSURE IN  
7 PRE-KINDERGARTEN TO KINDERGARTEN; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 41-87-5, Mississippi Code of 1972, is  
10 amended as follows:

11 41-87-5. Unless the context requires otherwise, the  
12 following definitions in this section apply throughout this  
13 chapter:

14 (a) "Eligible infants and toddlers" or "eligible  
15 children" means children from birth through thirty-six (36) months  
16 of age who need early intervention services because they:

17 (i) Are experiencing developmental delays as  
18 measured by appropriate diagnostic instruments and procedures in  
19 one or more of the following areas:

20 (A) Cognitive development;



21 (B) Physical development, including vision or  
22 hearing;

23 (C) Communication development;

24 (D) Social or emotional development;

25 (E) Adaptive development;

26 (ii) Have a diagnosed physical or mental  
27 condition, as defined in state policy, that has a high probability  
28 of resulting in developmental delay;

29 (iii) Are at risk of having substantial  
30 developmental delays if early intervention services are not  
31 provided due to conditions as defined in state policy. (This  
32 category may be served at the discretion of the lead agency  
33 contingent upon available resources.)

34 (b) "Early intervention services" are developmental  
35 services that:

36 (i) Are provided under public supervision;

37 (ii) Are provided at no cost except where federal  
38 or state law provides for a system of payments by families,  
39 including a schedule of sliding fees;

40 (iii) Are designed to meet the developmental needs  
41 of an infant or toddler with a disability in any one or more of  
42 the following areas:

43 (A) Physical development;

44 (B) Cognitive development;

45 (C) Communication development;



- 46 (D) Social or emotional development; or  
47 (E) Adaptive development;
- 48 (iv) Meet the requirements of Part C of the  
49 Individuals with Disabilities Education Act (IDEA) and the early  
50 intervention standards of the State of Mississippi;
- 51 (v) Include, but are not limited to, the following  
52 services:
- 53 (A) Assistive technology devices and  
54 assistive technology services;
- 55 (B) Audiology;
- 56 (C) Family training, counseling and home  
57 visits;
- 58 (D) Health services necessary to enable a  
59 child to benefit from other early intervention services;
- 60 (E) Medical services only for diagnostic or  
61 evaluation purposes;
- 62 (F) Nutrition services;
- 63 (G) Occupational therapy;
- 64 (H) Physical therapy;
- 65 (I) Psychological services;
- 66 (J) Service coordination (case management);
- 67 (K) Social work services;
- 68 (L) Special instruction;
- 69 (M) Speech-language pathology;



70 (N) Transportation and related costs that are  
71 necessary to enable an infant or toddler and her/his family to  
72 receive early intervention services; and

73 (O) Vision services;

74 (vi) Are provided by qualified personnel as  
75 determined by the state's personnel standards, including:

76 (A) Audiologists;

77 (B) Family therapists;

78 (C) Nurses;

79 (D) Nutritionists;

80 (E) Occupational therapists;

81 (F) Orientation and mobility specialists;

82 (G) Pediatricians and other physicians;

83 (H) Physical therapists;

84 (I) Psychologists;

85 (J) Social workers;

86 (K) Special educators;

87 (L) Speech and language pathologists;

88 (M) Individuals who hold a degree in Human

89 Development and Family Science or Child and Family Science with a

90 concentration in child development and licensure in

91 Pre-Kindergarten to Kindergarten;

92 (vii) Are provided, to the maximum extent

93 appropriate, in natural environments, including the home, and



94 community settings in which children without disabilities would  
95 participate;

96 (viii) Are provided in conformity with an  
97 individualized family service plan.

98 (c) "Council" means the State Interagency Coordinating  
99 Council established under Section 41-87-7.

100 (d) "Lead agency" means the State Department of Health.

101 (e) "Participating agencies" includes, but is not  
102 limited to, the State Department of Education, the Department of  
103 Human Services, the State Department of Health, the Division of  
104 Medicaid, the State Department of Mental Health, the University  
105 Medical Center, the Board of Trustees of State Institutions of  
106 Higher Learning and the Mississippi Community College Board.

107 (f) "Local community" means a county either jointly,  
108 severally, or a portion thereof, participating in the provision of  
109 early intervention services.

110 (g) "Primary service agency" means the agency, whether  
111 a state agency, local agency, local interagency council or service  
112 provider which is designated by the lead agency to serve as the  
113 fiscal and contracting agent for a local community.

114 (h) "Multidisciplinary team" means a group comprised of  
115 the parent(s) or legal guardian and the service providers, as  
116 appropriate, described in paragraph (b) of this section, who are  
117 assembled for the purposes of:



118 (i) Assessing the developmental needs of an infant  
119 or toddler;

120 (ii) Developing the individualized family service  
121 plan; and

122 (iii) Providing the infant or toddler and his or  
123 her family with the appropriate early intervention services as  
124 detailed in the individualized family service plan.

125 (i) "Individualized family service plan" means a  
126 written plan designed to address the needs of the infant or  
127 toddler and his or her family as specified under Section 41-87-13.

128 (j) "Early intervention standards" means those  
129 standards established by any agency or agencies statutorily  
130 designated the responsibility to establish standards for infants  
131 and toddlers with disabilities, in coordination with the council  
132 and in accordance with Part C of IDEA.

133 (k) "Early intervention system" means the total  
134 collaborative effort in the state that is directed at meeting the  
135 needs of eligible children and their families.

136 (l) "Parent," for the purpose of early intervention  
137 services, means a parent, a guardian, a person acting as a parent  
138 of a child, foster parent, or an appointed surrogate parent. The  
139 term does not include the state if the child is a ward of the  
140 state where the child has not been placed with individuals to  
141 serve in a parenting capacity, such as foster parents, or when a  
142 surrogate parent has not been appointed. When a child is the ward



143 of the state, a Department of Human Services representative will  
144 act as parent for purposes of service authorization.

145 (m) "Policies" means the state statutes, regulations,  
146 Governor's orders, directives by the lead agency, or other written  
147 documents that represent the state's position concerning any  
148 matter covered under this chapter.

149 (n) "Regulations" means the United States Department of  
150 Education's regulations concerning the governance and  
151 implementation of Part C of IDEA, the Early Intervention Program  
152 for Infants and Toddlers with Disabilities.

153 **SECTION 2.** This act shall take effect and be in force from  
154 and after July 1, 2023.

