

By: Senator(s) Hickman, Boyd, Jackson

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;



(B) Physical development, including vision or hearing;

(C) Communication development;

(D) Social or emotional development;

(E) Adaptive development;

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

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

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

(i) Are provided under public supervision;

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

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

(A) Physical development;

(B) Cognitive development;

(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;



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

(O) Vision services;

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

(A) Audiologists;

(B) Family therapists;

(C) Nurses;

(D) Nutritionists;

(E) Occupational therapists;

(F) Orientation and mobility specialists;

(G) Pediatricians and other physicians;

(H) Physical therapists;

(I) Psychologists;

(J) Social workers;

(K) Special educators;

(L) Speech and language pathologists;

(M) Individuals who hold a degree in Human Development and Family Science or Child and Family Science with a concentration in child development and licensure in Pre-Kindergarten to Kindergarten;

(vii) Are provided, to the maximum extent appropriate, in natural environments, including the home, and



community settings in which children without disabilities would participate;

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

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

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

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

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

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

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



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

(ii) Developing the individualized family service plan; and

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

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

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

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

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

