



INSTITUTE *for* CHILD SUCCESS

**ICS LEGISLATIVE PROPOSALS FOR THE
REFORM AND REAUTHORIZATION OF
SOUTH CAROLINA FIRST STEPS
TO SCHOOL READINESS**

Presentation to First Steps Reauthorization Panel
December 3, 2012



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INSTITUTE FOR CHILD SUCCESS

VISION: To foster and sustain a system that ensures the success of all children.

MISSION: Through research, advocacy and integration the Institute for Child Success leads public and private partnerships to coordinate, enhance and improve resources for the success of all children



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OVERARCHING GOALS IN ICS' PROPOSALS FOR FIRST STEPS REFORM AND REAUTHORIZATION

- ✓ Reauthorization, codification and assessment of First Steps'
Current Work
- ✓ Maximizing resources for young children in South Carolina
- ✓ Accountability, transparency, and clarity about First Steps'
efforts at the state and local level



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ICS OBJECTIVES FOR FIRST STEPS REFORM AND REAUTHORIZATION

ICS Objective 1 for First Steps Reform and Reauthorization

Objective: Include a definition of “school readiness” in the reauthorization legislation.

Strategy: Include a new section of definitions including, among others, a specific definition of “school readiness” and “pre-school child”. (Sec. 59-152-20. Definition.)

ICS Objective 2 for First Steps Reform and Reauthorization

Objective: Mandate that first steps work with the state department of education to propose, by a specific date, a common statewide assessment instrument to be administered to all children upon enrollment in state-funded 5K programs.

Strategy: Include specific language to this effect. (Sec. 59-152-35. School Readiness Assessment.)

ICS Objective 3 for First Steps Reform and Reauthorization

Objective: Mandate that all First Steps funded programs at the state and local levels be developed and implemented to directly support the attainment of “school readiness.”

Strategy: Include language to specifically require grant funds be used solely for this purpose (Sec. 59-152-100.); further develop the objectives and benchmarks for the First Steps State Office and local partnerships (Sec. 59-152-25. Objective; Sec. 59-152-30. School Readiness Comprehensive Long-range Initiative and Strategy); and restructure the funding formula to ensure this is the focus of grant renewals. (Sec. 59-152-90. Grant application; Criteria for allocations.)

ICS Objective 4 for First Steps Reform and Reauthorization

Objective: Include language that promotes the use of evidence-based programs and interventions over non evidence-based programs and interventions whenever possible and practical.

Strategy: Include language to define evidence based programs and promising programs (Sec. 59-152-20. Definitions.) and include language to mandate that at least 75% of a partnership’s state funding be used for evidence based programs (Sec. 59-152-100. Use of grant funds; Focus of activities and services.).

ICS Objective 5 for First Steps Reform and Reauthorization

Objective: Include within legislation specific direction regarding how First Steps grants to local First Steps partnerships can be expended and annually evaluated based on clearly defined statewide performance indicators and benchmarks tied to the attainment of “school readiness” as defined by the reauthorization legislation.

Strategy: Delete existing references to two different types of grants creating instead one grant for renewal based on specific criteria and performance measures. (Sec. 59-152-30. School Readiness Comprehensive Long-range Initiative and Strategy; Sec.59-152-90; and 59-152-100.).

ICS Objective 6 for First Steps Reform and Reauthorization

Objective: Include in the legislation language that allows for more competition in the awarding of First Steps grants to local partnerships.

Strategy: Include language in the funding formula to allow for more competition (Sec. 59-152-90. Grant applications; Criteria for allocations.).

ICS Objective 7 for First Steps Reform and Reauthorization

Objective: Include measures increasing the accountability of local partnerships to the State Board and increasing local partnership alignment with the defined “school readiness” criteria.

Strategy: Increase accountability by making grant renewal dependent on program and partnership success. (Sec. 59-152-90 and 59-152-100.).

ICS Objective 8 for First Steps Reform and Reauthorization

Objective: Include language that promotes state and local First Steps Board composition consistent with the objective of ensuring high-quality experiences for young children in local communities.

Strategy: Include language to better align state and local boards with the objectives as outlined in the reauthorization legislation (Sec. 59-152-60. County First Steps Partnerships; and Sec. 63-11-1720. Board members.).

1 CHAPTER 152.

2 SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS

3 **SECTION 59-152-10. First Steps to School Readiness initiative established.**

4
5
6
7 There is established South Carolina First Steps to School Readiness, a comprehensive,
8 results-oriented initiative for improving early childhood development by providing, through
9 ~~county~~ local partnerships, public and private funds and support for high-quality early childhood
10 development and education services for children by providing support for their families' efforts
11 toward enabling their children to reach school ready to learn.

12
13 HISTORY: 1999 Act No. 99, Section 2.

14
15 **SECTION 59-152-~~20~~ 15. Purpose.**

16
17 The purpose of the First Steps initiative is to develop, promote, and assist efforts of agencies,
18 private providers, and public and private organizations and entities, at the state level and the
19 community level, to collaborate and cooperate in order to focus and intensify services, assure the
20 most efficient use of all available resources, and eliminate duplication of efforts to serve the
21 needs of young children and their families. First Steps funds must not be used to supplant or
22 replace any other funds being spent on services but must be used to expand, extend, improve, or
23 increase access to services or to enable a community to begin to offer new or previously
24 unavailable services in their community. The South Carolina First Steps to School Readiness
25 Board of Trustees, Office of First Steps to School Readiness, and the ~~County~~ Local First Steps
26 Partnerships shall ~~assure that collaboration, the development of partnerships, and the sharing and~~
27 ~~maximizing of resources are occurring before funding for the implementation/management~~
28 ~~grants, as provided for in this chapter, are made available.~~ ensure that collaboration, the existence
29 and continued development of partnerships, and the sharing and maximizing of resources are
30 occurring in order for the funding of grants, as provided for in this chapter, to continue.

31
32 HISTORY: 1999 Act No. 99, Section 2.

33
34 **59-152-20. Definitions.**

35
36 (A) 'School readiness' means the level of development, as analyzed through the following
37 domains indicating that children, their families, caregivers, healthcare providers, educators,
38 and communities are capable and prepared to promote student success in kindergarden and
39 beyond: physical health and well being; social competence; emotional health and maturity;
40 language and literacy development; mathematical thinking and cognition skills; motor skills;
41 and general knowledge.

42
43 (B) 'Pre-School Child' means a child prenatal through age five.

1 (C) 'Partnership' refers to a First Steps local organization designated as such by the South
2 Carolina First Steps to School Readiness Board of Trustees, organized under Section
3 501(C)(3) of the Internal Revenue Code as a nonprofit corporation, and formed to further,
4 within the coverage area, the purpose and goals of the First Steps initiative as stated in
5 Section 59-152-15 and Section 59-152-25.

6 (D) 'Evidence-based program' means one that is based on a clear, consistent program model that
7 either:

8 (1) is designated as such by the South Carolina First Steps to School Readiness
9 Board of Trustees because it

10 (a) is grounded in published, peer reviewed research;
11 linked to program determined outcomes;

12 (b) employs well trained and competent staff along with
13 continual professional development, relevant to the
14 specific model being delivered;

15 (c) demonstrates strong linkages to other community-
16 based services; and

17 (d) is operated to ensure program fidelity;

18 (2) Or is designated as such by the South Carolina First Steps to School
19 Readiness Board of Trustees because it is commonly recognized by experts
20 in the field as such a program.

21 (E) 'Promising program' means a program that does not satisfy the criteria of an evidenced-based
22 program model but that the South Carolina First Steps to School Readiness Board of
23 Trustees determines is supported by research indicating its potential effectiveness.

24
25 **SECTION 59-152-3025. Goals.**
26

27 The goals for South Carolina First Steps to School Readiness are to:

28 (1) provide parents with access to the support they might seek and want to strengthen their
29 families and to promote the optimal development of their preschool children;

30 (2) increase comprehensive services so children have reduced risk for major physical,
31 developmental, and learning problems;

32 (3) promote high quality preschool programs that provide a healthy environment that will
33 promote normal growth and development;

34 (4) provide services so all children receive the protection, nutrition, and health care needed to
35 thrive in the early years of life so they arrive at school ready to learn; and

1 (5) mobilize communities to focus efforts on providing enhanced services to support families and
2 their young children so as to enable every child to reach school healthy and ready to learn.
3 HISTORY: 1999 Act No. 99, Section 2.
4

5 **59-152-30. School Readiness Comprehensive Long-range Initiative and Strategy.**
6

7 (A) In Section 63-11-1720, the South Carolina State First Steps to School Readiness Board of
8 Trustees is given the authority to carry out its assigned functions by, among others,
9 developing a comprehensive long-range initiative for improving early childhood
10 developments and increasing school readiness and establishing results oriented measures
11 and objectives and assessing whether services provided by First Steps Partnerships to
12 children and families are meeting the goals and achieving the results established for the First
13 Steps initiative pursuant to Chapter 152, Title 59. In order to fulfill these duties, on or
14 before July 1, 2014, the State Board shall do the following:

15 (1) adopt a description of school readiness, which shall contain specific
16 details as to the characteristics and development levels of a ready
17 child in South Carolina, include any specific requirements of school,
18 educators, and caregivers that the State Board feels is necessary to
19 create an optimal learning environment for the early years of
20 students' lives, and describe characteristics of the optimal
21 environment which would lead to the readiness of students and their
22 continued success; and

23 (2) establish specific benchmarks and objectives for use by the South
24 Carolina First Steps to School Readiness Board of Trustees, local
25 Partnership Boards, and any agency administering state-funded
26 programs for the benefit of pre-school children, as defined by
27 Section 59-152-20 (B) of this Chapter, to determine whether state
28 and local programs and activities are effective and contributing
29 toward progress in achieving the goals established in Section 59-
30 152-25 of this Chapter.

31
32 (B) On or before July 1, 2019, and on or before January 1 every five years thereafter, the state
33 board shall review the school readiness description and the benchmarks and objectives and
34 adopt any appropriate revisions
35
36

37 **59-152-35. School Readiness Assessment.**
38
39

40 (A) On or before July 1, 2015, the South Carolina First Steps to School Readiness Board of
41 Trustees, in consultation with the South Carolina Board of Education, local school districts,
42 and others as appropriate, shall recommend to the General Assembly one or more
43 assessments that are aligned with the definition of school readiness as it applies to children,
44 defined in Section 59-152-20, the description of school readiness, and the goal in Section

1 59-152-25(1) in order to evaluate and measure students' levels of school readiness. In
2 recommending assessments of students' school readiness, the state board shall consider
3 assessments that are research-based; recognized nationwide as reliable instruments for
4 measuring school readiness; and suitable for determining the instruction and interventions
5 students need to improve their readiness to succeed in school. School readiness assessments
6 shall not be used to deny a student admission or progression to kindergarten or first grade.

7
8 (B) If and when a school readiness assessment is adopted as a result of the recommendation
9 made pursuant to part (A) of this Section, results shall not be publicly reported for individual
10 students. Following adoption of the school readiness assessment, the South Carolina First
11 Steps to School Readiness Board of Trustees shall adopt a system for reporting population-
12 level results that provides baseline data for measuring overall change and improvement in
13 students' skills and knowledge over time.

14
15 **SECTION 59-152-40. Board of Trustees to oversee initiative.**

16
17 The South Carolina First Steps to School Readiness Board of Trustees established in Section
18 63-11-1720 shall oversee and be accountable for the South Carolina First Steps to School
19 Readiness initiative.

20
21 HISTORY: 1999 Act No. 99, Section 2.

22
23
24 **SECTION 59-152-50. Office of South Carolina First Steps to School Readiness established;**
25 **duties.**

26
27 Within the South Carolina First Steps to School Readiness Board of Trustees, an Office of South
28 Carolina First Steps to School Readiness shall be established. The office shall:

- 29
30 (1) provide to the board information on best practice, successful strategies, model
31 programs, and financing mechanisms;
32 (2) review the ~~county~~ partnerships' plans and budgets in order to provide technical
33 assistance and recommendations regarding local grant proposals and improvement in
34 meeting statewide and local goals;
35 (3) provide technical assistance, consultation, support, and oversight to ~~county~~
36 partnerships to facilitate their success including, but not limited to, model programs,
37 strategic planning, leadership development, best practice, successful strategies,
38 collaboration, financing, and evaluation;
39 (4) recommend to the board the applicants meeting the criteria for First Steps
40 partnerships and the grants to be awarded;
41 (5) submit an annual report to the board by December first which includes, but is not
42 limited to, the statewide needs and resources available to meet the goals and purposes of
43 the First Steps to School Readiness initiative, the ongoing progress and results of the
44 First Steps to School Readiness initiative statewide and locally, fiscal information on the

1 expenditure of funds, and recommendations and legislative proposals to further
2 implement the South Carolina First Steps to School Readiness initiative statewide;
3 (6) provide for on-going data collection and contract for an in-depth performance audit
4 due January 1, 2003, and every three years thereafter, to ensure that statewide goals and
5 requirements of the First Steps to School Readiness initiative are being met; and
6 (7) coordinate the First Steps to School Readiness initiative with all other state, federal,
7 and local public and private efforts to promote good health and school readiness of
8 young children and support for their families.

9
10 HISTORY: 1999 Act No. 99, Section 2.

11 **SECTION 59-152-60. County Local First Steps Partnerships; selection of board members;**
12 **election and term of chairman; records of meetings; abstention from voting.**

13
14 (A) Each South Carolina county shall be represented by a local First Steps Partnership.

15
16 (B) ~~(A) The Office of First Steps to School Readiness, in collaboration with each county~~
17 ~~legislative delegation, shall initiate county forums for the purpose of bringing together~~
18 ~~stakeholders who are actively involved or interested in early childhood development and~~
19 ~~education so as to initiate a County First Steps Partnership. The times and locations of these~~
20 ~~forums and county wide meetings~~ Partnership Board meetings and elections must be
21 publicized in the local print and broadcast media.

22 ~~(B) At a countywide meeting the participants~~ In accordance with the election process stated
23 in the bylaws established by the South Carolina First Steps to School Readiness Board of
24 Trustees, each Local Partnership Board shall ~~begin to select~~, to the extent possible within the
25 area covered by the partnership, consist of the following:

26
27 (1) A minimum of twelve and a maximum of twenty-four persons with
28 resources, skills, or knowledge that have specific interests in improving
29 the readiness of young children for school, with not more than four
30 from any one of the following categories, shall be elected from the
31 following categories to sit on the First Steps Partnership Board and
32 shall: ~~Not more than two members from each of these categories to sit~~
33 ~~on the First Steps partnership board:~~

- 34 (a) ~~pre kindergarten through primary~~ educator;
35 (b) family education, training, and support provider;
36 (c) childcare and or early childhood
37 development/education provider;
38 (d) healthcare provider;
39 ~~(e) transportation provider;~~
40 (e) local government;
41 (f) nonprofit organization that provides services to
42 families and children;
43 (g) faith community; and
44 (h) business community;

- 1 (i) members of the philanthropic community; and
2 (j) ~~(2) three~~ parents of pre-school children. After
3 the first year of the implementation of the First
4 Steps to School Readiness initiative, parents
5 serving on the County First Steps Partnership
6 Board must have pre-school children being
7 served by First Steps programs; and.
8 ~~(3) Four members from early childhood education.~~

9
10 (2) ~~(C)~~ After the county partnership board has been formed, i If necessary to
11 assure that all areas of the county or multi-county region are adequately
12 represented and reflect the diversity of the county coverage area, each
13 county legislative delegation may appoint up to four additional members
14 to a local partnership board. Of these members, two are appointed by
15 the Senate members and two by the House of Representative members
16 of the delegation from persons with resources, skills, or knowledge that
17 have specific interests in improving the readiness of young children for
18 school.

19
20 (3) ~~(D)~~ Each of the following located within a particular First Steps Partnership
21 coverage area, may shall may designate one member to serve as a member of the
22 its County Local First Steps Partnership Board:

- 23 (a) county department of social services;
24 (b) county department of health and environmental control;
25 (c) Head Start;
26 (d) county library; and
27 (e) each of the school districts in the county.

28
29 (C) ~~(E)~~ Members who miss more than three consecutive meetings without excuse or members
30 who resign must be replaced from the same categories as their predecessor. The terms of
31 the members of a County First Steps Partnership Board are for two years; however,
32 membership on the board may not exceed six consecutive years.

33
34 (D) ~~(F)~~ The chairman of a County First Steps Partnership Board must be elected by majority vote
35 of the board. The chairman shall serve a one-year term; however, the chairman may be
36 elected to subsequent terms not to exceed a total of four consecutive years.

37
38 (E) ~~(G)~~ County First Steps Partnerships must have policies and procedures for conducting
39 meetings and disclosing records comparable to those provided for in the Freedom of
40 Information Act. Prior to every vote taken by the board, members must abstain from voting
41 if the issue being considered would result in a conflict of interest. The abstention must be
42 noted in the minutes of the meeting.

43
44 HISTORY: 1999 Act No. 99, Section 2.

1
2
3 **SECTION 59-152-70. First Steps Partnership Board; powers and duties.**
4

5 (A) A First Steps Partnership Board shall, among other powers and duties:
6

- 7 (1) adopt by-laws as established by the First Steps to School Readiness Board to
8 effectuate the provisions of this chapter which must include the creation of a periodic
9 meeting schedule;
- 10 (2) coordinate a collaborative effort at the county or multi-county level which will bring
11 the community together to identify the area needs related to the goals of First Steps to
12 School Readiness; develop a strategic long-term plan for meeting those needs;
13 develop specific initiatives to implement the elements of the plan; and integrating
14 service delivery where possible;
- 15 (3) coordinate and oversee the implementation of the comprehensive strategic plan
16 including, but not limited to, direct service provision, contracting for service
17 provision, and organization and management of volunteer programs;
- 18 (4) ~~create and~~ update a county needs assessment every three years ~~annually revise a~~
19 ~~county needs assessment~~;
- 20 (5) implement fiscal policies and procedures as required by the First Steps office and as
21 needed to ensure fiscal accountability of all funds appropriated to the partnership;
- 22 (6) keep accurate records of partnership's meetings, programs, and activities;
- 23 (7) collect information and submit an annual report by October 1 to the First Steps to
24 School Readiness Board of Trustees, and otherwise participate in the annual review
25 and the three-year evaluation of operations and programs. The first annual report must
26 be submitted October 1, 2000. Reports must include but not be limited to:
- 27 (a) determination of the current level and effectiveness of
28 services for young children and their families;
- 29 (b) strategic goals for increased availability, accessibility,
30 quality, and efficiency of activities and services for
31 young children and their families which will enable
32 children to reach school ready to learn;
- 33 (c) monitoring of progress toward strategic goals;
- 34 (d) report on implementation activities;
- 35 (e) recommendations for changes to the strategic plan
36 which may include new areas of implementation;
- 37 (f) evaluation and report of program effectiveness and
38 client satisfaction before, during, and after the
39 implementation of the strategic plan, where available;
40 and
- 41 (g) estimation of cost savings attributable to increased
42 efficiency and effectiveness of delivery of services to
43 young children and their families, where available.
44

1 (B) Each ~~County~~ First Steps Partnership may, in the performance of its duties, employ or acquire
2 ~~staff pursuant to the local partnership bylaws established by the South Carolina First Steps~~
3 ~~Board of Trustees administrative, clerical, stenographic, and other personnel as may be~~
4 ~~necessary to effectuate the provisions of this section.~~ However, overhead costs of the
5 partnership's operations may not exceed eight percent of its implementation/management
6 grant allocation unless prior approval is received from the First Steps to School Readiness
7 Board of Trustees.

8
9 (C) Each ~~County~~ First Steps Partnership may apply for, receive, and expend federal, state, and
10 local funds, grants, and other funding.

11
12 (D) ~~Day Child care providers facilities~~ receiving First Steps funds ~~grants~~ must adhere to quality
13 improvement standards set by the South Carolina First Steps Board of Trustees ~~first use a~~
14 ~~portion of their funds to achieve licensed status and then to achieve the equivalent status to~~
15 ~~that of enhanced ABC provider.~~

16
17 (E) To be designated a ~~County~~ First Steps Partnership, the ~~county or multi-county partnership~~
18 ~~must~~ the local partnership shall be a ~~private~~ nonprofit corporation organized under Section
19 501(c)(3) of the Internal Revenue Code. ~~However, developing partnerships which have not~~
20 ~~yet received 501(c)(3) status may qualify for grants if they have received a state charter for~~
21 ~~incorporation and meet other criteria as established by the board.~~

22
23 HISTORY: 1999 Act No. 99, Section 2.

24
25
26
27 **SECTION 59-152-80. First Steps grants.**

28 (A) ~~It is the intent of the General Assembly that the First Steps to School Readiness initiative be~~
29 ~~implemented as soon as county partnerships are ready to utilize the funds efficiently and~~
30 ~~effectively to improve services.~~

31 (B) ~~Two levels of First Steps grants may be awarded as follows:~~

32 (1) ~~Level One for the development of the collaborative effort, needs assessment, and strategic~~
33 ~~planning; and~~

34 (2) ~~Level Two for implementation/management of activities and programs.~~

35 ~~The level of grant awarded to a county partnership must be based on the readiness of the county~~
36 ~~partnership to implement the First Steps initiative. The First Steps Board shall establish the~~
37 ~~criteria for qualifying for each grant level. The allocations for the grants shall take into~~
38 ~~consideration the quality of the grant proposal.~~

39 (C) ~~Implementation/management grants must be funded annually by the First Steps to School~~
40 ~~Readiness Board and may be awarded for up to three years. Implementation grants are~~
41 ~~renewable based upon criteria established by the South Carolina First Steps to School Readiness~~
42 ~~Board of Trustees, including the results of performance audits.~~

43
44 HISTORY: 1999 Act No. 99, Section 2.

1
2 **SECTION 59-152-90. Grant applications; criteria for allocations.**
3

4 (A) Local Partnership grants may be funded annually by the First Steps to School Readiness
5 Board and may be funded for up to three years.
6

7 ~~(B) To receive a Level One development of the collaborative effort, needs assessment, and~~
8 ~~strategic planning grant, the County First Steps Partnership must meet the criteria established by~~
9 ~~the First Steps to School Readiness Board including, but not limited to, total population covered~~
10 ~~by the partnership and quality of any pre-existing needs assessment and/or strategic plans for that~~
11 ~~geographic area.~~
12

13 ~~(C) To receive a Level Two implementation/management grant for First Steps to School~~
14 ~~Readiness, a County First Steps Partnership must have completed a needs assessment and review~~
15 ~~by the First Steps to School Readiness Board and develop a comprehensive, long-range plan to~~
16 ~~provide high quality early childhood development and education services. The plan must~~
17 ~~identify the needs of children and their families in the local area; assets and resources available;~~
18 ~~explain how supports and services are to be organized and delivered; establish measurable~~
19 ~~objectives and interim goals for meeting the local and state goals for First Steps; and an~~
20 ~~evaluation plan.~~
21

22 ~~(D) In developing these plans, the First Steps Partnership must be given sufficient flexibility, but~~
23 ~~they must be accountable to the First Steps to School Readiness Board for fiscal management,~~
24 ~~program management, and program results.~~
25

26
27 (B) (A) To obtain a grant, a County First Steps Partnership or developing partnership shall
28 submit an application to the Office of First Steps in a format specified by the First Steps to
29 School Readiness Board. The application shall include, as appropriate to the level of grant
30 applied for, the level of funding requested, a Budget Spending Plan, and a Renewal Plan
31 which must contain a description of needs of children and families; assets and resources
32 available; and the proposed strategies to address needs as they relate to the goals of South
33 Carolina First Steps to School Readiness.
34

35 (C) Effective July 1, 2014, of the funds allocated to First Steps Partnerships by the South
36 Carolina First Steps to School Readiness Board of Trustees, the first 60% of funds will be
37 base funding and the

38 ~~(E) The allocations for the grants shall take into consideration the quality of the grant~~
39 ~~proposal; the population of children birth to age five contained in the area served by the~~
40 ~~partnership; the percentage of students in grades 1-3 who are eligible for the free and~~
41 ~~reduced price lunch program; average per capita income; and the area's ability to support the~~
42 ~~strategic plan initiative. The criteria also shall take into account the standing of the~~
43 ~~geographical area covered by a county partnership in relation to the statewide Kids Count~~

1 indicators. ~~Priority must be given to strategic plans that incorporate models with~~
2 ~~demonstrated success.~~

3
4
5 (D) The remaining 40% of the funds appropriated to the State First Steps Board of Trustees shall
6 be distributed to the local partnerships based on the following factors (1)-(3). The State
7 Office of First Steps will determine and establish criteria and procedures for the evaluation
8 of the factors to be weighted as follows:

9 (1) 25% of the 40% shall be distributed based on the quality of the grant
10 proposal.

11 (2) 25% of the 40% shall be distributed based on the adherence to the First
12 Steps Accountability Standards, and

13 (3) 50% of the 40% shall be distributed based on the level of interagency,
14 cross county, and cross organization collaboration with more weight
15 being given to proposals which indicate the maximization of resources
16 for early childhood education.

17
18
19 (E) In conjunction with the independent external program evaluation as established Section 59-
20 152-160, the South Carolina State Board of First Steps to School Readiness shall conduct a
21 formal review of the funding process in Parts (C) and (D) of this section. Upon completion
22 of the review, the South Carolina State Board of First Steps to School Readiness shall
23 submit to the General Assembly a statement either verifying the continued applicability and
24 appropriateness of the funding process in use at that time or recommending any appropriate
25 and necessary changes.

26
27 (F) In the event of a multi-county Partnership, funding shall reflect the combined total
28 allocations of the coverage area.

29
30
31 HISTORY: 1999 Act No. 99, Section 2.

32
33
34 **SECTION 59-152-100. Use of grant funds; Focus of activities and services.**

35
36 (A) ~~Implementation/management g~~Grants provided to ~~County~~ First Steps Partnerships must be
37 used to address the needs of young children and their families as identified in the
38 partnerships' comprehensive plans. The funds must be used to expand, extend, or improve
39 the quality of provided services if there is evidence as to existing programs' effectiveness;
40 offer new or previously unavailable services in the area; or increase access to services.
41 Grant funds may not supplant current expenditures by counties or state agencies on behalf of
42 young children and their families, and may not be used where other state or federal funding
43 sources are available or could be made available.

1 (B) At least seventy-five percent of state funds appropriated for programs and services must be
2 used by the local partnership for evidence-based programs as defined in Section 59-152-20 of
3 this Chapter and not more than twenty-five percent of state funds appropriated for programs
4 and services to a local partnership may be used by the local partnership for ‘promising
5 programs’ as defined in Section 59-152-20 of this Chapter.

6 (C) ~~(A)~~ All activities and services provided by a First Steps Partnership must be made available
7 to young children and families on a voluntary basis and must focus ~~on the following:~~ solely
8 on ‘school readiness’ as defined in Section 59-152-20 by implementing programs geared
9 specifically toward the achievement of the First Steps goals pursuant to Section 59-152-25.

10 ~~(1) lifelong learning:~~

11 ~~(a) school readiness;~~

12 ~~(b) parenting skills;~~

13 ~~(c) family literacy; and~~

14 ~~(d) adult and continuing education.~~

15 ~~(2) health care:~~

16 ~~(a) nutrition;~~

17 ~~(b) affordable access to quality age appropriate health care;~~

18 ~~(c) early and periodic screenings;~~

19 ~~(d) required immunizations;~~

20 ~~(e) initiatives to reduce injuries to infants and toddlers; and~~

21 ~~(f) technical assistance and consultation for parents and child care providers on health and safety~~
22 ~~issues.~~

23 ~~(3) quality child care:~~

24 ~~(a) staff training and professional development incentives;~~

26 ~~(b) quality cognitive learning programs;~~

27 ~~(c) voluntary accreditation standards;~~

28 ~~(d) accessibility to quality child care and development resources; and~~

29 ~~(e) affordability.~~

30 ~~(4) transportation:~~

31 ~~(a) coordinated service;~~

32 ~~(b) accessibility;~~

33 ~~(c) increased utilization efficiency; and~~

34 ~~(d) affordability.~~

36 (D) ~~(B)~~ Any part of the initiative within the county partnership’s strategic plan using local district
37 resources within a school district must be conducted only with approval of the district's board
38 of trustees.

40 HISTORY: 1999 Act No. 99, Section 2.

42 **SECTION 59-152-110. Use of grant funds.**

1
2 ~~Implementation/management grants provided to County First Steps Partnerships must be used to~~
3 ~~address the needs of young children and their families as identified in the partnerships'~~
4 ~~comprehensive plans. The funds must be used to expand, extend, or improve the quality of~~
5 ~~provided services if there is evidence as to existing programs' effectiveness; offer new or~~
6 ~~previously unavailable services in the area; or increase access to services. Grant funds may not~~
7 ~~supplant current expenditures by counties or state agencies on behalf of young children and their~~
8 ~~families, and may not be used where other state or federal funding sources are available or could~~
9 ~~be made available.~~

10
11 ~~HISTORY: 1999 Act No. 99, Section 2.~~

12
13 **SECTION 59-152-120. Use of grant funds for capital expenditures.**

14
15 ~~Funds received for implementation of a county partnership's implementation/management grant~~
16 ~~may not be used for capital expenses for new construction. However, funds may be made~~
17 ~~available for renovating, refurbishing, or upgrading of existing facilities used to support First~~
18 ~~Steps to School Readiness activities and services for children, families, and providers from funds~~
19 ~~made available to the partnerships in Section 59-152-150(C) and Section 63-11-1750(A). The~~
20 ~~county partnership must demonstrate to the satisfaction of the First Steps to School Readiness~~
21 ~~Board that the capital expenditure is:~~

22 ~~(1) a priority need for the local initiative and other state or federal funds for such projects are~~
23 ~~insufficient; and (2) necessary to provide services to under-served children and families.~~

24
25 ~~HISTORY: 1999 Act No. 99, Section 2.~~

26
27
28 **SECTION 59-152-130. Partnership matches; annual report.**

29
30 ~~(A) The County Local First Steps Partnerships shall provide an annual match of at least fifteen~~
31 ~~percent. The South Carolina First Steps to School Readiness Board of Trustees may~~
32 ~~decrease this percentage requirement for a partnership based on their capacity to provide~~
33 ~~that match. The First Steps Partnerships should encourage ~~P~~private individuals and groups~~
34 ~~must be encouraged to contribute to a partnership's efforts to meet its match. The match~~
35 ~~required of individual partnerships by the First Steps Board should take into consideration~~
36 ~~such factors as:~~

- 37 (1) local wealth, using such indicators as the number and percentage of
38 children eligible for free and reduced lunches in grades 1-3; and
39 (2) in-kind donated resources.

40 Only in-kind donations, as defined by the standard fiscal
41 accountability system provided for in Section 59-152-140, which
42 meet the criteria established by the South Carolina First Steps to
43 School Readiness Board of Trustees and that are quantifiable may be
44 applied to the in-kind match requirement. Expenses, including those

1 paid both by cash and through in-kind contributions, incurred by
2 other nonstate entities participating in ~~county~~ partnerships may be
3 included in determining matching funds.

4 (B) The Office of the South Carolina First Steps to School Readiness shall establish guidelines
5 and reporting formats for ~~county~~ partnerships to document expenses to ensure they meet
6 matching fund requirements. The office shall compile a report annually on the private cash
7 and in-kind contributions received by the South Carolina First Steps to School Readiness
8 Board of Trustees and ~~County~~ First Steps Partnerships.

9
10 HISTORY: 1999 Act No. 99, Section 2.

11
12 **SECTION 59-152-140. Carrying funds forward into subsequent years.**

13
14 To ensure effective use of funds, awards under contract for ~~County~~ First Steps Partnerships, with
15 the approval of the Office of First Steps to School Readiness, may be carried forward and used in
16 the following fiscal year. Funds appropriated to South Carolina First Steps to School Readiness
17 may also be carried forward into subsequent years.

18
19 HISTORY: 1999 Act No. 99, Section 2.

20
21
22
23 **SECTION 59-152-150. Development and adoption of standard fiscal accountability system;**
24 **private funds to be held separate; disbursements; applicable offenses.**

25
26 (A) The Office of First Steps to School Readiness shall develop and require partnerships to adopt
27 and implement a standard fiscal accountability system including, but not limited to, a uniform,
28 standardized system of accounting, internal controls, payroll, fidelity bonding, chart of accounts,
29 and contract management and monitoring. Additionally, the accountability system shall require
30 competitive bids for the purchase or procurement of goods and services of ten thousand dollars
31 or more. A bid other than the lowest bid may be accepted by a majority vote of the ~~county~~
32 partnership board if other considerations outweigh the cost factor; however, written justification
33 must be filed with the Office of First Steps. The Office of First Steps may contract with outside
34 firms to develop and ensure implementation of this standard fiscal accountability system, and the
35 Office of First Steps may inspect fiscal and program records of ~~county~~ partnerships and
36 developing partnerships to ensure their compliance with the required system. The Office of First
37 Steps may contract with a state entity with existing means for developing contracts and
38 disbursing funds in order to make use of the existing infrastructure, if it is efficient and not
39 administratively burdensome to partnerships.

40
41 (B) Each County First Steps Partnership shall expend funds through the South Carolina First
42 Steps to School Readiness Board of Trustees or its fiscal designees until the capacity of the
43 County First Steps Partnership to manage its fiscal and administrative responsibilities in

1 compliance with the standard accountability system has been reviewed and certified by the South
2 Carolina First Steps to School Readiness Board of Trustees or its designee.

3
4 (C) Private funds received by a ~~County~~ First Steps Partnership must be deposited in a separate
5 fund.

6
7 (D) Disbursements may be made only on the written authorization of the individual designated
8 by the ~~county~~ partnership board and only for the purposes specified. A person violating this
9 section is guilty of a misdemeanor and, upon conviction, must be fined five thousand dollars or
10 imprisoned for six months, or both.

11
12 (E) The offenses of misuse, misappropriation, and embezzlement of public funds, apply to this
13 chapter.

14
15 HISTORY: 1999 Act No. 99, Section 2.

16
17 **SECTION 59-152-160. Evaluation of progress.**

18
19 (A) The South Carolina First Steps to School Readiness Board of Trustees shall establish
20 internal evaluation policies and procedures for ~~County~~ First Steps Partnerships for an annual
21 review of the functioning of the partnership, implementation of strategies, and progress toward
22 the interim goals and benchmarks. In instances where no progress has been made, the Office of
23 First Steps to School Readiness shall provide targeted assistance and/or the South Carolina First
24 Steps to School Readiness Board of Trustees may terminate the grant. In addition, a program
25 evaluation of the First Steps to School Readiness initiatives at the state and local levels must be
26 conducted every ~~three~~ five years by an independent, external evaluator under contract with the
27 South Carolina First Steps to School Readiness Board of Trustees. However, the selected
28 evaluator shall be approved, and the evaluation overseen, by a committee consisting of three
29 members, one appointed by the First Steps Board, one appointed by the President Pro Tempore
30 of the Senate and one appointed by the Speaker of the House. These committee members must
31 be professionally recognized as proficient in child development, early childhood education, or a
32 closely related field. The first report shall be provided no later than January 1, 2003.

33
34 (B) ~~County~~ First Steps Partnerships must agree to participate in such an evaluation in order to
35 receive a First Steps grant. Subsequent grant approval and grant allocations must be dependent,
36 in part, on the results of the evaluations. If an evaluation finds no progress has been made in
37 meeting local goals or implementing strategies as agreed to in the First Steps grant, the grant
38 ~~must~~ may be terminated.

39
40 (C) The purpose of the evaluation is to assess progress toward achieving the First Steps goals
41 and to determine the impact of the initiative on children and families at the state and local levels.
42 The impact assessment shall include, but is not limited to, school readiness measures; benefits
43 from child development services; immunization status; low birth-weight rates; parent literacy;
44 parenting skills; parental involvement; transportation; and developmental screening results.

1 During the course of the evaluation, if an evaluator determines that any state agency has failed to
2 comply with the coordination and collaboration provisions as required in this chapter, the final
3 report must reflect that information. Program evaluation reports must be reported to the General
4 Assembly no later than three months after conclusion of the evaluation. All ~~County~~ First Steps
5 Partnerships shall cooperate fully in collecting and providing data and information for the
6 evaluation.

7
8 HISTORY: 1999 Act No. 99, Section 2.
9

10
11
12
13 ARTICLE 17.

14
15 FIRST STEPS TO SCHOOL READINESS BOARD OF TRUSTEES
16

17
18 **SECTION 63-11-1720. Board members.**
19

20 (A) There is created the South Carolina First Steps to School Readiness Board of Trustees which
21 must be chaired by the Governor and must include the State Superintendent of Education
22 who shall serve as ex officio voting members of the board. ~~The board is composed of the~~
23 ~~twenty appointed, voting members as follows:~~
24

25 (B) In making the appointments specified in Sections 63-11-1720(C)(1-3) of this Chapter, the
26 Governor, President Pro Tempore of the Senate, and the Speaker of the South Carolina
27 House of Representatives shall consult each other working toward the goal of geographical
28 representation on the board by appointing individuals from the following categories to ensure
29 that each congressional district is represented.
30

31 (C) The board is composed of the twenty appointed, voting members as follows:
32

33 (1) The Governor shall appoint two members from each of the following sectors:
34

35 (a) parents of young children;
36

37 (b) business community;
38

39 (c) early childhood educators;
40

41 (d) medical ~~or~~ and child care and development providers, one member from
42 each profession; and
43

44 (e) the General Assembly, one member from the Senate and one member from
45 the House of Representatives.

1
2
3 (2) The President Pro Tempore of the Senate shall appoint one member from each of the
4 following sectors:

- 5
6 (a) parents of young children;
7
8 (b) business community;
9
10 (c) early childhood educators; and
11
12 (d) medical or child care and development providers.

13
14 (3) The Speaker of the House of Representatives shall appoint one member from each of
15 the following sectors:

- 16
17 (a) parents of young children;
18
19 (b) business community;
20
21 (c) early childhood educators; and
22
23 (d) medical or child care and development.

24
25
26 (4) The chairman of the Senate Education Committee or his designee.

27
28 (5) The chairman of the House Education and Public Works Committee or his designee.

29
30 (6) The chief executive officer of each of the following shall serve as an ex officio
31 nonvoting member:

- 32
33 (a) Department of Social Services or his designee;
34
35 (b) Department of Health and Environmental Control or his designee;
36
37 (c) Department of Health and Human Services or his designee;
38
39 (d) Department of Mental Health or his designee;
40
41 (e) Department of Disabilities and Special Needs or his designee;
42
43 (f) Department of Alcohol and Other Drug Abuse Services or his designee;

1
2 (g) Department of Transportation or his designee;

3
4 (h) Department of Commerce or his designee;

5
6 (i) Department of Employment and Workforce or his designee;

7
8 (j) ~~(h)~~ State Budget and Control Board, Division of Research and Statistics or
9 his designee; and

10
11 (k) ~~(j)~~ State Board for Technical and Comprehensive Education;

12
13 (l) State Commission on Higher Education;

14
15 (m) State Head Start Collaboration Officer; and

16
17 (n) Children's Trust of South Carolina.

18
19 (7) The following organizations shall designate one member to serve as an ex officio
20 nonvoting member:

21
22 (a) South Carolina State Library; and

23
24 ~~(b) Transportation Association of South Carolina; and~~

25
26 ~~(c)~~ (b) State Advisory Committee on the Regulation of Childcare Facilities.

27
28
29 (B) The terms of the members are for four years and until their successors are appointed and
30 qualify, except of those first appointed. ~~When making the initial appointments, the Governor, the~~
31 ~~President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall~~
32 ~~designate half of their appointments to serve two-year terms only.~~ The appointments of the
33 members from the General Assembly shall be coterminous with their terms of office.

34
35 (C) Vacancies for any reason must be filled in the manner of the original appointment for the
36 unexpired term. A member may not serve more than two terms or eight years, whichever is
37 longer. A member who misses more than three consecutive meetings without excuse or a
38 member who resigns must be replaced in the same manner as his predecessor. Members may be
39 paid per diem, mileage, and subsistence as established by the board not to exceed standards
40 provided by law for boards, committees, and commissions. A complete report of the activities of
41 the First Steps to School Readiness Board of Trustees must be made annually to the General
42 Assembly.
43

1 HISTORY: 2008 Act No. 361, Section 2.
2
3

4 **SECTION 63-11-1725. Early Childhood Advisory Council.**
5

6 (A) Pursuant to 42 U.S.C. § 9837b(b), and as designated in Executive Order Number 2010-06,
7 the members of the First Steps Board of Trustees shall serve as South Carolina's Advisory
8 Council. Each member of the First Steps Board of Trustees (both voting and non-voting) shall be
9 considered a voting member of the Advisory Council. Each Advisory Council member's term
10 shall be concurrent with his/her service
11 to the First Steps Board of Trustees.
12

13 (B) While parallel in membership, the Advisory Council shall act as a distinct entity
14 for the purpose of fulfilling the responsibilities outlined in 42 U.S.C. § 9837b(b)(1)(D)(i) and
15 shall keep separate minutes that shall explicitly distinguish actions and votes of the Advisory
16 Council. The Advisory Council must officially adjourn prior to acting as the First Steps Board.
17

18 (C) Furthermore, the State Director of First Steps shall coordinate the activities of the Advisory
19 Council.
20
21

22 **SECTION 63-11-1735. BabyNet.**
23

24 (A) Pursuant to Subchapter VIII, Chapter 33, Title 20, U. S. Code Annotated, the South Carolina
25 First Steps to School Readiness Board of Trustees is designated by Executive Order 2009-12 as
26 the department or lead agency as defined in South Carolina Code Section 44-7-2520 and used in
27 Title 44, Chapter 7, Article 21 of the South Carolina Code of Laws.
28

29 (B) Pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., in
30 Executive Order 2009-12, the South Carolina First Steps to School Readiness Board of Trustees
31 is designated as the responsible lead agency through which Part C Program will be administered.
32

33 (C) In order to establish South Carolina's maintenance of effort under the Individuals with
34 Disabilities Education Act, Part C, each agency providing early intervention services shall
35 coordinate with South Carolina First Steps to ensure the documentation of all Individuals with
36 Disabilities Education Act, Part C expenditures on an annual basis.
37
38
39
40
41

42 ~~TITLE 44 , CHAPTER SEVEN, ARTICLE 21.~~

43 ~~TITLE 63 , CHAPTER ELEVEN, ARTICLE 21.~~
44
45

1 INFANTS AND TODDLERS WITH DISABILITIES

2
3 **SECTION 44-7-2510 63-11-2100. Short title.**

4
5 This article may be cited as the "Infants and Toddlers with Disabilities Act".

6
7 HISTORY: 1989 Act No. 114, Section 2; 1991 Act No. 41, Section 2.

8
9 **SECTION 44-7-2515 63-11-2110. Purpose of article.**

10
11 The purpose of this article is to provide early intervention services to infants and toddlers with
12 disabilities in accordance with Subchapter ~~IV~~III, Chapter 33, Title 20, U.S. Code Annotated, contingent
13 upon appropriation of federal funds for Subchapter ~~IV~~III.

14
15 HISTORY: 1991 Act No. 41, Section 2.

16
17 **SECTION 44-7-2520 63-11-2120. Definitions.**

18
19 As used in this article unless the context otherwise requires:

20
21 (1) ~~"Department"~~"Lead Agency" means the state agency designated as lead agency by the Governor
22 by Executive Order pursuant to Subchapter ~~III~~VIII, Chapter 33, Title 20, U. S. Code Annotated.

23
24 (2) "Infants and toddlers with disabilities" means children from birth through two years of age in
25 need of early intervention services due to ~~measurable~~ significant delays in cognitive
26 development, physical development, including vision and hearing, communication, social or
27 emotional psychosocial development, or self-help skills, or due to a diagnosed physical or mental
28 condition that has a high probability of resulting in developmental delay.

29
30 (3) ~~"Early intervention services" are services designed to meet the developmental needs of infants~~
31 ~~and toddlers with disabilities, provided in conformity with an individualized family service plan under~~
32 ~~public supervision by qualified personnel. They include, but are not limited to, family training,~~
33 ~~counseling and home visits, special instruction, speech pathology and audiology, occupational therapy,~~
34 ~~physical therapy, psychological services, service coordination, medical services only for diagnostic or~~
35 ~~evaluation purposes, early identification, screening and assessment services, health services necessary to~~
36 ~~enable the infant or toddler to benefit from the other early intervention services, and transportation~~
37 ~~services.~~

38
39
40 (3) "Early intervention services" are:

- 41 (a) Designed to meet the developmental needs of eligible children through the provision of
42 family supports;
43 (b) Identified in collaboration with and provided to assist parents in supporting the healthy
44 development of their children;
45 (c) Grounded in scientifically-based research as defined by Title IX of the Elementary and
46 Secondary Education Act (20 U.S.C. 7801 et seq.);
47 (d) Provided under public supervision, by qualified personnel, in conformity with an
48 individualized family service plan, and

1 (e) Delivered in natural environments.

2
3 (4) "Council" means the State Interagency Coordinating Council which must ~~be established~~ function
4 in conformance with federal regulations.

5
6
7 (5) "Natural environments" are settings including the home and community settings in which children
8 without disabilities routinely participate.

9
10 (6) "Service providers" are those are responsible for:

- 11 a. Training parents and others regarding the provision of those services to eligible children;
12 b. Consulting with parents, other service providers, and representatives of appropriate
13 community agencies to ensure the effective provision of services in that area;
14 c. Participating in the multidisciplinary team's assessment of a child and the child's family,
15 and in the development of integrated goals and outcomes for the individualized family
16 service plan.

17
18 (7) All additional definitions pursuant to 34 CFR 303 shall also be used in implementation and
19 supervision of the early intervention system.

20
21
22 HISTORY: 1989 Act No. 114, Section 2; 1991 Act No. 41, Section 2.

23
24 **SECTION 44-7-2530 63-11-2130.** Duties of ~~department~~ the lead agency; role of other ~~publicly funded~~
25 participating state agencies.

26
27 (A) The ~~department~~ lead agency must:

- 28 (1) monitor programs and activities to ensure compliance with federal law and regulations;
29 (2) identify, facilitate, and coordinate all available resources within the State from federal,
30 state, local, and private sources;
31 (3) develop procedures to ensure that services are provided to infants and toddlers with
32 disabilities and their families in a timely manner pending the resolution of disputes
33 among public agencies or service providers;
34 (4) develop procedures to ensure resolution of intraagency and interagency disputes;
35 (5) develop formal interagency agreements that, consistent with state law, define the
36 financial responsibility of each agency for paying for early intervention services and
37 procedures for resolving disputes.
38 (6) each year, publicly report progress toward indicators and standards of the State
39 Performance Plan, local performance., and local determinations of compliance.
40 (7) All additional responsibilities of the lead agency pursuant to 34 CFR 303 shall also be
41 implemented in accordance with the requirements for general supervision and data
42 reporting.

43
44 (B) To ensure that all eligible infants and toddlers receive services, pending resolution of any dispute
45 the ~~department~~ lead agency shall assign financial responsibility among agencies providing early
46 intervention services.

1 (C) All ~~publicly funded participating state~~ agencies shall continue to provide all services within their
2 respective statutory responsibility to eligible infants and toddlers with disabilities.
3

4 HISTORY: 1989 Act No. 114, Section 2; 1991 Act No. 41, Section 2.
5

6 **SECTION 44-7-2540 63-11-2140. Interagency system to be developed.**
7

8 (A) The State Interagency Coordinating Council shall advise and assist the lead agency department in
9 developing a comprehensive interagency system to provide early intervention services for all
10 eligible infants and toddlers with disabilities and their families. As beneficial to ensure successful
11 system operation, the lead agency may, in coordination with the State Interagency Coordinating
12 Council, convene local or regional stakeholder councils designed to further collaboration, ensure
13 the timely delivery of services and address the functioning of the local early intervention system.
14

15 (B) The lead agency comprehensive interagency system must ensure the implementation of implement:
16

- 17 (1) an initial evaluation to determine eligibility; and a timely, comprehensive,
18 multidisciplinary assessment of the functioning of each infant and toddler with
19 disabilities in the State, including the needs of their families relating to enhancing
20 the child's development;
- 21 (2) a written individualized family service plan for each eligible infant or toddler with
22 a disability;
- 23 (3) a comprehensive method of identifying infants and toddlers with disabilities;
- 24 (4) a public awareness program focusing on early identification of infants and toddlers
25 with disabilities;
- 26 (5) access to a central directory which includes early intervention services, resources,
27 and experts available in the State;
- 28 (6) a comprehensive system of personnel development for those who serve eligible
29 infants and toddlers with disabilities;
- 30 (7) formal interagency agreements which:
 - 31 (a) define the responsibility of each agency for providing and paying for
32 early intervention services;
 - 33 (b) coordinate programs so as to permit children and their families to move
34 easily among agencies in the system;
 - 35 (c) adopt uniform program, health, and safety standards;
 - 36 (d) contain procedures for resolving disputes;
- 37 (8) procedural safeguards as required by federal and state law;
- 38 (9) a method for compiling data on the number of infants and toddlers with disabilities
39 in the State in need of early intervention services, the number served, the types of
40 disabilities, the types of services provided, and other information required by the
41 federal government or needed to deliver services effectively.
- 42 (10) Other actions, as may be necessary, to ensure the state's compliance with the
43 federal law.

44 (C) Early intervention services must be available through the comprehensive interagency system and
45 provided by appropriate state agencies in accordance with time requirements of Subchapter ~~III~~ VIII,
46 Chapter 33, Title 20, U. S. Code Annotated, to effectuate the individual family service plan for each
47 eligible infant or toddler.
48

49 HISTORY: 1989 Act No. 114, Section 2; 1991 Act No. 41, Section 2.

1
2 **SECTION 44-7-2550 63-11-2150. Regulations.**
3

4 The ~~department~~ lead agency shall promulgate regulations necessary to carry out the purposes of this
5 article. Through regulation, policies and procedures and ~~or~~ interagency agreement when appropriate the
6 lead agency must ~~department may~~ develop standards addressing the coordination and provision of early
7 intervention services, including personnel qualifications, and health, safety, and program standards for the
8 ~~facilities where the services are offered.~~
9

10 HISTORY: 1989 Act No. 114, Section 2; 1991 Act No. 41, Section 2.
11

12 **SECTION 44-7-2560 63-11-2160. Individualized family service plans.**
13

14 (A) Based on the assessment provided for in Section 44-7-2540 an individualized family service plan
15 must be developed by a multidisciplinary team of appropriate qualified personnel which also must include
16 the parent, guardian, or other adult responsible for the child. The family also may choose an advocate to
17 be present during the development of the plan. The plan must be written and explained in easily
18 understandable language and must contain:
19

- 20 (1) a statement of the present levels of physical, cognitive, social or emotional, psychosocial,
21 communication, and self-help adaptive skill development for the infant or toddler with
22 disabilities;
- 23 (2) a statement of the health status and medical needs of the child and family to support the
24 highest possible development of the child, including the names of the health care providers;
- 25 (3) with concurrence of the family, a statement of the resources, priorities, and concerns of the
26 family, the supports and services necessary to enhance the family's capacity to meet the
27 developmental needs of their infant or toddler with a disability, and the current and potential
28 activities, relationships, routines, and culture that constitute the child's natural environments.
29 statement of the family's resources relating to enhancing the child's development;
- 30 (4) a statement of the major outcomes expected to be achieved for the child and the family and the
31 methods used to measure progress toward the outcomes;
- 32 (5) a statement of specific early intervention services necessary to meet the needs of the child and
33 family, including the frequency, duration, location intensity, and method of delivering services
34 and payment arrangement, to include family consent to use public and/or private benefits if
35 any;
- 36 (6) the projected dates for initiation of services and the anticipated duration of services;
- 37 (7) the name of the service coordinator. The service coordinator is responsible for the
38 implementation of the plan and coordination with other agencies and persons;
- 39 (8) the steps necessary to support transition of the child to other programs, if appropriate.
40

41 (B) The individualized family service plan must be developed within the time established by ~~the~~
42 ~~department~~ federal regulation after the child initially is referred and after the initial evaluation and
43 assessment is completed. With the parent's consent early intervention services may begin before
44 completion of the assessment or plan, provided an interim plan is developed. The plan serves as the
45 comprehensive plan for all agencies involved in providing early intervention services to the child and
46 family. Services must be provided in a timely manner, and continue without interruption as
47 established by the department, pending resolution of disputes among public agencies or service
48 providers. The child's ongoing eligibility plan must be evaluated and an assessment of the child and

1 family must be completed at least once a year and reviewed with the family at ~~three-month regular~~
2 intervals established by federal regulation. intervals or more frequently, if appropriate.
3

4 HISTORY: 1989 Act No. 114, Section 2; 1991 Act No. 41, Section 2.
5

6 **SECTION 44-7-2570 63-11-2170. Fees for services; insurance.**
7

8 (A) Family fees in support of early intervention services, if any, shall be assessed on a sliding fee scale
9 to be developed by the lead agency with consideration to family income and in accordance with
10 applicable federal laws. Families must not be charged for early intervention services provided
11 pursuant to this article.
12

13 (B) Nothing in this section relieves public or private insurance programs, or other persons or agencies
14 required by law to provide or pay for early intervention services, from their financial or legal
15 responsibilities.
16

17 (C) Pursuant to Subchapter III ~~VIII~~, Chapter 33, Title 20, U. S. Code Annotated, all financial resources
18 from federal, state, local, and private sources must be coordinated to fund early intervention
19 services. A joint funding plan must be submitted by the lead agency department to the Joint
20 Legislative and Citizens' Committee on Children on or before August first of each year. The
21 individual components of the plan as they relate to individual agencies must be incorporated
22 annually into each affected agency's budget request.
23

24 HISTORY: 1989 Act No. 114, Section 2; 1991 Act No. 41, Section 2; 1996 Act No. 458, Part II,
25 Section 53A; 1998 Act No. 419, Part II, Section 42.
26

27 **SECTION 44-7-2590 63-11-2180. Confidentiality of records and information; exceptions; penalties for**
28 **unauthorized disclosure.**
29

30 All information and reports related to children and families obtained pursuant to this article are
31 confidential as provided in Subchapter VIII, Chapter 33, Title 20, U.S. Code Annotated. A person who
32 disseminates or permits the unauthorized dissemination of the information or reports is guilty of a
33 misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not
34 more than thirty days, or both.
35

36 HISTORY: 1989 Act No. 114, Section 2; 1991 Act No. 41, Section 2.
37

38 **SECTION 44-7-2600 63-11-2190. Reports to Joint Legislative Committee on Children.**
39

40 By August first of each year the ~~department~~ lead agency shall submit an annual report to the Joint
41 Legislative and Citizen's Committee on Children regarding the status of the comprehensive interagency
42 system, including new and existing resources and gaps in services.
43

44 HISTORY: 1989 Act No. 114, Section 2; 1991 Act No. 41, Section 2.
45

46
47
48
49 **SECTION 44-7-2610. Local interagency coordinating councils.**

1
2 ~~—(A) County or multicounty local interagency coordinating councils (ICC) representing each county in~~
3 ~~the State must be established. Membership on each council must consist of parents, providers, local~~
4 ~~agencies, and government agencies.~~
5 ~~—(B) The function of the local ICC will be to advise and assist the state council and the department in~~
6 ~~planning and implementing a system of early intervention services at the local community level.~~
7 ~~—(C) Each local ICC shall report to the state council on the status of early intervention services in its~~
8 ~~county.~~
9 ~~—(D) With prior approval by the department and the state council, local ICC's may enter into local~~
10 ~~interagency agreements. Local ICC's may give advice and assistance to local early intervention projects.~~
11 ~~No member of a local ICC may vote on a matter which directly would benefit the member financially or~~
12 ~~otherwise appear to be a conflict of interest under state law.~~

13
14 HISTORY: 1991 Act No. 41, Section 2.
15
16
17
18
19
20
21