

HUMAN RESOURCES CODE CHAPTER 73. INTERAGENCY COUNCIL ON EARLY CHILDHOOD INTERVENTION SERVICES

HUMAN RESOURCES CODE

TITLE 3. FACILITIES AND SERVICES FOR CHILDREN

SUBTITLE B. SERVICES FOR CHILDREN

CHAPTER 73. INTERAGENCY COUNCIL ON EARLY CHILDHOOD INTERVENTION SERVICES

Sec. 73.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of the Interagency Council on Early Childhood Intervention.

(2) "Council" means the Interagency Council on Early Childhood Intervention.

(3) "Developmental delay" means a significant variation in normal development as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas:

(A) cognitive development;

(B) physical development;

(C) communication development;

(D) social or emotional development; or

(E) adaptive development.

Added by Acts 1983, 68th Leg., p.1012, ch. 235, art. 4, Sec. 4(a), eff. Sept. 1, 1983. Amended by Acts 1985, 69th Leg., ch. 931, art. 12, Sec. 1, eff. Sept. 1, 1985; Acts 1997, 75th Leg., ch. 923, Sec. 1, eff. Sept. 1, 1997.

Sec. 73.002. BOARD. (a) The council is governed by a board composed of:

(1) eight lay members who are the family members of children with developmental delay, appointed by the governor with the advice and consent of the senate; and

(2) one member who is a representative of the Texas Education Agency, appointed by the commissioner of education.

(b) In addition to the members appointed under Subsection (a), nonvoting representatives shall be appointed by the commissioner or executive head of the following agencies to

actively participate in board deliberations and advise the board on the appointing agency's perspective and concerns regarding the early childhood intervention program:

- (1) the Texas Department of Health;
- (2) the Texas Department of Mental Health and Mental Retardation;
- (3) the Texas Commission on Alcohol and Drug Abuse;
- (4) the Texas Department of Human Services;
- (5) the Department of Protective and Regulatory Services; and
- (6) the Texas Workforce Commission.

(c) Five of the lay members of the board must be the parents of children who are receiving or have received early childhood intervention services. Each state agency member on or representative to the board appointed under Subsection (a) or (b) must have administrative responsibility in the agency represented by the member or representative for early childhood intervention or related services and must have authority to make decisions and, subject to the approval of the appropriate commissioner or executive head, commit resources on behalf of the appointing agency.

(d) Members of the board appointed under Subsection (a) serve for staggered six-year terms, with the terms of three members expiring February 1 of each odd-numbered year. The representatives to the board appointed under Subsection (b) serve as nonvoting participants and serve at the will of the appointing authority. If a representative appointed by a state agency under Subsection (b) terminates employment with the agency, the representative's position becomes vacant on the date of termination. It is a ground for removal from the board if a member appointed by a state agency under Subsection (a) terminates employment with the agency.

(e) The governor shall designate a member of the board as the presiding officer of the board to serve in that capacity at the will of the governor. The members of the board shall elect one member of the board to serve as assistant presiding officer. The assistant presiding officer shall serve a two-year term.

(f) The board shall meet at least quarterly and shall adopt

rules for the conduct of its meetings.

(g) Any action taken by the board must be approved by a majority vote of the members present.

(h) The board shall establish regulations, policies, and procedures for carrying out the council's duties under this chapter.

(i) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the council.

Added by Acts 1983, 68th Leg., p. 1012, . ch. 235, art. 4, Sec. 4(a), eff. Sept. 1, 1983. Amended by Acts 1985, 69th Leg., ch. 264, Sec. 21, eff. Aug. 26, 1985; Acts 1985, 69th Leg., ch. 931, art. 12, Sec. 1, eff. Sept. 1, 1985; Acts 1993, 73rd Leg., ch. 747, Sec. 30, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 165, Sec. 6.56, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 923, Sec. 2, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 33, Sec. 1, eff. Sept. 1, 1999.

Sec. 73.0021. ELIGIBILITY REQUIREMENT FOR BOARD MEMBERSHIP. (a) Appointments to the board shall be made without regard to race, color, disability, sex, religion, age, or national origin.

(b) A person is not eligible for appointment as a board member if:

(1) the person does not meet the eligibility requirements under Section 73.002;

(2) the person or the person's spouse is an officer of an agency or paid counsel of an organization with which the council engages in a contractual relationship; or

(3) the person violates a prohibition established by Section 73.0024.

Added by Acts 1997, 75th Leg., ch. 923, Sec. 3, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 33, Sec. 2, eff. Sept. 1, 1999.

Sec. 73.0022. REMOVAL OF BOARD MEMBERS. (a) It is a ground for removal from the board if a member:

(1) is not eligible for appointment to the board under

Section 73.002;

(2) does not maintain during service on the board the qualifications required by Section 73.002;

(3) has or develops an interest that conflicts or appears to conflict with the member's position on the board or violates a prohibition established by Section 73.0024;

(4) cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or

(5) is absent for more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year.

(b) The validity of an action of the board is not affected by the fact that it was taken when grounds for removal of a board member existed.

(c) If the executive director of the council has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board. The presiding officer shall then notify the appropriate appointing authority of the potential removal and the cause for the potential removal action.

(d) If a board member is removed for cause, the appointing authority shall make a subsequent appointment for the remainder of that board member's term.

Added by Acts 1997, 75th Leg., ch. 923, Sec. 4, eff. Sept. 1, 1997.

Amended by Acts 1999, 76th Leg., ch. 33, Sec. 3, eff. Sept. 1, 1999.

Sec. 73.0023. BOARD MEMBER TRAINING. (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the legislation that created the council and the board;

(2) the programs operated by the council;

- (3) the role and functions of the council;
- (4) the rules of the council with an emphasis on the rules that relate to disciplinary and investigatory authority;
- (5) the current budget for the council;
- (6) the results of the most recent formal audit of the council;
- (7) the requirements of:
 - (A) the open meetings law, Chapter 551, Government Code;
 - (B) the public information law, Chapter 552, Government Code;
 - (C) the administrative procedure law, Chapter 2001, Government Code; and
 - (D) other laws relating to public officials, including conflict-of-interest laws; and
- (8) any applicable ethics policies adopted by the council or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Added by Acts 1999, 76th Leg., ch. 33, Sec. 4, eff. Sept. 1, 1999.

Sec. 73.0024. RESTRICTIONS ON BOARD MEMBERS AND EMPLOYEES.

(a) In this section, "Texas trade association" means a cooperative and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the board and may not be a council employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) and its subsequent amendments, if:

- (1) the person is an officer, employee, or paid

consultant of a Texas trade association in the field of early childhood intervention; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of early childhood intervention.

(c) A person may not be a member of the board or act as the general counsel to the board or the council if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the council.

Added by Acts 1999, 76th Leg., ch. 33, Sec. 4, eff. Sept. 1, 1999.

Sec. 73.0025. COMPLAINT PROCESS. (a) The board shall develop a method for responding to complaints regarding services provided by the council.

(b) The council shall maintain a file on each written complaint filed with the council. The file must include:

- (1) the name of the person who filed the complaint;
- (2) the date the complaint is received by the council;
- (3) the subject matter of the complaint;
- (4) the name of each person contacted in relation to the complaint;
- (5) a summary of the results of the review or investigation of the complaint; and
- (6) an explanation of the reason the file was closed, if the council closed the file without taking action other than to investigate the complaint.

(c) The council shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the council's policies and procedures relating to complaint investigation and resolution.

(d) The council, at least quarterly until final disposition of the complaint, shall notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

Added by Acts 1999, 76th Leg., ch. 33, Sec. 4, eff. Sept. 1, 1999.

Sec. 73.003. STRATEGIC PLAN. The council shall develop and implement a strategic plan for a statewide system of early childhood intervention services, as required by Subchapter VIII, Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section 1471 et seq.), and its subsequent amendments, to ensure that the provisions of this chapter are properly implemented by the agencies affected.

Added by Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, Sec. 4(a), eff. Sept. 1, 1983. Amended by Acts 1985, 69th Leg., ch. 931, art. 12, Sec. 1, eff. Sept. 1, 1985; Acts 1997, 75th Leg., ch. 923, Sec. 5, eff. Sept. 1, 1997.

Sec. 73.004. ADVISORY COMMITTEE. (a) The governor shall appoint an advisory committee to assist the council in the performance of its duties. The council shall establish the size and composition of the committee by rule, consistent with federal regulations and state rules. The governor or the council may also appoint ex officio members to serve for specific purposes to assist the council in the performance of its duties.

(b) The committee shall meet and serve under the rules of the board, but the committee shall elect its own presiding officer. The committee may be divided into regional committees to assist the council in community-level program planning and implementation.

(c) The advisory committee is not subject to Article 6252-33, Revised Statutes.

Added by Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, Sec. 4(a), eff. Sept. 1, 1983. Amended by Acts 1985, 69th Leg., ch. 931, art. 12, Sec. 1, eff. Sept. 1, 1985; Acts 1991, 72nd Leg., 1st C.S., ch. 15, Sec. 5.18, eff. Sept. 1, 1991; Acts 1997, 75th Leg., ch. 923, Sec. 6, eff. Sept. 1, 1997.

Sec. 73.0041. ADVISORY COMMITTEE DUTIES. The advisory committee established under Section 73.004 shall perform the duties and responsibilities required of an advisory committee under Subchapter VIII, Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section 1471 et seq.), and its subsequent

amendments.

Added by Acts 1997, 75th Leg., ch. 923, Sec. 7, eff. Sept. 1, 1997.

Sec. 73.0045. POWERS AND DUTIES OF COMMISSIONER OF HEALTH AND HUMAN SERVICES. The commissioner of health and human services has the powers and duties relating to the board and the executive director of the board as provided by Section 531.0055, Government Code. To the extent a power or duty given to the board or executive director by this chapter or another law conflicts with Section 531.0055, Government Code, Section 531.0055 controls.

Added by Acts 1999, 76th Leg., ch. 1460, Sec. 2.06, eff. Sept. 1, 1999.

Sec. 73.005. BOARD POWERS AND DUTIES. (a) The board with the advice of the advisory committee shall address contemporary issues affecting intervention services in the state including:

- (1) successful intervention strategies;
- (2) personnel preparation and continuing education;
- (3) screening services;
- (4) day or respite care services;
- (5) public awareness; and
- (6) contemporary research.

(b) The board with the advice of the advisory committee shall advise the legislature on legislation that is needed to maintain a statewide system of quality intervention services for children with developmental delay who are under three years of age and the families of those children. The council may develop and submit legislation to the legislature or comment on pending legislation that affects this population.

Added by Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, Sec. 4(a), eff. Sept. 1, 1983. Amended by Acts 1985, 69th Leg., ch. 931, art. 12, Sec. 1, eff. Sept. 1, 1985; Acts 1997, 75th Leg., ch. 923, Sec. 8, eff. Sept. 1, 1997.

Sec. 73.0051. POWERS AND DUTIES OF COUNCIL. (a) The council is the lead agency designated by the governor under Subchapter VIII, Individuals with Disabilities Education Act

(IDEA) (20 U.S.C. Section 1471 et seq.), and its subsequent amendments, for the administration, supervision, and monitoring of a statewide comprehensive system of early intervention services that will ensure that all infants and toddlers in this state who are below the age of three and have developmental needs or are at risk of developmental delay receive services that are provided in partnership with their families and in the context of their local community.

(b) The council by rule shall:

(1) provide for compliance with the terms and provisions of applicable federal and state laws in the administration of programs and the delivery of services under this chapter;

(2) establish a program to monitor fiscal and program implementation; and

(3) establish appropriate sanctions for providers who fail to comply with statutory and regulatory fiscal and program requirements.

(c) The council may enter into, administer, and monitor contracts with providers for programs and projects authorized under this chapter.

(d) The council shall periodically monitor program activities and fiscal performance of the entities funded under this chapter to:

(1) determine compliance with federal and state requirements;

(2) assess the performance of the entities in identifying children under three years of age with developmental delay in populations at risk of developmental delay; and

(3) issue reports regarding program monitoring.

(e) The council may apply for and accept gifts, grants, and donations from public and private sources for use in programs authorized under this chapter. The council shall deposit money received under this section into the state treasury.

(f) The council shall:

(1) cooperate with the Health and Human Services Commission and other local, state, and federal agencies in the

strategic planning, funding, delivery, and monitoring of services authorized under this chapter; and

(2) jointly with the Department of Protective and Regulatory Services develop and implement policies applicable to providers of services authorized under this chapter in situations involving service recipients who are vulnerable to abuse or neglect.

(g) The council shall make periodic reports as required by law to other agencies, the legislature, appropriate committees, the governor, and the Secretary of the United States Department of Education.

(h) The council shall ensure that all programs and council functions are conducted in a nondiscriminatory manner.

(i) The council shall include parents when deciding the appropriate treatment for the needs of their child or children. After establishing an initial and ongoing treatment plan for a child, the council shall ensure that the child's parents continue to be included in all decisions relating to the services provided to the child, including the determination of the most appropriate setting for the child to receive services. The council shall ensure that a child's parents receive written notification of the progress toward meeting the child's treatment plan. The notification must include details to assist parents in meeting the child's treatment goals.

(j) The council shall not limit services to solely natural environments but shall also make alternatives available when early intervention cannot be achieved satisfactorily in a natural environment.

(k) The council shall cooperate with the Health and Human Services Commission to select an appropriate automated system or systems currently used by a state agency to plan, manage, and maintain records of client services. If cost-effective, the council may use the automated system or systems to carry out other appropriate council administrative functions.

(l) The council by rule may establish a system of payments by families of children receiving services under this chapter, including a schedule of sliding fees, in a manner consistent with 34

C.F.R. Sections 303.12(a)(3)(iv), 303.520, and 303.521.

Added by Acts 1997, 75th Leg., ch. 923, Sec. 9, eff. Sept. 1, 1997.

Amended by Acts 1999, 76th Leg., ch. 33, Sec. 5, eff. Sept. 1, 1999;

Acts 2003, 78th Leg., ch. 198, Sec. 2.114, eff. Sept. 1, 2003.

Sec. 73.0052. PERSONNEL MATTERS. (a) The executive director or the executive director's designee shall provide to members of the board and to the employees of the council, as often as necessary, information regarding the requirements for office or employment under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

(b) The commissioner of health and human services shall employ an executive director in accordance with Section 531.0056, Government Code. The executive director shall establish necessary administrative units and hire other necessary employees.

(c) Utilizing established standards, the commissioner of health and human services shall evaluate the performance of the executive director annually.

(d) The executive director or the executive director's designee shall develop an intra-agency career ladder program. Employees will be notified of all available positions. When appropriate, postings will be made available to council employees before public posting.

(e) The executive director or the executive director's designee shall develop a system of annual performance evaluations based on measurable job tasks. All merit pay for council employees must be based on the system established under this subsection.

(f) The executive director or the executive director's designee shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, handicap, sex, religion, age, or national origin. The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel;

(2) a comprehensive analysis of the agency workforce that meets federal and state laws, rules, and regulations and instructions promulgated directly from those laws, rules, and regulations; and

(3) procedures by which a determination can be made of significant underutilization in the council's workforce of all persons for whom federal or state laws, rules, and regulations and instructions promulgated directly from those laws, rules, and regulations encourage a more equitable balance and reasonable methods to appropriately address those areas of significant underutilization.

(g) The policy statement prepared under Subsection (f) must:

- (1) cover an annual period;
- (2) be updated at least annually; and
- (3) be filed with the governor.

(h) The board shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the executive director and the staff of the council.

Added by Acts 1997, 75th Leg., ch. 923, Sec. 10, eff. Sept. 1, 1997.
Amended by Acts 1999, 76th Leg., ch. 33, Sec. 6, eff. Sept. 1, 1999;
Acts 1999, 76th Leg., ch. 1460, Sec. 2.07, eff. Sept. 1, 1999.

Sec. 73.006. REIMBURSEMENT FOR EXPENSES. (a) An agency member or agency representatives to the board and the advisory committee, if any, are entitled to reimbursement for expenses incurred in the performance of their duties by the appointing agencies in accordance with the travel provisions for state employees in the General Appropriations Act.

(b) The lay members of the board and advisory committee are entitled to reimbursement for reasonable and necessary expenses incurred in the performance of board or advisory committee duties, including reimbursement for child care.

(c) The agencies that have a member or representatives on the board shall provide staff support to the council as needed. The agencies may provide staff support to the committee.

(d) A board member, a nonvoting representative to the board, or an advisory committee member who is disabled and who, because of the disability, requires attendant care to perform the person's duties is entitled to reimbursement for the cost of the attendant care.

Added by Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, Sec. 4(a), eff. Sept. 1, 1983. Amended by Acts 1985, 69th Leg., ch. 931, art. 12, Sec. 1, eff. Sept. 1, 1985; Acts 1993, 73rd Leg., ch. 747, Sec. 31, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 76, Sec. 8.142, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 923, Sec. 11, eff. Sept. 1, 1997.

Sec. 73.007. PUBLIC AWARENESS AND TRAINING. The council shall develop and implement:

(1) a general public awareness strategy focusing on the importance of prenatal care and early identification of infants and toddlers with developmental delay and the availability of resources to meet their needs; and

(2) a statewide plan for conducting training and technical assistance for service providers, primary referral sources, and families with children under three years of age with developmental delay.

Added by Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, Sec. 4(a), eff. Sept. 1, 1983. Amended by Acts 1985, 69th Leg., ch. 264, Sec. 22, eff. Aug. 26, 1985; Acts 1985, 69th Leg., ch. 931, art. 12, Sec. 1, eff. Sept. 1, 1985; Acts 1997, 75th Leg., ch. 923, Sec. 12, eff. Sept. 1, 1997.

Sec. 73.008. EARLY IDENTIFICATION STRATEGY. (a) The council shall develop and implement a statewide strategy for:

(1) the early identification of children under three years of age with developmental delay;

(2) improving the early identification of children under three years of age with developmental delay in populations at risk of developmental delay, through measures such as:

(A) targeting at-risk populations and appropriate geographical regions; and

(B) monitoring the performance of providers of services authorized under this chapter in identifying those children; and

(3) the coordination of programs with other agencies serving children with developmental delay, including the coordination of policy issues that affect children with developmental delay who are three years of age or older.

(b) The strategy must include plans to:

(1) incorporate, strengthen, and expand similar existing local efforts;

(2) incorporate and coordinate screening services currently provided through a public agency;

(3) establish a liaison with primary referral sources, including hospitals, physicians, public health facilities, and day-care facilities, to encourage referrals of children with developmental delay; and

(4) provide active leadership in addressing issues affecting the effectiveness of services for children with developmental delay, including issues such as the provision of respite care and development of incentives to encourage provision of respite care by providers of services authorized under this chapter.

Added by Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, Sec. 4(a), eff. Sept. 1, 1983. Amended by Acts 1985, 69th Leg., ch. 931, art. 12, Sec. 1, eff. Sept. 1, 1985; Acts 1997, 75th Leg., ch. 923, Sec. 13, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 33, Sec. 7, eff. Sept. 1, 1999.

Sec. 73.009. REFERRAL FOR SERVICES. (a) The council shall establish policies concerning services described by this section. A child under three years of age and the child's family may be referred for services described by this section if the child is:

(1) identified as developmentally delayed;

(2) suspected of being developmentally delayed; or

(3) considered at risk of developmental delay.

(b) For each child referred, the council shall:

(1) seek appropriate medical or developmental

screening or evaluation and if such screening services or evaluation services are not available, the council shall provide those services either directly or by contract; and

(2) refer the child to a public or private program that can meet the child's needs.

(c) Services under this section shall be provided in a manner that minimizes intrusion into family privacy.

Added by Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, Sec. 4(a), eff. Sept. 1, 1983. Amended by Acts 1985, 69th Leg., ch. 931, art. 12, Sec. 1, eff. Sept. 1, 1985; Acts 1993, 73rd Leg., ch. 747, Sec. 32, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 923, Sec. 14, eff. Sept. 1, 1997.

Sec. 73.010. ELIGIBILITY FOR SERVICES. A child is eligible for services under this chapter if the child:

(1) is under three years of age; and

(2) is documented as having developmental delay or has a medically diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

Added by Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, Sec. 4(a), eff. Sept. 1, 1983. Amended by Acts 1985, 69th Leg., ch. 931, art. 12, Sec. 1, eff. Sept. 1, 1985; Acts 1993, 73rd Leg., ch. 747, Sec. 33, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 165, Sec. 6.57, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 923, Sec. 15, eff. Sept. 1, 1997.

Sec. 73.011. PROVIDER SELECTION. (a) The council shall select providers of services authorized under this chapter on a best value basis in a manner that:

(1) maximizes federal, private, and local sources of funding; and

(2) promotes competition when possible.

(b) The council shall determine best value as required by Subsection (a) when the council initially awards a contract to a provider and when the council considers renewal of a provider's contract.

(c) In determining whether a provider will provide best

value to the council, the council shall consider:

- (1) the past performance of the provider;
- (2) the quality of the provider's services;
- (3) the cost of the provider's services;
- (4) the ability of the provider to maximize federal, private, and local sources of funding;
- (5) the ability of the provider to comply with state and federal program requirements;
- (6) the availability of the provider to deliver required services; and
- (7) any other relevant factor.

Added by Acts 1999, 76th Leg., ch. 33, Sec. 8, eff. Sept. 1, 1999.

Sec. 73.022. FINANCES. (a) The council shall:

- (1) ensure compliance with requirements necessary to obtain federal funds in the maximum amount and the most advantageous proportions possible;
- (2) seek funding in a manner that maximizes the total amount of money available from federal, private, and local sources for programs funded under this chapter;
- (3) apply for, receive, administer, and spend federal and state funds for Subchapter III, Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section 1431 et seq.), and its subsequent amendments, dealing with infants and toddlers from birth to age three with developmental delay and their families; and
- (4) authorize and account for the classification and spending of maintenance of effort and carryover funds from all sources in carrying out the programs funded under this chapter.

(b) All money paid to the council under this chapter shall be deposited in the state treasury and may be used only for the administration of this chapter.

(c) The financial transactions of the council are subject to audit by the state auditor in accordance with Chapter 321, Government Code.

(d) The executive director shall prepare and submit to the board for approval a biennial budget and request for an appropriation by the legislature of funds necessary to carry out

the duties of the council. The budget and request must include an estimate of all federal funds to be allocated to the state for the performance of the council's duties.

(e) The council shall submit the budget and appropriations request to the Legislative Budget Board and the governor in the manner prescribed by law.

(f) The council shall annually file with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the council during the preceding year in accordance with the General Appropriations Act.

Added by Acts 1989, 71st Leg., ch. 813, Sec. 6.09, eff. Sept. 1, 1989. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 6.58, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 923, Sec. 16, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 33, Sec. 9, eff. Sept. 1, 1999.

Sec. 73.023. APPLICATION OF SUNSET ACT. The Interagency Council on Early Childhood Intervention is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished on September 1, 2011.

Added by Acts 1997, 75th Leg., ch. 923, Sec. 17, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 33, Sec. 10, eff. Sept. 1, 1999.

Sec. 73.024. OPEN MEETINGS; OPEN RECORDS; ADMINISTRATIVE PROCEDURE. The board, council, and advisory committee are subject to the requirements of the open meetings law, Chapter 551, Government Code, the open records law, Chapter 552, Government Code, and Chapter 2001, Government Code.

Added by Acts 1997, 75th Leg., ch. 923, Sec. 18, eff. Sept. 1, 1997.