CERTIFICATION OF ENROLLMENT

**SENATE BILL 5879**

Chapter 57, Laws of 2016

64th Legislature

2016 Regular Session

CHILDREN WITH DISABILITIES--EARLY INTERVENTION SERVICES--ADMINISTRATION

EFFECTIVE DATE: 6/9/2016

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| Passed by the Senate March 7, 2016  Yeas 47 Nays 1  BRAD OWEN  **President of the Senate**  Passed by the House March 1, 2016  Yeas 92 Nays 5  FRANK CHOPP  **Speaker of the House of Representatives** | CERTIFICATE  I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5879** as passed by Senate and the House of Representatives on the dates hereon set forth.  HUNTER G. GOODMAN  **Chief Clerk** |
| Approved March 29, 2016 4:07 PM | March 30, 2016 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SENATE BILL 5879**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2016 Regular Session

**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Billig, McAuliffe, and Kohl-Welles; by request of Department of Early Learning

AN ACT Relating to early intervention services for infants and toddlers with disabilities and their families; amending RCW 70.195.010, 70.195.020, 28A.155.065, and 43.215.020; adding new sections to chapter 43.215 RCW; creating new sections; recodifying RCW 70.195.005, 70.195.010, 70.195.020, and 70.195.030; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 70.195.010 and 1998 c 245 s 125 are each amended to read as follows:

For the purposes of implementing this chapter, the governor shall appoint a state ((~~birth-to-six~~)) birth-to-three interagency coordinating council and ensure that state agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families shall coordinate and collaborate in the planning and delivery of such services.

No state or local agency currently providing early intervention services to infants and toddlers with disabilities may use funds appropriated for early intervention services for infants and toddlers with disabilities to supplant funds from other sources.

All state and local agencies shall ensure that the implementation of this chapter will not cause any interruption in existing early intervention services for infants and toddlers with disabilities.

Nothing in this chapter shall be construed to permit the restriction or reduction of eligibility under Title V of the Social Security Act, P.L. 90-248, relating to maternal and child health or Title XIX of the Social Security Act, P.L. 89-97, relating to medicaid for infants and toddlers with disabilities.

**Sec.**  RCW 70.195.020 and 1992 c 198 s 17 are each amended to read as follows:

The state ((~~birth-to-six~~)) birth-to-three interagency coordinating council shall identify and work with county early childhood interagency coordinating councils to coordinate and enhance existing early intervention services and assist each community to meet the needs of infants and toddlers with disabilities and their families.

**Sec.**  RCW 28A.155.065 and 2007 c 115 s 7 are each amended to read as follows:

(1) ((~~By September 1, 2009,~~)) Each school district shall provide or contract for early intervention services to all eligible children with disabilities from birth to three years of age. Eligibility shall be determined according to Part C of the federal individuals with disabilities education ((~~improvement~~)) act or other applicable federal and state laws, and as specified in the Washington Administrative Code adopted by the state lead agency, which is the department of early learning. School districts shall provide or contract, or both, for early intervention services in partnership with local birth-to-three lead agencies and birth-to-three providers. Services provided under this section shall not supplant services or funding currently provided in the state for early intervention services to eligible children with disabilities from birth to three years of age. The state-designated birth-to-three lead agency shall be payor of last resort for birth-to-three early intervention services provided under this section.

(2)(a) By October 1, 2016, the office of the superintendent of public instruction shall provide the department of early learning, in its role as state lead agency, with a full accounting of the school district expenditures from the 2013-14 and 2014-15 school years, disaggregated by district, for birth-to-three early intervention services provided under this section.

(b) The reported expenditures must include, but are not limited to per student allocations, per student expenditures, the number of children served, detailed information on services provided by school districts and contracted for by school districts, coordination and transition services, and administrative costs.

(3) The services in this section are not part of the state's program of basic education pursuant to Article IX of the state Constitution.

NEW SECTION. **Sec.**  (1) The department of early learning shall provide a full accounting of the early support for infants and toddlers expenditures from the 2013-14 and 2014-15 school years in the plan required under section 6 of this act. The accounting shall include the reported expenditures from the office of the superintendent of public instruction required under section 3 of this act.

(2) This section expires August 1, 2017.

**Sec.**  RCW 43.215.020 and 2013 c 323 s 5 are each amended to read as follows:

(1) The department of early learning is created as an executive branch agency. The department is vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law.

(2) The primary duties of the department are to implement state early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To make early learning resources available to parents and caregivers;

(c) To carry out activities, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children, in cooperation with the nongovernmental private‑public partnership;

(d) To administer child care and early learning programs;

(e) To apply data already collected comparing the following factors and make biennial recommendations to the legislature regarding working connections subsidy and state-funded preschool rates and compensation models that would attract and retain high quality early learning professionals:

(i) State-funded early learning subsidy rates and market rates of licensed early learning homes and centers;

(ii) Compensation of early learning educators in licensed centers and homes and early learning teachers at state higher education institutions;

(iii) State-funded preschool program compensation rates and Washington state head start program compensation rates; and

(iv) State-funded preschool program compensation to compensation in similar comprehensive programs in other states;

(f) To serve as the state lead agency for Part C of the federal individuals with disabilities education act (IDEA) and to develop and adopt rules that establish minimum requirements for the services offered through Part C programs, including allowable allocations and expenditures for transition into Part B of the federal individuals with disabilities education act (IDEA);

(g) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

(h) To support the implementation of the nongovernmental private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

(i) To work cooperatively and in coordination with the early learning council;

(j) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs;

(k) To develop and adopt rules for administration of the program of early learning established in RCW ((~~43.215.141~~)) 43.215.455;

(l) To develop a comprehensive birth-to-three plan to provide education and support through a continuum of options including, but not limited to, services such as: Home visiting; quality incentives for infant and toddler child care subsidies; quality improvements for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal supports for family, friend, and neighbor caregivers; and

(m) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information and provider comments through the internet and other means.

(3) When additional funds are appropriated for the specific purpose of home visiting and parent and caregiver support, the department must reserve at least eighty percent for home visiting services to be deposited into the home visiting services account and up to twenty percent of the new funds for other parent or caregiver support.

(4) Home visiting services must include programs that serve families involved in the child welfare system.

(5) Subject to the availability of amounts appropriated for this specific purpose, the legislature shall fund the expansion in the Washington state preschool program pursuant to RCW ((~~43.215.142~~)) 43.215.456 in fiscal year 2014.

(6) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children, and that recognizes and honors cultural and linguistic diversity. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

NEW SECTION. **Sec.**  By December 15, 2016, the department of early learning shall develop and submit a plan to the appropriate committees of the legislature on comprehensive and coordinated early intervention services for all eligible children with disabilities in accordance with Part C of the federal individuals with disabilities education act. The proposed plan shall include, but is not limited to, the following:

(1) A full accounting of all the expenditures related to early support for infants and toddlers from both the department of early learning and the office of the superintendent of public instruction as required in RCW 28A.155.065 and section 4 of this act;

(2) The identification and proposal for coordination of all available public financial resources within the state from federal, state, and local sources;

(3) A design for an integrated early learning intervention system for all eligible infants and toddlers who have been diagnosed with a disability or developmental delays and their families;

(4) The development of procedures that ensure services are provided to all eligible infants and toddlers and their families in a consistent and timely manner; and

(5) A proposal for the integration of early support for infants and toddlers services with other critical services available for children birth to age three and their families.

NEW SECTION. **Sec.**  RCW 70.195.005, 70.195.010, 70.195.020, and 70.195.030 are each recodified as sections in chapter 43.215 RCW.

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Passed by the Senate March 7, 2016.

Passed by the House March 1, 2016.

Approved by the Governor March 29, 2016.

Filed in Office of Secretary of State March 30, 2016.