

HOUSE BILL REPORT

ESSB 6257

As Passed House - Amended:
February 28, 2018

Title: An act relating to provision of early intervention services for eligible children with disabilities from birth through two years of age.

Brief Description: Developing a funding model for early intervention services for eligible children.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Billig, Zeiger, Kuderer, Keiser, Palumbo and Saldaña).

Brief History:

Committee Activity:

Early Learning & Human Services: 2/15/18, 2/16/18 [DP];
Appropriations: 2/24/18, 2/26/18 [DPA].

Floor Activity:

Passed House - Amended: 2/28/18, 79-19.

**Brief Summary of Engrossed Substitute Bill
(As Amended by House)**

- Requires specified agencies to develop a funding model to be used to determine budget allocations after July 1, 2019, for early intervention services for children ages birth through 2 years.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: Do pass. Signed by 12 members: Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Eslick, Frame, Goodman, Griffey, Kilduff, Klippert, Lovick, Muri and Ortiz-Self.

Staff: Dawn Eychaner (786-7135).

HOUSE COMMITTEE ON APPROPRIATIONS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass as amended. Signed by 21 members: Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist, Calder, Cody, Fitzgibbon, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Pettigrew, Pollet, Sawyer, Senn, Springer, Stanford, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 11 members: Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys, Condotta, Graves, Manweller, Schmick, Taylor, Vick, Volz and Wilcox.

Minority Report: Without recommendation. Signed by 1 member: Representative Haler.

Staff: Kelci Karl-Robinson (786-7116).

Background:

Early Support for Infants and Toddlers.

Part C of the federal Individuals with Disabilities Education Act (IDEA) requires individual and family intervention services for children ages birth through 2 years who have a disability or developmental delay. The Department of Early Learning (DEL) is the lead agency for IDEA Part C and the delivery of early intervention services through the state's Early Support for Infants and Toddlers (ESIT) program.

Early intervention services include:

- family resource coordination;
- developmental services;
- occupational or physical therapy; and
- speech or language therapy.

The DEL receives federal Part C funding and some state funding for early intervention services. Additional state funding for early intervention services is distributed to school districts through the Office of the Superintendent of Public Instruction (OSPI). School districts are required to provide or contract for early intervention services. Early intervention services are not considered part of basic education under Article IX of the state Constitution.

Part C of the IDEA requires that federal funds be a payer of last resort and may not be used to satisfy a financial commitment for services that would otherwise have been paid for from another public or private source. The DEL rules require providers to bill all applicable funding sources, including public and private insurance and families, prior to using state and federal funds for early intervention services.

Referrals to services are provided through Local Lead Agencies (LLAs) serving a specific geographic area. The LLAs either provide direct services or contract for services to be provided to children and families. The LLAs include county health and human services agencies, nonprofit agencies, and educational service districts.

The DEL has the authority to develop and adopt rules to establish minimum requirements for the ESIT program services, including allowable allocations and expenditures for transitions into IDEA Part B services when a child turns age 3. School districts must ensure that

students with disabilities who are ages 3 through 21 years receive special education services under Part B of the IDEA.

Caseload Forecast Council.

The Caseload Forecast Council (CFC) prepares the official state caseload forecasts for special education programs, including special education for children ages birth through 2 years.

State Interagency Coordinating Council.

The State Interagency Coordinating Council (SICC) works with the DEL and other state agencies that provide early intervention services to infants and toddlers with disabilities and their families to ensure agencies coordinate and collaborate in the planning and delivery of such services.

Department of Children, Youth, and Families.

On July 1, 2018, all powers, duties, and functions of the DEL will be transferred to the Department of Children, Youth, and Families (DCYF).

Summary of Amended Bill:

The DCYF must consult with the DEL, the OSPI, the Office of Financial Management (OFM), the CFC, and legislative fiscal staff to develop a funding model used to determine the amount of annual allocations appropriated in the biennial operating budget after July 1, 2019, for early intervention services for children ages birth through 2 years. The DCYF must seek advice and assistance from the applicable committees of the SICC in the development of the funding model.

By September 1, 2018, the DCYF must submit a final report with the agreed-upon funding model and any necessary statutory changes to the OFM and the fiscal committees of the Legislature.

The act expires July 1, 2020.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Early Learning & Human Services):

(In support) The ESIT program is important for helping infants and toddlers with disabilities but is currently delivered through a patchwork of services. Services may be different for different children, depending on the school district the child is in. It makes sense to have a lead agency like the DCYF to coordinate service delivery. Early intervention services can change the trajectory of someone's life. Many young children with disabilities who receive early intervention do not need any other services later in their lives, making this a cost-

effective intervention. Because of new rules adopted by the DCYF, educational service districts will have to bill private insurance first. Setting up a complex billing system will take away from services, and families could face out-of-network charges and non-reimbursable costs. Consider amending the bill to require the DCYF to direct public entities billing Medicaid to bill private insurance as soon as is practicable rather than first.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) None.

(Opposed) None.

Persons Testifying (Early Learning & Human Services): Senator Billig, prime sponsor; Melissa Gombosky, Educational Service District 112; and Frank Ordway, Department of Early Learning.

Persons Testifying (Appropriations): None.

Persons Signed In To Testify But Not Testifying (Early Learning & Human Services): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.