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**SUBSTITUTE HOUSE BILL 1676**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** House Human Services, Youth, & Early Learning (originally sponsored by Representatives Senn, Couture, Taylor, Stonier, Pollet, Callan, Rule, Goodman, and Kloba)

READ FIRST TIME 02/16/23.

1 AN ACT Relating to special education early support for infants  
2 and toddlers; and amending RCW 43.216.580.

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

4 **Sec. 1.** RCW 43.216.580 and 2020 c 90 s 1 are each amended to  
5 read as follows:

6 (1) The department is the state lead agency for Part C of the  
7 federal individuals with disabilities education act. The department  
8 shall administer the early support for infants and toddlers program,  
9 to provide early intervention services to all eligible children with  
10 disabilities from birth to three years of age. Eligibility shall be  
11 determined according to Part C of the federal individuals with  
12 disabilities education act or other applicable federal and state  
13 laws, and as specified in the Washington Administrative Code adopted  
14 by the department. Services provided under this section shall not  
15 supplant services or funding currently provided in the state for  
16 early intervention services to eligible children with disabilities  
17 from birth to three years of age.

18 (2)(a) Funding for the early support for infants and toddlers  
19 program shall be appropriated to the department based on the annual  
20 average headcount of children ages birth to three who are eligible  
21 for and receiving early intervention services, multiplied by the

1 total statewide allocation generated by the distribution formula  
2 under RCW 28A.150.260 (4) (a), (5), (6), and (8) and the allocation  
3 under RCW 28A.150.415, per the statewide full-time equivalent  
4 enrollment in common schools, multiplied by (~~1.15~~) 1.25.

5 (b) The department shall distribute funds to early intervention  
6 services providers, and, when appropriate, to county lead agencies.

7 (c) For the purposes of this subsection (2), a child is receiving  
8 early intervention services if the child (~~has received services~~  
9 ~~within a month prior to~~) is receiving services on the monthly count  
10 day or has newly started receiving services at any point during the  
11 month.

12 (3) Federal funds associated with Part C of the federal  
13 individuals with disabilities education act shall be subject to payor  
14 of last resort requirements pursuant to 34 C.F.R. Sec. 303.510 (2020)  
15 for birth-to-three early intervention services provided under this  
16 section.

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

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