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SENATE BILL 5373

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State of Washington

61st Legislature

2009 Regular Session

By Senators Kauffman, Tom, Kline, Oemig, Kohl-Welles, Shin, Hargrove, Kastama, Regala, Marr, McDermott, Fairley, Jarrett, Pridemore, Kilmer, McAuliffe, Keiser, Jacobsen, Franklin, Fraser, and Haugen

Read first time 01/21/09. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to early intervention services for children with  
2 disabilities; amending RCW 43.88C.010; adding new sections to chapter  
3 70.195 RCW; creating new sections; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that early  
6 intervention services are cost-effective and effectively serve the  
7 developmental needs of infants and toddlers with disabilities and  
8 developmental delays and their families. Therefore, the purpose of  
9 this act is to provide a comprehensive, coordinated, interagency,  
10 interdisciplinary early intervention services system for all eligible  
11 infants and toddlers and their families by enhancing the capacity to  
12 equitably provide quality early intervention services, and facilitating  
13 coordination of payments for early intervention services from various  
14 public and private sources.

15 (2) The legislature finds that there is an urgent and substantial  
16 need to:

17 (a) Enhance the development of all eligible infants and toddlers  
18 with disabilities in the state of Washington, in order to minimize

1 developmental delay and maximize individual potential for adult  
2 independence;

3 (b) Enhance the capacity of families to meet the special needs of  
4 all eligible infants and toddlers with disabilities;

5 (c) Reduce educational costs by minimizing the need for special  
6 education and related services when eligible infants and toddlers reach  
7 school age;

8 (d) Enhance the independence, productivity, and integration with  
9 age-appropriate peers of eligible children and their families;

10 (e) Reduce social services costs and minimize the need for out-of-  
11 home placement; and

12 (f) Prevent secondary impairments and disabilities by improving the  
13 health of infants and toddlers, thereby reducing health costs for the  
14 families and the state.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.195 RCW  
16 to read as follows:

17 The legislature intends that the policy of this state shall be  
18 that:

19 (1) All eligible infants and toddlers with disabilities and  
20 developmental delays have a right to receive early intervention  
21 services to the maximum extent appropriate as determined by the  
22 evaluations, assessments, and the individualized family service plans  
23 pursuant to Part C of the federal individuals with disabilities  
24 education improvement act and the Washington state infant and toddler  
25 early intervention program federally approved plan. A child's  
26 eligibility must be determined according to the Washington state infant  
27 toddler early intervention program policies and procedures and the  
28 federally approved state plan;

29 (2) The role of the family is of primary importance in all areas of  
30 the child's development, and implementation of services to the child  
31 and decision-making processes regarding the child must fully involve  
32 primary care providers;

33 (3) Public funding and support must be provided to all eligible  
34 infants and toddlers and their families and must include parent  
35 resources and address their individual concerns and priorities;

36 (4) On a statewide basis, locally based comprehensive, coordinated,  
37 interdisciplinary, interagency early intervention services for all

1 eligible infants and toddlers must be developed, implemented,  
2 maintained, and facilitated by the designated infant and toddler early  
3 intervention program local lead agencies;

4 (5) The local communities' capacity to provide an array of quality  
5 early intervention services must be enhanced; and

6 (6) All available resources for early intervention within the state  
7 including those from federal, state, local, and private sources must be  
8 identified and coordinated. The individualized family service plan  
9 must incorporate all services and activities, including education,  
10 health, and social services resources necessary to coordinate and  
11 implement early intervention services.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.195 RCW  
13 to read as follows:

14 (1) In coordination with other funding sources for early  
15 intervention services, the department of social and health services  
16 shall, in accordance with RCW 71A.14.030, contract with each county  
17 governing authority to provide funding for early intervention services  
18 to all eligible children with disabilities from birth to three years of  
19 age who have been identified as needing services. County governing  
20 authorities shall provide or contract for early intervention services  
21 to all eligible children within the county who have been identified as  
22 needing services in partnership with infant toddler early intervention  
23 program local lead agencies, school districts, and birth-to-three  
24 providers.

25 (2) In calculating the contract amounts for county governing  
26 authorities, the department of social and health services shall  
27 designate funding for early intervention services to all eligible  
28 children with disabilities from birth to three years of age to provide  
29 all necessary services as determined by the child's individualized  
30 family service plan and by Part C of the federal individuals with  
31 disabilities education improvement act. The state designated lead  
32 agency shall be payer of last resort for birth-to-three early  
33 intervention services provided under this section.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.195 RCW  
35 to read as follows:

36 The department of social and health services is the governor-

1 appointed state lead agency for implementing the early intervention  
2 section, Part C, of the federal individuals with disabilities education  
3 improvement act and the Washington state federally approved plan, which  
4 shall be administered by the infant toddler early intervention program.  
5 The legislature directs that all public early intervention funding  
6 sources shall assure that services are provided in accordance with the  
7 requirements of Part C and the Washington state federally approved  
8 plan.

9       **Sec. 5.** RCW 43.88C.010 and 2000 c 90 s 1 are each amended to read  
10 as follows:

11       (1) The caseload forecast council is hereby created. The council  
12 shall consist of two individuals appointed by the governor and four  
13 individuals, one of whom is appointed by the chairperson of each of the  
14 two largest political caucuses in the senate and house of  
15 representatives. The chair of the council shall be selected from among  
16 the four caucus appointees. The council may select such other officers  
17 as the members deem necessary.

18       (2) The council shall employ a caseload forecast supervisor to  
19 supervise the preparation of all caseload forecasts. As used in this  
20 chapter, "supervisor" means the caseload forecast supervisor.

21       (3) Approval by an affirmative vote of at least five members of the  
22 council is required for any decisions regarding employment of the  
23 supervisor. Employment of the supervisor shall terminate after each  
24 term of three years. At the end of the first year of each three-year  
25 term the council shall consider extension of the supervisor's term by  
26 one year. The council may fix the compensation of the supervisor. The  
27 supervisor shall employ staff sufficient to accomplish the purposes of  
28 this section.

29       (4) The caseload forecast council shall oversee the preparation of  
30 and approve, by an affirmative vote of at least four members, the  
31 official state caseload forecasts prepared under RCW 43.88C.020. If  
32 the council is unable to approve a forecast before a date required in  
33 RCW 43.88C.020, the supervisor shall submit the forecast without  
34 approval and the forecast shall have the same effect as if approved by  
35 the council.

36       (5) A councilmember who does not cast an affirmative vote for

1 approval of the official caseload forecast may request, and the  
2 supervisor shall provide, an alternative forecast based on assumptions  
3 specified by the member.

4 (6) Members of the caseload forecast council shall serve without  
5 additional compensation but shall be reimbursed for travel expenses in  
6 accordance with RCW 44.04.120 while attending sessions of the council  
7 or on official business authorized by the council. Nonlegislative  
8 members of the council shall be reimbursed for travel expenses in  
9 accordance with RCW 43.03.050 and 43.03.060.

10 (7) "Caseload," as used in this chapter, means the number of  
11 persons expected to meet entitlement requirements and require the  
12 services of public assistance programs, state correctional  
13 institutions, state correctional noninstitutional supervision, state  
14 institutions for juvenile offenders, the common school system, long-  
15 term care, medical assistance, foster care, infant toddler early  
16 intervention program, and adoption support.

17 (8) Unless the context clearly requires otherwise, the definitions  
18 provided in RCW 43.88.020 apply to this chapter.

19 NEW SECTION. **Sec. 6.** This act may be known and cited as the  
20 infant toddler equity act.

21 NEW SECTION. **Sec. 7.** This act takes effect July 1, 2011.

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