

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

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

Approved March 29, 2016 4:07 PM

JAY INSLEE

Governor of the State of Washington

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

Secretary

FILED

March 30, 2016

**Secretary of State
State of Washington**

SENATE BILL 5879

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

Read first time 02/06/15. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to early intervention services for infants and
2 toddlers with disabilities and their families; amending RCW
3 70.195.010, 70.195.020, 28A.155.065, and 43.215.020; adding new
4 sections to chapter 43.215 RCW; creating new sections; recodifying
5 RCW 70.195.005, 70.195.010, 70.195.020, and 70.195.030; and providing
6 an expiration date.

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

8 **Sec. 1.** RCW 70.195.010 and 1998 c 245 s 125 are each amended to
9 read as follows:

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

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

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

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

9 **Sec. 2.** RCW 70.195.020 and 1992 c 198 s 17 are each amended to
10 read as follows:

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

17 **Sec. 3.** RCW 28A.155.065 and 2007 c 115 s 7 are each amended to
18 read as follows:

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

35 (2)(a) By October 1, 2016, the office of the superintendent of
36 public instruction shall provide the department of early learning, in
37 its role as state lead agency, with a full accounting of the school
38 district expenditures from the 2013-14 and 2014-15 school years,

1 disaggregated by district, for birth-to-three early intervention
2 services provided under this section.

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

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

11 NEW SECTION. Sec. 4. (1) The department of early learning shall
12 provide a full accounting of the early support for infants and
13 toddlers expenditures from the 2013-14 and 2014-15 school years in
14 the plan required under section 6 of this act. The accounting shall
15 include the reported expenditures from the office of the
16 superintendent of public instruction required under section 3 of this
17 act.

18 (2) This section expires August 1, 2017.

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

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

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

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

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

36 (c) To carry out activities, including providing clear and easily
37 accessible information about quality and improving the quality of

1 early learning opportunities for young children, in cooperation with
2 the nongovernmental private-public partnership;

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

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

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

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

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

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

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

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

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

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

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

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

38 (l) To develop a comprehensive birth-to-three plan to provide
39 education and support through a continuum of options including, but
40 not limited to, services such as: Home visiting; quality incentives

1 for infant and toddler child care subsidies; quality improvements for
2 family home and center-based child care programs serving infants and
3 toddlers; professional development; early literacy programs; and
4 informal supports for family, friend, and neighbor caregivers; and

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

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

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

17 (5) Subject to the availability of amounts appropriated for this
18 specific purpose, the legislature shall fund the expansion in the
19 Washington state preschool program pursuant to RCW ((~~43.215.142~~))
20 43.215.456 in fiscal year 2014.

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

28 NEW SECTION. **Sec. 6.** By December 15, 2016, the department of
29 early learning shall develop and submit a plan to the appropriate
30 committees of the legislature on comprehensive and coordinated early
31 intervention services for all eligible children with disabilities in
32 accordance with Part C of the federal individuals with disabilities
33 education act. The proposed plan shall include, but is not limited
34 to, the following:

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

- 1 (2) The identification and proposal for coordination of all
2 available public financial resources within the state from federal,
3 state, and local sources;
- 4 (3) A design for an integrated early learning intervention system
5 for all eligible infants and toddlers who have been diagnosed with a
6 disability or developmental delays and their families;
- 7 (4) The development of procedures that ensure services are
8 provided to all eligible infants and toddlers and their families in a
9 consistent and timely manner; and
- 10 (5) A proposal for the integration of early support for infants
11 and toddlers services with other critical services available for
12 children birth to age three and their families.

13 NEW SECTION. **Sec. 7.** RCW 70.195.005, 70.195.010, 70.195.020,
14 and 70.195.030 are each recodified as sections in chapter 43.215 RCW.

Passed by the Senate March 7, 2016.
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