

SB 5879 - H COMM AMD

By Committee on Early Learning & Human Services

ADOPTED 03/01/2016

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 70.195.010 and 1998 c 245 s 125 are each amended to
4 read as follows:

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

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

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

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

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

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

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

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

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

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

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

33 NEW SECTION. **Sec. 4.** (1) The department of early learning shall
34 provide a full accounting of the early support for infants and
35 toddlers expenditures from the 2013-14 and 2014-15 school years in
36 the plan required under section 6 of this act. The accounting shall
37 include the reported expenditures from the office of the
38 superintendent of public instruction required under section 3 of this
39 act.

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (f) To serve as the state lead agency for Part C of the federal
39 individuals with disabilities education act (IDEA) and to develop and

1 adopt rules that establish minimum requirements for the services
2 offered through Part C programs, including allowable allocations and
3 expenditures for transition into Part B of the federal individuals
4 with disabilities education act (IDEA);

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

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

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

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

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

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

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

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

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

38 (5) Subject to the availability of amounts appropriated for this
39 specific purpose, the legislature shall fund the expansion in the

1 Washington state preschool program pursuant to RCW ((43.215.142))
2 43.215.456 in fiscal year 2014.

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

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

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

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

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

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

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

33 NEW SECTION. **Sec. 7.** RCW 70.195.005, 70.195.010, 70.195.020,
34 and 70.195.030 are each recodified as sections in chapter 43.215
35 RCW."

36 Correct the title.

EFFECT: The striking amendment makes the following changes to the underlying bill:

(1) Requires the Office of the Superintendent of Public Instruction (OSPI) to provide the Department of Early Learning (DEL) with a full accounting of the school district expenditures from the 2013-14 and 2014-15 school years for birth-to-three early intervention services by October 1, 2016.

(2) Requires the DEL to provide a full accounting of the early support for infants and toddlers expenditures from the 2013-14 and 2014-15 school years in a proposal to the Legislature, which must also include the reported expenditures from the OSPI.

(3) States that as the lead agency for Part C of the federal Individuals with Disabilities Education Act (IDEA), the DEL has the authority 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.

(4) Requires the DEL to develop and submit a plan to the Legislature by December 15, 2016, on comprehensive and coordinated early intervention services for all eligible children with disabilities in accordance with IDEA, Part C.

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