

# HOUSE BILL REPORT

## SHB 2596

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### As Passed House:

February 13, 2004

**Title:** An act relating to early intervention services for children with disabilities.

**Brief Description:** Providing for early intervention services for children with disabilities.

**Sponsors:** By House Committee on Children & Family Services (originally sponsored by Representatives Dickerson, Kagi, Kirby, Quall, Schual-Berke, G. Simpson, Tom, Kenney, McDermott, Boldt, Wood, Linville, Chase, Lantz, O'Brien, Haigh, Conway, Morrell, Miloscia, Kessler, Santos and Clibborn).

### Brief History:

#### Committee Activity:

Children & Family Services: 1/28/04, 1/29/04 [DPS];  
Appropriations: 2/9/04, 2/10/04 [DPS(CFS)].

#### Floor Activity:

Passed House: 2/13/04, 97-0.

#### Brief Summary of Substitute Bill

- Requires school districts to provide or contract for early intervention services to eligible children with disabilities from birth to 3 years of age.
- Establishes a Birth-to-Three Task Force.

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### HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Darneille, Vice Chair; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey, Dickerson, Miloscia, Pettigrew and Shabro.

**Staff:** Cynthia Forland (786-7152).

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Children & Family Services be substituted therefor and the substitute bill do pass. Signed by 27 members:

Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Anderson, Boldt, Buck, Chandler, Clements, Cody, Conway, Cox, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Ruderman, Schual-Berke, Sump and Talcott.

**Staff:** Denise Graham (786-7137).

**Background:**

Special education is instruction and related services that are specially designed to meet the unique needs and abilities of students with disabilities. It is provided at no cost to eligible students in the state between 3 and 21 years of age.

School districts may provide early intervention services to eligible preschool-age children with a disability. School districts that provide these services are entitled to the regular apportionments from state and county school funds, as provided by law, in addition to allocations from state excess cost funds made available for special services for children with disabilities.

If school districts opt to serve eligible preschool-age children, they must do so in the birth-to-three age group under state regulations implementing Part C of the federal Individuals with Disabilities Education Act (IDEA).

The Department of Social and Health Services (DSHS) is the lead state agency responsible for early intervention services to children with a disability in the birth-to-three age group.

**Summary of Substitute Bill:**

By September 1, 2008, each school district is required to provide or contract for early intervention services to all eligible children with disabilities from birth to 3 years of age. Eligibility must be determined according to Part C of the IDEA and as specified in state regulation.

School districts are required to provide or contract for early intervention services in partnership with local birth-to-three lead agencies and birth-to-three providers. The provided early intervention services must not supplant services or funding currently provided in the state for early intervention services to eligible children with disabilities from birth to 3 years of age.

The state-designated birth-to-three lead agency must be payor of last resort for provided birth-to-three early intervention services.

There is established a Birth-to-Three Task Force (Task Force) to make recommendations concerning policies, procedures, and regulations in order to ensure implementation of an equitable statewide comprehensive system for all eligible children with disabilities from birth to 3 years of age.

Members of the Task Force must be jointly appointed by the Governor and the Superintendent of Public Instruction by July 1, 2004, and must include, at a minimum, the following:

- representatives of the following: Special Education Operations within the Office of Superintendent of Public Instruction; the Washington Association of School Administrators; the Washington State School Directors' Association; an Educational Service District; the Special Education Advisory Council; the Infant Toddler Early Intervention Program within the DSHS; the Developmental Disabilities Section of the Association of County Human Services; the Medical Assistance Administration within the DSHS; the Governor's Head Start State Collaboration Office; the Division of Child Care and Early Learning within the DSHS; the Children with Special Health Care Needs Program within the Department of Health; a local health department/district; an Indian tribe providing early intervention services; the Washington State Chapter of the American Academy of Pediatrics; the Early Childhood Development Association of Washington; the Neurodevelopmental Centers of Washington; a nonprofit local birth-to-three lead agency, which is not already represented in the membership of the Task Force; and an advocacy group for children with disabilities from birth to 3 years of age and their families; and
- a Special Education Director from a school district providing early intervention services; a Special Education Director from a school district not providing early intervention services; and four members of the State Interagency Coordinating Council for Infants and Toddlers with Disabilities and Their Families, three of whom must be parents.

The Birth-to-Three Task Force is required to submit a report to the Governor and the Superintendent of Public Instruction by December 1, 2006, outlining their recommendations.

**Appropriation:** None.

**Fiscal Note:** Available on original bill and applies to substitute bill.

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

**Testimony For:** (Children & Family Services) (Original bill) Only 50 percent of school districts in the state currently offer birth-to-three early intervention services. Universal school district participation in the birth-to-three program was determined to be a priority

by the Work Group on Deaf Education in Washington convened by the House Children and Family Services Committee over the interim. This bill is not free, but will decrease costs over the long run. This bill goes to meet the intent behind the federal No Child Left Behind Act. Large school districts should be included on the Task Force. There are reservations relating to infrastructure involved in meeting the requirements of the bill. Of the school districts that currently offer early intervention services, some provide services in house and others contract out for those services. There is the possibility, with this bill, of preventing the need for special education for some children. The phase-in of the requirement, in particular, is supported by the Office of Superintendent of Public Instruction. Early intervention services provided by school districts are funded by state special education dollars. Early intervention services offered through the school districts provide needed therapy and support for children and their parents. The period from birth to 3 years of age is the most significant window of opportunity for intervening with children with disabilities. School district participation in early intervention would increase the amount of reimbursement funds available for early intervention providers. School district participation in early intervention services provides a seamless transition into school. The availability of early intervention services across the state must be ensured; it is the right thing to do. School district participation is crucial in rural areas, where there are few early intervention services providers. In some areas, accessing services requires significant travel time or having to wait for services. The state needs a more equitable system of early intervention services.

**Testimony For:** (Appropriations) Although there is a cost to this bill, there are savings, too. Research shows that 19 to 20 percent of the children who are in early intervention programs do not have to be in special education programs later. In King County, 25 percent of the children receiving early intervention services did not need special education services afterward.

I have a child who was in an early intervention program who is now 22 years old and is a contributing member of society with a job. The foundation of her abilities came from the early intervention services she received.

Requiring all districts to provide early intervention services will bring fairness to the system and ensure equal access.

**Testimony Against:** (Children & Family Services) None.

**Testimony Against:** (Appropriations) None.

**Persons Testifying:** (Children & Family Services) Representative Dickerson, prime sponsor; Michelle Corker Curry, Seattle Public Schools; Greg Williamson, Office of Superintendent of Public Instruction; Ivy Jen; Sarah Drinkwater, Peninsula School District; Mindy Sperline; Mimi Siegel, Kindering Center; Ian Rooney; Mary Jean Mitchell and Seth Dawson, Little Red School House; Joan Zook, Shelton School District;

Susan Day, Olympia Public Schools; Carol Greenough, King County and Association of County Human Services; and Cathy Murahashi, King County Parent Coalition.

**Persons Testifying:** (Appropriations) (In support) Representative Dickerson, prime sponsor; Greg Williamson, Office of the Superintendent of Public Instruction; Susanne Dale Estey, King County; and Cassie Johnston, Wee CARE.

**Persons Signed In To Testify But Not Testifying:** (Children & Family Services) None.

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