

HOUSE BILL REPORT

SHB 1107

As Passed Legislature

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 Appropriations (originally sponsored by Representatives Dickerson, Talcott, Linville, Tom, Priest, Darneille, Pettigrew, Shabro, Jarrett, McCoy, Roberts, Kagi, Clements, Dunn, Hunter, Quall, Haler, Hinkle, Cody, Walsh, Ormsby, Kilmer, Simpson, Kessler, Morrell, Williams, O'Brien, Chase, Hunt, Schual-Berke, Conway, Santos, Haigh, Upthegrove and B. Sullivan).

Brief History:

Committee Activity:

Children & Family Services: 1/31/05, 2/2/05 [DP];

Appropriations: 1/26/06, 1/31/06 [DPS].

Floor Activity:

Passed House: 2/9/06, 98-0.

Senate Amended.

Passed Senate: 3/1/06, 46-0.

House Concurred.

Passed House: 3/4/06, 95-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Requires school districts to provide or contract for early intervention services to eligible children with disabilities from birth to three years of age beginning in the 2009-10 school year.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass. Signed by 9 members: Representatives Kagi, Chair; Roberts, Vice Chair; Hinkle, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Darneille, Dickerson, Dunn, Haler and Pettigrew.

Staff: Sydney Forrester (786-7120).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 30 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Chandler, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, McIntire, Miloscia, Pearson, Priest, Schual-Berke, P. Sullivan, Talcott and Walsh.

Minority Report: Without recommendation. Signed by 1 member: Representative Hinkle.

Staff: Ben Rarick (786-7349).

Background:

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

School districts may but are not required to provide early intervention services to eligible preschool-age children with disabilities. School districts providing these services are entitled to regular apportionments from state and county school funds, 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 disabilities in the birth-to-three age group.

Summary of Substitute Bill:

By September 1, 2009, each school district must provide or contract for early intervention services to all eligible children with disabilities from birth to three years of age. Eligibility must be determined according to Part C of the IDEA and as specified in state regulation.

School districts must provide or contract for early intervention services in partnership with local birth-to-three lead agencies and birth-to-three providers. The services must not supplant services or funding currently provided in the state for birth-to-three early interventions. The services are declared to be not part of basic education under Article IX of the state Constitution.

The state-designated birth-to-three lead agency is the payor of last resort for birth-to-three early intervention services.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed, except section 3, relating to mandatory special education programs, which takes effect September 1, 2009.

Testimony For: (Children & Family Services) (In support) This bill has been before the committee previously. This bill is really good for kids. From birth through age three is a critical time to intervene in the life of a child, particularly for children with disabilities. The school districts that are participating in early intervention services love it. They are saving money because children who receive early intervention services often do not need special education services. Families love it as well because parents get the help that they need for their children with disabilities. Early intervention really helps to improve the lives of parents and their children, so that those children can reach their fullest potential. This bill could bring significant resources into local communities to support early intervention services. Communication and coordination of funding among early intervention providers has improved, and now it's time for the last piece of the puzzle, the school districts, so that there will be equity across the state. Transitions are easier when the school districts work with local birth-to-three agencies. We are all aware that early intervention is the key to success for children with disabilities, so it only makes sense for local school districts to take an active role in making sure that these children receive the services that they need. This can only be a win-win situation for kids and schools. The funding that school districts can contribute can help birth-to-three agencies provide services to families and children and give them the tools to transition into successful experiences in their continued education. Many school districts have been providing early intervention services for many years, collaborating to locate and identify children in need of services, linking families to agencies that provide services, and establishing relationships and partnering with families to facilitate transitions into school. School districts and surrounding communities benefit from these youngest students receiving needed interventions. School districts can pass along state and federal funds to other early intervention services providers, as well as help pay for services that school districts provide. At transition at age three, some children are not needing evaluation for special education services. Partnerships with school districts have been very rich and have enhanced families' skills. This legislation means a great deal to families, schools, and taxpayers. We know that early intervention works. Early childhood learning experiences are critical. Nineteen percent of the children who receive early intervention services do not need special education services at age three. Of the children who do go on to special education, 85 percent move into the typical programs in the schools. One of the most important things for the school districts is that parents are far less adversarial during transition at age three, since the children have already been clients of the school since birth. School district participation brings other monies into the birth-to-three system. The time has come for this legislation. The Superintendent of Public Instruction supports this legislation. On state average, 20 percent of children age three to five who have had birth-to-three services have not needed special education services. School district costs are offset by savings that they can get in state special education spending. Some school districts, particularly small school districts, will see an additional cost, but there are benefits to schools in participating in providing birth-to-three services. These early intervention programs are flexibly designed at the local level, with each county

identifying their local lead agency. Currently, approximately 60 percent of school districts offer or are willing to offer early intervention services, serving 80 percent of eligible children in the state, up from 50 percent of school districts and 70 percent of eligible children last year. These children are very vulnerable, as are their families. Seventy percent of children in the birth-to-three program in the state are Medicaid-eligible. This inequity of the non-participating school districts means that the depth and comprehensiveness of services depends on where children live. We need the last, very important piece, of the school districts that do not participate. All sizes of districts are among those participating, as among non-participating districts.

Testimony For: (Appropriations) This is an important bill for Washington. Changes in the proposed substitute bill will bring the fiscal impact down from the amount reflected in the fiscal note for the original bill. This bill offers benefits to children who have needs that currently go unmet. This bill would create an equitable delivery of services so that the service delivery is not based on what district a child happens to live in. Services provided by districts help special needs children become "ready to learn" and assists with the child's brain development. Of the children that receive services from districts, 21 percent no longer require special education services when they enter the public school system – this translates into a significant savings in special education expenditures, an amount estimated at \$4,200 per child per year. In addition, students may also have a decrease in the severity of their needs, even if they do remain in special education status. The Superintendent of Public Instruction supports the legislation. Costs for this proposed substitute bill are substantially diminished from what is reflected in last year's fiscal note, because the Seattle School District has started offering these services voluntarily and they represented a substantial number of the remaining students yet to be served by a district. Special services have a very positive effect on the social and emotional growth of children. Birth-to-three early intervention services have a very positive effect on the social and emotional growth of special needs children, often allowing them to be subsequently mainstreamed.

Testimony Against: (Children & Family Services) None.

Testimony Against: (Appropriations) None.

Persons Testifying: (Children & Family Services) Representative Dickerson, prime sponsor; Cassie Johnston and Cecile Lindquist, WEE CARE Coalition; Debbie Jackson, Parent/Birth-to-Three; Patty Compton, Highline School District; David Lewis, Tacoma School District; Cathy Evans, Parent to Parent Lead Agency; Seth Dawson and Barbara George, Little Red School House; and Greg Williamson, Office of the Superintendent of Public Instruction.

Persons Testifying: (Appropriations) Representative Dickerson, prime sponsor; Cecile Lindquist, Wee Care Coalition; Randy Eastwood; and Jennifer Priddy, Office of the Superintendent of Public Instruction.

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

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