

HOUSE BILL REPORT

HB 1161

As Reported by House Committee On:
Human Services

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

Brief Description: Concerning early intervention services for children with disabilities.

Sponsors: Representatives Dickerson, Darneille, Hunt, Pettigrew, O'Brien, Roberts, Kagi, Pedersen, Conway, Simpson, Goodman, Kenney, Quall, Santos and Nelson.

Brief History:

Committee Activity:

Human Services: 1/22/09, 2/2/09 [DPS].

Brief Summary of Substitute Bill

- Creates a state entitlement to early intervention services provided under the Individuals with Disabilities and Education Act, Part C for all eligible infants and toddlers with developmental delays or disabilities pursuant to the requirements of the child's individualized family service plan.
- Requires the Department of Social and Health Services to designate funds for the Infant and Toddler Early Intervention Program (ITEIP) when contracting with counties to provide services.
- Requires the Forecasting Council to include the ITEIP as one of the official state caseload forecasts.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Green, Morrell and O'Brien.

Minority Report: Do not pass. Signed by 3 members: Representatives Dammeier, Ranking Minority Member; Klippert and Walsh.

Staff: Linda Merelle (786-7092)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Federal Statute and Washington State Plan.

The Department of Social and Health Services (DSHS) receives federal funding pursuant to the Individuals with Disabilities Act (IDEA), Part C (which applies to infants, aged birth to 3) to assure a statewide system of early intervention services for infants and toddlers with developmental disabilities and their families. (Part B of the IDEA applies to individuals aged 3 - 21.) The Washington Infant and Toddler Early Intervention Program (ITEIP) administers the IDEA, Part C program. (The ITEIP is within the Division of Developmental Disabilities, which is under the umbrella of the Aging and Disability Services Administration.)

The federal IDEA statute requires that services are to be made available to all eligible infants and toddlers and their families. Federal courts have held that the services authorized by the IDEA, Part C program are entitlements and that the act has created individually enforceable rights for individuals who are found to be eligible for services authorized.

There are 17 services which are described in the statute, and they include:

- assistive technology;
- nutrition services;
- occupational therapy;
- physical therapy;
- psychological services;
- social work services;
- special instruction;
- speech pathology;
- vision services; and
- transportation.

Participation in Part C by a state is voluntary, but once a state agrees to participate and receive federal funding for the program it must meet the requirements set forth in the federal statute. Washington submits a state plan which must be approved by the federal government. According to Washington's plan, effective October 1, 2008 through September 30, 2009, the state has adopted a policy, effective June 30, 2009, that early intervention services are available to all infants and toddlers in the state with disabilities and to their families.

Funding.

The delivery of services through the ITEIP requires the coordination of several funding sources, the primary sources are:

- funds from school districts;
- funds distributed through the Division of Developmental Disabilities (DDD); and
- funds distributed through the Department of Health, from Medicaid and private insurance plans.

Division of Developmental Disabilities Funding: The DSHS contracts with counties, and provides a block sum of funds to the counties. The counties may use these funds to contract for services for individuals with developmental disabilities of all ages -- infants, toddlers, and

adults. The money for adults primarily goes to employment and day services. (Day services are activities in the community that are not directed toward obtaining employment or the skills to obtain employment.) Counties contract with local lead agencies and/or directly with service providers for ITEIP services.

One-third of Washington counties have chosen not to use any funds for birth-to-three services and to use all of the DDD state funds to provide services for adults. In the counties where the state DDD funds are used entirely for adults, ITEIP services continue to be funded by the school districts, the Department of Health, Medicaid, and private insurance plans. In counties where state DDD funds are used to provide ITEIP services, in addition to other funding services, the amounts provided for birth-to-three services vary from county to county.

School Funding: In 2005 the legislature passed Substitute House Bill 1107 which required each school district to contract for early intervention services by September 1, 2009. As of January 2009 approximately 96 percent of school districts contract for ITEIP services. The vast majority of the remaining school districts that do not yet fund ITEIP services are small districts.

Forecasting.

The Caseload Forecast Council was created in 1997 to forecast, in a given fiscal year, the number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional supervision, state institutions for juvenile offenders, the school system, long-term care, medical assistance, foster care, and adoption support. In November 2008 the council members voted to include the ITEIP as one of the programs that will be forecasted, but there is no statutory requirement to provide this forecast.

Summary of Substitute Bill:

The bill creates a state entitlement to services under the ITEIP for all eligible infants with developmental delays or disabilities and their families. Moneys provided to the counties to contract for ITEIP services can no longer be given as a block grant for services for all ages. Moneys for ITEIP services must be designated as such and used by the counties to contract for ITEIP services only. The contract amounts for ITEIP services will be determined by the amount necessary to provide the required services as determined by a child's individualized family service plan. The ITEIP will be added to the list of programs for which the Caseload Forecast Council provides an official forecast of the number of persons who will be eligible for ITEIP services each year.

Substitute Bill Compared to Original Bill:

The state lead agency appointed by the Governor is the payer of last resort and that responsibility does not fall to the counties. The ITEIP services are an entitlement premised

upon the state's participation in Part C of the Individuals with Disabilities Education and Improvement Act and that the state has a federally approved state plan in effect.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect on July 1, 2011.

Staff Summary of Public Testimony:

(In support) Access to early intervention services should not depend upon where a child lives. Approximately 1.9 percent of the children in Washington are in the ITEIP. As a result of early intervention services, children are able to reach their potential. With these services, many children are able to reach their developmental milestones by the time they reach age three. This bill would make a large difference in the ability to provide services, particularly in counties which provide no funding for early intervention. This bill is significant to continuing ongoing partnership relationships with counties in providing services. According to the state director of the ITEIP, the growth rate of the number of infants who need early intervention services is 8 percent per year. This rate is too fast to keep up with. The Legislature should take note of the designated funding provision of the bill. Adult systems also have entitlements and there is a waiting list for them. It is sometimes difficult to decide which population, the birth-to-three or the adult system, to serve. This bill would provide adequate funding to provide quality services for the children.

(Opposed) None.

Persons Testifying: Representative Dickerson, prime sponsor; Cassi Johnston and Cecile Lindquist, Wee Care Coalition; Chris Morris, South Sound Parent to Parent; Kelly Church and Jessie Atkins, The Arc of Snohomish County; Seth Dawson, Little Red Schoolhouse, Rehabilitation Enterprises of Washington, and Partnership 2020; and Denise Rothleutner, Association of County Human Services, an affiliate of the Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: None.