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HOUSE BILL 2741

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By Representatives Dickerson, Walsh, Kagi, Sullivan, McCoy, Darneille, Pettigrew, O'Brien, Hunt, Santos, Priest, Haler, Roberts, Quall, Simpson, Morrell, Haigh, and Ormsby

Read first time 01/13/10. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to the transfer of the administration of the infant  
2 and toddler early intervention program from the department of social  
3 and health services to the department of early learning; amending RCW  
4 43.215.020 and 70.198.020; creating a new section; and providing an  
5 effective date.

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

7 **Sec. 1.** RCW 43.215.020 and 2007 c 394 s 5 are each amended to read  
8 as follows:

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

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

18 (a) To support both public and private sectors toward a

1 comprehensive and collaborative system of early learning that serves  
2 parents, children, and providers and to encourage best practices in  
3 child care and early learning programs;

4 (b) To make early learning resources available to parents and  
5 caregivers;

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

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

11 (e) To serve as the state lead agency for Part C of the federal  
12 individuals with disabilities education act (IDEA);

13 (f) To standardize internal financial audits, oversight visits,  
14 performance benchmarks, and licensing criteria, so that programs can  
15 function in an integrated fashion;

16 ~~((+f+))~~ (g) To support the implementation of the nongovernmental  
17 private-public partnership and cooperate with that partnership in  
18 pursuing its goals including providing data and support necessary for  
19 the successful work of the partnership;

20 ~~((+g+))~~ (h) To work cooperatively and in coordination with the  
21 early learning council;

22 ~~((+h+))~~ (i) To collaborate with the K-12 school system at the state  
23 and local levels to ensure appropriate connections and smooth  
24 transitions between early learning and K-12 programs; and

25 ~~((+i+))~~ (j) Upon the development of an early learning information  
26 system, to make available to parents timely inspection and licensing  
27 action information through the internet and other means.

28 (3) The department's programs shall be designed in a way that  
29 respects and preserves the ability of parents and legal guardians to  
30 direct the education, development, and upbringing of their children.  
31 The department shall include parents and legal guardians in the  
32 development of policies and program decisions affecting their children.

33 **Sec. 2.** RCW 70.198.020 and 2009 c 381 s 33 are each amended to  
34 read as follows:

35 (1) There is established an advisory council in the department of  
36 social and health services for the purpose of advancing the development

1 of a comprehensive and effective statewide system to provide prompt and  
2 effective early interventions for children in the state who are deaf or  
3 hard of hearing and their families.

4 (2) Members of the advisory council shall have training,  
5 experience, or interest in hearing loss in children. Membership shall  
6 include, but not be limited to, the following: Pediatricians;  
7 audiologists; teachers of the deaf and hard of hearing; parents of  
8 children who are deaf or hard of hearing; a representative from the  
9 Washington state center for childhood deafness and hearing loss; and  
10 representatives of the (~~infant-toddler-early-intervention~~) birth-to-  
11 three program in the department of (~~social-and-health-services~~) early  
12 learning, the department of health, and the office of the  
13 superintendent of public instruction.

14 NEW SECTION. Sec. 3. (1) All powers, duties, and functions of the  
15 department of social and health services pertaining to administration  
16 of the infant and toddler early intervention program are transferred to  
17 the department of early learning. The program shall be renamed the  
18 birth-to-three program.

19 (2)(a) All reports, documents, surveys, books, records, files,  
20 papers, or written material in the possession of the department of  
21 social and health services pertaining to the powers, functions, and  
22 duties transferred shall be delivered to the custody of the department  
23 of early learning. All cabinets, furniture, office equipment, motor  
24 vehicles, and other tangible property employed by the department of  
25 social and health services in carrying out the powers, functions, and  
26 duties transferred shall be made available to the department of early  
27 learning. All funds, credits, or other assets held in connection with  
28 the powers, functions, and duties transferred shall be assigned to the  
29 department of early learning.

30 (b) Any appropriations made to the department of social and health  
31 services for carrying out the powers, functions, and duties transferred  
32 shall, on the effective date of this section, be transferred and  
33 credited to the department of early learning.

34 (c) Whenever any question arises as to the transfer of any  
35 personnel, funds, books, documents, records, papers, files, equipment,  
36 or other tangible property used or held in the exercise of the powers

1 and the performance of the duties and functions transferred, the  
2 director of financial management shall make a determination as to the  
3 proper allocation and certify the same to the state agencies concerned.

4 (3) All employees of the department of social and health services  
5 engaged in performing the powers, functions, and duties transferred are  
6 transferred to the jurisdiction of the department of early learning.  
7 All employees classified under chapter 41.06 RCW, the state civil  
8 service law, are assigned to the department of early learning to  
9 perform their usual duties upon the same terms as formerly, without any  
10 loss of rights, subject to any action that may be appropriate  
11 thereafter in accordance with the laws and rules governing state civil  
12 service.

13 (4) All rules and all pending business before the department of  
14 social and health services pertaining to the powers, functions, and  
15 duties transferred shall be continued and acted upon by the department  
16 of early learning. All existing contracts and obligations shall remain  
17 in full force and shall be performed by the department of early  
18 learning.

19 (5) The transfer of the powers, duties, functions, and personnel of  
20 the department of social and health services shall not affect the  
21 validity of any act performed before the effective date of this  
22 section.

23 (6) If apportionments of budgeted funds are required because of the  
24 transfers directed by this section, the director of financial  
25 management shall certify the apportionments to the agencies affected,  
26 the state auditor, and the state treasurer. Each of these shall make  
27 the appropriate transfer and adjustments in funds and appropriation  
28 accounts and equipment records in accordance with the certification.

29 (7) All classified employees of the department of social and health  
30 services assigned to the department of early learning under this  
31 section whose positions are within an existing bargaining unit  
32 description at the department of early learning shall become a part of  
33 the existing bargaining unit at the department of early learning and  
34 shall be considered an appropriate inclusion or modification of the  
35 existing bargaining unit under the provisions of chapter 41.80 RCW.

1        NEW SECTION.   **Sec. 4.**   This act takes effect July 1, 2010.

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