

SENATE BILL REPORT

SB 6257

As of January 25, 2018

Title: An act relating to provision of early intervention services for eligible children with disabilities from birth to three years of age.

Brief Description: Providing early intervention services for eligible children.

Sponsors: Senators Billig, Zeiger, Kuderer, Keiser, Palumbo and Saldaña.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/23/18.

Brief Summary of Bill

- Removes the requirement that school districts provide or contract, or both, for early intervention services for children birth through two years of age starting on July 1, 2019.
- Moves corresponding funding for this age group from school districts to the Department of Children, Youth, and Families (DCYF), which will be the lead agency for early intervention services at that time.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: Part C of the federal Individuals with Disabilities Education Act (IDEA) provides early intervention services for infants and toddlers, birth through age two, who have disabilities, which includes developmental delays and diagnosed physical or mental conditions. Early intervention services include occupational or physical therapy; speech-language pathology; psychological, health, vision, social work, and other services.

The Department of Early Learning (DEL) is the lead agency for the state's program called Early Support for Infants and Toddlers (ESIT). DCYF will be the lead agency starting on July 1, 2018.

Referrals to early intervention services are provided through local lead agencies around the state. Each local lead agency provides, subcontracts, or has agreements with early

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.

intervention providers to provide direct services to children and families. Local lead agencies include county health departments, county human services agencies, nonprofit agencies, and educational service districts.

Current state law requires school districts to provide or contract, or both, for early intervention services in partnership with local lead agencies and providers. Early intervention services are not part of basic education under Article IX of the state Constitution.

ESIT has a number of funding sources. DEL receives federal Part C funding and some state funding. School districts receive state funding through special education excess cost allocations for children ages birth through four-year-olds and five-year-olds not enrolled in kindergarten.

Part C of IDEA requires that federal funds are a payer last resort and may not be used to satisfy a financial commitment for services that would otherwise have been paid for from another public or private source. DEL rules require early intervention providers to bill all applicable funding sources including public and private insurance and families, prior to using state and federal funds for early intervention services.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): The requirement that school districts provide or contract, or both, for early intervention services is removed. School district special education excess cost allocations are amended to not include birth through two-year-olds.

DCYF must oversee the provision of early intervention services. DCYF must submit a programmed budget request for special education programs for children with disabilities from birth through two years of age each regular session of the Legislature during an odd-numbered year.

Allocations for early intervention services must be determined by calculating the annual average headcount of children ages birth through two, who are eligible for and are receiving special education services, multiplied by the statewide average rate, multiplied by 1.15. For the purposes of determining the statewide average rate, DCYF must calculate the rate in a manner consistent with the special education cost allocations for three-year-olds through four-year-olds and five-year-olds not enrolled in kindergarten. Nothing in this section diminishes the state's maintenance of effort requirements under the federal IDEA.

The terminology of birth to three is changed to birth through two when referencing early intervention services.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on July 1, 2019.

Staff Summary of Public Testimony on Proposed Substitute: PRO: DEL and soon to be DCYF is the lead agency for this important program. This bill continues the evolution of this program by making sure all of this program's funding flows through one agency, which is more efficient and effective. This bill will help maximize participation and funding for this program.

Persons Testifying: PRO: Senator Andy Billig, Prime Sponsor; Frank Ordway, DEL.

Persons Signed In To Testify But Not Testifying: No one.