

# SENATE BILL REPORT

## SB 6257

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, February 1, 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, 2/01/18 [DPS, w/oRec].

### Brief Summary of First Substitute Bill

- Provides that the Department of Children, Youth, and Families (DCYF) must oversee the provision of early intervention services for children with disabilities from birth through two years of age.
- Removes the requirement that school districts provide or contract, or both, for early intervention services starting on July 1, 2019.
- Tasks certain agencies with developing a model with which to determine the amount of allocations for early intervention services in the budget after July 1, 2019.
- Requires DCYF to direct public entities who are billing Medicaid to provide early intervention services to bill private insurance as soon as practicable.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Bill No. 6257 be substituted therefor, and the substitute bill do pass.

Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig, Hawkins, Hunt, Mullet, Pedersen and Rivers.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Padden.

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*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.*

**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 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 (First Substitute):** As the state lead agency, DCYF must oversee the provision of early intervention services for children with disabilities from birth through two. Starting July 1, 2019, school districts may provide these early intervention services but are no longer required.

DCYF, in consultation with DEL, the Office of the Superintendent of Public Instruction (OSPI), the Office of Financial Management (OFM), the Caseload Forecast Council (CFC), and legislative fiscal staff, must develop a model with which to determine the amount of annual allocations that must be appropriated in the omnibus appropriations act after July 1, 2019, for early intervention services.

By September 1, 2018, DCYF must submit a final report that includes the agreed-upon funding model and any necessary statutory changes to OFM and the fiscal committees of the Legislature.

DCYF must direct public entities who are billing Medicaid to provide early intervention services to bill private insurance as soon as practicable.

The terminology of birth to three is changed to birth through two when referencing early intervention services. A reference to a report due by October 1, 2016, is removed.

**EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (First Substitute):**

- Provides that school districts may provide early intervention services and retains this section in the education title of the code.
- Removes a formula for calculating allocations for early intervention services.
- Directs DCYF, DEL, OSPI, OFM, the Caseload Forecast Council, and legislative fiscal staff to develop a model with which to determine the amount of annual allocations that must be appropriated in the budget after July 1, 2019, for early intervention services.
- Requires DCYF to submit a final report that includes the agreed-upon funding model and any necessary statutory changes to OFM and the fiscal committees no later than September 1, 2018.
- Provides that DCYF must direct public entities who are billing Medicaid to provide early intervention services to bill private insurance as soon as practicable.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 2, 2018.

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

**Effective Date:** This bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony on Proposed Substitute:** *The committee recommended a different version of the bill than what was heard.* 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.