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**SUBSTITUTE SENATE BILL 6257**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Billig, Zeiger, Kuderer, Keiser, Palumbo, and Saldaña)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to provision of early intervention services for  
2 eligible children with disabilities from birth through two years of  
3 age; amending RCW 28A.155.065, 43.216.572, 43.216.574, and  
4 43.216.576; adding a new section to chapter 43.216 RCW; creating a  
5 new section; providing effective dates; and providing an expiration  
6 date.

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

8 **Sec. 1.** RCW 28A.155.065 and 2017 3rd sp.s. c 6 s 216 are each  
9 amended to read as follows:

10 (1) (~~Each~~) The department of children, youth, and families,  
11 which is identified as the state lead agency under RCW 43.216.020,  
12 shall oversee the provision of, and school districts (~~shall~~) may  
13 provide (~~or contract for~~), early intervention services to all  
14 eligible children with disabilities from birth (~~to three~~) through  
15 two years of age. Eligibility shall be determined according to Part C  
16 of the federal individuals with disabilities education act or other  
17 applicable federal and state laws, and as specified in the Washington  
18 Administrative Code adopted by the state lead agency(~~, which is the~~  
19 ~~department of children, youth, and families~~). (~~School districts~~  
20 ~~shall provide or contract, or both, for early intervention services~~  
21 ~~in partnership with local birth-to-three lead agencies and birth-to-~~

1 ~~three providers. Services provided under this section shall not~~  
2 ~~supplant services or funding currently provided in the state for~~  
3 ~~early intervention services to eligible children with disabilities~~  
4 ~~from birth to three years of age.))~~ The state-designated (~~(birth to~~  
5 ~~three))~~ birth-through-two lead agency shall be payor of last resort  
6 for (~~(birth to three))~~ birth-through-two early intervention services  
7 provided under this section.

8 ~~(2)((a) By October 1, 2016, the office of the superintendent of~~  
9 ~~public instruction shall provide the department of early learning, in~~  
10 ~~its role as state lead agency, with a full accounting of the school~~  
11 ~~district expenditures from the 2013-14 and 2014-15 school years,~~  
12 ~~disaggregated by district, for birth to three early intervention~~  
13 ~~services provided under this section.~~

14 ~~(b) The reported expenditures must include, but are not limited~~  
15 ~~to per student allocations, per student expenditures, the number of~~  
16 ~~children served, detailed information on services provided by school~~  
17 ~~districts and contracted for by school districts, coordination and~~  
18 ~~transition services, and administrative costs.~~

19 ~~(3))~~ The services in this section are not part of the state's  
20 program of basic education pursuant to Article IX of the state  
21 Constitution.

22 NEW SECTION. Sec. 2. (1) The department of children, youth, and  
23 families, in consultation with the department of early learning, the  
24 office of the superintendent of public instruction, the office of  
25 financial management, the caseload forecast council, and legislative  
26 fiscal staff, must develop a model with which to determine the amount  
27 of annual allocations that shall be appropriated in the omnibus  
28 appropriations act after July 1, 2019, for early intervention  
29 services for children with disabilities from birth through two years  
30 of age.

31 (2) The department must submit a final report that includes the  
32 agreed-upon funding model and any necessary statutory changes to the  
33 office of financial management and the fiscal committees of the  
34 legislature no later than September 1, 2018.

35 (3) This section expires July 1, 2020.

36 NEW SECTION. Sec. 3. A new section is added to chapter 43.216  
37 RCW to read as follows:

1 The department shall direct public entities who are billing  
2 medicaid to provide early intervention services for children with  
3 disabilities from birth through two years of age to bill private  
4 insurance as soon as practicable.

5 **Sec. 4.** RCW 43.216.572 and 2016 c 57 s 1 are each amended to  
6 read as follows:

7 For the purposes of implementing this chapter, the governor shall  
8 appoint a state (~~((birth-to-three))~~) birth-through-two interagency  
9 coordinating council and ensure that state agencies involved in the  
10 provision of, or payment for, early intervention services to infants  
11 and toddlers with disabilities and their families shall coordinate  
12 and collaborate in the planning and delivery of such services.

13 No state or local agency currently providing early intervention  
14 services to infants and toddlers with disabilities may use funds  
15 appropriated for early intervention services for infants and toddlers  
16 with disabilities to supplant funds from other sources.

17 All state and local agencies shall ensure that the implementation  
18 of this chapter will not cause any interruption in existing early  
19 intervention services for infants and toddlers with disabilities.

20 Nothing in this chapter shall be construed to permit the  
21 restriction or reduction of eligibility under Title V of the Social  
22 Security Act, P.L. 90-248, relating to maternal and child health or  
23 Title XIX of the Social Security Act, P.L. 89-97, relating to  
24 medicaid for infants and toddlers with disabilities.

25 **Sec. 5.** RCW 43.216.574 and 2016 c 57 s 2 are each amended to  
26 read as follows:

27 The state (~~((birth-to-three))~~) birth-through-two interagency  
28 coordinating council shall identify and work with county early  
29 childhood interagency coordinating councils to coordinate and enhance  
30 existing early intervention services and assist each community to  
31 meet the needs of infants and toddlers with disabilities and their  
32 families.

33 **Sec. 6.** RCW 43.216.576 and 1992 c 198 s 16 are each amended to  
34 read as follows:

35 State agencies providing or paying for early intervention  
36 services shall enter into formal interagency agreements with each  
37 other and where appropriate, with school districts, counties, and

1 other providers, to define their relationships and financial and  
2 service responsibilities. Local agencies or entities, including local  
3 school districts, counties, and service providers receiving public  
4 money for providing or paying for early intervention services shall  
5 enter into formal interagency agreements with each other that define  
6 their relationships and financial responsibilities to provide  
7 services within each county. In establishing priorities, school  
8 districts, counties, and other service providers shall give due  
9 regard to the needs of children birth ((~~to three~~)) through two years  
10 of age and shall ensure that they continue to participate in  
11 providing services and collaborate with each other. The interagency  
12 agreements shall include procedures for resolving disputes,  
13 provisions for establishing maintenance requirements, and all  
14 additional components necessary to ensure collaboration and  
15 coordination.

16 NEW SECTION. **Sec. 7.** (1) Section 1 of this act takes effect  
17 July 1, 2019.

18 (2) Sections 4 through 6 of this act take effect July 1, 2018.

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