

FINAL BILL REPORT

SHB 2787

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Synopsis as Enacted

Brief Description: Completing the transfer of the early support for infants and toddlers program from the office of the superintendent of public instruction to the department of children, youth, and families.

Sponsors: House Committee on Human Services & Early Learning (originally sponsored by Representatives Callan, Harris, Eslick, Senn, Stonier, Santos, Tharinger and Pollet; by request of Office of Financial Management).

House Committee on Human Services & Early Learning
House Committee on Appropriations
Senate Committee on Early Learning & K-12 Education
Senate Committee on Ways & Means

Background:

Early Support for Infants and Toddlers.

Part C of the federal Individuals with Disabilities Education Act (IDEA) requires individual and family intervention services for children from birth to age 3 who have been diagnosed with a disability or developmental delay. These intervention services are provided through the Early Support for Infants and Toddlers (ESIT) program and include developmental services, occupational and physical therapy, speech or language therapy, and service coordination.

School districts are required to provide or contract for ESIT services. Funding for the ESIT program is allocated to school districts by the Office of the Superintendent of Public Instruction (OSPI) based on district enrollment counts of students from birth to age 3 who are eligible for and receiving early intervention services. Funds are allocated according to each school district's base allocation per full-time student, multiplied by 1.15, and distributed according to the kindergarten through twelfth grade (K-12) monthly apportionment schedule.

The Department of Children, Youth, and Families (DCYF) is the lead agency for IDEA Part C and the delivery of the ESIT program. The DCYF has the authority to develop and adopt rules to establish minimum requirements for ESIT services, including allowable allocations and expenditures for transitions into the IDEA, Part B services when a child turns age 3.

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.

School districts must ensure that students with disabilities who are ages 3 to 21 receive special education services under Part B of the IDEA.

Referrals to ESIT services are provided through Local Lead Agencies (LLAs) serving a specific geographic area. The LLAs either provide direct services or contract for services to be provided to children and families. The LLAs include county health and human services agencies, nonprofit agencies, and educational service districts.

The IDEA Part C funds must be treated as "payor of last resort" under federal regulations, meaning that these funds may not be used to satisfy a financial commitment for services that would otherwise have been paid for by another public or private source.

The DCYF is required by state law to ensure that all new and renewed contracts for agency services are performance-based.

Funding Model and System Redesign Plan.

In 2016 the Department of Early Learning (DEL) proposed a system design plan for the ESIT program that included recommendations to reorganize the service delivery system and redirect the flow of ESIT funding from the OSPI to the DEL. In 2018 the DEL ceased to exist, and its functions were transferred into the DCYF.

The 2018 Supplemental Operating Budget and the 2019-2021 Biennial Operating Budget directed the DCYF to consult with the OSPI, the Office of Financial Management, and the Caseload Forecast Council to develop a funding model with which to determine budget appropriations for early intervention services. The 2019 report from the DCYF recommended a model appropriating ESIT funds to the DCYF, rather than the OSPI.

Summary:

Funding for the ESIT program must be appropriated to the DCYF based on the annual average headcount of children from birth to age 3 who are eligible for and receiving early intervention services. The headcount must be multiplied by the per pupil statewide allocation for the prototypical K-12 school, multiplied by 1.15. The special education allocation formula for school districts is accordingly adjusted to remove children from birth to age 3.

Federal funds associated with Part C of the IDEA must be subject to federal "payor of last resort" requirements established in federal regulations.

The DCYF is required to distribute funds to ESIT service providers and, when appropriate, to county lead agencies. School districts are no longer required to provide or contract for the ESIT program.

Contracts for ESIT services are temporarily exempted from DCYF performance-based contracting requirements. The exemption begins September 1, 2020, and ends September 1, 2021.

Votes on Final Passage:

House 97 0
Senate 47 2

Effective: September 1, 2020