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HOUSE BILL 1090

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Leonard, Ferguson, Pruitt, Holland, Rayburn, Prentice, Brekke, Appelwick, Anderson, Silver, Scott, R. Johnson, Wineberry, Inslee, Hargrove, Sprenkle, Dorn, Spanel, Dellwo, R. King, Winsley, Phillips, Riley, Haugen, Vance, Kremen, Rasmussen, Franklin, Basich, Jacobsen, Fraser, Broback, Edmondson, D. Sommers, Roland, Jones, Chandler, Ludwig, Mielke, Nelson, Miller, Wood, Cooper, Bray, Ogden and Morris.

Read first time January 18, 1991. Referred to Committee on Human Services.

1            AN ACT Relating to early intervention services for infants and  
2 toddlers; adding a new chapter to Title 70 RCW; making an  
3 appropriation; providing an effective date; and declaring an emergency.

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

5            NEW SECTION.    **Sec. 1.**            (1) The legislature finds that there is  
6 an urgent and substantial need to:

7            (a) Enhance the development of all infants and toddlers with  
8 disabilities or special needs in the state of Washington in order to  
9 minimize developmental delay and maximize individual potential for  
10 adult independence;

11            (b) Enhance the capacity of families to meet the needs of their  
12 infants and toddlers with disabilities or special needs and maintain  
13 family integrity;

1 (c) Reduce the educational costs per child by minimizing the need  
2 for special education and related services after infants and toddlers  
3 with disabilities or special needs reach school age;

4 (d) Reduce social services costs and minimize the likelihood of  
5 institutional or out-of-home placement of children with disabilities or  
6 special needs;

7 (e) Reduce the health costs of preventable secondary impairments  
8 and disabilities by improving the long-term health of infants and  
9 toddlers with disabilities or special needs; and

10 (f) Reduce the human costs to families and society.

11 (2) The legislature therefore intends that the policy of this state  
12 is to:

13 (a) Affirm that all children are valued members of society;

14 (b) Affirm the importance of the family in all areas of the  
15 infant's or toddler's development and reinforce the role of the family  
16 in the decision-making processes regarding their infant or toddler;

17 (c) Ensure that services are provided in ways that are as  
18 nonintrusive as possible, that respect individual and family privacy,  
19 and that support families' access to legal safeguards;

20 (d) Ensure that services are provided in ways that promote dignity  
21 and respect for individual differences and that acknowledge and respect  
22 differences in race, religion, ethnic and cultural background, gender,  
23 age, disability, sexual orientation, geography, and economic status;

24 (e) Provide assistance and support to the family of an infant or  
25 toddler with a disability or special need that addresses the individual  
26 needs of that family;

27 (f) Coordinate and enhance the state's existing early intervention  
28 services to ensure a state-wide, community-based, comprehensive,  
29 coordinated, multidisciplinary, interagency program of early

1 intervention services for all infants and toddlers with disabilities or  
2 special needs and their families;

3 (g) Ensure that personnel necessary to provide early intervention  
4 services are appropriately and adequately trained and that every effort  
5 is made to utilize existing early intervention personnel without  
6 replacement;

7 (h) Facilitate the coordination of payment for early intervention  
8 services from federal, state, local, and private sources including  
9 public and private insurance coverage; and

10 (i) Guarantee financial assistance to county lead agencies for the  
11 purposes of coordinating early intervention services in their  
12 communities and enhance their capacity to provide individualized early  
13 intervention services to all infants and toddlers with disabilities or  
14 special needs and their families.

15 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
16 otherwise, the definitions in this section apply throughout this  
17 chapter.

18 (1) "Infants and toddlers with disabilities" means children from  
19 birth through three years of age who need early intervention services  
20 because:

21 (a) Based on standard evaluation procedures, they are experiencing  
22 delays in one or more of the following areas of development:

23 (i) Sensory or physical, including vision, hearing, or fine or  
24 gross motor;

25 (ii) Cognitive;

26 (iii) Communication;

27 (iv) Psychosocial;

28 (v) Self-help skills; or

1 (b) They have a diagnosed physical or mental condition that has a  
2 high probability of resulting in functional delay. Examples of such  
3 conditions include, but are not limited to:

4 (i) Chromosomal abnormalities associated with mental retardation  
5 such as down syndrome;

6 (ii) Congenital central nervous system birth defects or syndromes  
7 such as myelomeningocele or fetal alcohol syndrome;

8 (iii) Established central nervous system deficits resulting from  
9 hypoxia, trauma, or infection;

10 (iv) Significant vision or hearing impairments;

11 (v) AIDS; or

12 (vi) Medically fragile.

13 (2) "Infants and toddlers with special needs" means children from  
14 birth to three years of age who have an increased likelihood of  
15 experiencing a disability or developmental delay due to biological or  
16 environmental factors, or both. Infants or toddlers with special needs  
17 and their families will be eligible for the services described in  
18 section 6 of this act if:

19 (a) The infant's or toddler's parents or a qualified professional,  
20 or both, express concern regarding the infant's or toddler's  
21 development; or

22 (b) The infant or toddler is experiencing a biological or  
23 environmental factor, or both, that substantially increases the  
24 probability that the infant's or toddler's development will be delayed  
25 in the future. Biological and environmental factors include, but are  
26 not limited to the following:

27 (i) Abnormal neurological finding, e.g. seizures, microcephaly,  
28 macrocephaly;

29 (ii) Asphyxia;

30 (iii) Central nervous system infection or trauma;

- 1 (iv) Major congenital abnormality, e.g. craniofacial anomalies;
- 2 (v) Sibling diagnosed with neurological disabilities;
- 3 (vi) Documented history of abuse or neglect;
- 4 (vii) Evidence of prenatal exposure to drugs;
- 5 (viii) Birth weight of less than one thousand five hundred grams or
- 6 prematurity with less than thirty-three weeks of gestation;
- 7 (ix) Severe nutritional deficits, e.g. failure to thrive;
- 8 (x) Severe, chronic illness;
- 9 (xi) HIV-positive or HIV-positive biological mother;
- 10 (xii) Biological mother is less than seventeen years of age;
- 11 (xiii) Maternal education is less than the eighth grade level;
- 12 (xiv) Family is homeless;
- 13 (xv) Parental disabilities due to either documented developmental
- 14 disabilities, psychiatric disorder, substance abuse, or severe
- 15 protracted illness, or any combination of these disabilities;
- 16 (xvi) Poverty based on family income less than one hundred thirty-
- 17 three percent of the federal poverty level.

18 NEW SECTION. **Sec. 3.** Unless the context clearly requires  
19 otherwise, the definitions in this section apply throughout this  
20 chapter.

21 (1) "Early intervention services" means the developmental services  
22 defined in subsection (2) of this section, the tracking and information  
23 services defined in subsection (3) of this section, and the early  
24 identification services defined in subsection (4) of this section.

25 Early intervention services are:

- 26 (a) Provided under public supervision;
- 27 (b) Selected by the parents;
- 28 (c) Provided at no direct cost to the family; and

1 (d) Provided by or under the supervision of qualified personnel,  
2 including but not limited to:

3 (i) Early childhood special educators;

4 (ii) Vision specialists and teachers of the blind;

5 (iii) Speech-language pathologists and audiologists;

6 (iv) Occupational therapists;

7 (v) Physical therapists;

8 (vi) Psychologists;

9 (vii) Social workers;

10 (viii) Nurses;

11 (ix) Nutritionists;

12 (x) Physicians;

13 (xi) Mental health professionals;

14 (xii) Early childhood specialists; and

15 (xiii) Family resources coordinators.

16 (2) "Developmental services" means services that are:

17 (a) Designed to meet the developmental needs of each infant or  
18 toddler with disabilities;

19 (b) Provided in conformity with an individualized family service  
20 plan as described in section 5 of this act;

21 (c) Offered in the setting or settings most appropriate for the  
22 infant or toddler with disabilities and the family in their community;

23 (d) Provided on a year round basis;

24 (e) Designed to offer the opportunity, as appropriate, for an  
25 infant or toddler with disabilities to interact with children who do  
26 not have disabilities when such services are provided out of home;

27 (f) Consistent with the standards described in section 4 (13) and  
28 (14) of this act;

29 (g) Services that include the following:

30 (i) Family resources coordination;

- 1 (ii) Family support including, but not limited to counseling, peer
- 2 support, training, and social work;
- 3 (iii) Special instruction;
- 4 (iv) Speech-language pathology and audiology;
- 5 (v) Occupational therapy;
- 6 (vi) Physical therapy;
- 7 (vii) Psychological services including therapy;
- 8 (viii) Medical services for diagnostic or evaluation purposes only;
- 9 (ix) Nursing;
- 10 (x) Nutrition;
- 11 (xi) Health services necessary to enable the infant or toddler with
- 12 disabilities to benefit from the other early intervention services; and
- 13 (xii) Transportation.

14 (3) "Tracking and information services" means tracking to ensure  
15 that the infant or toddler receives periodic early identification  
16 services defined in subsection (4) of this section to document the  
17 development of the child and information to the parents about child  
18 development and parenting.

19 (4) "Early identification services" means developmental screening  
20 and referral.

21 NEW SECTION. **Sec. 4.** Unless the context clearly requires  
22 otherwise, the definitions in this section apply throughout this  
23 chapter.

24 (1) "Parent" means the parent, guardian, or a person acting as a  
25 parent of a child with disabilities or special needs, or someone who  
26 has been appointed as a surrogate. The term does not include the state  
27 if the child is a ward of the state.

28 (2) "Family resources coordination" means an ongoing process  
29 consisting of activities to assist the child and family to:

1 (a) Identify, obtain, and effectively utilize services and other  
2 resources; and

3 (b) Be informed of their rights and procedural safeguards.

4 (3) "Family resources coordinator" means the person, as agreed upon  
5 by the family, who will be responsible for facilitating the development  
6 of an individualized family service plan and for providing family  
7 resources coordination as defined in subsection (1) of this section.

8 (4) "Multidisciplinary" means the involvement of two or more  
9 disciplines or professions in the provision of integrated and  
10 coordinated services including evaluation and assessment activities and  
11 development of the individualized family service plan.

12 (5) "Evaluation" means a timely, comprehensive, multidisciplinary  
13 evaluation process for the purpose of determining an infant or  
14 toddler's initial and continuing eligibility.

15 (6) "Assessment" means a comprehensive and multidisciplinary  
16 assessment of the unique needs and strengths of the infant and toddler  
17 with disabilities for the purpose of developing and updating an  
18 individualized family service plan for each infant and toddler.  
19 Parents shall be fully participating members of the multidisciplinary  
20 assessment team.

21 (7) "Individualized family service plan" means a written plan  
22 jointly developed by the family and service providers for providing  
23 collaborative developmental services for eligible infants or toddlers  
24 with disabilities and the family as specified in section 5 of this act.

25 (8) "County" means a county or counties which jointly or severally  
26 establish a county early childhood interagency coordinating council.

27 (9) "Early childhood council" means an early childhood interagency  
28 coordinating council that is established within a county or counties in  
29 accordance with section 7 of this act.

1 (10) "County lead agency" means a local public agency that is  
2 consistent with and designated by the state lead agency to serve as the  
3 fiscal and contracting agent for a county in accordance with section 8  
4 of this act.

5 (11) "State council" means the state early childhood interagency  
6 coordinating council established under section 9 of this act.

7 (12) "State lead agency" means the state agency designated by the  
8 governor to perform the duties defined in section 11 of this act.

9 (13) "Program standards" means those standards which address the  
10 coordination and provision of early intervention services. The  
11 standards may include, but are not limited to, personnel  
12 qualifications, staff to child ratio, caseload, maximum class size, and  
13 length of the program.

14 (14) "Health and safety standards" means those standards that  
15 address the facilities where early intervention services are offered,  
16 excluding the infant's or toddler's home. Such standards shall meet  
17 all federal, state, and local laws, rules, and regulations pertaining  
18 to, but not limited to:

- 19 (a) Immunization;
- 20 (b) Communicable disease;
- 21 (c) Nutrition;
- 22 (d) Social environment;
- 23 (e) Size of facility;
- 24 (f) Fire code; and
- 25 (g) Accessibility.

26 NEW SECTION. **Sec. 5.** (1) Infants and toddlers with  
27 disabilities and their families shall be entitled to receive:

- 28 (a) An evaluation;

1 (b) An assessment of the unique needs and strengths of the infant  
2 or toddler and the identification of services to meet such needs;

3 (c) An explanation of the evaluation and assessment and all service  
4 options in the family's primary language or through a certified  
5 interpreter for the deaf, if necessary;

6 (d) Family resources coordination;

7 (e) An individualized family service plan that accommodates  
8 cultural differences and is developed by a multidisciplinary team  
9 including the family resources coordinator with the parents as fully  
10 participating members of the team; and

11 (f) Any developmental services that are included in the infant's or  
12 toddler's individualized family service plan.

13 (2) The individualized family service plan shall be in the family's  
14 primary language, when necessary to ensure understanding, and contain  
15 the following:

16 (a) A statement of the infant's or toddler's present levels of  
17 cognitive development, sensory or physical development including  
18 vision, hearing, fine and gross motor, communication skills including  
19 speech and language, psychosocial development, and self-help skills;

20 (b) With the concurrence of the family, a statement of the family's  
21 strengths and concerns related to enhancing the development of the  
22 infant or toddler with disabilities;

23 (c) A statement of the major outcomes expected to be achieved for  
24 the infant or toddler with disabilities and the family, including the  
25 criteria, procedures, and timelines used to determine the degree of  
26 progress toward achieving the desired outcomes; and whether  
27 modifications or revisions of the outcomes or services are necessary;

28 (d) A statement of specific developmental services necessary to  
29 meet the individual needs of the infant or toddler with disabilities

1 and the family, and should include the frequency, intensity, and method  
2 of delivering these services;

3 (e) A statement of the health status and medical needs of the  
4 infant or toddler with disabilities, and shall include the names of the  
5 child's health care providers;

6 (f) The projected dates for initiation of services and the  
7 anticipated duration of such services;

8 (g) The name of the family resources coordinator; and

9 (h) The steps to be taken supporting the transition of the infant  
10 or toddler from one setting to another.

11 (3) The individualized family service plan serves as the  
12 comprehensive service plan for all agencies involved in providing  
13 developmental services to the infant or toddler with disabilities and  
14 the family.

15 (4) The individualized family service plan must be evaluated at  
16 least once a year.

17 (5) The family resources coordinator and the family shall review  
18 the individualized family service plan at six-month intervals or more  
19 often based on the needs of the infant or toddler with disabilities and  
20 the family.

21 NEW SECTION. **Sec. 6.** Infants and toddlers with special needs  
22 as defined in section 2(2) of this act and their families are eligible  
23 to receive the following services:

24 (1) Periodic developmental screening to determine whether an  
25 evaluation and assessment are needed;

26 (2) Tracking to ensure that the infant or toddler receives periodic  
27 developmental screening and to document the development of the child;

28 (3) Information about and referral to other services as  
29 appropriate; and

1 (4) Information to the parents about child development and  
2 parenting.

3 NEW SECTION. **Sec. 7.** Each county shall establish a county  
4 early childhood interagency coordinating council to coordinate and  
5 enhance existing early intervention services and assist each community  
6 to meet the needs of infants and toddlers with disabilities or special  
7 needs and their families.

8 (1) The early childhood coordinating council shall have the  
9 following responsibilities:

10 (a) With the county lead agency, jointly prepare and submit, as  
11 defined in section 8(3) of this act, the early intervention plan and  
12 the annual report on the status of early intervention services for  
13 infants and toddlers with disabilities or special needs and their  
14 families within the county;

15 (b) Advise and assist the county lead agency and recommend policy  
16 for administration of the provisions of this chapter at the county  
17 level;

18 (c) Assist in the development of interagency agreements for  
19 provision of services and transitions between programs;

20 (d) Assist in the development of informal community support for  
21 eligible families residing within the county;

22 (e) Promote the development of private financial resources and  
23 community volunteer support; and

24 (f) Advise and assist the state council in determining services  
25 needed at the county level.

26 (2) The early childhood council shall, to the extent possible,  
27 reflect the population and cultural diversity of the county. The early  
28 childhood council membership shall include, but not be limited to:

1 (a) At least three parents of children under ten years of age with  
2 disabilities or special needs with at least thirty percent of the total  
3 council being parents; and

4 (b) As appropriate to the county, representatives from the  
5 following areas:

6 (i) Health, including public health districts, neuromuscular  
7 centers, private therapists, mental health professionals, local medical  
8 and health care providers, and hospitals;

9 (ii) Developmental disabilities, including developmental  
10 disabilities centers, county developmental disabilities boards or  
11 staff, and regional developmental disabilities staff;

12 (iii) Education including public school districts or head start  
13 early childhood education and assistance programs;

14 (iv) Social services; and

15 (v) Other areas that might include elected officials, local  
16 personnel preparation programs, Native American tribes, child care  
17 providers, business, professional associations, advocacy groups,  
18 organizations, or academies.

19 (3) The early childhood council shall:

20 (a) Establish and maintain bylaws by which the early childhood  
21 council shall conduct its business under this chapter and any other  
22 state rules governing public advisory boards, committees, or councils;  
23 and

24 (b) Meet at least six times per year with such meetings publicly  
25 announced, and open and accessible to the general public.

26 (4) No member of the early childhood council shall cast a vote on  
27 any matter which would provide direct financial benefit to that member  
28 or otherwise give the appearance of a conflict of interest.

1        NEW SECTION.    **Sec. 8.**

The county lead agency, as designated by

2 the state lead agency shall:

3        (1) Be responsible for ensuring that:

4        (a) The services defined in sections 5 and 6 of this act are  
5 available and accessible for all eligible infants and toddlers and  
6 their families residing within the county;

7        (b) A public awareness program focusing on services for infants and  
8 toddlers with disabilities or special needs exists within the county;

9        (c) Early identification efforts exist within the county and are  
10 coordinated with state-wide efforts; and

11        (d) There exists a fixed point of referral in each community to  
12 facilitate access to early intervention services.

13        (2) Have general administration and monitoring functions, within  
14 the county, associated with this chapter that include:

15        (a) Administration of funds provided to the county lead agency  
16 under section 16 of this act;

17        (b) Entry into contracts with agencies that are designated by the  
18 county lead agency as primary providers of early intervention services  
19 to be funded under this chapter within the county;

20        (c) Entry into formal interagency agreements that define the  
21 financial responsibility of each public agency for paying for early  
22 intervention services, establish procedures for resolving disputes, and  
23 ensure meaningful cooperation and coordination;

24        (d) Development of procedures to ensure that services are provided  
25 to infants and toddlers with disabilities or special needs and their  
26 families in a timely manner pending the resolution of any disputes  
27 among public agencies or service providers;

28        (e) Facilitation of agreements between primary providers and other  
29 agencies that assure the provision of early intervention services where  
30 needed; and

1 (f) Facilitation of interagency coordination, collaboration, and  
2 assistance in the resolution of county interagency disputes.

3 (3) With the county early childhood council, jointly:

4 (a) Develop an early intervention plan to be submitted to the state  
5 lead agency and the state council on an annual basis. The plan must  
6 consider other plans developed within the county that address the needs  
7 of infants and toddlers and must incorporate those plans as feasible.  
8 The plan shall address:

9 (i) Ways existing early intervention services might be better  
10 coordinated;

11 (ii) Ways to enhance existing early intervention services to better  
12 serve infants and toddlers with disabilities or special needs and their  
13 families;

14 (iii) Types of needed services, both formal and informal, currently  
15 not available in the county and how these services might be provided;  
16 and

17 (iv) How early intervention funding made available to the county  
18 lead agencies by appropriation will most efficiently provide services  
19 to eligible infants and toddlers and their families;

20 (b) Prepare and submit an annual report to the state council and  
21 the state lead agency on the status of early intervention services for  
22 infants and toddlers with disabilities or special needs and their  
23 families within the county; and

24 (c) Establish a membership process for the early childhood council  
25 that represents the community's concerns and has provisions for the  
26 grandfathering of parent and nonparent members of existing councils  
27 that approximate the functions of the early childhood council described  
28 in section 7 of this act.

1        NEW SECTION.    **Sec. 9.**        The governor shall appoint a state early  
2 childhood interagency coordinating council.

3        (1) The state council shall advise and assist the state lead agency  
4 to:

5        (a) Carry out the duties of the lead agency established in section  
6 11 of this act;

7        (b) Develop policy for administration of the provisions of this  
8 chapter;

9        (c) Achieve the full participation, coordination, and cooperation  
10 of all appropriate public agencies in the state;

11        (d) Establish a process that seeks information from service  
12 providers, family resources coordinators, parents, and others about any  
13 federal, state, or local policies that impede timely delivery of early  
14 intervention services and provide for steps to ensure that any policy  
15 problems identified are resolved;

16        (e) Resolve disputes between agencies;

17        (f) Identify sources of fiscal and other support for services under  
18 this chapter;

19        (g) Assign financial responsibility to the appropriate public  
20 agency; and

21        (h) Promote interagency agreements.

22        (2) The state council shall work with all state agencies providing  
23 or paying for early intervention services to assist in the development  
24 and adoption of:

25        (a) Uniform sets of administrative codes dealing with early  
26 intervention services;

27        (b) A system to provide reasonable transition between programs;

28        (c) Uniform program health and safety standards; and

29        (d) Personnel standards for certification and training.

1 (3) In carrying out the duties assigned to the state council, the  
2 state council shall:

3 (a) Establish and maintain bylaws by which the state council shall  
4 conduct its business in accordance with this chapter and existing  
5 administrative code;

6 (b) Meet at least four times per year at the call of the chair or  
7 by request of one-third of the state council. Such meetings shall be  
8 publicly announced, and open and accessible to the general public;

9 (c) Convene a broad-based advisory committee at least twice per  
10 year;

11 (d) Convene a meeting of early childhood council chairs at least  
12 twice per year;

13 (e) Prepare and submit an annual report to the governor and state  
14 lead agency on the status of early intervention services for infants  
15 and toddlers with disabilities or special needs and their families  
16 within the state; and

17 (f) Have the ability to hire staff and obtain the services of such  
18 professional, technical, and clerical personnel as may be necessary to  
19 carry out the functions of the state council.

20 NEW SECTION. **Sec. 10.** (1) In making appointments to the state  
21 council, the governor shall ensure that the membership of the state  
22 council reasonably represents the population and cultural diversity of  
23 the state. The state council shall have no more than fifteen members  
24 and consist of:

25 (a) At least four parents of children with disabilities or special  
26 needs less than six years of age at the time of the parent's  
27 appointment;

1 (b) At least three public or private providers of early  
2 intervention services with at least one representative from each  
3 sector;

4 (c) One representative from each body of the state legislature;

5 (d) One person involved in personnel preparation; and

6 (e) Other members representing each of the appropriate state  
7 agencies involved in the provision of, or payment for, early  
8 intervention services to infants and toddlers with disabilities or  
9 special needs and their families.

10 (2) No member of the state council shall cast a vote on any matter  
11 which would provide direct financial benefit to that member or  
12 otherwise give the appearance of a conflict of interest under state  
13 law.

14 NEW SECTION. **Sec. 11.** The state lead agency, as designated by  
15 the governor, shall:

16 (1) Ensure that a state-wide system of early intervention services  
17 is developed and maintained. The system shall include:

18 (a) The services defined in sections 5 and 6 of this act;

19 (b) A comprehensive early identification and referral system;

20 (c) A public awareness program focusing on early identification of  
21 infants and toddlers with disabilities or special needs; and

22 (d) A central directory that includes early intervention services,  
23 resources and experts within the field available in the state, and  
24 early intervention research and demonstration projects being conducted  
25 in the state;

26 (2) Be responsible for the general administration of a state-wide  
27 system of early intervention services including:

1 (a) Writing of all policy, procedures, and administrative code, in  
2 conjunction with and with the approval of the state council, that are  
3 necessary for implementation of this chapter;

4 (b) Administration of funds provided under section 17 of this act;

5 (c) Supervision and monitoring of agencies, programs, and  
6 activities that receive assistance under this chapter to ensure  
7 compliance with the provisions of this chapter;

8 (d) Identification and coordination of all available sources of  
9 financial and other support for early intervention services within the  
10 state from federal, state, local, and private sources;

11 (e) Entry into formal interagency agreements that define the  
12 service delivery and financial responsibilities of each public agency  
13 providing or paying for early intervention services. Such interagency  
14 agreements must include procedures for resolving disputes and all  
15 additional components necessary to ensure meaningful cooperation and  
16 coordination;

17 (f) Entry into contracts with county lead agencies;

18 (g) Development of procedures to ensure that services are provided  
19 to infants and toddlers with disabilities or special needs and their  
20 families in a timely manner pending the resolution of any disputes  
21 among public agencies or service providers;

22 (h) Implementation of procedural safeguards as specified in section  
23 12 of this act;

24 (i) Establishment of standards and a comprehensive system of  
25 personnel development that ensures that personnel necessary to carry  
26 out this chapter are appropriately and adequately trained;

27 (j) Establishment and maintenance of personnel standards that are  
28 consistent with state-approved or recognized certification, licensing,  
29 registration, or other comparable requirements;

1 (k) Development, maintenance, evaluation, and revision of program  
2 standards and health and safety standards; and

3 (l) Compiling data on the number of infants and toddlers with  
4 disabilities or special needs and their families in the state in need  
5 of early intervention services, the number of such infants and toddlers  
6 and their families served, the types of services provided, and other  
7 information as may be required.

8 NEW SECTION. **Sec. 12.** The state lead agency shall establish  
9 procedural safeguards for infants and toddlers and their families to be  
10 included in the state-wide system of early intervention services that,  
11 at a minimum, include the following:

12 (1) The timely administrative resolution of individual complaints;

13 (2) The effective implementation of the safeguards by each public  
14 agency involved in the provision of early intervention services under  
15 this chapter;

16 (3) A mediation system to guide both parties toward a mutually  
17 satisfactory solution of disputes. Neither party shall be obligated to  
18 resolve the dispute with this process. The mediation service shall be:

19 (a) A voluntary process until July 1, 1995, at which time if the  
20 parents request mediation, a local service provider shall enter into  
21 mediation;

22 (b) Provided by properly trained and certified mediators;

23 (c) Free to the parents or service provider; and

24 (d) Selected by the early childhood coordinating council in each  
25 county;

26 (4) The right to initiate a hearing for the resolution of disputes;

27 (5) Confidentiality of information that may identify the parties  
28 involved;

1 (6) The opportunity for parents to examine and receive a copy of  
2 records relating to screening, evaluation, assessment, and the  
3 development and implementation of the individualized family service  
4 plan;

5 (7) Procedures to protect the rights of the infants or toddlers  
6 with disabilities or special needs whenever the parents of the child  
7 are not known, or unavailable, or the child is a ward of the state,  
8 including the assignment of an individual, who shall not be an employee  
9 of any state agency providing services, to act as a surrogate for the  
10 parents;

11 (8) Written prior notice to the parents of the infant or toddler  
12 whenever the state agency or service provider proposes to initiate or  
13 change, or refuses to initiate or change, the identification,  
14 evaluation, placement, or the provision of early intervention services  
15 to the infant or toddler with disabilities or special needs;

16 (9) The notice required by subsection (8) of this section shall  
17 fully inform the parents in the parents' primary language, or by use of  
18 a certified interpreter for the deaf, of all procedures available  
19 pursuant to this section; and

20 (10) During the pendency of any proceeding or action involving a  
21 hearing, unless the agency and the parents otherwise agree, the child  
22 shall continue to receive the early intervention services currently  
23 being provided or if applying for initial services shall receive the  
24 services even if such services are in dispute.

25 NEW SECTION. **Sec. 13.** The state lead agency shall establish  
26 procedures for the resolution of complaints about the system including  
27 receiving and resolving any complaint that one or more requirements of  
28 this chapter are not being met.

1        NEW SECTION.    **Sec. 14.**        For the purposes of implementing this  
2 chapter, the governor shall:

3        (1) Ensure that state agencies involved in the provision of, or  
4 payment for, early intervention services to infants and toddlers with  
5 disabilities or special needs and their families shall coordinate and  
6 collaborate in the planning and delivery of such services;

7        (2) With the recommendation of the state council, designate the  
8 state lead agency specified in section 11 of this act to administer the  
9 provisions of this chapter and to ensure the state lead agency  
10 establish and maintain a state-wide system of coordinated,  
11 comprehensive, multidisciplinary, interagency programs providing early  
12 intervention services to all infants and toddlers with disabilities or  
13 special needs and their families;

14        (3) Appoint the members of the state council; and

15        (4) Appoint a chair of the state council based on the  
16 recommendations from the state council.

17        NEW SECTION.    **Sec. 15.**        No state or local agency currently  
18 providing early intervention services to infants and toddlers with  
19 disabilities or special needs may use funds appropriated for the  
20 purposes of this chapter to supplant funds from other sources. No  
21 state or local agency may delay, interrupt, or divert funds  
22 appropriated in the 1991-93 biennium for early intervention programs  
23 for infants and toddlers with disabilities or special needs from those  
24 programs.

25        Each county shall ensure that the implementation of this chapter  
26 will not cause any interruption in existing early intervention services  
27 for infants and toddlers with disabilities or special needs.

28        Nothing in this chapter shall be construed to permit the  
29 restriction or reduction of eligibility under Title V of the Social

1 Security Act, P.L. 90-248, relating to maternal and child health or  
2 Title XIX of the Social Security Act, P.L. 89-97, relating to medicaid  
3 for infants and toddlers with disabilities or special needs.

4 NEW SECTION. **Sec. 16.** The state lead agency shall, in  
5 accordance with this chapter, enter into contracts with the county lead  
6 agencies to assist in the provision of comprehensive, coordinated,  
7 multidisciplinary, interagency early intervention services for infants  
8 and toddlers with disabilities or special needs and their families  
9 within the county. The county early intervention plans described in  
10 section 8(3) of this act shall be used to assist the state lead agency  
11 in determining what funding should be provided to the counties to  
12 address gaps in early intervention services. Funds made available  
13 under this chapter shall be disbursed in a manner that enables the  
14 optimum provision of necessary services for eligible infants and  
15 toddlers and their family.

16 NEW SECTION. **Sec. 17.** The sum of thirteen million one hundred  
17 eighteen thousand seven hundred fifty dollars, or as much thereof as  
18 may be necessary, is appropriated for the biennium ending June 30,  
19 1993, from the general fund to the state agency designated as the state  
20 lead agency by the governor for the purposes of this act.

21 NEW SECTION. **Sec. 18.** Sections 1 through 16 of this act shall  
22 constitute a new chapter in Title 70 RCW.

23 NEW SECTION. **Sec. 19.** This act is necessary for the immediate  
24 preservation of the public peace, health, or safety, or support of the  
25 state government and its existing public institutions, and shall take  
26 effect July 1, 1991.