

From: [Steenhout, Michael \(DEL\)](#)
To: [OFM Budget](#)
Cc: [Stanley, Christopher \(DEL\)](#); [Moss, Heather \(DEL\)](#); [Mullenix, Jamie \(DEL\)](#); [Williams, Rayanna \(OFM\)](#); [Pannkuk, Richard \(OFM\)](#)
Subject: RE: Contingency plan update – Department of Early Learning - 2017-19
Date: Wednesday, May 24, 2017 2:20:52 PM

I realize we have likely missed the window, but would like to add the following additional update if possible:

- One “on-call” ITS6 Developer in the event of data processing failures and/or unplanned outages that would affect data needed to support Child Protective Services (CPS) emergency calls about child care providers.

Thanks,

Mike Steenhout
Chief Financial Officer
Department of Early Learning
PO Box 40970
1110 Jefferson St SE
Olympia, WA 98501

360-725-4920 – Desk

360-515-8249 – Cell

Kids’ Potential, Our Purpose

From: Steenhout, Michael (DEL)
Sent: Saturday, May 06, 2017 10:09 AM
To: OFM Budget
Cc: Stanley, Christopher (DEL); Moss, Heather (DEL); Mullenix, Jamie (DEL); Williams, Rayanna (OFM); Pannkuk, Richard (OFM)
Subject: Contingency plan update – Department of Early Learning - 2017-19

Good morning. Attached is our contingency plan for federal programs and services requesting continuation of the Early Support for Infants and Toddlers (ESIT) program despite a potential lack of appropriation from 2015. Our only update would be to the projected budgeted amount for this program in Fiscal Year 2018, which is now \$9,763,283 in federal, \$2 million in state (Ed Legacy), and 14.5 FTEs.

The following are the other pieces of our current plan (communicated in 2003):

- Two “on-call” Licensing staff, with the possibility of a third. We believe these staff are necessary for the immediate response to issues of public safety, so we are able to have

an on call system in place for child care licensing emergencies and/or child protective services issues. This is a system that is currently in place over the weekends. The system involves DSHS- Children's Protective Service notifying staff in DEL of emergency CPS situations. Similarly these DEL staff are available to respond to fire, natural disasters, etc., that may affect licensed child care sites. Staff involved are DEL's Statewide Licensing Administrator as well as the agreement to contact the regional licensing supervisor and licensor as needed to physically be on site.

- Two Finance staff to process payroll each payroll cycle (these staff would only be at work a few days each two week cycle).

Please contact us if you have any questions.

Thanks,

Mike Steenhout
Chief Financial Officer
Department of Early Learning
PO Box 40970
1110 Jefferson St SE
Olympia, WA 98501

360-725-4920 – Desk
360-515-8249 – Cell

Kids' Potential, Our Purpose

Contingency Plan for Federal Programs & Services
Office of Financial Management

<p>Agency name:</p> <p>The Department of Early Learning PO Box 40970 1110 Jefferson St SE Olympia, WA 98501</p>	<p>Agency Contact:</p> <p>Name: Mike Steenhout Email: mike.steenhout@del.wa.gov Phone: 360-725-4920</p>
<p>Federal Program/Service required to continue without an appropriation:</p> <p>Early Support for Infants and Toddlers (ESIT) - provides services to children birth to age 3 who have disabilities or developmental delays. Supported by Part C of the Individuals with Disabilities Education Act (IDEA Part C).</p>	<p>Federal Law citation/s:</p> <p>IDEA section 634 in 20 U.S.C. 1434 and 34 CFR 303.101(a)(1). 20 U.S.C. 1435(a)(10)(D), 34 C.F.R. 303.120(d)</p>
<p>Description of program or service required to continue under federal law:</p>	
<p>Which services must continue to be provided and why? How many FTE are required to continue services? At what cost?</p> <p>In order to be eligible for a grant under IDEA Part C, Washington State must ensure that “appropriate early intervention services ... are available to all infants and toddlers with disabilities in the State and their families including – (i) Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State, (ii) infants and toddlers with disabilities who are homeless children and their families, (iii) and infants and toddlers with disabilities who are wards of the State. Failure to provide ESIT services constitutes not only a violation of the state plan and application, but also the federal statutory and regulatory requirement that DEL ensure “appropriate early intervention services...are available to all infants and toddlers with disabilities...” This requirement is contained in 20 U.S.C. 1434 and 34 C.F.R. 303.101(a)(1). A decision to stop ESIT services, even temporarily, makes the early intervention services unavailable.</p> <p>There are other federal statutes and regulations that apply to IDEA Part C that require DEL to not only provide “appropriate early intervention services” but also timely early intervention services. See 20 U.S.C. 1435(a)(10)(D), 34 C.F.R. 303.120(d), and the attachment to this email (Table No. 1, page 3). Arguably, the decision to stop providing ESIT services may also constitute a violation of these provisions, and the state plan, since the failure to provide the service(s) would necessarily be untimely.</p> <p>The attachment to this email contains two Sections/Tables. Table No. 1 provides a description of the language used in various sections of the state plan. Table No. 1 also provides the legal authority that is cited to in the state plan. Table No. 2 provides additional federal statutory and regulatory citations that are not directly referred to in the state plan. Taken together, the various statutory and regulatory citations in the attachment may very well support the conclusion that the decision to stop providing ESIT services constitutes a violation of federal statute and regulation.</p>	

Based on all the information that has been provided it is clear that as of June 24, 2013 OSEP's position is as follows: (1) DEL will be in violation of the application and state plan if DEL stops providing ESIT services; and (2) DEL will also be in violation of various statutory and regulatory sections within IDEA Part C.

13.0 FTEs and Direct Service Contracts at a cost of \$25,856 per day (\$9.4 million per Fiscal Year).

AAG sign-off: Name and phone of AAG and indication they agree with the determination the program or service must continue despite lack of legislative appropriation.

AAG Name:
Thomas Angier

AAG phone:
360-586-3646