



STATE OF WASHINGTON
DEPARTMENT OF EARLY LEARNING

PO BOX 40970, Olympia, Washington 98504-0970
(360) 725-4665 • FAX (360) 413-3482

DATE: June 17, 2013
TO: OFM
ATTN: David Schumacher, OFM Director
FROM: Bette Hyde, Director *Bette Hyde*
SUBJECT: **Contingency Planning for State Agency Operation July 1**

As per your direction, what follows is the Department of Early Learning's current contingency plan. We look forward to OFM's feedback.

1. The Department of Early Learning (DEL) provides no service funded by the transportation budget.
2. DEL oversees three non-appropriated funds. The Children's Trust fund is small and can be inactive during a governmental shut down. Our portable background check fund is larger but could be put on hold during this period. Currently, there is a total of \$8.725 M in Home Visiting support contracted to Thrive by Five Washington. As of July 28, this will change to appropriated funds as per SB 5809, but we would like to keep this currently non-appropriated funding moving in order to not disrupt services to some of our State's neediest families.
3. We have met with our AAG, and believe DEL has no service that are constitutionally mandated or required by federal law.
4. A service that we believe is necessary for the immediate response to issues of public safety is to have our 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.

In addition to these 2.0 FTE's and the possibility of a 3rd FTE called in, we would request two FTE's to be on site to process the July 10, payroll.

Thank you for your consideration.

cc: Linda Shea, DEL CFO
Robert Bouffard, DEL HR Manager
Mary Kay Quinlan, DEL Statewide Licensing Administrator
Tom Angier, DEL AAG



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*PO BOX 40970, Olympia, Washington 98504-0970
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DATE: June 26, 2013
TO: David Schumacher, OFM Director
FROM: Bette Hyde, Director
SUBJECT: Update on Agency Contingency Planning

This memo provides an update on the Department of Early Learning (DEL) contingency plan provided to you on June 17.

- We have received word from the federal Office of Special Education Programs (OSEP) that we must continue offering Individuals with Disabilities Education Act (IDEA) Part C services even in the event of a shutdown. Included in this letter is a memorandum we received from the United State Department of Education regarding this program. In order to comply with this federal mandate, we plan to have four Early Support for Infants and Toddlers staff working in the event of a shutdown: One IT data manager, two program staff and the program administrator.
- In addition, staff who process portable background checks, which is funded through a non-appropriated account, will continue to work in the event of a shutdown.

Thank you for your consideration.

cc: Linda Shea, DEL CFO
Robert Bouffard, DEL HR Manager
Mary Kay Quinlan, DEL Statewide Licensing Administrator
Tom Angier, DEL AAG



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

MEMORANDUM

TO: Elizabeth M. Hyde, Director
Washington Department of Early Learning

FROM: Gregory R. Corr, Ed.D. *grc*
Director, Division of Monitoring and State Improvement Planning (MSIP)
Office of Special Education Programs (OSEP)

SUBJECT: Washington IDEA Part C Grant Application for Federal Fiscal Year (FFY) 2013

DATE: June 24, 2013

It has come to the attention of the Office of Special Education Programs (OSEP) that, due to an unresolved State budget issue in the State of Washington, the Washington Department of Early Learning, the State lead agency in Washington is being asked to suspend its service contracts under Part C of the Individuals with Disabilities Education Act (IDEA Part C) as of July 1, 2013 and that such suspension will remain in effect until there is an agreed-upon budget resolution.

In order to be eligible for a grant under IDEA Part C for any fiscal year, a 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. IDEA section 634 in 20 U.S.C. 1434 and 34 CFR §303.101(a)(1). This information provided to OSEP raises concerns as to whether Washington will be able to meet its responsibilities under Part C of the IDEA to make early intervention services available to all infants and toddlers with disabilities in the State.

Kindly confirm in writing at your earliest opportunity, but not later than close of business Thursday, June 27, 2013, that Washington will meet the certification it provided under Section II.D of its FFY 2013 IDEA Part C application that the State meets the requirements of IDEA Part C, and that the State will operate its Part C program in accordance with all of the IDEA Part C requirements including having the required policies, procedures, methods, descriptions, assurances and certifications. *See*, 34 CFR §76.104. This includes written confirmation that Washington will meet the requirement that the State will make available in a timely manner to all eligible infants and toddlers with disabilities in the State early intervention services under Part C of the IDEA in light of this recent Washington State budget issue. Please note this requirement applies not only to the State's FFY 2013 Federal Part C funds, but also to any FFY 2011 and FFY 2012 IDEA Part C funds not already obligated by the State as of July 1, 2013.

We are available to provide additional information if needed and look forward to working with Washington to resolve this issue to ensure that infants and toddlers with disabilities and their families continue to benefit from the IDEA Part C early intervention program. Please contact me at 202-245-7309 if you have any questions or concerns.

cc: Karen Walker (IDEA Part C Coordinator for Washington)
Judith Gregorian and Priscilla Irvine (OSEP)