
A BILL FOR AN ACT

MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH
FOR EARLY INTERVENTION SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. This Act is recommended by the governor for
2 immediate passage in accordance with section 9 of article VII of
3 the Constitution of the State of Hawaii.

4 SECTION 2. Although funds were appropriated to the
5 department of health for early intervention services for the
6 period beginning July 1, 2006, and ending June 30, 2007, the
7 department of health has a critical need for additional funds.

8 On May 31, 2005, the State of Hawaii was deemed in
9 compliance with the Felix Consent Decree, marking the end of
10 federal court oversight for services including early
11 intervention services. The department of health must continue
12 to carry out its federal and state obligations to provide early
13 intervention services for children age zero to three years with
14 a developmental delay or biological or environmental risk, as
15 mandated by part C of the Individuals with Disabilities
16 Education Improvement Act of 2004 (P.L. 108-446), sections 321-



1 351 to 321-357, Hawaii Revised Statutes, and the Hawaii early
2 intervention state plan.

3 The State is currently under "special conditions," the
4 first level of sanctions under the United States Department of
5 Education, Office of Special Education Programs. The State is
6 required to show improvement in providing comprehensive
7 developmental evaluations in a timely manner, individual family
8 support plans that meet federal requirements, and transition
9 conferences that meet the federally required timelines to avoid
10 moving to a higher level of sanctions, "compliance agreement."

11 Due to an increased number of children referred for
12 services, early intervention purchase-of-service programs are
13 providing an increased number of multi-disciplinary
14 comprehensive developmental evaluations of a child's cognitive,
15 physical, communication, social or emotional, and adaptive
16 development.

17 To serve more children, current programs have expanded and
18 three new purchase-of-service programs were added in windward,
19 central, and leeward Oahu. These programs serve additional
20 children who previously received therapy services from fee-for-
21 service providers and care coordination from early intervention
22 section, early childhood services programs, public health



1 nurses, or healthy start; and additional children under age
2 three years who are confirmed victims of child abuse or neglect,
3 as required by the Individuals with Disabilities Education
4 Improvement Act of 2004 and the Child Abuse Prevention and
5 Treatment Act.

6 The Individuals with Disabilities Education Improvement Act
7 of 2004 also requires a family-centered but more costly approach
8 of providing services in "natural environments" or community-
9 based settings, such as at families' homes, community preschools,
10 and parks, which increases travel time for service providers to
11 reach the "natural environment," and necessitates a smaller
12 caseload, increased number of providers, and increased costs per
13 child.

14 As a result of early intervention purchase-of-service
15 programs having increased costs to evaluate and serve additional
16 children as required by the Individuals with Disabilities
17 Education Improvement Act of 2004, existing funds will be
18 expended before the end of this fiscal year.

19 The purpose of this Act is to appropriate additional
20 general funds to address expenses related to early intervention
21 services from the department of health for fiscal year 2006-
22 2007.



1 SECTION 3. In accordance with section 9 of article VII, of
2 the Constitution of the State of Hawaii and sections 37-91 and
3 37-93, Hawaii Revised Statutes, the legislature has determined
4 that the general fund expenditure ceiling for fiscal year 2006-
5 2007 has already been exceeded by \$90,137,694 or 1.68 per cent.
6 The appropriations contained in this Act will cause the state
7 general fund expenditure ceiling for fiscal year 2006-2007 to be
8 exceeded by an additional \$4,419,644 or an additional 0.082 per
9 cent. The calculation contained in the foregoing sentence
10 relates only to the amount of general funds appropriated in this
11 Act for fiscal year 2006-2007. The reasons for exceeding the
12 general fund expenditure ceiling are that the appropriations
13 made in this Act are necessary to serve the public interest and
14 to meet the needs provided for by this Act.

15 SECTION 4. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$4,419,644 or so much
17 thereof as may be necessary for fiscal year 2006-2007 to carry
18 out the purposes of this Act.

19 The sum appropriated shall be expended by the department of
20 health.

21 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Emergency appropriation; DOH

Description:

Appropriates \$4,419,644 in general funds for FY 2006-2007, for early intervention services for infants and children from birth to three years of age with developmental delay or at biological or environmental risk for developmental delay. (HB1373 HD1)

