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# A BILL FOR AN ACT

RELATING TO CHILDREN.

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

1           SECTION 1. The federal Individuals with Disabilities  
2 Education Improvement Act provides that children with  
3 disabilities are entitled to receive a free and appropriate  
4 public education. To the extent possible, children with special  
5 needs are to be provided with the same educational experiences  
6 as their non-disabled peers. Under the federal No Child Left  
7 Behind Act, states are held accountable for ensuring that all  
8 children are afforded the opportunity to learn.

9           Section 619 of Part B of the Individuals with Disabilities  
10 Education Improvement Act implements the earlier landmark Public  
11 Law 94-142, known as the Individuals with Disabilities Education  
12 Act, which ensures a free and appropriate public education for  
13 individuals with disabilities that may include special education  
14 and related services in the least restrictive environment for  
15 children three years and one day up to five years of age with  
16 disabilities. Part C of the Individuals with Disabilities  
17 Education Improvement Act directs states to provide early  
18 intervention services in the child's natural environment, which



1 may include the child's home or other locations with their  
2 typically developing peers. Those early intervention services,  
3 for infants and toddlers with disabilities from birth to age  
4 three, and their families, may include information and support  
5 to parents to increase their knowledge about and ability to  
6 support their child's development.

7 Because of the complexity of the transition process for  
8 children from being a toddler or infant to being a preschool  
9 child, some eligible children may benefit from a longer  
10 transition period and continued services in the child's natural  
11 environment under programs offered pursuant to Part C of the  
12 Individuals with Disabilities Education Improvement Act, instead  
13 of placement under Part B of that Act, which mandates services  
14 to be provided in the least restrictive environment. Further,  
15 due to the differences in eligibility criteria between Part B  
16 and Part C, approximately twenty-five per cent of children three  
17 years and one day up to five years of age who exited Part C  
18 programs in 2004, were eligible to receive services through Part  
19 B programs.

20 Hawaii's early intervention section of the department of  
21 health is a federal and state mandated program that provides  
22 services to support the development of children from birth to



1 three years of age, along with information and support for  
2 parents that increases their knowledge about and ability to  
3 support their child's development. However, children with  
4 developmental delays may require services beyond age three that  
5 could be provided by the early intervention section of the  
6 department of health.

7 The purpose of this Act is to provide a mechanism to study  
8 the feasibility of expanding Hawaii's early intervention section  
9 to continue services for children three years and one day up to  
10 five years of age through programs usually provided to infants  
11 and toddlers pursuant to section 619 of the Individuals with  
12 Disabilities Education Improvement Act, and if deemed  
13 appropriate, to develop the infrastructure and support services  
14 necessary to provide continued services in the natural  
15 environments.

16 SECTION 2. (a) There is established a "Hawaii 3-5  
17 transition" task force to study the feasibility of expanding  
18 Hawaii's early intervention section to continue services for  
19 children three years and one day up to five years of age.

20 (b) The members of the task force shall include  
21 representation from the neighbor islands, rural Oahu, and  
22 underserved populations and shall include at least two parents



1 of children who may require these services and one  
2 representative from each of the following:

- 3 (1) The department of health;
- 4 (2) The department of education;
- 5 (3) The department of human services;
- 6 (4) The office of the governor;
- 7 (5) The board of education;
- 8 (6) The Hawaii early intervention coordinating council;
- 9 (7) The special education advisory council;
- 10 (8) The Hawaii state council on developmental  
11 disabilities;
- 12 (9) The department of education's Section 619 state and  
13 district coordinator;
- 14 (10) The Good Beginnings Alliance;
- 15 (11) Early intervention service providers;
- 16 (12) Head Start providers;
- 17 (13) The American Academy of Pediatrics, Hawaii Chapter;
- 18 (14) The University of Hawaii, college of education,  
19 personnel preparation faculty;
- 20 (15) The Hawaii Association for the Education of Young  
21 Children;
- 22 (16) Kia'i ka 'ike;



1 (17) Early childhood special education professional  
2 development programs;

3 (18) One member of the house of representatives appointed  
4 by the speaker of the house; and

5 (19) One member of the senate appointed by the president of  
6 the senate.

7 (c) The department of health shall convene the task force,  
8 and the department of health and the department of education  
9 shall provide staff support to the task force, as necessary.

10 (d) The members of the task force shall serve without  
11 compensation but shall be reimbursed for necessary expenses,  
12 including travel expenses incurred in the performance of their  
13 duties.

14 (e) In completing the feasibility study, the task force  
15 shall:

16 (1) Identify the potential number of children, on an  
17 annual basis, who exit Part C programs, are eligible  
18 for programs under Part B Section 619 of the  
19 Individuals with Disabilities Education Improvement  
20 Act, but may benefit from a longer transition period  
21 and continued Part C program services in the child's  
22 natural environment or community-based settings;



- 1           (2) Identify the potential number of children, on an  
2           annual basis, who exit Part C programs, are found not  
3           eligible for services under Part B of Section 619 of  
4           the Individuals with Disabilities Education  
5           Improvement Act, but continue to have developmental  
6           delays and who may benefit from intervention services  
7           between the ages of three years and one day up to five  
8           years of age;
- 9           (3) Identify the potential number of children, on an  
10          annual basis, who have not received services through  
11          Part C programs, but are identified as having  
12          developmental delays and who may benefit from  
13          intervention services between the ages of three years  
14          and one day up to five years of age;
- 15          (4) Research evidence-based practices in order to define  
16          service models for children between the ages of three  
17          years and one day up to five years of age necessary to  
18          meet the needs of this population;
- 19          (5) Define the array of services required for children  
20          between the ages of three years and one day up to five  
21          years of age with developmental delays;



- 1 (6) Based upon the potential number of children to be  
2 served, derive resource and cost projections to  
3 implement services; and
- 4 (7) Conduct a needs assessment of families focusing on  
5 their experiences transitioning out of Part C  
6 programs, as well as transitioning into Part B  
7 programs.
- 8 (f) The task force shall also:
- 9 (1) Project the length of time required to develop the  
10 necessary resource pool to serve the targeted  
11 population;
- 12 (2) Develop indicators for evaluation to assess the  
13 outcomes of the early intervention system providing  
14 services to children between the ages of three years  
15 and one day up to five years of age with developmental  
16 delays;
- 17 (3) Submit a report to the legislature not later than  
18 twenty days prior to the convening of the 2008 regular  
19 session. The report shall include:
- 20 (A) Recommendations regarding the feasibility of  
21 expanding Hawaii's early intervention section to



1           serve children between three years and one day up  
2           to five years of age with developmental delays;

3           (B) If deemed feasible, recommendations as to  
4           eligibility and service models for the expansion  
5           of the early intervention section, taking into  
6           consideration the identified needs, recommended  
7           best practices, resources and cost projections,  
8           service payment (e.g., continuum of payment  
9           options from no cost to families to partial  
10          payment by families), and procedural safeguards  
11          without adversely affecting the implementation of  
12          Part C program services;

13          (C) If recommended, additional information, including  
14          eligibility criteria and programmatic, financing,  
15          and evaluation requirements to implement an array  
16          of appropriate service models for children  
17          between three years and one day up to five years  
18          of age with developmental delays in natural and  
19          least restrictive environments;

20          (D) An implementation plan; and

21          (E) A timeline to begin services; and



1 (4) Cease to exist upon the adjournment sine die of the  
2 2008 regular session.

3 (g) The University of Hawaii center on disability studies  
4 shall serve as the advisory committee facilitator and shall  
5 provide the necessary research, as well as conduct the needs  
6 assessment for the feasibility study.

7 SECTION 3. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$120,000 or so much  
9 thereof as may be necessary for fiscal year 2007-2008 for the  
10 purposes of section 2 of this Act.

11 The sum appropriated shall be expended by the department of  
12 health for the purposes of section 2 of this Act.

13 SECTION 4. If any provision of this Act, or the  
14 application thereof to any person or circumstance is in conflict  
15 with federal requirements that are a prescribed condition for  
16 the allocation of federal funds to the State, such provision of  
17 this Act, or the application thereof to any person or  
18 circumstance, shall be invalid; provided that the invalidity  
19 does not affect other provisions or applications of the Act,  
20 which can be given effect without the invalid provision or  
21 application, and to this end the provisions of this Act are  
22 severable.



1 SECTION 5. This Act shall take effect on July 1, 2007.



H.B. NO. 531  
H.D. 3  
S.D. 2  
C.D. 1

**Report Title:**

Early Intervention Services; IDEA

**Description:**

Establishes a task force to study the feasibility of expanding Hawaii's early intervention services to continue services for children three years and one day up to five years of age. Appropriates funds. (HB531 CD1)

HB531 CD1 HMS 2007-4151

