
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 ensures a free and appropriate public
11 education that may include special education and related
12 services in the least restrictive environment for children with
13 disabilities, three to five years of age. Part C of the
14 Individuals with Disabilities Education Improvement Act directs
15 states to provide early intervention services in the child's
16 natural environment, which may include the child's home or other
17 locations with their typically developing peers. Those early
18 intervention services, for infants and toddlers with



1 disabilities from birth to age three, and their families, may
2 include information and support to parents to increase their
3 knowledge about and ability to support their child's
4 development.

5 Because of the complexity of the transition process for
6 children at this early age from Part C to Part B 619 programs,
7 some eligible children may benefit from a longer transition
8 period and continued services in the child's natural environment
9 under Part C instead of placement under Part B, which mandates
10 services to be provided in the least restrictive environment.
11 Further, due to the differences in eligibility criteria between
12 Part B and Part C, approximately twenty-five per cent of
13 children three to five years of age who exited Part C in 2004,
14 were eligible to receive services through Part B.

15 Hawaii's early intervention section of the department of
16 health is a federal and state mandated program that provides
17 services to support the development of children from birth to
18 three years of age, along with information and support for
19 parents that increases their knowledge about and ability to
20 support their child's development. However, children with
21 developmental delays may require services beyond age three that



1 could be provided by the early intervention section of the
2 department of health.

3 The purpose of this Act is to provide a mechanism to study
4 the feasibility of expanding Hawaii's early intervention section
5 to continue services for children three to five years of age,
6 and if deemed appropriate, to develop the infrastructure and
7 support services necessary to provide continued services in the
8 natural environments.

9 SECTION 2. (a) There is established a Hawaii 3-5
10 transition task force to study the feasibility of expanding
11 Hawaii's early intervention section to continue services for
12 children three to five years of age.

13 (b) The members of the task force shall include:

14 (1) Representation from the neighbor islands, rural Oahu,
15 and underserved populations;

16 (2) At least one representative of:

17 (A) The department of health;

18 (B) The department of education;

19 (C) The department of human services;

20 (D) The governor's office;

21 (E) The Hawaii early intervention coordinating
22 council;



- 1 (F) The special education advisory council;
- 2 (G) The Hawaii state council on developmental
3 disabilities;
- 4 (H) The department of education's Section 619 state
5 and district coordinator;
- 6 (I) The Good Beginnings Alliance;
- 7 (J) Early intervention service providers;
- 8 (K) Head Start providers;
- 9 (L) The American Academy of Pediatrics, Hawaii
10 Chapter;
- 11 (M) The University of Hawaii, College of Education,
12 personnel preparation faculty;
- 13 (N) The Hawaii Association for the Education of Young
14 Children;
- 15 (O) Kia'i ka 'ike;
- 16 (P) An early childhood special education professional
17 development program; and
- 18 (Q) Parents of children who may require these
19 services;
- 20 (3) One member of the house of representatives appointed
21 by the speaker of the house; and



1 (4) One member of the senate appointed by the senate
2 president.

3 (c) The department of health shall convene the task force,
4 and the department of health and the department of education
5 shall provide staff support to the task force, as necessary.

6 (d) The members of the task force shall serve without
7 compensation but shall be reimbursed for necessary expenses,
8 including travel expenses incurred in the performance of their
9 duties.

10 (e) In completing the feasibility study, the task force
11 shall:

12 (1) Identify the potential number of children, on an
13 annual basis, who exit Part C, are eligible for Part B
14 Section 619, but may benefit from a longer transition
15 period and continued Part C services in the child's
16 natural environment or community-based settings;

17 (2) Identify the potential number of children, on an
18 annual basis, who exit Part C, are found not eligible
19 for Part B Section 619 services, but continue to have
20 developmental delays and who may benefit from
21 intervention services between the ages of three to
22 five;



- 1 (3) Identify the potential number of children, on an
2 annual basis, who have not received services through
3 part C, but are identified as having developmental
4 delays and who may benefit from intervention services
5 between the ages of three to five;
- 6 (4) Research evidence-based practices in order to define
7 service models for children between the ages of three
8 to five necessary to meet the needs of this
9 population;
- 10 (5) Define the array of services required for children
11 between the ages of three to five with developmental
12 delays;
- 13 (6) Based upon the potential number of children to be
14 served, derive resource and cost projections to
15 implement services; and
- 16 (7) Conduct a needs assessment of families focusing on
17 their experiences transitioning out of Part C, as well
18 as transitioning into Part B.
- 19 (f) The task force shall also:
- 20 (1) Project the length of time required to develop the
21 necessary resource pool to serve the targeted
22 population;



- 1 (2) Develop indicators for evaluation to assess the
2 outcomes of the early intervention system providing
3 services to children between the ages of three to five
4 year with developmental delays;
- 5 (3) Submit a report to the legislature no later than
6 twenty days prior to the convening of the 2008 regular
7 session. The report shall include:
- 8 (A) Recommendations regarding the feasibility of
9 expanding Hawaii's early intervention section to
10 serve children between the ages of three to five
11 years with developmental delays;
- 12 (B) If deemed feasible, recommendations as to
13 eligibility and service models, taking in
14 consideration the identified needs, recommended
15 best practices, resources and cost projections,
16 service payment (e.g., continuum of payment
17 options from no cost to families to partial
18 payment by families), and procedural safeguards
19 without adversely affecting the implementation of
20 Part C services;
- 21 (C) If recommended, additional information, including
22 eligibility criteria and programmatic, financing,



1 and evaluation requirements to implement an array
2 of appropriate service models for children
3 between the ages of three to five years with
4 developmental delays in natural and least
5 restrictive environments;

6 (D) An implementation plan; and

7 (E) Timeline to begin services; and

8 (4) Cease to exist upon the adjournment sine die of the
9 2008 regular session.

10 (g) The University of Hawai'i, center on disability
11 studies shall serve as the advisory committee facilitator and
12 shall provide the necessary research, as well as conduct the
13 needs assessment for the feasibility study.

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

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

20 SECTION 4. If any provision of this Act, or the
21 application thereof to any person or circumstance is in conflict
22 with federal requirements that are a prescribed condition for



1 the allocation of federal funds to the State, such provision of
2 this Act, or the application thereof to any person or
3 circumstance, shall be invalid; provided that the invalidity
4 does not affect other provisions or applications of the Act,
5 which can be given effect without the invalid provision or
6 application, and to this end the provisions of this Act are
7 severable.

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



Report Title:

Early Intervention Services; IDEA

Description:

Establishes a task force to study the feasibility of expanding Hawaii's early intervention section to continue services for children three to five years of age; appropriates funds. (SD1)