
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 with disabilities, three to five years of age. Part C
16 of the Individuals with Disabilities Education Improvement Act
17 directs states to provide early intervention services in the
18 child's natural environment, which may include the child's home



1 or other locations with their typically developing peers. Those
2 early intervention services, for infants and toddlers with
3 disabilities from birth to age three, and their families, may
4 include information and support to parents to increase their
5 knowledge about and ability to support their child's
6 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 to five years of age who exited Part C programs in 2004, were
18 eligible to receive services through Part B programs.

19 Hawaii's early intervention section of the department of
20 health is a federal and state mandated program that provides
21 services to support the development of children from birth to
22 three years of age, along with information and support for



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

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

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

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

19 (1) Representation from the neighbor islands, rural Oahu,
20 and underserved populations;

21 (2) At least one representative of:

22 (A) The department of health;



- 1 (B) The department of education;
- 2 (C) The department of human services;
- 3 (D) The office of the governor;
- 4 (E) The Hawaii early intervention coordinating
5 council;
- 6 (F) The special education advisory council;
- 7 (G) The Hawaii state council on developmental
8 disabilities;
- 9 (H) The department of education's Section 619 state
10 and district coordinator;
- 11 (I) The Good Beginnings Alliance;
- 12 (J) Early intervention service providers;
- 13 (K) Head Start providers;
- 14 (L) The American Academy of Pediatrics, Hawaii
15 Chapter;
- 16 (M) The University of Hawaii, College of Education,
17 personnel preparation faculty;
- 18 (N) The Hawaii Association for the Education of Young
19 Children;
- 20 (O) Kia'i ka 'ike;
- 21 (P) An early childhood special education professional
22 development program; and



- 1 (Q) Parents of children who may require these
2 services;
- 3 (3) One member of the house of representatives appointed
4 by the speaker of the house; and
- 5 (4) One member of the senate appointed by the senate
6 president.
- 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 to five;
- 8 (3) Identify the potential number of children, on an
9 annual basis, who have not received services through
10 Part C programs, but are identified as having
11 developmental delays and who may benefit from
12 intervention services between the ages of three to
13 five;
- 14 (4) Research evidence-based practices in order to define
15 service models for children between the ages of three
16 to five necessary to meet the needs of this
17 population;
- 18 (5) Define the array of services required for children
19 between the ages of three to five with developmental
20 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 to five
15 year with developmental delays;
- 16 (3) Submit a report to the legislature not later than
17 twenty days prior to the convening of the 2008 regular
18 session. The report shall include:
- 19 (A) Recommendations regarding the feasibility of
20 expanding Hawaii's early intervention section to
21 serve children between the ages of three to five
22 years with developmental delays;



- 1 (B) If deemed feasible, recommendations as to
- 2 eligibility and service models for the expansion
- 3 of the early intervention section, taking into
- 4 consideration the identified needs, recommended
- 5 best practices, resources and cost projections,
- 6 service payment (e.g., continuum of payment
- 7 options from no cost to families to partial
- 8 payment by families), and procedural safeguards
- 9 without adversely affecting the implementation of
- 10 Part C program services;
- 11 (C) If recommended, additional information, including
- 12 eligibility criteria and programmatic, financing,
- 13 and evaluation requirements to implement an array
- 14 of appropriate service models for children
- 15 between the ages of three to five years with
- 16 developmental delays in natural and least
- 17 restrictive environments;
- 18 (D) An implementation plan; and
- 19 (E) A timeline to begin services; and
- 20 (4) Cease to exist upon the adjournment sine die of the
- 21 2008 regular session.



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

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

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

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

21 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 services to continue services for children three to five years of age; appropriates funds. (SD2)

