

ACT 32

S.B. NO. 1459

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:*

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

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

On May 31, 2005, the State of Hawaii was deemed in compliance with the Felix Consent Decree, marking the end of federal court oversight for services including early intervention services. The department of health must continue to carry out its federal and state obligations to provide early intervention services for children age zero to three years with a developmental delay or biological or environmental risk, as mandated by part C of the Individuals with Disabilities Education Improvement Act of 2004 (P.L. 108-446), sections 321-351 to 321-357, Hawaii Revised Statutes, and the Hawaii early intervention state plan.

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

Due to an increased number of children referred for services, early intervention purchase-of-service programs are providing an increased number of multi-

disciplinary comprehensive developmental evaluations of a child's cognitive, physical, communication, social or emotional, and adaptive development.

To serve more children, current programs have expanded and three new purchase-of-service programs were added in windward, central, and leeward Oahu. These programs serve additional children who previously received therapy services from fee-for-service providers and care coordination from early intervention section, early childhood services programs, public health nurses, or healthy start; and additional children under age three years who are confirmed victims of child abuse or neglect, as required by the Individuals with Disabilities Education Improvement Act of 2004 and the Child Abuse Prevention and Treatment Act of 1974 (P.L. 93-247), reauthorized as the Keeping Children and Families Safe Act of 2003 (P.L. 108-36).

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

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

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

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$4,419,644, or so much thereof as may be necessary for fiscal year 2006-2007, to carry out the purposes of this Act.

SECTION 4. The sum appropriated shall be expended by the department of health.

SECTION 5. In accordance with article VII, section 9, of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the general fund expenditure ceiling for fiscal year 2006-2007 (established at \$5,357,987,705 on November 8, 2006) has already been exceeded by \$90,137,694, or 1.68 per cent. The appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 2006-2007 to be exceeded by an additional \$4,419,644 or an additional 0.082 per cent. The calculation contained in the foregoing sentence relates only to the amount of general funds appropriated in this Act for fiscal year 2006-2007. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 6. This Act shall take effect upon its approval.

(Approved April 23, 2007.)