

ACT 177

S.B. NO. 2476

A Bill for an Act Relating to Health.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that children who are deaf, hard of hearing, or deaf-blind have the same ability and capability to learn language as their peers who do not have a similar disability. The ability and right to develop language are central to the human experience and necessary prerequisites to literacy as well as cognitive, emotional, linguistic, academic, and social growth and the chance for children to evolve into healthy and productive members of society.

The legislature further finds that the department of health and the department of education are committed to collaborating to improve services for children who are deaf, hard of hearing, or deaf-blind so that they begin kindergarten with the necessary language skills to acquire the knowledge and academic competencies that will allow them to be successful in school and life.

The legislature further finds that under the Individuals with Disabilities Education Act (IDEA), P.L. 108-446:

- (1) The department of health, early intervention section is responsible, under part C, for the provision of early intervention services as iden-

- tified in the child's individualized family support plan to children from birth to age three years with special needs and their families;
- (2) The department of education is responsible, under part B, for the provision of special education and related services as identified in the child's individualized education program to children age three to five years with special needs; and
 - (3) The executive office on early learning is responsible for coordinating the early childhood education services in the pre-kindergarten program within the public school system.

The legislature further finds that children who are deaf, hard of hearing, or deaf-blind are diverse and include children with congenital or acquired hearing loss, unilateral and bilateral hearing loss, all degrees of hearing loss from minimal to profound, and all types of hearing loss.

The purpose of this Act is to:

- (1) Enhance early language services for children from birth to age five years who are deaf, hard of hearing, or deaf-blind within the department of health to support age-appropriate language development; and
- (2) Establish a working group for the purposes of investigating issues related to resources and tools for parents of children who are deaf, hard of hearing, or deaf-blind and improvements to the statewide system of services that support age-appropriate language development for children from birth to age five who are deaf, hard of hearing, or deaf-blind.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to part XXVIII to be appropriately designated and to read as follows:

“§321- Early language services for children who are deaf, hard of hearing, or deaf-blind. Early intervention services for infants and toddlers may include, but not be limited to, service providers and mentors of the deaf, hard of hearing, or deaf-blind who use American sign language; service providers and mentors of the deaf who use oral language; American sign language teachers for families of young children; family-to-family support; and training of early intervention providers.”

SECTION 3. (a) The department of health, department of education, and executive office on early learning shall establish and convene a working group for the purpose of making recommendations to the legislature on issues related to supporting age-appropriate development for children from birth to age five years who are deaf, hard of hearing, or deaf-blind. The working group shall include the following members to be selected by the director of health:

- (1) One parent of a child who is deaf, hard of hearing, or deaf-blind who uses American sign language;
- (2) One parent of a child who is deaf, hard of hearing, or deaf-blind who uses oral language;
- (3) One parent of a child who is deaf, hard of hearing, or deaf-blind who uses a cochlear implant device;
- (4) One parent of a child who is deaf-blind;
- (5) One individual who is deaf, hard of hearing, or deaf-blind who uses American sign language;
- (6) One individual who is deaf, hard of hearing, or deaf-blind who uses oral language;

- (7) One credentialed teacher who uses American sign language for children under age six years who are deaf, hard of hearing, or deaf-blind;
- (8) One credentialed teacher who uses oral language for children under age six years who are deaf, hard of hearing, or deaf-blind;
- (9) One early intervention specialist who works with infants and toddlers using American sign language;
- (10) One early intervention specialist who works with infants and toddlers using oral language;
- (11) One audiologist or speech language pathologist with knowledge of language assessment and intervention for children who are deaf, hard of hearing, or deaf-blind;
- (12) One representative from the English as a second language community;
- (13) One representative from the department of health disability and communication access board;
- (14) One representative from the department of health newborn hearing screening program;
- (15) One representative from the department of health early intervention section;
- (16) One representative from the department of education; and
- (17) One representative from the executive office on early learning.

Excluding the members who are parents of children who are deaf, hard of hearing, or deaf-blind, the majority of the remaining members shall be deaf, hard of hearing, or deaf-blind and represent the diversity of their community which includes deaf culture, hard of hearing, cochlear implant and hearing aid users, unilateral hearing loss, auditory neural hearing loss, and cultural diversity. At least one member shall be a representative from the county of Hawaii, Maui, or Kauai. At least one parent member shall be deaf, hard of hearing, or deaf-blind. Two parent members shall have children who are deaf, hard of hearing, or deaf-blind who are under six years of age at the time of appointment by the director of health.

(b) The working group shall examine, research, and make recommendations for the following:

- (1) A resource guide for parents of children who are deaf, hard of hearing, or deaf-blind that may include milestones of age-appropriate language development, websites related to deafness and hearing loss, national and state organizations and resources for families, terms and definitions related to deafness and hearing loss, and communication choices;
- (2) Tools used to assess and plan language development services for children from birth to age five years who are deaf, hard of hearing, or deaf-blind;
- (3) Data and the availability of data on the language and literacy development for children from birth to age five years who are deaf, hard of hearing, or deaf-blind;
- (4) Improvements concerning the statewide system of services that support age-appropriate language development for children from birth to age five years who are deaf, hard of hearing, or deaf-blind; and
- (5) Improvements concerning the transition of children at age three years from the department of health early intervention services to the department of education services.

(c) All activities of the departments of health and education in implementing this section shall be consistent with federal law regarding early intervention and the education of children with disabilities.

(d) The working group shall submit an interim report of its findings and recommendations, including any proposed legislation and a proposed extension of the working group, to the legislature no later than twenty days prior to the convening of the regular session of 2017, and a final report of the working group's findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2018.

(e) The working group shall cease to exist on June 30, 2018.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2016.

(Approved June 30, 2016.)

Note

1. Edited pursuant to HRS §23G-16.5.