
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 of 2004 (IDEA) provides that children
3 with 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. Also, under the federal No Child
7 Left Behind Act, states are held accountable for ensuring that
8 all children are afforded the opportunity to learn.

9 The free and appropriate public education provided by
10 Section 619 of Part B of the IDEA may include special education
11 and related services in the least restrictive environment for
12 children with disabilities who are three to five years of age.

13 Part C of IDEA directs states to provide early intervention
14 services in the child's natural environment, which may include
15 the child's home or other locations with their typically
16 developing peers. These early intervention services for infants
17 and toddlers with disabilities, from birth to age three, and



1 their families, may include providing information and support to
2 parents to increase their knowledge about and ability to support
3 their child's development.

4 Due to the complexity of the transition process for such
5 young children from Part C to Part B 619 programs, some eligible
6 children may benefit from a longer transition period and
7 continued services in the child's natural environment under Part
8 C rather than being placed under Part B.

9 Furthermore, due to the differences in eligibility criteria
10 between Part B and Part C, approximately twenty five per cent of
11 children three to five years of age who exited Part C in 2004,
12 were eligible to receive services through Part B.

13 As mandated by federal and state laws, the early
14 intervention section of the department of health provides
15 services to support the development of children from birth to
16 three years of age, and provides information and support for
17 parents to increase their knowledge about and ability to support
18 their child's development. However, children with developmental
19 delays may require services beyond the age of three that could
20 be provided by the early intervention section.

21 The purpose of this Act is to provide a mechanism to
22 determine the appropriateness of expanding Hawaii's early



1 intervention section to continue services for children three to
2 five years of age, and if deemed appropriate, to develop the
3 infrastructure and support necessary to provide these services
4 in the child's natural environment.

5 SECTION 2. (a) There is established a Hawaii 3-5
6 transition feasibility study to research the appropriateness of
7 expanding Hawaii's early intervention section to continue
8 services for children three to five years of age, and if deemed
9 appropriate, to design and develop an implementation plan to
10 provide a continuum of services for children three to five years
11 of age who may require services.

12 (b) The feasibility study shall be led by an advisory
13 committee including but not be limited to the following:

- 14 (1) A representative from the department of health;
15 (2) A representative from the department of education;
16 (3) The department of education 619 state/district
17 coordinator;
18 (4) A representative from the department of human
19 services;
20 (5) A representative from the Hawaii early intervention
21 coordinating council;



- 1 (6) A representative from the special education advisory
2 council;
- 3 (7) A representative from the Hawaii state council on
4 developmental disabilities;
- 5 (8) A representative from the Good Beginnings Alliance;
- 6 (9) A representative from the office of the governor;
- 7 (10) A representative of early intervention service
8 providers;
- 9 (11) A Head Start provider;
- 10 (12) A representative from the American Academy of
11 Pediatrics, Hawaii Chapter;
- 12 (13) A representative of the University of Hawaii college
13 of education's personnel preparation faculty;
- 14 (14) A representative from the University of Hawaii center
15 on disability studies;
- 16 (15) A representative from the Hawaii Association for the
17 Education of Young Children;
- 18 (16) A representative from Kia'i ka 'ike, which is an
19 organization of preschool and childcare directors
20 statewide;
- 21 (17) A representative from an early childhood special
22 education professional development program; and



1 (18) A representative of parents of children who may
2 require early intervention services.

3 (c) The advisory committee shall include representation
4 from the neighbor islands, rural Oahu, and underserved
5 populations.

6 (d) The University of Hawaii center on disability studies
7 shall serve as the facilitator of the advisory committee.

8 (e) The advisory committee may request assistance from the
9 departments of health and education and other state agencies as
10 necessary to provide staff support.

11 (f) The members of the advisory committee shall serve
12 without compensation but shall be reimbursed for necessary
13 expenses, including travel expenses incurred in the performance
14 of their duties.

15 (g) The feasibility study shall:

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

21 (2) Identify the potential number of children who, on an
22 annual basis, exit Part C and are found ineligible for



1 Part B Section 619 services, but who may benefit from
2 continued intervention services between the ages of
3 three to five;

4 (3) Identify the potential number of children who, on an
5 annual basis, are identified as having developmental
6 delays and have not received services through Part C,
7 but may benefit from intervention services between the
8 ages of three to five;

9 (4) Research evidence-based practices to define service
10 models necessary to meet the needs of children three
11 to five years of age;

12 (5) Define the array of services required for children
13 three to five years of age who have developmental
14 delays;

15 (6) Based upon the potential number of children to be
16 served, develop resource and cost projections for
17 services to be implemented; and

18 (7) Conduct a needs assessment of families as related to
19 their experiences of transitioning out of Part C and
20 transitioning into Part B.

- 1 (h) The advisory committee shall:
 - 2 (1) Submit recommendations to the legislature regarding
 - 3 the appropriateness of expanding Hawaii's early
 - 4 intervention section to serve children three to five
 - 5 years of age who have developmental delays;
 - 6 (2) If the expansion of the early intervention section is
 - 7 deemed appropriate, submit recommendations to the
 - 8 legislature on eligibility criteria and programmatic,
 - 9 financing, and evaluation requirements to implement an
 - 10 array of service models for a child's natural
 - 11 environment or the least restrictive environment,
 - 12 taking into consideration the identified needs,
 - 13 recommended best practices, resources and cost
 - 14 projections, service payment options including partial
 - 15 payment and no-payment options, and procedural
 - 16 safeguards without adversely affecting the
 - 17 implementation of Part C services;
 - 18 (3) Project the length of time required to develop the
 - 19 necessary resource pool to serve the targeted
 - 20 population; and
 - 21 (4) Develop indicators for evaluation to assess the
 - 22 outcomes of early intervention services provided to



1 children three to five years of age who have
2 developmental delays.

3 (i) The University of Hawaii center on disabilities shall
4 provide the necessary research and conduct the needs assessment
5 for the feasibility study.

6 (j) The advisory committee shall submit a preliminary
7 report to the legislature no later than twenty days prior to the
8 convening of the regular session of 2008, on the status of the
9 feasibility study regarding expansion of the early intervention
10 section to serve children three to five years of age who have
11 developmental delays.

12 (k) The advisory committee shall submit to the
13 legislature, no later than twenty days prior to the convening of
14 the regular session of 2009, its final recommendations,
15 including documentation, on the expansion of the early
16 intervention section to serve children three to five years of
17 age who have developmental delays.

18 (l) If the expansion of the early intervention section is
19 deemed appropriate, the advisory committee shall submit to the
20 legislature, by July 1, 2009, a final report to include an
21 implementation plan and timeline to begin services.



1 SECTION 3. It is not the intent of this Act to jeopardize
2 the State's receipt of any federal aid. If any part of this Act
3 is found to be in conflict with federal requirements that are a
4 prescribed condition for the allocation of federal funds to the
5 State, the conflicting part of this Act shall be deemed
6 inoperative solely to the extent of the conflict and with
7 respect to the agencies directly affected. The rules under this
8 Act shall meet the federal requirements that are a necessary
9 condition for the State to receive federal funds.

10 SECTION 4. If any provision of this Act, or the
11 application thereof to any person or circumstance is held
12 invalid, the invalidity does not affect other provisions or
13 applications of the Act, which can be given effect without the
14 invalid provision or application, and to this end the provisions
15 of this Act are severable.

16 SECTION 5. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so much
18 thereof as may be necessary for fiscal year 2007-2008 and the
19 same sum or so much thereof as may be necessary for fiscal year
20 2008-2009 for the department of health to achieve the outcomes
21 of the feasibility study described in section 2 of this Act.



1 The sums appropriated shall be expended by the department
2 of health for the purposes of this Act.

3 SECTION 6. This Act shall take effect on July 1, 2007.



Report Title:

Children; Early Intervention Services; Feasibility Study

Description:

Establishes and appropriates funds for a feasibility study to determine the appropriateness of expanding Hawaii's early intervention section to continue services for children three to five years of age, and if deemed appropriate, to design and develop an implementation plan to provide a continuum of services for children three to five years of age who may require services. (SB1176 HD1)

