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# 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 Act (IDEA) provides that children with disabilities  
3 are entitled to receive a free and appropriate public education.  
4 To the extent possible, children with special needs are to be  
5 provided with the same educational experiences as their  
6 non-disabled peers. Under the federal No Child Left Behind Act,  
7 states are held accountable for ensuring that all children are  
8 afforded the opportunity to learn.

9           Part B of the IDEA ensures free and appropriate public  
10 education that may include special education and related  
11 services in the least restrictive environment for children ages  
12 three to five with disabilities.

13           Part C of IDEA provides grants to states to provide early  
14 intervention services in the child's natural environment, which  
15 may include the child's home. Those early intervention services  
16 for infants and toddlers with disabilities, from birth to age  
17 three, and their families may include information and support to



1 parents to increase their knowledge about and ability to support  
2 their child's development.

3       Because of the complexity of the transition process for  
4 children at this early age from Part C to Part B programs, some  
5 eligible children may benefit from a longer transition period  
6 and continued services in the child's natural environment under  
7 Part C instead of placement under Part B, which mandates  
8 services to be provided in the least restrictive environment.

9       Further, due to the differences in eligibility criteria  
10 between Part B and Part C, there are some children ages three to  
11 five years of age who are ineligible to receive services through  
12 Part B or Part C but who could benefit from special education  
13 and/or related services.

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



1 intervention services of the department of health rather than  
2 those available through the department of education.

3 The purpose of this Act is to provide a mechanism to  
4 develop the infrastructure for support services provided to  
5 children ages three to five in natural and least restrictive  
6 environments.

7 SECTION 2. (a) There is established a Hawaii 3-5  
8 transition task force to research, design, and develop an  
9 implementation plan to provide a continuum of services for  
10 children ages three to five who may require early intervention,  
11 special education, and/or related services.

12 (b) The members of the task force shall include but not be  
13 limited to representatives from:

- 14 (1) The department of health;
- 15 (2) The department of education;
- 16 (3) The department of human services;
- 17 (4) The Hawaii early intervention coordinating council;
- 18 (5) The special education advisory council;
- 19 (6) The Hawaii state council on developmental  
20 disabilities;
- 21 (7) Early intervention service providers;
- 22 (8) Department of education service providers;



- 1 (9) Department of education 619 district coordinators;
  - 2 (10) A Head Start provider;
  - 3 (11) The American Academy of Pediatrics, Hawaii Chapter;
  - 4 (12) The University of Hawaii, center on disability
  - 5 studies;
  - 6 (13) The Hawaii Association for the Education of Young
  - 7 Children;
  - 8 (14) Kia'i ka 'ike (An organization of preschool/child care
  - 9 directors statewide);
  - 10 (15) An early childhood special education professional
  - 11 development program; and
  - 12 (16) Parents of children who may require these services.
- 13 (c) The task force shall also include one member of the
- 14 house of representatives appointed by the speaker of the house
- 15 and one member of the senate appointed by the senate president.
- 16 (d) The task force shall include representation from the
- 17 neighbor islands, rural Oahu, and underserved populations.
- 18 (d) The task force may request assistance from the
- 19 departments of health and education and other state agencies as
- 20 necessary to provide staff support.
- 21 (e) The members of the task force shall serve without
- 22 compensation but shall be reimbursed for necessary expenses,

1 including travel expenses incurred in the performance of their  
2 duties.

3 (f) The task force shall:

4 (1) Identify the potential number of children, on an  
5 annual basis, who may benefit from a longer transition  
6 period and continued services in the child's natural  
7 environment;

8 (2) Identify the potential number of children, on an  
9 annual basis, with developmental delays who may  
10 benefit from intervention services between the ages of  
11 three to five who are not eligible for Part B  
12 services;

13 (3) Define service models for children ages three to five  
14 necessary to support transition from Part C to Part B  
15 or to other programs;

16 (4) Define the array of services required for children  
17 ages three to five with developmental delay who are  
18 not eligible for Part B services;

19 (5) Based upon the potential number of children to be  
20 served, derive resource and cost projections to  
21 implement services;



- 1           (6) Project the length of time required to develop the  
2           necessary resource pool to serve the targeted  
3           population;
- 4           (7) Make recommendations as to eligibility and service  
5           models, based upon identified need, best practices,  
6           and resource and cost projections, without adversely  
7           affecting the implementation of Part C services; and
- 8           (8) Develop outcome indicators for evaluation to assess  
9           the outcomes of providing additional service models.
- 10          (g) The task force shall submit a report to the  
11 legislature no later than twenty days prior to the convening of  
12 the regular session of 2007, consisting of eligibility criteria  
13 and programmatic, financing, and evaluation requirements to  
14 implement an array of service models for children ages three to  
15 five in natural and least restrictive environments.

16          SECTION 3. It is the intent of this Act not to jeopardize  
17 the receipt by the State of any federal aid. If any part of  
18 this Act is found to be in conflict with federal requirements  
19 that are a prescribed condition for the allocation of federal  
20 funds to the State, the conflicting part of this Act is  
21 inoperative solely to the extent of the conflict and with  
22 respect to the agencies directly affected, and this finding does



1 not affect the operation of the remainder of the Act in its  
2 application to the agencies concerned. The rules under this Act  
3 shall meet the federal requirements that are a necessary  
4 condition to the receipt of federal funds by the State.

5 SECTION 4. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$75,000 or so much  
7 thereof as may be necessary for fiscal year 2006-2007 for the  
8 department of health to establish and facilitate the task force  
9 established in section 2 of this Act.

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

12 SECTION 5. This Act shall take effect on July 1, 2006.



**Report Title:**

Children; Early Intervention Services

SB 2724  
SD 2  
HD 1

**Description:**

Establishes a task force to research, design, and develop an implementation plan to develop a program for children aged three to five with developmental delays. Appropriates funds. (SB2724 HD1)

