
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 provides that children with disabilities are
3 entitled to receive a free and appropriate public education. To
4 the extent possible, children with special needs are to be
5 provided with the same educational experience 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 accorded the opportunity to learn.

9 Part C of the Individuals with Disabilities Education Act
10 provides early intervention services for infants and toddlers
11 with disabilities, from birth to age three, and their families,
12 along with grants to states to support programs for infants and
13 toddlers with disabilities.

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



1 support their children's development. However, Hawaii's
2 children with developmental delays, including Down Syndrome, may
3 require services beyond age three that may be better served by
4 the early intervention services of the department of health,
5 than by those available through the department of education.

6 The purpose of this Act is to extend the provisions of the
7 Early Intervention Section to encompass special needs children
8 with developmental delays from birth through kindergarten age.

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

12 "§321- Early intervention services for children with
13 developmental delays. The department shall develop a statewide,
14 coordinated, multidisciplinary program with a continuum of
15 services to meet the needs of children ages three to five years
16 with developmental delays, including Down syndrome, whose
17 developmental age is less than their chronological age. Parents
18 whose children are eligible for services under this section
19 instead may choose services available through the department of
20 education for their children."

21 SECTION 3. It is the intent of this Act not to jeopardize
22 the receipt by the State of any federal aid; if any part of this

1 Act is found to be in conflict with federal requirements that
 2 are a prescribed condition for the allocation of federal funds
 3 to the State, the conflicting part of this Act is inoperative
 4 solely to the extent of the conflict and with respect to the
 5 agencies directly affected, and this finding does not affect the
 6 operation of the remainder of the Act in its application to the
 7 agencies concerned. The rules under this Act shall meet the
 8 federal requirements that are a necessary condition to the
 9 receipt of federal funds by the State.

10 SECTION 4. There is appropriated out of the general
 11 revenues of the State of Hawaii the sum of \$, or so
 12 much thereof as may be necessary for fiscal year 2006-2007, for
 13 the department of health to establish a program to continue
 14 early intervention services for children between the ages of
 15 three and five years with developmental delays, including Down
 16 syndrome, who are chronologically ineligible for early
 17 intervention services for infants and toddlers with special
 18 needs, but whose developmental age is less than their
 19 chronological age.

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

1 SECTION 5. New statutory material is underscored.

2 SECTION 6. This Act shall take effect on July 1, 2006.

Report Title:

Children; Early Intervention Services

Description:

Directs the department of health to create an early intervention services program for children between age three and five with have developmental delays and whose developmental age is younger than their chronological age. Allows parents the option of choosing department of education programs instead. (SD1)

