

STAND. COM. REP. NO.

808

Honolulu, Hawaii

MAR 02 2007

RE: S.B. No. 1176
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committees on Health and Human Services and Public Housing, to which was referred S.B. No. 1176 entitled:

"A BILL FOR AN ACT RELATING TO CHILDREN,"

beg leave to report as follows:

The purpose of this measure is to ensure that infants or toddlers with disabilities have access to early intervention services through the age of seven.

The measure attempts to accomplish this purpose by amending Chapter 321, Hawaii Revised Statutes, to be in accordance with the federal mandate under Part C of the Individuals with Disabilities Education Improvement Act of 2004 pertaining to early intervention services for children from birth to three years of age.

Your Committees received testimony in support of this measure from Cure Autism Now Foundation, The Hawaii Down Syndrome Congress, and eleven individuals. Your Committees received testimony in opposition to this measure from the Department of Health, the State Council on Developmental Disabilities, Kapi'olani Child-at-risk Evaluation Program, and the Hawaii Early Intervention Coordinating Council. The Hawaii Family Support Institute submitted comments on this measure.

Your Committees find that the federal mandate under the Individuals with Disabilities Education Improvement Act of 2004 requires consistency in the state law. The Department of Health is responsible for ensuring that all children from birth to three



years of age with a developmental delay, biological risk, or environmental risk and their families receive early intervention services.

Your Committees further find that this measure excludes children with environmental risks, which is not in accordance with the federal mandate. In addition, this measure includes several other provisions that are inconsistent with Part C of the Individuals with Disabilities Education Improvement Act of 2004 that would put the State in violation of the federal mandates.

Accordingly, your Committees have amended this measure by:

- (1) Replacing the term "self-help skills" with the term "adaptive development";
- (2) Retaining toddlers and infants with special needs in the definition of "early intervention services";
- (3) Replacing the term "family service" with "family support";
- (4) Replacing the phrase "infant or toddler with a disability" with "infants and toddlers with special needs" and by making changes consistent with this amendment throughout the measure;
- (5) Retaining the definition of "infants and toddlers with special needs" to ensure that children with delayed development, biological risk, or environmental risk are not excluded;
- (6) Enabling parents of children with a disability aged three through five who are eligible for services under Part B of the Individuals with Disabilities Education Act and who previously received services under Part C to choose the continuation of early intervention services, which shall include an education component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, until such children enter, or are eligible under state law to enter elementary school; and
- (7) Changing the effective date to encourage further discussions.



As affirmed by the records of votes of the members of your Committees on Health and Human Services and Public Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1176, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1176, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Health and Human
Services and Public Housing,



SUZANNE CHUN OAKLAND, Chair


DAVID Y. IGE, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1176	HTH/HSP	2/28/07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
FUKUNAGA, Carol (VC)	✓			
BAKER, Rosalyn H.	✓			
MENOR, Ron				✓
WHALEN, Paul				✓
TOTAL	3			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency		

*Only one measure per Record of Votes

The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Human Services and Public Housing
HSP

Bill / Resolution No.:* SB 1176	Committee Referral: HTH/HSP	Date: 2-28-07
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
HOOSER, Gary L.				✓
SAKAMOTO, Norman	✓			
HEMMINGS, Fred				✓
TOTAL	3	0	0	2

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:

Distribution:
Original
Yellow
Pink
File with Committee Report
Clerk's Office
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