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# A BILL FOR AN ACT

RELATING TO EARLY CHILDHOOD EDUCATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the federal  
2 Individuals with Disabilities Education Act (Public Law 108-446,  
3 reauthorized 2004) governs how states and public agencies  
4 provide early intervention, special education, and related  
5 services to infants, toddlers, children, and youth with  
6 disabilities. The Individuals with Disabilities Education Act  
7 requires that, to the maximum extent appropriate, children with  
8 disabilities be educated in the least restrictive environment  
9 with children who are non-disabled.

10           The legislature also finds that including children with  
11 disabilities in natural settings within their communities helps  
12 them to develop a higher level of socialization; gain language,  
13 motor, and cognitive skills; and improve play skills. The  
14 legislature further finds that the department of education has  
15 extremely limited opportunities for preschool age children with  
16 developmental delay to interact with their typically developing  
17 peers. The philosophy of including special needs preschoolers  
18 in learning environments with non-disabled children is supported



1 by the Council for Exceptional Children and the National  
2 Association for the Education of Young Children.

3 The legislature further finds that the concept of universal  
4 design, which is an approach that maximizes usability of  
5 products, services, and environments for as many people as  
6 possible regardless of age, ability, or situation, is an  
7 approach that would benefit Hawaii's preschools. With universal  
8 design, a minority of students will need "special"  
9 accommodations.

10 The department of education currently has no regular  
11 education preschool programs that can adequately provide  
12 opportunities for inclusion. However, the department of  
13 education has limited partnerships with Head Start and private  
14 preschools to provide opportunities for special needs  
15 preschoolers to interact with their non-disabled peers. These  
16 extremely limited opportunities are not sufficient to meet the  
17 needs of all of Hawaii's preschoolers who could benefit from  
18 inclusive settings.

19 The purpose of this Act is to increase opportunities for  
20 special needs preschoolers to interact with their non-disabled  
21 peers.



1 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 **"§302A- Inclusion opportunities for special needs**  
5 **preschoolers.** (a) The department of education quality early  
6 education plan, pursuant to section 302A-410, shall include  
7 opportunities for special needs preschoolers who are between  
8 three to five years old to interact with their non-disabled  
9 peers. The department shall collaborate with parents and  
10 private providers to increase opportunities and implement  
11 classes that include both special education eligible students  
12 and general education students, subject to available resources  
13 and individualized education plans.

14 (b) A special education eligible student may receive  
15 services in a private preschool program that is located on a  
16 public school site or in the community, if the services are  
17 required by the student's individualized education program.

18 (c) Special education personnel may provide services at  
19 any preschool site, as provided in a student's individualized  
20 education plan. Special education personnel may also provide  
21 services to general education students in a special education  
22 classroom."



1 SECTION 3. The department of education and the department  
2 of human services shall consider the following options in their  
3 efforts to include special needs preschoolers in general  
4 education preschool programs:

5 (1) Increases in preschool program tuition subsidies to  
6 enable all parents, including those of children with  
7 disabilities, to access preschool programs offered by  
8 the department of human services;

9 (2) Additional contracts to purchase services for five to  
10 six slots per preschool for special needs children to  
11 receive special education and related services under  
12 part B of the Individuals with Disabilities Act;

13 (3) Intervention specialist services for students who are  
14 unilaterally placed in preschools in the community by  
15 their parents;

16 (4) Partnerships among private and public preschool  
17 programs to meet personnel needs, including but not  
18 limited to, the hiring of teachers who are dually  
19 certified in early childhood education and special  
20 education, educational assistants, or other necessary  
21 staff; and



1 (5) Pre-service and in-service training opportunities for  
 2 early childhood professionals to incorporate the  
 3 concept of universal design in education to prepare  
 4 them to teach all children utilizing an approach that  
 5 provides learners with a variety of ways to access and  
 6 process information.

7 SECTION 4. There is appropriated out of the general  
 8 revenues of the State of Hawaii the sum of \$ or so  
 9 much thereof as may be necessary for fiscal year 2008-2009 to  
 10 increase opportunities for special needs preschoolers to  
 11 interact with their non-disabled peers.

12 The sum appropriated shall be expended by the department of  
 13 education and the department of human services, as appropriate,  
 14 for the purposes of this Act.

15 SECTION 5. New statutory material is underscored.

16 SECTION 6. This Act shall take effect on July 1, 2008.

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**Report Title:**

Early Childhood Education; Preschool; Special Needs

**Description:**

Requires the department of education to increase opportunities for special needs preschoolers to interact with their non-disabled peers. Appropriates funds.

