
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 not disabled.

10 The legislature also finds that including children with
11 disabilities in natural settings within their communities helps
12 them develop a higher level of socialization; gain language,
13 motor, and cognitive skills; and improve play skills. The
14 philosophy of including special needs preschoolers in learning
15 environments with non-disabled children is supported by the
16 Council for Exceptional Children and the National Association
17 for the Education of Young Children.



1 However, the legislature finds that the department of
2 education has extremely limited opportunities for preschool-age
3 children with developmental delay to interact with their
4 typically-developing peers. The limited partnerships between
5 the department of education and Head Start and private
6 preschools alone do not sufficiently meet the needs of all
7 Hawaii preschoolers who could benefit from inclusive settings.

8 The legislature notes that the concept of universal design,
9 which is an approach that maximizes usability of products,
10 services, and environments for as many people as possible
11 regardless of age, ability, or situation, is an approach that
12 would benefit Hawaii's preschools. With universal design, a
13 minority of students will need "special" accommodations.

14 The purpose of this Act is to increase opportunities for
15 special needs preschoolers to interact with their non-disabled
16 peers.

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

20 "§302A- Inclusion opportunities for special needs
21 preschoolers. (a) The department of education quality early
22 education plan, pursuant to section 302A-410, shall include



1 opportunities for special needs preschoolers who are between the
2 ages of three and five to interact with their non-disabled
3 peers. The department shall collaborate with parents and
4 private providers to increase opportunities and implement
5 classes that include both special education-eligible students
6 and general education students, subject to available resources
7 and individualized education plans.

8 (b) A special education-eligible student may receive
9 special education and related services in a private preschool
10 program that is located on a public school site or in the
11 community, if the services are required by the student's
12 individualized education program.

13 (c) Special education personnel may provide services as
14 provided in a student's individualized education plan at any
15 preschool site. Special education personnel may also provide
16 services to general education students in a special education
17 classroom."

18 SECTION 3. The department of education and the department
19 of human services shall consider the following options in their
20 efforts to include special needs preschoolers in general
21 education preschool programs:



- 1 (1) Increases in preschool program tuition subsidies to
2 enable all parents, including those of children with
3 disabilities, to access preschool programs offered by
4 the department of human services;
- 5 (2) Additional contracts to purchase services for five to
6 six slots per preschool for special needs children to
7 receive special education and related services under
8 part B of the Individuals with Disabilities Act;
- 9 (3) Intervention specialist services for students who are
10 unilaterally placed in preschools in the community by
11 their parents;
- 12 (4) Partnerships among private and public preschool
13 programs to meet personnel needs, including but not
14 limited to the hiring of teachers who are dually
15 certified in early childhood education and special
16 education, educational assistants, or other necessary
17 staff; and
- 18 (5) Pre-service and in-service training opportunities for
19 early childhood professionals to incorporate the
20 concept of universal design in education to prepare
21 them to teach all children using an approach that



1 provides learners with a variety of ways to access and
2 process information.

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

8 The sum appropriated shall be expended by the department of
9 education and the department of human services, as appropriate,
10 for the purposes of this Act.

11 SECTION 5. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so much
13 thereof as may be necessary for fiscal year 2008-2009 for
14 services to general education students in a special education
15 classroom.

16 The sum appropriated shall be expended by the department of
17 education for the purposes of this Act.

18 SECTION 6. New statutory material is underscored.

19 SECTION 7. This Act shall take effect on July 1, 2008.



Report Title:

Early Childhood Education; Special Needs

Description:

Requires DOE to increase opportunities for special needs preschoolers to interact with their non-disabled peers. Appropriates funds. (HB2435 HD1)

