
A BILL FOR AN ACT

RELATING TO CHILDREN.

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

1 SECTION 1. Section 321-351, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 "Developmental delay" means a significant delay in one or
6 more of the following areas of development: cognition, speech,
7 language, physical, motor, vision, hearing, psychosocial, or
8 adaptive development."

9 2. By amending the definition of "early intervention
10 services" to read:

11 "Early intervention services" means services ~~[which]~~
12 that:

13 (1) Are provided under public supervision;
14 (2) Are provided at no cost, except where federal or state
15 law provides for a system of payments by families,
16 including a sliding fee schedule;

17 (3) Are designed to meet the developmental needs of
18 infants and toddlers with special needs, which include



1 but are not limited to an infant or toddler with a
 2 disability as identified by the individualized family
 3 support plan team, in one or more of the following
 4 areas: physical development, cognitive development,
 5 [and self-help skills,] communication development,
 6 social or emotional development, or adaptive
 7 development;

8 (4) Are provided by qualified professional and
 9 paraprofessional personnel;

10 (5) Are provided in conformity with an individualized
 11 family support plan; ~~and~~

12 (6) Include ~~[but are not limited to]~~: family support~~[-]~~
 13 training, counseling, and home visits; special
 14 instruction; ~~[speech]~~ speech-language pathology and
 15 audiology~~[-]~~ services, and sign language and cued
 16 language services; occupational therapy; physical
 17 therapy; psychological services; case management
 18 services; medical services only for diagnostic or
 19 evaluation purposes; early identification, screening,
 20 and assessment services; ~~and~~ health services
 21 necessary to enable the infant or toddler to benefit
 22 from the other early intervention services~~[-]~~; social



1 work services; vision services; assistive technology
2 devices and assistive technology services; and
3 transportation and related costs that are necessary to
4 enable an infant or toddler and the infant's or
5 toddler's family to receive another service described
6 in this paragraph; and

7 (7) To the maximum extent appropriate, are provided in
8 natural environments, including the home and community
9 settings in which children without disabilities
10 participate."

11 3. By repealing the definition of "delayed development".

12 ~~["Delayed development" means a significant delay in one or~~
13 ~~more of the following areas of development: cognition, speech,~~
14 ~~language, physical, motor, vision, hearing, psychosocial, or~~
15 ~~self-help skills."]~~

16 SECTION 2. Section 321-357, Hawaii Revised Statutes, is
17 amended to read as follows:

18 " [f] §321-357 [f] **Early intervention funds; purpose and use.**

19 (a) The purpose of the early intervention special fund and
20 early intervention trust fund is to expand and enhance early
21 intervention services for infants and toddlers with special
22 needs by providing a cooperative funding mechanism between the



1 public and private sectors to work together to make and secure
2 appropriations and donations to the funds.

3 (b) The department may procure services under chapters
4 103D and 103F in accordance with criteria and procedures
5 established by rules adopted pursuant to chapter 91, for
6 community-based, family-centered, early intervention services,
7 including but not limited to:

- 8 (1) Programs to provide early intervention services for
9 infants and toddlers with developmental delays or at
10 biological or environmental risk;
- 11 (2) Family support programs to strengthen families to
12 reduce the risk of child abuse and neglect;
- 13 (3) Training and education for professionals,
14 paraprofessionals, and families; and
- 15 (4) Research, evaluation, and data management related to
16 early intervention services.

17 (c) Services to be procured under this section shall be in
18 accordance with chapters 103D and 103F and take the following
19 forms:

- 20 (1) Purchase of service contracts to private nonprofit
21 organizations, public agencies, or qualified



1 individuals to provide community-based, family-
2 centered, early intervention services; or

3 (2) Direct payments for services, educational materials,
4 training, quality assurance, equipment, data
5 collection, and program evaluation.

6 (d) The statewide system to serve children three years of
7 age until entrance into elementary school may include a policy,
8 developed and implemented jointly by the early intervention
9 section of the department of health and department of education,
10 under which parents of children with disabilities who are
11 eligible for services under the Individuals with Disabilities
12 Education Act of 2004, Part B, §619, and who previously received
13 services under the Individuals with Disabilities Education Act
14 of 2004, Part C, Early Intervention Services, may choose the
15 continuation of early intervention services for their children
16 under this part until the children enter, or are eligible under
17 State law to enter, kindergarten.

18 The statewide system shall ensure that:

19 (1) Parents of children with disabilities who are served
20 pursuant to this subsection are provided annual notice
21 that contains:



1 (A) A description of the rights of the parents to
2 elect to receive services with the early
3 intervention section of the department of health
4 or with the department of education; and

5 (B) An explanation of the differences between the
6 services provided by the early intervention
7 section of the department of health and by the
8 department of education, including types of
9 services and the locations at which the services
10 are provided; applicable procedural safeguards;
11 and possible costs, including any fees to be
12 charged to families as described in section
13 632(4) (B), to parents of infants or toddlers with
14 disabilities;

15 (2) Services provided pursuant to this subsection include
16 an educational component that promotes school
17 readiness and incorporates pre-literacy, language, and
18 numeracy skills;

19 (3) The state policy shall not affect the right of any
20 child served pursuant to this subsection to receive a
21 free appropriate public education under Part B as
22 provided by the department of education;



1 (4) All early intervention services outlined in a child's
2 individualized family support plan are continued while
3 any eligibility determination is being made for
4 services under this subsection; and

5 (5) The parents of infants or toddlers with disabilities,
6 as defined in section 632(5)(A) provide informed,
7 written consent to the State, before the infants or
8 toddlers reach three years of age, as to whether the
9 parents intend to choose to continue early
10 intervention services for their infants or toddlers.

11 [~~d~~] (e) The Hawaii early intervention coordinating
12 council shall make recommendations to the department for the
13 expenditure of moneys from the funds."

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Early Intervention Services; IDEA

Description:

Amends the early intervention services law to be consistent with the reauthorized Individuals with Disabilities Education Act of 2004. (HB531 HD2)

