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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF EDUCATION  
TO PROVIDE A COMPREHENSIVE REPORT OF POST FELIX CONSENT  
DECREE CHILD AND ADOLESCENT MENTAL HEALTH SERVICES AND  
FUNDING.

1           WHEREAS, the Felix v. Cayetano Consent Decree (Consent  
2 Decree) mandated fundamental change, wherever necessary, to  
3 provide educational, mental health, and related services to  
4 disabled children that satisfies the law and the principles of  
5 the Child and Adolescent Service System Program; and

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7           WHEREAS, the Consent Decree provided that eligible children  
8 receive free and appropriate public education, as required under  
9 the federal Individuals with Disabilities Education Act and the  
10 Rehabilitation Act of 1973, Section 504, and that the system  
11 provide a continuum of services, programs, and placements  
12 according to family- and child-centered principles; and

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14           WHEREAS, to benefit from their education, the Consent  
15 Decree mandated that the State identify children and youth ages  
16 0-20 who are in need of behavioral and emotional support, and to  
17 provide adequate and timely intervention and delivery of  
18 culturally relevant services in home-based, school-based, and  
19 community-based settings; and

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21           WHEREAS, by June 30, 2000, the State was obligated to  
22 design and implement a system of care that functions in  
23 accordance with the standards and operating principles of the  
24 Consent Decree, which was terminated in 2006; and

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26           WHEREAS, despite the removal of court oversight, there are  
27 critical issues that have been identified that need more  
28 attention at this point in time by the Department of Health  
29 (DOH) and Department of Education (DOE), including:  
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- 1 (1) Providing consistent and appropriate quality services;
- 2
- 3 (2) Lack of service system development in certain areas in
- 4 the state;
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- 6 (3) Lack of accountability systems; and
- 7
- 8 (4) The numbers of children being sent to mainland
- 9 placement because of lack of local alternatives;

10  
11 and

12  
13 WHEREAS, budgetary shortfalls and lack of oversight at DOH  
14 and DOE may contribute to inadequate services and infrastructure  
15 to build and maintain an adequate system of care; and

16  
17 WHEREAS, the No Child Left Behind Act requires schools to  
18 focus on annual progress and test children with disabilities at  
19 grade level rather than at their developmental level, resulting  
20 in DOE's shift in focus from services to children with mental  
21 health needs to meeting annual progress and test scores; now,  
22 therefore,

23  
24 BE IT RESOLVED by the House of Representatives of the  
25 Twenty-fourth Legislature of the State of Hawaii, Regular  
26 Session of 2008, the Senate concurring, that DOH, in  
27 coordination with DOE, is requested to provide a comprehensive  
28 report of post Consent Decree child and adolescent mental health  
29 services and funding; and

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31 BE IT FURTHER RESOLVED that DOH and DOE include in the  
32 report:

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- 34 (1) The funding levels of child and adolescent mental
- 35 health and special education services, currently, and
- 36 also while DOH and DOE were operating under court
- 37 oversight, including identifying all state, federal,
- 38 and federal matching dollar streams of funding;
- 39
- 40 (2) The numbers of children with mental health needs
- 41 served and client outcomes, currently, and also while
- 42 the DOH and DOE were operating under court oversight
- 43 and currently; and
- 44

1 (3) The number of vacant positions, along with issues  
2 related to filling vacant positions within DOE, and  
3 similar information provided by the Department of  
4 Human Resources Development for filling vacant  
5 positions within DOH's Child and Adolescent Mental  
6 Health Division;

7  
8 and

9  
10 BE IT FURTHER RESOLVED that the DOH and DOE consider the  
11 development of a quality assurance process that includes  
12 community advocates, and a paid staff person to provide progress  
13 reports on the development of the quality assurance process; and  
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15 BE IT FURTHER RESOLVED that reports related to the above  
16 issues be submitted to the Legislature no later than 60 days  
17 prior to the convening of the Regular Session of 2009; and  
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19 BE IT FURTHER RESOLVED that certified copies of this  
20 Concurrent Resolution be transmitted to the Governor,  
21 Superintendent of Education, Chairperson of the Board of  
22 Education, Director of Health, Director of Human Resources  
23 Development, Director of Human Services, Chairperson of the  
24 Child and Adolescent Mental Health Task Force, and President and  
25 Chief Executive Officer of Mental Health America of Hawaii.  
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OFFERED BY: \_\_\_\_\_

*John M. ...*  
*John M. ...*

MAR 11 2008

