
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;
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- 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;

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11 and

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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

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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,

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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;
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- 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
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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;

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8 and

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10 BE IT FURTHER RESOLVED that reports related to the above
11 issues be submitted to the Legislature no later than 60 days
12 prior to the convening of the Regular Session of 2009; and

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14 BE IT FURTHER RESOLVED that certified copies of this
15 Concurrent Resolution be transmitted to the Governor,
16 Superintendent of Education, Chairperson of the Board of
17 Education, Director of Health, Director of Human Resources
18 Development, Director of Human Services, Chairperson of the
19 Child and Adolescent Mental Health Task Force, and President and
20 Chief Executive Officer of Mental Health America of Hawaii.

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