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## HOUSE 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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31           (1) Providing consistent and appropriate quality services;  
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- 1           (2) Lack of service system development in certain areas in
- 2           the state;
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- 4           (3) Lack of accountability systems; and
- 5
- 6           (4) The numbers of children being sent to mainland
- 7           placement because of lack of local alternatives;
- 8

9 and

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11           WHEREAS, budgetary shortfalls and lack of oversight at DOH

12 and DOE may contribute to inadequate services and infrastructure

13 to build and maintain an adequate system of care; and

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15           WHEREAS, the No Child Left Behind Act requires schools to

16 focus on annual progress and test children with disabilities at

17 grade level rather than at their developmental level, resulting

18 in DOE's shift in focus from services to children with mental

19 health needs to meeting annual progress and test scores; now,

20 therefore,

21

22           BE IT RESOLVED by the House of Representatives of the

23 Twenty-fourth Legislature of the State of Hawaii, Regular

24 Session of 2008, that DOH, in coordination with DOE, is

25 requested to provide a comprehensive report of post Consent

26 Decree child and adolescent mental health services and funding;

27 and

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29           BE IT FURTHER RESOLVED that DOH and DOE include in the

30 report:

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



1 similar information provided by the Department of  
2 Human Resources Development for filling vacant  
3 positions within DOH's Child and Adolescent Mental  
4 Health Division;

5  
6 and

7  
8 BE IT FURTHER RESOLVED that the DOH and DOE consider the  
9 development of a quality assurance process that includes  
10 community advocates, and a paid staff person to provide progress  
11 reports on the development of the quality assurance process; and  
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13 BE IT FURTHER RESOLVED that reports related to the above  
14 issues be submitted to this body no later than 60 days prior to  
15 the convening of the Regular Session of 2009; and  
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17 BE IT FURTHER RESOLVED that certified copies of this  
18 Resolution be transmitted to the Governor, Superintendent of  
19 Education, Chairperson of the Board of Education, Director of  
20 Health, Director of Human Resources Development, Director of  
21 Human Services, Chairperson of the Child and Adolescent Mental  
22 Health Task Force, and President and Chief Executive Officer of  
23 Mental Health America of Hawaii.  
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OFFERED BY:

*John M. ...*  
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MAR 11 2008

