
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

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6 (4) The numbers of children being sent to mainland
7 placement because of lack of local alternatives;

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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,

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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;

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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

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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;

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6 and

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8 BE IT FURTHER RESOLVED that reports related to the above
9 issues be submitted to this body no later than 60 days prior to
10 the convening of the Regular Session of 2009; and

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

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