

JAN 19 2007

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# 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 to read as follows:

3           "[-]§321-351[+] **Definitions.** As used in this part, unless  
4 the context requires otherwise:

5           "Biological risk" means prenatal, perinatal, neonatal, or  
6 early developmental events suggestive of biological insults to  
7 the developing central nervous system which increase the  
8 probability of delayed development.

9           + "Case management" means an ongoing service of shared  
10 responsibility between families and professionals that  
11 identifies needs and assists in obtaining coordinated,  
12 appropriate services and resources.

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

17           "Department" means the department of health.



1        "Developmental delay" means a significant delay in one or  
2 more of the following areas of development: cognition, speech,  
3 language, physical, motor, vision, hearing, psychosocial, or  
4 self-help skills.

5        "Director" means the director of health.

6        "Early intervention services" means services which:

- 7        (1) Are provided under public supervision;
- 8        (2) Are provided at no cost, except where federal or state  
9            law provides for a system of payments by families,  
10            including a sliding fee schedule;
- 11        (3) Are designed to meet the developmental needs of  
12            ~~[infants and toddlers with special needs, which~~  
13            ~~include but are not limited to]~~ an infant or toddler  
14            with a disability as identified by the individualized  
15            family service plan team, in one or more of the  
16            following areas: physical development, cognitive  
17            development, [and self-help skills,] communication  
18            development, social or emotional development, or  
19            adaptive development;
- 20        (4) Are provided by qualified professional and  
21            paraprofessional personnel;



- 1 (5) Are provided in conformity with an individualized  
2 family [~~support~~] service plan; [~~and~~]
- 3 (6) Include [~~but are not limited to~~]: family [~~support~~]  
4 training, counseling, and home visits; special  
5 instruction; [~~speech~~] speech-language pathology and  
6 audiology services, and sign language and cued  
7 language services; occupational therapy; physical  
8 therapy; psychological services; case management  
9 services; medical services only for diagnostic or  
10 evaluation purposes; early identification, screening,  
11 and assessment services; [~~and~~] health services  
12 necessary to enable the infant or toddler to benefit  
13 from the other early intervention services[~~-~~]; social  
14 work services; vision services; assistive technology  
15 devices and assistive technology services; and  
16 transportation and related costs that are necessary to  
17 enable an infant or toddler and the infant's or  
18 toddler's family to receive another service; and
- 19 (7) To the maximum extent appropriate, are provided in  
20 natural environments, including the home, and  
21 community settings in which children without  
22 disabilities participate.



1 "Environmental risk" means physical, social, or economic  
2 factors which may limit development. Environmental risk  
3 includes [~~but is not limited to~~] the following conditions:

- 4 (1) Birthweight between 1,500 and 2,500 grams, in  
5 combination with any other environmental risk factor;
- 6 (2) Parental age less than sixteen;
- 7 (3) Parental age between sixteen and eighteen and less  
8 than a high school education in combination with any  
9 other environmental risk factor;
- 10 (4) Any existing physical, developmental, emotional, or  
11 psychiatric disability in a primary caregiver;
- 12 (5) Presence of physical, developmental, emotional, or  
13 psychiatric disability in a sibling or any other  
14 family member in the home in combination with any  
15 other environmental risk factor;
- 16 (6) Abuse of any legal or illegal substance by a primary  
17 caregiver;
- 18 (7) Child abuse and neglect of target child or siblings;
- 19 (8) Economically disadvantaged family in combination with  
20 any other environmental risk factor;
- 21 (9) Single parent in combination with any other  
22 environmental risk factor; and



1           (10)   Incarceration of a primary caregiver in combination  
2                   with any other environmental risk factor.

3           ~~["Individual family support plan"]~~ "Individualized family  
4 service plan" means a dynamic, voluntary plan of action and  
5 support developed by families and professionals that emanates  
6 from the families' expressions of needs and goals.

7           ~~["Infants and toddlers with special needs" means infants~~  
8 ~~and toddlers from birth to the age of three with delayed~~  
9 ~~development, biological risk, or environmental risk.]~~

10           "Infant or toddler with a disability" means:

11           (1) An individual under the age of three who needs early  
12 intervention services because the individual:

13           (A) Is experiencing developmental delays as measured  
14 by appropriate diagnostic instruments and  
15 procedures in one or more of the areas of  
16 cognitive development, physical development,  
17 communication development, social or emotional  
18 development, and adaptive development; or

19           (B) Has a diagnosed physical or mental condition that  
20 has a high probability of resulting in  
21 developmental delay; or



1        (2) An individual with a disability aged three through  
2        five who previously received early intervention  
3        services and is not eligible to enter kindergarten or  
4        elementary school."

5        SECTION 2. Section 321-352, Hawaii Revised Statutes, is  
6        amended to read as follows:

7        "**§321-352 Early intervention services for [~~infants and~~**  
8        **~~toddlers with special needs]~~ infants or toddlers with**  
9        **disabilities.** The department may develop a statewide,  
10        coordinated, multidisciplinary program which contains a  
11        continuum of services to meet the needs of infants [~~and~~] or  
12        toddlers with [~~special needs]~~ disabilities. The department  
13        shall be the lead agency for the coordination of federal and  
14        state funding for those programs. Pursuant to chapter 103F, the  
15        department may purchase services appropriate to carry out  
16        activities under this part."

17        SECTION 3. Section 321-353, Hawaii Revised Statutes, is  
18        amended to read as follows:

19        "**§321-353 Hawaii early intervention coordinating council;**  
20        **establishment.** (a) There is established within the department  
21        for administrative purposes the Hawaii early intervention  
22        coordinating council. Members shall be appointed for three-year



1 terms by the governor without the necessity of the advice and  
2 consent of the senate. The membership of the council shall  
3 consist of fifteen members selected from the following:

4 (1) At least three parents of infants, toddlers, or  
5 children under the age of seven with [~~special needs~~]  
6 disabilities;

7 (2) At least three public or private providers of early  
8 intervention services;

9 (3) At least one representative from the legislature;

10 (4) At least one person involved in personnel preparation;

11 (5) At least one member representing the department of  
12 education;

13 (6) At least one member representing the department of  
14 human services;

15 (7) At least one member representing the office of the  
16 governor; and

17 (8) Other members representing private or public agencies  
18 involved in or interested in the payment for or  
19 provision of services to infants [~~and~~] or toddlers  
20 with [~~special needs~~] disabilities and their families.

21 Any vacancy on the council shall be filled in the same  
22 manner in which the original position was filled.



1 (b) The council shall elect its officers, and eight  
2 members shall constitute a quorum. Members shall serve without  
3 compensation but shall be reimbursed for expenses, including  
4 travel expenses, necessary for the performance of their duties.

5 (c) The council shall meet at least quarterly and in such  
6 places as it deems necessary. The meetings shall be publicly  
7 announced, and be open and accessible to the general public.

8 (d) The council shall perform the following functions:

- 9 (1) Advise and assist the director in the identification  
10 of the sources of fiscal and other support for  
11 services for early intervention programs, assignment  
12 of financial responsibility to the appropriate agency,  
13 and the promotion of the interagency agreements;
- 14 (2) Advise and assist the department in the preparation of  
15 applications and amendments thereto; and
- 16 (3) Prepare and submit an annual report to the governor on  
17 the status of early intervention programs for infants  
18 [and] or toddlers with [~~special-needs~~] disabilities  
19 and their families within the State."

20 SECTION 4. Section 321-357, Hawaii Revised Statutes, is  
21 amended to read as follows:





1 " ~~[+]~~ §321-357 ~~[+]~~ Early intervention funds; purpose and use.

2 (a) The purpose of the early intervention special fund and  
3 early intervention trust fund is to expand and enhance early  
4 intervention services for infants ~~[and]~~ or toddlers with  
5 ~~[special-needs]~~ disabilities by providing a cooperative funding  
6 mechanism between the public and private sectors to work  
7 together to make and secure appropriations and donations to the  
8 funds.

9 (b) The department may procure services under chapters  
10 103D and 103F in accordance with criteria and procedures  
11 established by rules adopted pursuant to chapter 91, for  
12 community-based, family-centered, early intervention services  
13 including ~~[but not limited to]~~:

14 (1) Programs to provide early intervention services for  
15 infants and toddlers with developmental delays or at  
16 biological or environmental risk;

17 (2) Family support programs to strengthen families to  
18 reduce the risk of child abuse and neglect;

19 (3) Training and education for professionals,  
20 paraprofessionals, and families; and

21 (4) Research, evaluation, and data management related to  
22 early intervention services.



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

4 (1) Purchase of service contracts to private nonprofit  
5 organizations, public agencies, or qualified  
6 individuals to provide community-based, family-  
7 centered, early intervention services; or

8 (2) Direct payments for services, educational materials,  
9 training, quality assurance, equipment, data  
10 collection, and program evaluation.

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

14 SECTION 5. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect upon its approval.  
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INTRODUCED BY: Enzanne Chun Oalland

*Assembly of Pele*  
*Will Eyo*  
*Norman Skomp*  
*Mike Hubbard*  
*Carol Fukunaga*  
*S.S.H.*



**Report Title:**  
Children; IDEA

**Description:**  
Amends early intervention services law to be consistent with the reauthorized Individuals with Disabilities Education Act of 2004.