
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 adaptive development.

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 include
13 but are not limited to an infant or toddler with a
14 disability as identified by the individualized family
15 support plan team, in one or more of the following
16 areas: physical development, cognitive development,
17 [and self-help skills,] adaptive development,
18 communication development, social or emotional
19 development;

20 (4) Are provided by qualified professional and
21 paraprofessional personnel;



- 1 (5) Are provided in conformity with an individualized
2 family support 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 as
19 described in this paragraph; and
- 20 (7) To the maximum extent appropriate, are provided in
21 natural environments, including the home, and



1 community settings in which children without
2 disabilities participate.

3 "Environmental risk" means physical, social, or economic
4 factors which may limit development. Environmental risk
5 includes, but is not limited to the following conditions:

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



1 (9) Single parent in combination with any other
2 environmental risk factor; and

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

5 "Individual family support plan" means a dynamic, voluntary
6 plan of action and support developed by families and
7 professionals that emanates from the families' expressions of
8 needs and goals.

9 "Infants and toddlers with special needs" means infants and
10 toddlers from birth to the age of three with delayed
11 development, biological risk, or environmental risk[-]; provided
12 that parents of children with a disability aged three through
13 five who are eligible for services under Part B, Section 619 of
14 the Individuals with Disabilities Education Act and previously
15 received services under Part C may choose the continuation of
16 early intervention services, which shall include an educational
17 component that promotes school readiness and incorporates pre-
18 literacy, language, and numeracy skills, until the children
19 enter, or are eligible under state law to enter elementary
20 school."

21 SECTION 2. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 3. This Act shall take effect on July 1, 2020.



Report Title:

Children; Individuals with Disabilities Education Act

Description:

Amends early intervention services law to be consistent with the reauthorized individuals with disabilities education act of 2004. (SD1)

