

LATE TESTIMONY

From: Linda Elento, Member of The Hawaii Down Syndrome Congress

To: COMMITTEE ON HUMAN SERVICES & HOUSING  
Rep. Maile S. L. Shimabukuro  
Chair Rep. Karl Rhoads, Vice Chair

Re: HSH February 12, 2008, 8:40a

**HB2435** In Support  
Relating to Early Childhood Education.

Thank you for the opportunity to present testimony in support of HB2435.

We are not only looking at the benefits and protections of the *Individuals with Disabilities Act of 2004* for children with disabilities and their families. Programs must provide children with special needs a safe, supportive environment, consistent with the requirements of Sec. 504(a) of the *Rehabilitation Act of 1973*.

Our State's agencies interpret the IDEA as meaning the State decides which children with disabilities receive what services; and when and where those services are provided.

These children may qualify for free appropriate public education services, but only at the expense of a State agency staff's decision and availability.

**Reference: See Page 3:** The US Department of Education recently reported to Congress the locations where special education services are provided to preschool-age children. **Hawaii ranked number two** in having the most children served in an early childhood special education setting (typically a self-contained classroom on a public elementary school campus serving only students with disabilities).

**Real inclusion means these preschool age children are being included at their family's choosing, supporting the family:** at the City & County of Honolulu (Tiny Tots preschool parttime class with a one-to-one aide, One-to-one swimming instruction, ball skills), Keiki O Ka Aina (Parent participation preschool on a public school campus), HIPPY home pre-K curriculum, Pacific School of the Performing Arts: Kindermusik, Keiki Crescendo, and a private preschool-afterschool along with a volunteer nursing student to assist. These programs are examples that have allowed my son Jason to attend and learn alongside "typically-developing" children. Jason has also learned sign language and reading skills (his strengths) with private tutors and family members. More environments for keiki: InPeace with families, Families for REAL, home, HIPPY curriculum at home, private preschools (part- and full-time), MOPS (Mothers of Preschoolers), grandma's house, and home childcare programs.

Parents want to choose for their children and seek help if they need help. Yet, through our “system of care” parents are burdened with seeking and receiving evaluations for their children, completing forms, meetings, and sometimes being denied all services and funding requests. My seven year old son does not receive public school services appropriate to his developmental stages, and the Developmental Disabilities Division has also determined that my son’s needs are the “parent’s responsibility.” State services are no where to be found when we need help even though agencies receive federal monies to do so. We are turned away and told to go to the DOE, where they are not able to provide the services, including speech swallow therapy because our child has dysphagia/swallowing disorder, a common disorder in children with Down syndrome, and sign language instruction because of a slower rate of speech development.

### **Supported Amendments to HB2435**

Unfortunately, the Act 289 (2007) “3-5” Transition Task Force did not specifically address recommendations for children who qualify for the federal law’s IDEA Part C **extended early intervention services in lieu of Part B special education preschool services at age 3**. Children in particular who need this option include children who were born with **very low birth weight, fetal alcohol syndrome, Down syndrome and autism**.

**Three components** would contribute to the feasibility of this **extended early intervention option for ALL SPECIAL EDUCATION ELIGIBLE CHILDREN ONLY as allowed per IDEA 2004**: (1) the federal money that would be spent for the special education preschool child would follow that child to be spent on the continued early intervention services; (2) the Legislature could assure that state general funds that are being spent on special education preschool services would also “follow the child” to be spent on early intervention services instead; (3) and the Legislature could assure that state general funds will be given to the Department of Health could replicate and expand the state-funded positions and programs (such as the Inclusion Project and Keiki Care Project) that currently serve preschoolers with disabilities and the community programs who enroll them.

**Annual Report to the Legislature (Interagency Report)** on the DOE’s work with other state agencies by creating MOA’s, parents, school districts and early childhood providers to assure that the barriers to activities and locations of typically developing children for preschoolers with disabilities are eliminated. Without action by the Legislature, Hawaii parents of children with disabilities ages 3 to 5 do not have any choice but to have their services dictated by the DOE. Children with Down syndrome who are not developmentally ready for kindergarten at a typical kindergarten age must be able to remain in their current choice of programs.

**Other States’ laws are flexible; Why not ours? Additional provisions for defining special education services for preschool age children.** One state allows children who turn three to not necessarily have to change services and providers. The only change is the funding source (Lead educational agency vs. the Lead early intervention services agency). Another state’s definition and continuum of the Least Restrictive Environment for a preschool special education child begins with HOME. Another state allows a child who turns 3 in the middle of a school semester to continue early intervention until the next school semester begins, at the Parent’s choosing. The Hawaii Revised Statutes must mandate these flexible options; Administrative Rules cannot.

**Table 2-1. Children ages 3 through 5 served under IDEA, Part B, by educational environment<sup>a</sup> and state: Fall 2003 (continued)**

State	Percent of children across all environments <sup>b</sup>								
	Categories of settings								
	EC setting	EC spec ed setting	Home	PT EC/PT spec ed setting	Resid facility	Separate school	Itinrnt services outside home	Reverse mainstr	All envir
Alabama	24.21	38.34	0.96	36.03	0.29	0.17	0.00	0.00	100.00
Alaska	19.66	58.08	2.64	8.23	0.05	4.73	5.59	1.02	100.00
Arizona	33.99	49.41	0.03	13.39	1.05	1.21	0.19	0.72	100.00
Arkansas	21.27	9.18	0.57	36.63	0.05	22.87	8.59	0.84	100.00
California	41.16	38.53	1.62	11.52	0.04	0.31	6.49	0.32	100.00
Colorado	70.01	15.30	0.55	7.42	0.00	0.27	6.45	0.00	100.00
Connecticut	14.78	32.12	0.14	14.44	0.09	0.71	18.00	19.73	100.00
Delaware	59.08	26.05	0.64	6.45	0.00	7.68	0.05	0.05	100.00
District of Columbia	46.03	10.59	31.98	2.04	9.37	0.00	0.00	0.00	100.00
Florida	7.72	30.63	0.91	56.29	0.07	4.40	0.00	0.00	100.00
Georgia	50.23	39.48	3.76	5.77	0.07	0.69	0.00	0.00	100.00
Hawaii	11.08	61.25	0.61	26.40	0.09	0.57	0.00	0.00	100.00
Idaho	29.26	53.06	0.42	6.36	0.03	0.53	4.28	6.07	100.00
Illinois	56.17	1.00	0.08	37.81	0.09	4.86	0.00	0.00	100.00
Indiana	21.80	56.23	0.97	19.98	0.31	0.71	0.00	0.00	100.00
Iowa	23.06	32.87	4.43	13.30	0.03	0.33	19.23	6.75	100.00
Kansas	19.19	26.13	1.99	21.01	0.00	0.29	7.20	24.18	100.00
Kentucky	39.90	11.88	0.33	47.39	0.01	0.49	0.00	0.00	100.00
Louisiana	25.09	29.10	2.50	13.20	0.05	0.16	29.18	0.71	100.00
Maine	67.40	12.52	8.24	5.25	0.11	6.48	0.00	0.00	100.00
Maryland	26.17	25.60	0.95	10.26	0.00	3.92	32.12	0.98	100.00
Massachusetts	42.38	11.08	0.08	44.67	0.03	1.76	0.00	0.00	100.00
Michigan	48.10	42.16	1.44	3.82	0.05	0.91	3.46	0.06	100.00
Minnesota	39.79	36.64	4.61	13.91	0.04	0.08	4.33	0.60	100.00
Mississippi	46.56	20.79	5.33	22.77	0.16	4.39	0.00	0.00	100.00
Missouri	35.29	33.57	2.85	7.84	0.01	1.51	18.92	0.00	100.00
Montana	39.04	31.03	0.89	17.58	0.28	0.06	10.68	0.44	100.00
Nebraska	3.37	78.88	11.90	0.00	0.00	5.08	0.76	0.00	100.00
Nevada	18.99	58.30	0.65	4.72	0.47	0.41	11.84	4.62	100.00
New Hampshire	47.49	46.52	1.51	3.87	0.00	0.62	0.00	0.00	100.00
New Jersey	14.33	49.98	0.66	10.96	0.01	10.00	14.06	0.00	100.00
New Mexico	53.61	40.45	3.71	2.14	0.00	0.09	0.00	0.00	100.00
New York	40.67	32.35	14.57	5.38	0.01	6.46	0.55	0.00	100.00
North Carolina	64.91	14.78	1.28	4.45	0.07	3.43	9.67	1.40	100.00
North Dakota	42.90	34.44	1.40	6.00	0.27	0.13	11.66	3.20	100.00
Ohio	25.70	56.14	2.26	4.43	0.05	7.39	4.03	0.00	100.00
Oklahoma	46.47	11.91	3.17	19.62	0.15	0.49	17.78	0.42	100.00
Oregon	23.48	68.02	1.71	2.02	0.00	0.29	0.00	4.49	100.00
Pennsylvania	48.80	28.44	7.15	1.39	0.10	1.71	11.43	0.99	100.00
Rhode Island	71.91	27.34	0.34	0.00	0.00	0.41	0.00	0.00	100.00
South Carolina	20.72	19.23	0.78	17.38	0.13	0.91	40.72	0.13	100.00
South Dakota	20.87	48.78	2.01	27.09	0.67	0.59	0.00	0.00	100.00
Tennessee	43.41	29.10	0.76	7.61	0.01	1.38	15.68	2.05	100.00
Texas	4.96	25.44	0.52	16.10	0.03	0.11	52.82	0.00	100.00
Utah	38.70	31.37	0.37	1.23	0.00	7.74	9.49	11.09	100.00
Vermont	60.16	23.08	6.89	6.89	0.07	1.89	1.02	0.00	100.00
Virginia	17.44	44.07	5.40	4.93	0.02	0.54	27.40	0.21	100.00
Washington	19.03	57.69	1.12	10.82	0.00	2.07	7.17	2.09	100.00
West Virginia	42.61	24.02	2.80	20.72	0.18	0.12	7.74	1.80	100.00
Wisconsin	16.42	42.43	0.51	17.35	0.05	0.69	22.56	0.00	100.00
Wyoming	62.46	25.37	1.00	7.78	0.05	0.95	1.81	0.59	100.00
BIA schools	68.60	3.20	0.58	27.03	0.00	0.58	0.00	0.00	100.00
50 states and DC (including BIA schools)	33.95	32.39	2.93	16.37	0.09	2.74	10.40	1.14	100.00
American Samoa	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
Guam	36.00	34.00	3.00	8.50	0.00	0.00	18.50	0.00	100.00
Northern Marianas	44.93	5.80	31.88	17.39	0.00	0.00	0.00	0.00	100.00
Puerto Rico	.	.	.	.	.	.	.	.	100.00
Virgin Islands	90.50	5.03	0.00	4.47	0.00	0.00	0.00	0.00	100.00
U.S. and outlying areas	33.98	32.37	2.93	16.36	0.09	2.74	10.39	1.14	100.00

<sup>a</sup>For children under age 6, this is the environment where they receive their special education and related services.

<sup>b</sup>Percent = Number of children in the educational environment column divided by the number in all environments, multiplied by 100. The sum of the environment percentages may not equal 100 percent because of rounding.

. Percentage cannot be calculated.

EC = early childhood; spec ed = special education; PT = part-time; Resid = residential; Itinrnt = itinerant; mainstr = mainstream; envir = environments. *Itinerant services outside the home and reverse mainstream* are optional reporting categories.