

**SB 2138 Relating to Education** Appropriates funds for special education and early intervention services provided by private sector or county programs through a grant pursuant to chapter 42F, HRS.

## COMMITTEE ON EDUCATION

DATE: Feb 4, 2008  
TIME: 1:15 PM  
PLACE: Conference Room 225  
State Capitol  
415 South Beretania Street

**COMMITTEE ON EDUCATION**  
**Senator Norman Sakamoto, Chair**  
**Senator Jill N. Tokuda, Vice Chair**

My name is **Patricia Lockwood** and I am the **Executive Director of Hawaii Centers for Independent Living**, a non-profit organization operated by and for people with disabilities to ensure their rights to live independently and fully integrated in the community of their choice, outside of institutional care settings. As a non-profit, statewide resource, HCIL serves people of any age with any type of disability. HCIL was founded on the historical constitutional beliefs of civil rights and the empowerment of people with disabilities to have equal access, opportunities, and choices in life, no matter how severe their disability.

This is a key piece of disability community and to me as the grand parent of a child with autism. We are in **support** of this legislation.

I would like you to meet Aiden. Aiden is almost 4 years old and was diagnosed with autism when he was two and a half. Aiden is blessed and its not because he has a grams in the dis biz. His mother placed him in regular day care when he was two years old. He is growing up with his peers. When I asked her why she did this her response to me was why wouldn't I .

I hate it when my daughter is right.

That is why this legislation is right. Kids are kids. They need to be with their friends. Services need to be provided in the most integrated setting with their friends. You see the ADA says disability is a normal part of the life process. Those are important words. When we provide services in the community in a private sector or grant program we are portraying that belief.

Disability is a part of the community. Besides giving the message to the community that kids are kids and need to be together. It shows the community that people with disability are part of that community. IDEA and ADA are about access to services.

I could go on and on about idea and ada...and the the department of education will talk about how the cost of special ed is destroying the system. The last time a man behind me made a remark about reverse inclusion, and I thought to myself what an idea. He just doesn't get it. Kids are kids. When we provide early intervention services whether they are at home or at a preschool we are investing in our future.

What is destroying the system is the fear and prejudice that have lead us to believe that we can segregate children with disabilities.

Childrem are our future, let us invest in them by providing services in the community with their peers.



L A T E

**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
919 ALA MOANA BOULEVARD, ROOM 113  
HONOLULU, HAWAII 96814  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
February 4, 2008

The Honorable Norman Sakamoto, Chair  
Senate Committee on Education  
Twenty-Fourth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Senator Sakamoto and Members of the Committee:

**SUBJECT: SB 2138 – RELATING TO EDUCATION**

The position and views expressed in this testimony do not represent nor reflect the position and views of the Departments of Health and Education (DOE).

The State Council on Developmental Disabilities **SUPPORTS THE INTENT OF SB 2138**. The purpose of SB 2138 is to appropriate funds for special education and early intervention services provided by private sector or county programs through a grant pursuant to chapter 42F, Hawaii Revised Statutes (HRS).

The Council fully supports initiatives to increase services for special education and early intervention programs. We believe that DOE already has authority to contract with the private sector or county programs under the State Procurement Code that includes Chapter 42F, HRS. We defer to DOE regarding the appropriation amount for FY 2008-2009.

Thank you for the opportunity to provide testimony regarding SB 2138.

Sincerely,

A handwritten signature in black ink, appearing to read "Waynette K.Y. Cabral".

Waynette K.Y. Cabral  
Executive Administrator

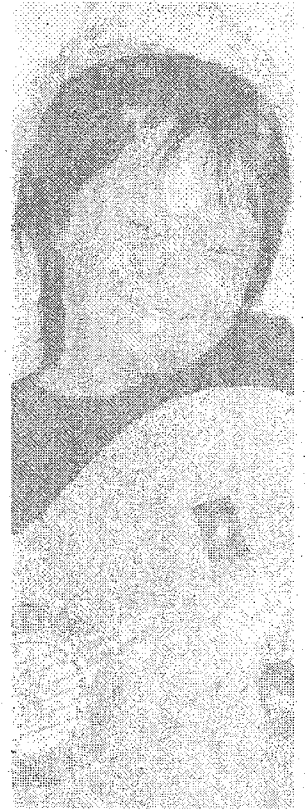
L A T E

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

To: Senator Norman Sakamoto, Chair, Senate Education  
Senator Jill Tokuda, Vice Chair, Senate Education  
Senate Education Committee

Re: EDU February 4, 2008, 1:15pm

**SB2138** In Support with Amendments



Thank you for this opportunity to testify in support of SB2138.

For over six years, various private and county programs, including 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, Hawaii School of the Performing Arts, Keiki Crescendo, and Trinity Christian Preschool Afterschool and a volunteer nursing student to assist programs have allowed my son Jason to attend and learn alongside “typically-developing” children.

Barriers in our community keep our children with disabilities away from a normal life due to policies and procedures, which are children and families desperately need, as if living with a disability wasn't hard enough.

One of these barriers include the Special Education/DOE's strict policy of keeping my son in a placement for chronological age matched children. This meant he couldn't be placed in a regular kindergarten class this year. The past three years, he has thrived with younger typical children described above.

SB2138 would provide funds directly to these programs to allow our keiki with disabilities and families to choose programs to participate in, just as any other typically developing child would be afforded. Please don't assume that the DOE special education will provide special education and related services when the child is also wanting to be in these normal community classes, including being at home to learn language, involving the family. Please give our families a choice and not be “institutionalized” by a DOE special education system that does not support the family.

Supporting Comments:

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 when they turn three year olds. 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 option: (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) the Department of Health could replicate 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.

The IDEA federal law does not require all children with disabilities, including Down syndrome, to be included only with chronological age matched peers. We ask the Legislature to require the Department of Education to work with other state agencies, create 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. Hawaii parents of children with disabilities ages 3 to 5 do not have any choice but to have their services dictated by the DOE; yet Congress gave the new "Part C" option to allow families to continue in the Early Intervention program (which focuses on the family as the child's first teacher and does not allow for disruption of services and service providers) *in lieu of* changing to the Part B preschool program offered by the DOE. Other states have flexibility already built in their Part C and Part B transitions; whereas, Hawaii does not. Allowing for these optional policies for Hawaii families and keiki is the purpose we seek in the HB531 task force.

Another state allows children who turn three do 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).

**Real inclusion also means these preschool age children being included at Keiki O Ka Aina, Families for REAL, home, HIPPY, private preschools, MOPS (Mothers of Preschoolers), grandma's house, and home childcare programs – not necessarily a full-day in a small classroom with only a handful of other children with disabilities.**

Handwritten notes in the left margin: "1/15", "2/19/15", and "1/15/15".