
HOUSE CONCURRENT 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 satisfy the law and the principles of the
5 Child and Adolescent Service System Program; and

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7 WHEREAS, the Consent Decree guaranteed a free and
8 appropriate public education for all eligible children, as
9 required under the federal Individuals with Disabilities
10 Education Act and the Rehabilitation Act of 1973, Section 504,
11 and required the system to provide a continuum of services,
12 programs, and placements according to family- and child-centered
13 principles; and

14
15 WHEREAS, the Consent Decree mandated that the State
16 identify children and youth from birth to age 20 who are in need
17 of behavioral and emotional support, and provide them with
18 adequate and timely intervention and delivery of culturally
19 relevant services in home-based, school-based, and community-
20 based settings; and

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22 WHEREAS, the State was obligated to design and implement a
23 system of care that would function in accordance with the
24 standards and operating principles of the Consent Decree by June
25 30, 2000; and

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27 WHEREAS, despite the termination of court oversight in
28 2006, critical issues remain to be addressed by the Department
29 of Health (DOH) and Department of Education (DOE), including:



- 1 (1) The need for consistent and appropriate quality
2 services;
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- 4 (2) A lack of service system development in certain areas
5 of the state;
- 6
- 7 (3) A lack of accountability systems; and
- 8
- 9 (4) The numbers of children being sent away to mainland
10 placement because of a lack of local alternatives;
- 11

12 and

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14 WHEREAS, budgetary shortfalls and a lack of oversight at
15 DOH and DOE may contribute to inadequate services and
16 infrastructure essential to building and maintaining an adequate
17 system of care; and

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19 WHEREAS, the No Child Left Behind Act requires schools to
20 focus on the annual progress of students and test all students,
21 including those with disabilities, based on their grade level
22 rather than developmental level, resulting in DOE's shift in
23 focus from services to children with mental health needs to
24 annual progress and test scores; now, therefore,

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26 BE IT RESOLVED by the House of Representatives of the
27 Twenty-fifth Legislature of the State of Hawaii, Regular Session
28 of 2009, the Senate concurring, that DOH, in coordination with
29 DOE, is requested to provide to the Legislature, no later than
30 60 days prior to the convening of the Regular Session of 2010, a
31 comprehensive report of post Consent Decree child and adolescent
32 mental health services and funding; and

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34 BE IT FURTHER RESOLVED that DOH and DOE include in the
35 report:

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- 37 (1) The funding levels of child and adolescent mental
38 health and special education services, currently and
39 also while DOH and DOE were operating under court
40 oversight, including a listing of all state, federal,
41 and federal matching dollar streams of funding;



- 1 (2) The numbers of children with mental health needs
- 2 served and client outcomes, currently and also while
- 3 DOH and DOE were operating under court oversight; and
- 4
- 5 (3) The number of vacant positions and issues related to
- 6 filling vacant positions within DOE, and similar
- 7 information provided by the Department of Human
- 8 Resources Development regarding filling vacant
- 9 positions within DOH's Child and Adolescent Mental
- 10 Health Division;

11 and

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

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