

JAN 21 2010

SENATE CONCURRENT RESOLUTION

REQUESTING THAT THE DEPARTMENT OF HEALTH 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 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
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15 WHEREAS, the Consent Decree mandated that the State
16 identify children and youth from birth to 20 years of age who
17 are in need of behavioral and emotional support, and provide
18 them with adequate and timely intervention and delivery of
19 culturally-relevant services in home-based, school-based, and
20 community-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;
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- 7 (3) A lack of accountability systems; and
- 8
- 9 (4) The numbers of children being sent away to mainland
- 10 placement due to a lack of local alternatives;
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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 for children with mental health needs to
24 annual progress and test scores; now, therefore,

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26 BE IT RESOLVED by the Senate of the Twenty-fifth
27 Legislature of the State of Hawaii, Regular Session of 2010, the
28 House of Representatives concurring, that DOH is requested to
29 provide to the Legislature, no later than 60 days prior to the
30 convening of the Regular Session of 2011, a comprehensive report
31 of post Consent Decree child and adolescent mental health
32 services and funding; and

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

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- 36 (1) The funding levels of child and adolescent mental
- 37 health and special education services, currently and
- 38 also while DOH and DOE were operating under court
- 39 oversight, including a listing of all state, federal,
- 40 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
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- 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, if necessary, DOE is requested
 15 to assist DOH in its efforts to create the comprehensive report
 16 of post Consent Decree child and adolescent mental health
 17 services and funding; and

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 19 BE IT FURTHER RESOLVED that certified copies of this
 20 Concurrent Resolution be transmitted to the Governor, Director
 21 of Health, Superintendent of Education, Chairperson of the Board
 22 of Education, Director of Human Resources Development, Director
 23 of Human Services, Chairperson of the Child and Adolescent
 24 Mental Health Task Force, and President and Executive Director
 25 of Mental Health America of Hawaii.

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