

SB2087

HMS/HTH Hearing: 02-01-10 2:45 PM Room 016
SB2087 Early Intervention Services (support an addition to statute)

Testimony submitted by: Linda Elento, parent of children in public, charter and private schools, and board member of the Hawaii Down Syndrome Congress

Dear Chairs Chun Oakland and Ige, and members of the Human Services and Health committees:

I ask the committees to consider the unique needs of all children with disabilities, such as Down syndrome, Traumatic Brain Injury, and extreme pre-maturity, and their families on each child's third birthday (August 1, October 15, December 27, July 1, whatever that date may be), and allow the state to give Congress' option to parents to remain in early intervention services until a more appropriate time for the child, such as at the beginning of a preschool year. Currently there is no flexibility or option given by our state. This option may be added to state statute, such as --

§321-352 Early intervention services for infants and toddlers with special needs. The department may develop a statewide, coordinated, multidisciplinary program which contains a continuum of services to meet the needs of infants and toddlers with special needs; and children who turn three years of age during the school year can continue to be eligible for early intervention services under the Individuals with Disabilities Education Improvement Act until the beginning of the next school year if this is documented as part of the Individual Family Support Plan transition plan. The department shall be the lead agency for the coordination of federal and state funding for those programs. Pursuant to chapter 103F, the department may purchase services appropriate to carry out activities under this part.

Testimony received by the Legislature the past four years regarding early intervention services ending at a child's age of three years old have been misleading. Other states do allow for parent choice to continue early intervention services in lieu of preschool special education under the Individuals with Disabilities Education Improvement Act, at least to an extent (the federal law allows for continued early intervention Part C services with a state-defined educational component until the child enters kindergarten, possibly with the benefit of never having to enter special education at all (Attachment: U.S. Senator Daniel Akaka's letter dated April 21, 2006).

HAWAII MISSED OUT (Federal \$\$\$\$\$\$) due to poor statute and regulations

New Mexico's long-established practice of allowing children to remain in early intervention services until the next school year starts has qualified for additional funding known as the IDEA's "Part C Option." Recently --

"The DOH FIT [Family Infant Toddler] Program applied for an ARRA State Incentive (SIG) through the US Department of Education. New Mexico was one of only two states to receive this award and will receive \$5,841,000. The SIG must be expended by September 30th 2011. These ARRA SIG funds will be used to serve eligible children over the age of three through the

Extended Part C Option and requires that services address preschool readiness, including pre-literacy and numeracy. The FIT Program is working collaboratively with the Public Education Department to implement this in December 2009. Implementation efforts include: developing procedures, forms / materials and training for FIT providers and school district personnel.”
[www.recovery.state.nm.us]

Administrative policies do not have to be complicated. Any contract for early intervention services from a private provider (such as Easter Seals) for a child currently ends on the child’s third birthday. An allowance for a later date is all that is necessary, as well as Part B funds/preschool special education funds would serve these children, just in a different program.

Thank you for your continued discussion of allowing early intervention services in lieu of special education services, at least to a certain extent, which means the dollar that would be spent by the Department of Education could be given to the Department of Health to fund the extended early intervention services until the same child enters preschool special education services at an appropriate time if needed.

Testimony submitted by:

Linda Elento
February 1, 2010

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April 21, 2006

Ms. Linda Elento
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Dear Ms. Elento:

Thank you for your inquiry regarding Part C (infants and toddlers with disabilities) of the Individuals with Disabilities Education Improvement Act (P.L. 108-446).

As you know, P.L. 108-446 authorizes IDEA Part C grants to states for the continuation of early intervention services leading to programs under Section 619, Part B. During drafting of the legislation, parents noted that it was undesirable to change providers when transitioning from Part C services to Part B services. To accommodate parents' concerns, Congress responded by including the new Part C grants in the Act. The new policy provides state flexibility for a seamless zero to five program that ensures special needs children receive consistent services at a developmentally critical age.

In addition, the new Part C grants require an Individualized Family Services Plan to include transition services that acknowledge the need to help children move onto elementary education. These services also recognize the possibility – and in some cases, the goal – that children will no longer need services. More information on special education programs is available on the U.S. Department of Education's Web site: <http://www.ed.gov/policy/speeed/guid/idea/idea2004.html>.

Once again, mahalo for contacting me.

Aloha pūnahanā,



DANIEL K. AKAKA
U.S. Senator