



**GOV. MSG. NO. 1279**

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 30, 2016

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 30, 2016, the following bill was signed into law:

SB2476 SD2 HD2 CD1

RELATING TO HEALTH  
**ACT 177 (16)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

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**A BILL FOR AN ACT**

RELATING TO HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that children who are  
2 deaf, hard of hearing, or deaf-blind have the same ability and  
3 capability to learn language as their peers who do not have a  
4 similar disability. The ability and right to develop language  
5 are central to the human experience and necessary prerequisites  
6 to literacy as well as cognitive, emotional, linguistic,  
7 academic, and social growth and the chance for children to  
8 evolve into healthy and productive members of society.

9           The legislature further finds that the department of health  
10 and the department of education are committed to collaborating  
11 to improve services for children who are deaf, hard of hearing,  
12 or deaf-blind so that they begin kindergarten with the necessary  
13 language skills to acquire the knowledge and academic  
14 competencies that will allow them to be successful in school and  
15 life.

16           The legislature further finds that under the Individuals  
17 with Disabilities Education Act (IDEA), P.L. 108-446:



1 (1) The department of health, early intervention section  
2 is responsible, under part C, for the provision of  
3 early intervention services as identified in the  
4 child's individualized family support plan to children  
5 from birth to age three years with special needs and  
6 their families;

7 (2) The department of education is responsible, under part  
8 B, for the provision of special education and related  
9 services as identified in the child's individualized  
10 education program to children age three to five years  
11 with special needs; and

12 (3) The executive office on early learning is responsible  
13 for coordinating the early childhood education  
14 services in the pre-kindergarten program within the  
15 public school system.

16 The legislature further finds that children who are deaf,  
17 hard of hearing, or deaf-blind are diverse and include children  
18 with congenital or acquired hearing loss, unilateral and  
19 bilateral hearing loss, all degrees of hearing loss from minimal  
20 to profound, and all types of hearing loss.

21 The purpose of this Act is to:



- 1 (1) Enhance early language services for children from  
2 birth to age five years who are deaf, hard of hearing,  
3 or deaf-blind within the department of health to  
4 support age-appropriate language development; and
- 5 (2) Establish a working group for the purposes of  
6 investigating issues related to resources and tools  
7 for parents of children who are deaf, hard of hearing,  
8 or deaf-blind and improvements to the statewide system  
9 of services that support age-appropriate language  
10 development for children from birth to age five who  
11 are deaf, hard of hearing, or deaf-blind.

12 SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
13 amended by adding a new section to part XXVIII to be  
14 appropriately designated and to read as follows:

15 "§321- Early language services for children who are  
16 deaf, hard of hearing, or deaf-blind. Early intervention  
17 services for infants and toddlers may include, but not be  
18 limited to, service providers and mentors of the deaf, hard of  
19 hearing, or deaf-blind who use American sign language; service  
20 providers and mentors of the deaf who use oral language;  
21 American sign language teachers for families of young children;



1 family-to-family support; and training of early intervention  
2 providers."

3 SECTION 3. (a) The department of health, department of  
4 education, and executive office on early learning shall  
5 establish and convene a working group for the purpose of making  
6 recommendations to the legislature on issues related to  
7 supporting age-appropriate development for children from birth  
8 to age five years who are deaf, hard of hearing, or deaf-blind.  
9 The working group shall include the following members to be  
10 selected by the director of health:

- 11 (1) One parent of a child who is deaf, hard of hearing, or  
12 deaf-blind who uses American sign language;
- 13 (2) One parent of a child who is deaf, hard of hearing, or  
14 deaf-blind who uses oral language;
- 15 (3) One parent of a child who is deaf, hard of hearing, or  
16 deaf-blind who uses a cochlear implant device;
- 17 (4) One parent of a child who is deaf-blind;
- 18 (5) One individual who is deaf, hard of hearing, or deaf-  
19 blind who uses American sign language;
- 20 (6) One individual who is deaf, hard of hearing, or deaf-  
21 blind who uses oral language;



- 1           (7) One credentialed teacher who uses American sign  
2           language for children under age six years who are  
3           deaf, hard of hearing, or deaf-blind;
- 4           (8) One credentialed teacher who uses oral language for  
5           children under age six years who are deaf, hard of  
6           hearing, or deaf-blind;
- 7           (9) One early intervention specialist who works with  
8           infants and toddlers using American sign language;
- 9           (10) One early intervention specialist who works with  
10          infants and toddlers using oral language;
- 11          (11) One audiologist or speech language pathologist with  
12          knowledge of language assessment and intervention for  
13          children who are deaf, hard of hearing, or deaf-blind;
- 14          (12) One representative from the English as a second  
15          language community;
- 16          (13) One representative from the department of health  
17          disability and communication access board;
- 18          (14) One representative from the department of health  
19          newborn hearing screening program;
- 20          (15) One representative from the department of health early  
21          intervention section;



1 (16) One representative from the department of education;  
2 and

3 (17) One representative from the executive office on early  
4 learning.

5 Excluding the members who are parents of children who are  
6 deaf, hard of hearing, or deaf-blind, the majority of the  
7 remaining members shall be deaf, hard of hearing, or deaf-blind  
8 and represent the diversity of their community which includes  
9 deaf culture, hard of hearing, cochlear implant and hearing aid  
10 users, unilateral hearing loss, auditory neural hearing loss,  
11 and cultural diversity. At least one member shall be a  
12 representative from the county of Hawaii, Maui, or Kauai. At  
13 least one parent member shall be deaf, hard of hearing, or deaf-  
14 blind. Two parent members shall have children who are deaf,  
15 hard of hearing, or deaf-blind who are under six years of age at  
16 the time of appointment by the director of health.

17 (b) The working group shall examine, research, and make  
18 recommendations for the following:

19 (1) A resource guide for parents of children who are deaf,  
20 hard of hearing, or deaf-blind that may include  
21 milestones of age-appropriate language development,



- 1 websites related to deafness and hearing loss,  
2 national and state organizations and resources for  
3 families, terms and definitions related to deafness  
4 and hearing loss, and communication choices;
- 5 (2) Tools used to assess and plan language development  
6 services for children from birth to age five years who  
7 are deaf, hard of hearing, or deaf-blind;
- 8 (3) Data and the availability of data on the language and  
9 literacy development for children from birth to age  
10 five years who are deaf, hard of hearing, or deaf-  
11 blind;
- 12 (4) Improvements concerning the statewide system of  
13 services that support age-appropriate language  
14 development for children from birth to age five years  
15 who are deaf, hard of hearing, or deaf-blind; and
- 16 (5) Improvements concerning the transition of children at  
17 age three years from the department of health early  
18 intervention services to the department of education  
19 services.
- 20 (c) All activities of the departments of health and  
21 education in implementing this section shall be consistent with





1 federal law regarding early intervention and the education of  
2 children with disabilities.

3 (d) The working group shall submit an interim report of  
4 its findings and recommendations, including any proposed  
5 legislation and a proposed extension of the working group, to  
6 the legislature no later than twenty days prior to the convening  
7 of the regular session of 2017, and a final report of the  
8 working group's findings and recommendations, including any  
9 proposed legislation, to the legislature no later than twenty  
10 days prior to the convening of the regular session of 2018.

11 (e) The working group shall cease to exist on June 30,  
12 2018.

13 SECTION 4. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2016.

APPROVED this 30 day of JUN, 2016



GOVERNOR OF THE STATE OF HAWAII