



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on H.B. 2498
RELATING TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT**

REPRESENTATIVE JUSTIN H. WOODSON, CHAIR
HOUSE COMMITTEE ON EDUCATION

Hearing Date: 2/8/2022

Room Number: Via Videoconference

1 **Fiscal Implications:** The Department of Health (DOH) will need a staff position to plan and
2 prepare for the extended Part C option and additional positions/funding to implement this option.
3 The funding of these resources must not impact the priorities identified in the Governor's
4 Executive Budget Request for DOH appropriations and personnel priorities.

5 **Department Testimony:** This measure is not needed since the Department already has the
6 option to decide on the extended Part C option under 34 CFR 303.211 for children over age 3
7 years until they enter kindergarten. The DOH Early Intervention Section (EIS) has policies and
8 procedures for the transition of children receiving early intervention (EI) services to the
9 Department of Education (DOE) special education services at age 3 years. Under Part C of the
10 Individuals with Disabilities Education Act (IDEA), federal regulations allow each State to
11 develop and implement a policy that would need to be approved by the U.S. Department of
12 Education/Office of Special Education Programs under which parents of children who are
13 receiving EI services, and who are eligible to receive services under section 619 of Part B of
14 IDEA, can choose to continue receiving EI services (also known as "extended Part C option").
15 The DOH EIS is responsible for Part C and the DOE special education is responsible for Part B.
16 The extended Part C option is a major system change that, instead of being a legislative mandate,
17 should be determined by the DOH in collaboration with the DOE and other key stakeholders,
18 with consideration for family needs, children's needs, staff and funding resources, capacity of the
19 18 EI programs, ability of the DOH EIS to fully meet all Part C requirements, and other factors.

1 Of the 56 states and territories, only 4 states (Connecticut, Illinois, Maryland, District of
2 Columbia) have implemented the extended Part C option. It is not a widespread practice.

3 The DOH does not currently have the capacity for the extensive planning process that includes:

- 4 • Obtaining stakeholder input on the extended Part C option. Stakeholders include the
5 Hawaii Early Intervention Coordinating Council, EI service providers, DOE special
6 education, community stakeholders, and families of children with disabilities.
- 7 • Determining whether the extended Part C option will apply to children from age three
8 until the beginning of the school year following the child's third birthday, fourth
9 birthday, or fifth birthday. This is a key decision required under Part C extended option.
- 10 • With DOE and other stakeholders, designing the extended Part C option system that
11 includes annual notice to families of eligible children of their rights and service option;
12 EI services that include an educational component that promotes school readiness and
13 incorporates preliteracy, language, and numeracy skills; informed consent; coordination
14 of services between DOH EI and DOE special education; transition from EI services to
15 DOE special education; and data system to report the number and percentage of children
16 who receive services under the extended Part C option.
- 17 • Identifying and obtaining additional staff and funding resources, including state funds,
18 needed to provide EI services under the extended Part C option.
- 19 • Joint development of DOH EI and DOE special education policies and procedures that
20 address the extended Part C option, including an interagency agreement.
- 21 • Education/training of EI staff to increase their knowledge and skills to incorporate
22 preliteracy, language, and numeracy skill-building in EI services.
- 23 • Formally adopting the new policy and procedures on the extended Part C option by
24 holding public hearings for the general public, including individuals and parents of
25 infants and toddlers with disabilities, to comment on the new policy and procedures.

26 **Offered Amendments:** None.

27 Thank you for the opportunity to testify on this measure.



Hawaii
Children's Action Network Speaks!
Building a unified voice for Hawaii's children

Hawaii Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: Representative Woodson, Chair
Representative Kapela, Vice Chair
House Committee on Education

Re: **HB 2498 -relating to the individuals with disabilities education act**
2:00 PM, February 8, 2022

Chair Woodson, Vice Chair Kapela, and committee members,

On behalf of Hawaii Children's Action Network Speaks!, I am writing to provide comments on HB 2498, relating to the individuals with disabilities education act.

We appreciate the intent of the measure. The gap between services for children and their families should be corrected. However, we are concerned there are not enough resources to serve the children who would now be eligible. We hope that if the measure continues, additional resources, including funding, will be made available. A review of states with the extended option for IDEA Part C utilize local and state funding.¹

Thank you,
Kathleen Algire
Director of Early Learning and Health Policy

¹ Early Childhood Technical Assistance Center, *Extended Part C option*, https://ectacenter.org/partc/partc_option.asp

HB-2498

Submitted on: 2/5/2022 12:22:06 PM

Testimony for EDN on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nikki Kepoo	Individual	Support	Yes

Comments:

Aloha,

My son received early intervention and it was a godsend for my family. Their support in all areas provided us an opportunity to learn and work with him and his deafness. However, at 3 years old, it was a hard stop and transition into the department of education.

The transition period is one of the most difficult processes for parents. The support we had or have isn't always available to the family. Our children enter into academics and lose that foundation of support for all other aspects of their upbringing.

This bill will allow for us to provide families an overall support system. We understand that both departments are critical to the medical, professional, and academic needs of the child and their family. We need to be able to continue the resources so all involved can smoothly transition into independence.

Please support this bill through so we can create opportunities for families to build strong, self sufficient contributing adults to society.

Mahalo

HB-2498

Submitted on: 2/7/2022 1:29:30 PM

Testimony for EDN on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mr and Mrs John McComas	Individual	Support	No

Comments:

Dear Esteemed Hawaii State Legislatures,

We respectfully ask that you hear and consider HB 2498 in regards to extending IDEA Part C Option for young children with disabilities. As it stands currently, young children with disabilities as they turn 3 years old lose their early intervention services and must transition into HIDOE preschool. For some children and for a variety of reasons, this is not always the most appropriate situation . Some children would benefit most by continuing with their early intervention services past their third birthday and working towards obtaining goals and skills necessary to succeed in a school-based setting, which would then possibly offer a more inclusive and appropriate setting for the child. As the HIDOE pre-school programs do not offer an inclusive setting, this could prove to be very beneficial for some of our youngest children as they enter a school setting. Should this be an option for some parents/children, it could possibly mean that some children/students would avoid needing special education services if they are allowed to continue with their robust early intervention programming in their home or community setting and allow for a more inclusive transition into the kindergarten programming.

We respectfully thank you for considering our comments.

Mr. and Mrs. John McComas

Honolulu, HI

HB-2498

Submitted on: 2/7/2022 4:30:04 PM

Testimony for EDN on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Linda Elento	Individual	Support	Yes

Comments:

Aloha, Rep. Woodson, Chair, Rep. Kapela, Vice Chair, and Members of the Committee on Education.

I **support** this bill **HB2498** to make Hawaii a more inclusive early learning state and families given the flexibility Congress afforded states in the IDEA of 2004 to make decisions appropriate for their children and families. I believe families have a fundamental right to direct the education of their children, including their youngest children who have disabilities. It has been 18 years with no flexibility, still trying to fit some square pegs in round holes, so to speak. We need our State Legislators to act on our families' behalf, to direct the Departments of Health and Education to check the box for the Extended Part C Option on their annual IDEA Part C and Part B grant applications for approval by the USDOE.

In 2004, Congress gave Hawaii the option to be flexible: To allow children with disabilities to continue early intervention services beyond their third birthday instead of only the option for changing to a special education preschool program. We do not need to create a third program; we to build flexibility into the ones we have. A typical preschool doesn't start on February 10 or May 15 or September 21. But that is the option given children receiving early intervention services under an IFSP with those birthdays. The F in IFSP is family. With this bill the IFSP may continue with the addition of an undefined educational component. General Education Kindergartens often have Bridge programs or a boot camp a couple of weeks prior to the fall semester for new students. That would be an example of an inclusive educational component. Military families need flexibility. I believe some children born with Down syndrome, such as my youngest, need consistency in early intervention services providers with a continued IFSP based on developmental age, not to try and play catch up in a special education preschool setting. References: The Carolina Curriculum for Infants and Toddlers, The Carolina Curriculum for Preschoolers with Special Needs.

Summary: With **HB2498** Individuals with Disabilities Education Act of 2004 (IDEA) a parent may choose for their child to begin preschool at the beginning of the next school year instead of on their 3rd birthday; this is one step closer to **inclusion** working. Or a child may remain at home and in their community and receive early intervention services with an education component so that special education may be avoided when a child is ready to enter kindergarten, whether public, private or homeschool. The funds could be addressed in an MOU between the DOE and DOH. DHS provides limited services through Medicaid.

I am available to answer questions or look up information as other states have adopted this provision.

Mahalo for your time and energy, and I appreciate your further consideration for **HB2498**.

HB-2498

Submitted on: 2/7/2022 9:34:15 PM

Testimony for EDN on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jason Elento	Individual	Support	No

Comments: