



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on S.B. 2748
RELATING TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT**

SENATOR JARRETT KEOHOKALOOLE, CHAIR
SENATE COMMITTEE ON HEALTH

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HUMAN SERVICES

Hearing Date: 2/10/2022

Room Number: 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,

1 with consideration for family needs, children’s needs, staff and funding resources, capacity of the
2 18 EI programs, ability of the DOH EIS to fully meet all Part C requirements, and other factors.

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

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

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

- 1 **Offered Amendments:** None.
- 2 Thank you for the opportunity to testify on this measure.

SB-2748

Submitted on: 2/5/2022 12:14:31 PM

Testimony for HTH on 2/10/2022 3:00:00 PM

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

Comments:

Aloha,

My son received early intervention services and we were very new to his deafness. Early intervention provided the much needed support in his early years. However, at 3, it was a hard stop and transition to the Department of Ed.

The transition is one of the most difficult processes for a family and in some cases, we do not receive an appropriate amount of support to the family. Our children entire into academics without families knowing how to navigate the other necessary aspects of life.

This bill will give us the opportunity to seek medical, professional, and academic needs for a well rounded upbringing for our children. There is so much that ranges for support and both departments play a critical role in those formidable years.

I ask for your support to see this through so we can continue to help our community raise independent and self sufficient contributing adults of this community.

mahalo



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129

February 10, 2022

TESTIMONY TO THE SENATE COMMITTEES ON HEALTH AND HUMAN SERVICES

Senate Bill 2748– Relating to Individuals with Disabilities Education Act

The Disability and Communication Access Board (DCAB) supports Senate Bill 2748 Relating to Individuals with Disabilities Education Act.

The bill would require the Department of Health to submit a request, as allowed by federal code, to the United States Department of Education to allow parents of children with a disability to continue receiving early intervention services after the child turns three years of age and until the child enters kindergarten.

Infant and toddlers with disabilities from birth to three years of age who receive early intervention services from the Department of Health, Family Health Services Division, Children with Special Health Needs Branch may need continued services until eligible to enter kindergarten.

The continued services help parents and their child with a disability transition from home to school.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

Kristine Pagano
for KIRBY L. SHAW
Executive Director



Committee on Health
Senator Jarrett Keohokalole, Chair
Senator Rosalyn H. Baker, Vice Chair

Committee on Human Services
Senator Joy A. San Buenaventura, Chair
Senator Les Ihara, Jr., Vice Chair

Date: February 10, 2022
Time: 3:00 pm
Place: Via Videoconference
Room 225

SB 2748 Relating to the Individuals with Disabilities Education Act
Testimony in SUPPORT

Dear Committee Chairs, Vice Chairs and Members of the Committees:

We are writing today to offer comments on SB2748, relating to the Individuals with Disabilities Act (IDEA). As a professional organization dedicated to the many consumers and providers of applied behavior analysis (ABA), the Hawai'i Association for Behavior Analysis (HABA) stands in support of young keiki with disabilities having expanded access to early intervention services.

Currently in the state of Hawai'i, early intervention services cease as a keiki turns age three. Congress afforded the state of Hawai'i the flexibility to extend IDEA Part C Option for young keiki with disabilities with the 2004 amendment of the IDEA. Families should have the option to choose whether their keiki continue to have access to early intervention services beyond the age of three and until entering or becoming eligible to enter kindergarten. HABA supports the continuity of care and access to various support services, including ABA for children with disabilities to help support a successful transition between early intervention and school aged support services.

We appreciate the opportunity to testify in **support** of SB2748.

Sincerely,

Ashley Hogan, BCBA, LBA
HABA President 2022



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: Senator San Buenaventura, Chair
Senator Ihara, Vice Chair
Senate Committee on Human Services

Senator Keohokalole, Chair
Senator Baker, Vice Chair
Senator Committee on Health

Re: **SB 2748 -relating to the individuals with disabilities education act**
3:00 PM, February 10, 2022

Chair San Buenaventura, Chair Keohokalole, Vice Chair Ihara, Vice Chair Baker, and committee members,

On behalf of Hawaii Children's Action Network Speaks!, I am writing to provide comments on SB 2748, 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

SB-2748

Submitted on: 2/9/2022 4:36:32 PM

Testimony for HTH on 2/10/2022 3:00:00 PM

LATE

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

Comments:

Aloha,

Senator Jarrett Keohokalole, Chair
Senator Rosalyn H. Baker, Vice Chair
Members of the Committee on Health

Senator Joy A. San Buenaventura, Chair
Senator Les Ihara, Jr., Vice Chair
Members of the Committee on Human Services

IN SUPPORT

Thank you for introducing SB2748 Individuals with Disabilities Education Act of 2004 (IDEA), requesting the State to apply for the IDEA Part C Option given to States by Congress.

WHAT IS IDEA PART C EXTENSION OPTION?

This bill will allow a parent of a child with a disability, who is eligible for preschool services under section 619 of the Act and who previously received early intervention services under Part C, to choose the continuation of early intervention services under Part C appropriate for his or her child after the child turns three until the child enters or is eligible for kindergarten. A State may shorten the extension period, and the parent would be able to change their eligible child to special education preschool at any time.

Regarding the Part C grant, Hawaii's 2021 determination by the USDOE was "Needs Assistance". The USDOE further stated that the IDEA Part C determinations continue to include consideration of each State's Child Outcomes data, which measure how children who receive Part C services are improving functioning in three outcome areas that are critical to school readiness:

- * positive social-emotional skills;
- * acquisition and use of knowledge and skills (including early language/communication); and
- * use of appropriate behaviors to meet their needs.

CURRENTLY IN HAWAII

Hawaii is a single SEA and LEA, and I believe the needs of our parents and young children, such as the need for consistency and less evaluations, assessments, meetings and paperwork, and limited amount of providers create the need for Hawaii to adopt the IDEA Part C Extension Option until kindergarten. I remember well counting more hours I spent with therapists, teachers and administrators in meetings than the number of hours the therapist spent with my child, only to do it all over again during a 6-month transition period, again during special education preschool under IDEA under Part B, and again to transition to kindergarten.

OTHER STATES, DC, US TERRITORIES, BUREAU OF INDIAN EDUCATION

Other States have submitted an application for the Part C Option, such as Colorado did this last year, and additional grants are available to fund this Part C Option specifically, such as the Consolidated Appropriations Act 2021 and Sec. 2014 of the American Rescue Plan for FY2021.

A State is able to receive the USDOE's conditional approval to operate within the requirements of the IDEA part C while making such changes to existing policies, procedures, methods, and descriptions as are necessary to bring those policies, procedures, methods and descriptions into compliance with the requirements of IDEA Part C, making IDEA Part C services available beyond age three under IDEA Section 635(c) and 34 C.F.R. § 303.211 (IDEA Part C Extension Option).

HAWAII "NEEDS ASSISTANCE "

Regarding the Part C grant, Hawaii's 2021 determination by the USDOE was "Needs Assistance". The USDOE further stated that the IDEA Part C determinations continue to include consideration of each State's Child Outcomes data, which measure how children who receive Part C services are improving functioning in three outcome areas that are critical to school readiness:

- * positive social-emotional skills;
- * acquisition and use of knowledge and skills (including early language/communication); and
- * use of appropriate behaviors to meet their needs.

Links to FY2021 grant applications (IDEA Part C)

<https://www2.ed.gov/fund/data/award/idea/ptcallyears.html>

Hawaii:

<https://www2.ed.gov/fund/data/award/idea/2021partc/hi-2021c-letter-enclosures.pdf>

FURTHER CONSIDERATIONS

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 since IDEA of 2004 became

law, with no flexibility given by the State -- 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.

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 turning three with those birthdays. The F in IFSP is family. General Education Kindergarten classes often have Bridge programs or a boot camp a couple of weeks prior to the fall semester for new students. That would an example of an inclusive educational component.

INCLUSION, NON-DISCRIMINATION DUE TO DISABILITY

SB2748 puts Hawaii a step closer to inclusion and anti-disability discrimination.

With SB2748 becoming law, 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 State and federal funding could be addressed in an MOU between the DOE and DOH. DHS provides limited services to limited children through Medicaid. Childcare Block Grants and Preschool Open Doors provide funding in natural environments. We need services for children with disabilities to be incorporated with these services where typically-developing children are during their day.

In my past research, the DOH reported the average cost of providing early intervention services were substantially lower than the cost of providing special education preschool services. What are the costs now to continue separating our children with disabilities from their typically-developing peers? There will be cost-savings. The mental health of parents, their children and families are at stake.

Mental health is affected by current limits. Military families need flexibility. I also believe some children born with Down syndrome, such as my youngest child, need consistency in early intervention services providers with a continued IFSP based on developmental age, not 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.

I am available to answer questions or look up information as other states have adopted this provision and posted their policies and procedures online.

Linda Elento, Constituent