

MAR 18 2009

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF EDUCATION  
TO 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 the 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 age 20 who are in need  
17 of behavioral and emotional support, and provide them with  
18 adequate and timely intervention and delivery of culturally  
19 relevant services in home-based, school-based, and community-  
20 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
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- 9           (4) The numbers of children being sent away to mainland  
10          placement because of a lack of local alternatives;

11  
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

18  
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 to children with mental health needs to  
24 annual progress and test scores; now, therefore,

25  
26           BE IT RESOLVED by the Senate of the Twenty-fifth  
27 Legislature of the State of Hawaii, Regular Session of 2009, the  
28 House of Representatives concurring, that DOH, in coordination  
29 with DOE, is requested to provide to the Legislature, no later  
30 than 60 days prior to the convening of the Regular Session of  
31 2010, a comprehensive report of post Consent Decree child and  
32 adolescent mental health services and funding; and

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

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- 37           (1) The funding levels of child and adolescent mental  
38           health and special education services, currently and  
39           also while DOH and DOE were operating under court  
40           oversight, including a listing of all state, federal,  
41           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

12  
13  
14 BE IT FURTHER RESOLVED that certified copies of this  
15 Concurrent Resolution be transmitted to the Governor, Director  
16 of Health, Superintendent of Education, Chairperson of the Board  
17 of Education, Director of Human Resources Development, Director  
18 of Human Services, Chairperson of the Child and Adolescent  
19 Mental Health Task Force, and President and Chief Executive  
20 Officer of Mental Health America of Hawaii.

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