

# S.B. NO. 2828

JAN 25 2012

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## A BILL FOR AN ACT

RELATING TO THE HAWAII EARLY INTERVENTION COORDINATING COUNCIL.

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

1 SECTION 1. Section 321-353, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§321-353 Hawaii early intervention coordinating council;  
4 establishment. (a) There is established within the department  
5 for administrative purposes the Hawaii early intervention  
6 coordinating council. Members shall be appointed for three-year  
7 terms by the governor without the necessity of the advice and  
8 consent of the senate. The [~~membership of the~~] council shall  
9 [~~consist~~] be composed of [fifteen] twenty-two members [selected  
10 from the following:] as follows:

11 (1) At least [~~three~~] twenty per cent of the members shall  
12 be parents of infants[7] or toddlers[7] with special  
13 needs, or children [under the age of seven] with  
14 special needs[7] aged twelve years or younger, with  
15 knowledge of, or experience with, programs for infants  
16 and toddlers with special needs, of which at least one  
17 parent shall be a parent of an infant or toddler with

- 1           special needs, or of a child with special needs aged  
2           six years or younger;
- 3           (2) At least [~~three~~] twenty per cent of the members shall  
4           be public or private providers of early intervention  
5           services;
- 6           (3) [~~At least one representative~~] One member shall be from  
7           the legislature;
- 8           (4) [~~At least one person~~] One member shall be involved in  
9           personnel preparation;
- 10          (5) One member shall be from the department of health  
11          program involved in the provision of, or payment for,  
12          early intervention services to infants and toddlers  
13          with special needs and their families who has  
14          sufficient authority to engage in policy planning and  
15          implementation on behalf of the program;
- 16          (6) One member shall be from the department of health  
17          program responsible for children's mental health;
- 18          [~~(5) At least one~~] (7) One member [representing] shall be  
19          from the department of education[+] program  
20          responsible for preschool services to children with  
21          disabilities who has sufficient authority to engage in

1 policy planning and implementation on behalf of the  
2 program;

3 (8) One member shall be from the department of education  
4 program responsible for the coordination of education  
5 of homeless children and youths;

6 ~~[(6) At least one]~~ (9) One member [representing] shall be  
7 from the department of human services[+] program  
8 responsible for the state medicaid program;

9 (10) One member shall be from the department of human  
10 services program responsible for child care;

11 (11) One member shall be from the department of human  
12 services program responsible for foster care;

13 (12) One member shall be from the department of commerce  
14 and consumer affairs program responsible for the state  
15 regulation of health insurance;

16 (13) One member shall be from a Head Start or Early Head  
17 Start agency or program in the state;

18 ~~[(7) At least one member representing the office of the~~  
19 ~~governor;] and~~

20 ~~[(8)]~~ (14) Other members [representing private or public  
21 agencies] involved in or interested in [the payment  
22 for or provision of] services to infants and toddlers

1 with special needs and their families [-] who are  
2 selected by the governor.

3 Any vacancy on the council shall be filled in the same  
4 manner in which the original position was filled.

5 (b) The council shall elect its officers, and [~~eight~~]  
6 twelve members shall constitute a quorum. Members shall serve  
7 without compensation but shall be reimbursed for expenses,  
8 including travel expenses, necessary for the performance of  
9 their duties. No member shall cast a vote on any matter that is  
10 likely to provide a direct financial benefit to that member or  
11 otherwise give the appearance of a conflict of interest. A  
12 member from the department of health may not serve as the  
13 chairperson of the council.

14 (c) The council shall meet at least quarterly and in such  
15 places as it deems necessary. The meetings shall be publicly  
16 announced, and be open and accessible to the general public.

17 (d) The council shall perform the following functions:

18 (1) Advise and assist the director in the identification  
19 of the sources of fiscal and other support for  
20 services for early intervention programs, assignment  
21 of financial responsibility to the appropriate agency,  
22 and the promotion of the interagency agreements;

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1 (2) Advise and assist the department in the preparation of  
2 applications and amendments thereto; [and]

3 (3) Advise and assist the department of education  
4 regarding the transition of toddlers with special  
5 needs to preschool and other appropriate services; and

6 [~~3~~] (4) Prepare and submit an annual report to the  
7 governor on the status of early intervention programs  
8 for infants and toddlers with special needs and their  
9 families within the State."

10 SECTION 2. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 

15

BY REQUEST

**Report Title:**

Hawaii Early Intervention Coordinating Council

**Description:**

Revises the Hawaii Early Intervention Coordinating Council membership and functions to be consistent with part C of the Individuals with Disabilities Education Act of 2004 requirements regarding the state interagency coordinating council.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII EARLY INTERVENTION COORDINATING COUNCIL.

PURPOSE: To revise the membership and functions of the Hawaii Early Intervention Coordinating Council (HEICC) to meet the requirements for the State interagency coordinating council set forth in part C of the Individuals with Disabilities Education Act of 2004 (P.L. 108-446, Section 641), codified at 20 U.S.C. § 1441 (referred to as "Part C of IDEA").

MEANS: Amend section 321-353, Hawaii Revised Statutes.

JUSTIFICATION: The Department of Health (DOH) receives over \$2.1 million in federal funds annually, which support services to infants and toddlers with disabilities ("early intervention services"). Part C of IDEA specifies the composition and functions of the required State interagency coordinating council.

The HEICC was established by section 321-353 in 1989, as required by the federal Education of the Handicapped Act Amendments of 1986, which preceded Part C of IDEA.

Compliance with current federal requirements for the council requires the specification of additional HEICC members, members not voting when there is the appearance of conflict of interest, prohibition of a member from the department of health serving as the HEICC chairperson, and an additional function of advising and assisting the State educational agency regarding the transition of toddlers with special needs and their families.

Impact on the public: The broader HEICC membership will help to ensure the provision and coordination of EI services to meet the needs of infants and toddlers with special needs and their families.

Impact on the department and other agencies: DOH will be designated a member of the HEICC and will participate in HEICC policy planning and decisions related to DOH EI services.

Members of the public and state/community agencies will have a clear description of the required HEICC composition.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: None.

OTHER AFFECTED  
AGENCIES: New or newly specified HEICC members will include: Department of Education (preschool services for children with special needs, education of homeless children); Department of Human Services (State Medicaid agency, child care program, and foster care); Department of Commerce and Consumer Affairs (health insurance regulation); Early Head Start/Head Start agency or program.

EFFECTIVE DATE: Upon approval.