

STATE OF HAWAII
DEPARTMENT OF HEALTH
FAMILY HEALTH SERVICES DIVISION
NOTICE OF PUBLIC HEARING

Pursuant to sections 91-3 and 92-41, Hawaii Revised Statutes (HRS), the State of Hawaii, Department of Health, Family Health Services Division will receive written comments and hold public hearings to receive testimony on the proposed adoption of Hawaii Administrative Rules (HAR), Chapter 11-140, *Early Intervention Services for Infants and Toddlers*. These proposed rules establish the required components of the statewide system of early intervention (EI) services that meet the needs of infants and toddlers with special needs.

The subjects and purposes of the proposed rules are:

Section 11-140-2. Definitions: Defines the necessary terms.

Section 11-140-3. Surrogate parent: Establishes requirements for the designation or appointment of the individual to act as a surrogate for the parent to ensure that the rights of eligible children are protected, when no parent can be identified or located, or the child is a ward of the State; and the rights of the surrogate parent as a parent.

Section 11-140-4. Eligibility criteria: Establishes criteria for determining when a child under age three years is eligible for EI services due to delayed development or biological risk.

Section 11-140-5. Eligibility determination: Establishes requirements for evaluation, assessment, determination of eligibility, and written notice to parents when a child is not eligible.

Section 11-140-6. Individual family support plan (IFSP): Establishes requirements for IFSPs for eligible children and their families, and conditions for development of interim IFSPs.

Section 11-140-7. Transition to preschool programs: Establishes requirements for a transition plan, provision of personally identifiable information to the child's home school, and transition conference.

Section 11-140-8. Procedural safeguards: Establishes requirements for protecting the confidentiality of children and their families, parental opportunity to review all EI records, amending of information in the EI record, fees for copies of records, prior written notice, and written parental consent; and rights of parents regarding acceptance or declination of EI services.

Section 11-140-9. Mediation. Establishes requirements for the mediation process that may be used to resolve disputes prior to the filing of an administrative complaint or due process hearing request.

Section 11-140-10. Administrative complaint procedures: Establishes requirements for the administrative complaint process that may be used when any individual or organization believes that the DOH or an EI provider has violated a requirement under Part C of the Individuals with Disabilities Education Act.

Section 11-140-11. Due process hearing procedures: Establishes requirements for the due process hearing process that may be used to resolve an individual child complaint by parents regarding the identification, evaluation, or placement of a child, or provision of EI services.

The public hearings on the proposed establishment of Chapter 11-140, HAR, will be held at the following locations:

- **Honolulu:** April 23, 2013; 1:00 p.m., State Office Tower Building, Room 204
235 S. Beretania Street, Honolulu, Hawaii
- **Hilo:** April 19, 2013; 2:00 p.m., Environmental Health Building Conference Room
1582 Kamehameha Avenue, Hilo, Hawaii
- **Kona:** April 19, 2013; 9:00 a.m., Kona Adult Day Center Conference Room
81-989 Halekii Street, Kealahou, Hawai'i (UPDATE)
- **Maui:** April 24, 2013; 1:00 p.m., Maui Economic Opportunity, Inc., Classroom I
99 Mahalani Street, Wailuku, Hawaii
- **Molokai:** April 25, 2013; 1:00 p.m.
Molokai Community Health Center, 30 Oki Place, Kaunakakai, Hawaii
- **Lanai:** May 1, 2013; 1:30 p.m., Lanai Community Health Center, Conference Room
478 Lauhala Place, Lanai City, Hawaii
- **Kauai:** April 26, 2013; 2:00 p.m., Kauai District Health Office Conference Room
3040 Umi Street, Lihue, Hawaii

All interested persons may submit testimony orally or in writing to the presiding hearings officer at the public hearing. Written testimony will also be accepted until 4:30 p.m. on May 31, 2013 at: Children with Special Health Needs Branch (HAR 11-140), 741 Sunset Avenue, Honolulu, Hawaii, 96816.

Copies of the proposed rules are available for review at the above address during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday (not including State holidays). The proposed rules are also available at: <http://hawaii.gov/health/family-child-health/eis/index.html>.

A copy of the proposed rules will be mailed to any interested person who requests a copy and pays the fee for copying and postage. For a mailed copy, call (808) 733-9070 (Oahu) for information on the applicable fee, and then send to the above address a written request with the name/address of the requestor and payment for the fee.

Special accommodations (sign language interpreter, large print, etc.) can be made for persons with disabilities, if requested by calling (808) 733-9070 (Oahu) at least five (5) working days before the scheduled public hearing.