

JAN 25 2006

A BILL FOR AN ACT

RELATING TO SPECIAL EDUCATION.

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

1 SECTION 1. The United States Congress mandated fair and
2 equal access to free and appropriate public education for
3 children with a disability through the Individuals with
4 Disabilities Education Act of 1975, amended in 1997 and 2004
5 (20 U.S.C. 1400 *et seq.*) (IDEA). Prior to enacting the IDEA,
6 Congress had found that education for children with a disability
7 continued to be impeded by low expectations and insufficient
8 implementation of scientifically-proven teaching methods. The
9 2004 amendments to the IDEA, among other things, created new
10 requirements regarding the evaluation and instruction relating
11 to academic achievement as well as the developmental needs of a
12 child with a disability. This established a new mandate for
13 special education providers to address the developmental needs
14 of a child within the educational framework. For too long,
15 special education providers have been drawing a bright line
16 between issues labeled "academic," which could be addressed in
17 the classroom, and "developmental," which were better addressed
18 by specialists or in the home. This strict division has



1 resulted in disjointed skills acquisition for children with a
2 disability. To the detriment of many parents of children with
3 disabilities, issues relegated to the "developmental" category
4 have often served as the basis for a denial of special education
5 services.

6 The purpose of this Act is to bring the state of Hawaii in
7 line with the 2004 IDEA federal standards for education for
8 children with a disability by incorporating developmental
9 instruction and training into state special education
10 requirements.

11 SECTION 2. Section 302A-436, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) It is hereby declared to be of vital concern to the
14 State that all exceptional children residing in the State be
15 provided with instruction, special facilities, and special
16 services for education, therapy, and training to enable them to
17 live normal competitive lives. In order to effectively
18 accomplish this purpose, the department shall establish and
19 administer instruction, special facilities, and special services
20 for the education, therapy, and training of exceptional
21 children, and provide in connection therewith corrective
22 therapy, together with academic, occupational, developmental,



1 and related training. The department shall cooperate with other
 2 agencies of the State charged with the administration of laws
 3 providing any type of service or aid to the exceptional child,
 4 and with the United States government through any appropriate
 5 agency or instrumentality in developing, extending, and
 6 improving the foregoing instruction, special facilities, and
 7 special services."

8 SECTION 3. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2006.

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SB. NO. 3225

Report Title:

Schools; Special Education

Description:

Amends departmental duty toward exceptional children to include developmental training.

