
SENATE CONCURRENT RESOLUTION

REQUESTING THAT THE BOARD AND DEPARTMENT OF EDUCATION CLARIFY HOW THE I.D.E.A. MANDATE OF "FREE APPROPRIATE PUBLIC EDUCATION" FOR SPECIAL EDUCATION STUDENTS IS BEING IMPLEMENTED IN THE STATE AND THAT THE LEGISLATIVE REFERENCE BUREAU CONDUCT A COMPARATIVE STUDY OF COSTS AND FEES CHARGED BY SCHOOL DISTRICTS.

1 WHEREAS, the federal Individuals with Disabilities
2 Education Act mandates that students with disabilities receive
3 "free appropriate public education," or special education and
4 related services in conformance with each student's
5 individualized education program, at no cost, at each preschool,
6 elementary, and secondary school in the State; and
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8 WHEREAS, the Act defines "special education" as specially-
9 designed instruction to meet the unique needs of a child with a
10 disability which includes instruction in physical education; and
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12 WHEREAS, the Act defines "related services" as
13 transportation and the developmental, corrective, or other
14 support services which may be necessary to assist a child in
15 benefiting from special education, which could include speech-
16 language pathology and audiology services, psychological
17 services, physical and occupational therapy, recreation,
18 counseling services, orientation and mobility services, certain
19 medical services, school health services, social work services,
20 and parent counseling and training; and
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22 WHEREAS, Hawaii and other school districts charge students
23 for the provision of certain services and programs; and
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25 WHEREAS, the Act does not preclude incidental fees for
26 specially-designed instruction as long as they are also normally
27 charged to nondisabled students or their parents as a part of
28 the regular education program; now, therefore,
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1 BE IT RESOLVED by the Senate of the Twenty-third
 2 Legislature of the State of Hawaii, Regular Session of 2006, the
 3 House of Representatives concurring, that the Board of Education
 4 and the Department of Education are requested to communicate to
 5 parents, students, the community, advocates for students,
 6 stakeholders, the Legislature, and the Governor, how the State
 7 is carrying out and evaluating its mandate of "free appropriate
 8 public education" for students with disabilities; and
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10 BE IT FURTHER RESOLVED that the Legislative Reference
 11 Bureau shall conduct a comparative study focusing on costs and
 12 fees charged by Hawaii and other school districts for regular
 13 and special education student transportation, school lunch,
 14 textbooks and other educational materials such as workbooks,
 15 art, music, enrichment programs, athletic programs, uniforms,
 16 equipment, and after-school programs; and
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18 BE IT FURTHER RESOLVED that the Legislative Reference
 19 Bureau study shall indicate whether any services or programs
 20 such as transportation services, school lunch, or athletic
 21 programs are not provided by the school district; and
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23 BE IT FURTHER RESOLVED that the Legislative Reference
 24 Bureau submit its findings to the Legislature no later than
 25 twenty days prior to the convening of the Regular Session of
 26 2007; and
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28 BE IT FURTHER RESOLVED that certified copies of this
 29 Concurrent Resolution be transmitted to the Superintendent of
 30 the Department of Education, the Chair of the Board of
 31 Education, and the Acting Director of the Legislative Reference
 32 Bureau.
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