
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
9 specially-designed instruction to meet the unique needs of a
10 child with a disability which includes instruction in physical
11 education; and
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13 WHEREAS, the Act defines "related services" as
14 transportation and the developmental, corrective, or other
15 support services which may be necessary to assist a child in
16 benefiting from special education, which could include
17 speech-language pathology and audiology services, psychological
18 services, physical and occupational therapy, recreation,
19 counseling services, orientation and mobility services, certain
20 medical services, school health services, social work services,
21 and parent counseling and training; and
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23 WHEREAS, Hawaii and other school districts charge students
24 for the provision of certain services and programs; and
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26 WHEREAS, the Act does not preclude incidental fees for
27 specially-designed instruction as long as they are also normally
28 charged to nondisabled students or their parents as a part of
29 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 conduct a comparative study focusing on costs and fees
12 charged for high school students by Hawaii and other selected
13 school districts for regular and special education student
14 transportation, school lunch, textbooks and other educational
15 materials such as workbooks, art, music, enrichment programs,
16 athletic programs, uniforms, equipment, and after-school
17 programs; and
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19 BE IT FURTHER RESOLVED that the Legislative Reference
20 Bureau is requested to indicate in its study whether any
21 services or programs such as transportation services, school
22 lunch, or athletic programs are not provided by the school
23 district; and
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25 BE IT FURTHER RESOLVED that the Department of Education is
26 requested to assist the Legislative Reference Bureau by, among
27 other things, providing relevant information requested by the
28 Bureau, assisting the Bureau in identifying school districts in
29 other jurisdictions that may be considered most comparable to
30 Hawaii, and by providing contact information for school
31 districts in other jurisdictions; and
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33 BE IT FURTHER RESOLVED that the Department of Education and
34 the Legislative Reference Bureau are requested to submit their
35 respective reports to the Legislature no later than twenty days
36 prior to the convening of the Regular Session of 2007; and
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38 BE IT FURTHER RESOLVED that certified copies of this
39 Concurrent Resolution be transmitted to the Superintendent of
40 the Department of Education, the Chair of the Board of
41 Education, and the Acting Director of the Legislative Reference
42 Bureau.
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