
HOUSE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO PROVIDE
RECOMMENDATIONS TO THE LEGISLATURE IN UPDATING THE HAWAII
REVISED STATUTES REGARDING EARLY INTERVENTION AND SPECIAL
EDUCATION IN RESPONSE TO THE ENACTMENT OF THE INDIVIDUALS
WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004 AND THE
CURRENT NEEDS OF OUR CHILDREN WITH DISABILITIES.

1 WHEREAS, the United States Department of Education requires
2 that all States have rules written and implemented to be in
3 compliance with the Individuals with Disabilities Education
4 Improvement Act of 2004; and
5

6 WHEREAS, the Department of Education has been designated as
7 the Lead Agency in implementing Part B of the Act, while the
8 Department of Health has been designated as the Lead Agency in
9 implementing Part C of the Act; and
10

11 WHEREAS, recommendations by the Board of Education's
12 Committee on Special Programs, on January 28, 2008, for approval
13 of the Department of Education's plan to put forth for public
14 comment proposed administrative rules to repeal Hawaii
15 Administrative Rules chapter 56 and to add chapter 60 regarding
16 free appropriate public education for students with disabilities
17 were subsequently approved by the full Board; and
18

19 BE IT RESOLVED by the House of Representatives of the
20 Twenty-fourth Legislature of the State of Hawaii, Regular
21 Session 2008, the Senate concurring, that the Legislative
22 Reference Bureau is requested, in consultation with the
23 Department of Education, Special Education Advisory Council, the
24 Department of Health, and the United States Department of
25 Education's websites, including www.ed.gov and www.idea.ed.gov,
26 to study, in comparison to Hawaii's laws and rules, including
27 state-imposed requirements:
28



- 1 (1) the optional (or otherwise noted as at a State's
- 2 discretion) policies and expenses allowed under the
- 3 Individuals with Disabilities Education Improvement
- 4 Act of 2004;
- 5
- 6 (2) all other States' and the District of Columbia's laws
- 7 and regulations which are allowed at a State's
- 8 discretion, including eligibility criteria, definition
- 9 of least restrictive environment, continuum of
- 10 placements, provision of services, timelines for
- 11 implementation, and policies that serve children
- 12 beyond the requirements of the Act; and
- 13

14 BE IT FURTHER RESOLVED that the Legislative Reference
 15 Bureau is requested to submit a report of its findings and
 16 recommendations, including any proposed legislation to update
 17 the Hawaii Revised Statutes in accordance with federal special
 18 education and disability-related laws and the current needs of
 19 Hawaii's children with disabilities to the Legislature no later
 20 than twenty days prior to the Regular Session of 2009; and

21
 22 BE IT FURTHER RESOLVED that certified copies of this
 23 Concurrent Resolution be transmitted to the Senate President,
 24 Speaker of the House of Representatives, Office of the Governor,
 25 Chair of the Board of Education, Superintendent of Education,
 26 Director of Health, and the Chair of the Interdepartmental
 27 cluster for services to children pursuant to the Hawaii Revised
 28 Statutes §321D-1.

29
 30
 31 OFFERED BY: Colleen May
Catherine
Atkinson

MAR 12 2008

