

JAN 17 2008

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The federal Individuals with Disabilities
2 Education Act requires that each state establish and maintain a
3 state advisory panel on the education of children with
4 disabilities. The Act further states that the advisory panel
5 must be appointed by the governor or any other official
6 authorized under state law to make those appointments; provided
7 that if a state has an existing advisory panel that can perform
8 the required functions, the state may modify the existing panel
9 so that it fulfills all of the requirements, instead of
10 establishing a new advisory panel. In Hawaii, the advisory
11 panel is the Special Education Advisory Council, and members are
12 appointed by the superintendent of education.

13 The purpose of this Act is to establish the special
14 education advisory council in chapter 302A, Hawaii Revised
15 Statutes, with members to be appointed by the governor.



1 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§302A- Special education advisory council. (a) There
5 is established a special education advisory council that shall
6 be placed within the department for administrative purposes.

7 The council shall consist of twenty-two members appointed by the
8 governor as provided in section 26-34. In making appointments
9 to the council, the governor shall ensure that members are
10 broadly representative of the state population and are involved
11 in or concerned with the education of children with
12 disabilities. The majority of members shall be individuals with
13 disabilities or parents of children with disabilities.

14 Membership shall include representation from the following;
15 provided that at least one member shall represent each
16 administrative school district:

- 17 (1) Individuals with disabilities;
- 18 (2) Parents of children with disabilities;
- 19 (3) Students with disabilities;
- 20 (4) Teachers (regular and special education) of children
21 with disabilities;



- 1 (5) The special education section, department of
- 2 education;
- 3 (6) Private schools and public charter schools;
- 4 (7) The University of Hawaii and other institutions of
- 5 higher education that prepare special education and
- 6 related services personnel;
- 7 (8) Administrators of programs for children with
- 8 disabilities;
- 9 (9) State agencies involved in the financing or delivery
- 10 of related services to children with disabilities,
- 11 including the:
- 12 (A) Department of health child and adolescent mental
- 13 health division, developmental disabilities
- 14 division, and family health services division;
- 15 (B) Department of human services division of
- 16 vocational rehabilitation, and child protective
- 17 services;
- 18 (10) Vocational, community or business organizations
- 19 concerned with provision of transition services to
- 20 children with disabilities; and
- 21 (11) State juvenile and adult corrections agencies.



1 (b) Members shall be appointed for a three-year term
2 commencing July 1 of each year; provided that the student
3 representative or representatives shall be appointed for a one-
4 year term commencing July 1 of each year. Except with respect
5 to a student representative, the terms shall be staggered; one-
6 third of the membership shall be appointed each year. The
7 executive committee of the council shall develop and transmit to
8 the governor in May of each year, a list of persons to fill
9 expired terms. The executive committee of the council shall
10 also develop and transmit to the governor, a list of persons to
11 fill vacancies as they occur.

12 (c) A quorum shall consist of one-half of the current
13 membership. Members who are absent without prior notice two
14 times during the school year will be contacted by the
15 chairperson to determine interest in membership. Three absences
16 without prior notification shall result in a recommendation to
17 the governor that the person's membership be terminated and a
18 replacement appointed. Members who wish to resign from the
19 council shall submit a written notice to the chairperson who
20 shall forward the resignation to the executive committee for
21 action.



1 (d) Members of the council shall designate a chairperson
2 and vice chairperson and shall serve without compensation;
3 provided that actual travel and other expenses incurred in the
4 performance of their duties shall be advanced or reimbursed.

5 (e) By July 1 of each year, the advisory council shall
6 submit an annual report of council activities and suggestions to
7 the department of education. This report shall be made
8 available to the public."

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

11

INTRODUCED BY: *Suzanne Chun Oakland*



Report Title:

Special Education Advisory Council; Education

Description:

Establishes special education advisory council in chapter 302A, HRS, relating to education.

