

Honolulu, Hawaii

FEB 29, 2008

RE: H.B. No. 2186
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 2186, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this bill is to assist in ensuring that children with disabilities receive an appropriate special education by:

- (1) Extending from 90 days to two years the time allowed for their parents or guardians or the Department of Education (DOE) to request an impartial hearing regarding reimbursement for the costs of a child's unilateral placement in special education; and
- (2) Requiring that rules adopted by DOE pertaining to the impartial hearing provide that any party is entitled to the reimbursement of expert witness and other relevant fees and expenses associated with the hearing.

The State Council on Developmental Disabilities, Autism Society of Hawaii, Autism Speaks, and several concerned individuals supported this bill. The Attorney General and the Hawaii State Teachers Association opposed this bill. DOE and the Community Children's Council Office submitted comments.



Your Committee has amended this measure by:

- (1) Reducing, from two years to one year of a child's unilateral placement in special education, the time allowed for parents or guardians or DOE to request an impartial hearing regarding reimbursement for the costs of a child's placement;
- (2) Specifying that only the prevailing party is entitled to the reimbursement of expert witness and other relevant fees and expenses associated with the hearing;
- (3) Changing its effective date to July 1, 2020, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2186, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2186, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Finance,


MARCUS R. OSHIRO, Chair



