

Honolulu, Hawaii

March 14, 2008

RE: S.B. No. 2004  
S.D. 2  
H.D. 1

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

Sir:

Your Committee on Education, to which was referred S.B. No. 2004, S.D. 2, 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 to 180 days 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 DOE to submit to the Legislature, prior to the convening of each regular session, a report that provides the total number of requests for a due process hearing relating to the reimbursement of costs for a child's placement in special education.

The Hawaii Disability Rights Center, Community Children's Council Office, Autism Speaks, Autism Society of Hawaii, Hawaii Down Syndrome Congress, and several concerned individuals testified in support of this bill with amendments. The State Council on Developmental Disabilities supported the intent of this

SB2004 HD1 HSCR EDN HMS 2008-3055



measure. The Department of the Attorney General, DOE, and Hawaii State Teachers Association opposed this bill. The Special Education Advisory Council offered comments.

Your Committee has amended this bill by:

- (1) Extending, from 180 calendar days to one year of a child's unilateral placement in special education, the time allowed for parents, guardians, or DOE to request an impartial hearing regarding reimbursement for the costs of a child's placement;
- (2) Requiring that rules adopted by DOE pertaining to the impartial hearing provide that the prevailing party is entitled to the reimbursement of expert witness and other relevant fees and expenses associated with the hearing; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2004, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2004, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

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



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ROY TAKUMI, Chair



State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

1090-08

**Record of Votes of the Committee on Education**

<b>Bill/Resolution No.:</b> SB 2004 SD2	<b>Committee Referral:</b> EDU, JUD, FIN	<b>Date:</b> 3-12-08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EDN Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKUMI, Roy M. (C)	✓			
2. BERG, Lyla B., Ph.D. (VC)	✓			
3. BERTRAM, Joe, III	✓			
4. CABANILLA, Rida T.R.				✓
5. CHANG, Jerry L.	✓			
6. NISHIMOTO, Scott Y.	✓			✗ JB
7. SAIKI, Scott K.	✓			
8. SHIMABUKURO, Maile S. L.	✓			✗ JB
9. TAKAI, K. Mark	✓			
10. TAKAMINE, Dwight Y.	✓			
11. WAKAI, Glenn				✓
12. CHING, Corinne W.L.				✓
13. FINNEGAN, Lynn		✓		
<b>TOTAL (13)</b>	9	1		3
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
<b>Vice Chair's or designee's signature:</b> _____ <div style="text-align: center; font-size: large; font-family: cursive;">Lyla B. Berg</div>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office				