

Honolulu, Hawaii

March 20, 2008

RE: S.B. No. 2004
S.D. 2
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 Judiciary, to which was referred S.B. No. 2004, S.D. 2, 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 appropriate special education by:

- (1) Extending from 90 days to one year 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;
- (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) Requiring DOE to submit annual reports to the Legislature that provide the total number of requests for a due process hearing relating to the reimbursement of costs for a child's placement, filed by a parent or guardian of a child with a disability.



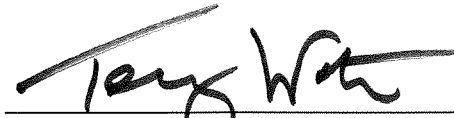
The Hawaii Disability Rights Center, Community Children's Councils in Hawaii, Special Education Advisory Council, Autism Society of Hawaii, Autism Speaks, and numerous concerned individuals supported this bill. The State Council on Developmental Disabilities supported the intent of this bill. DOE did not support this measure. The Attorney General opposed this bill.

Upon further consideration, your Committee has amended this measure by:

- (1) Deleting the provision 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;
- (2) Requiring DOE to exercise oversight and monitoring of all children who have undergone unilateral special education placement; and
- (3) Repealing the provisions of this bill on July 1, 2010.

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

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



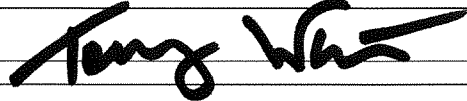
TOMMY WATERS, Chair



HSCR 1334-08

State of Hawaii
House of Representatives
The Twenty-fourth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB2004 , SD2 , HD1 (HSCR1090-08)		Committee Referral: EDN , JUD , FIN		Date: 3/18/08
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) 2 <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	/			
2. OSHIRO, Blake K. (VC)	/			
3. EVANS, Cindy	/			
4. GREEN, Josh, M.D.	/			
5. ITO, Ken	/			
6. LUKE, Sylvia	/			
7. McKELVEY, Angus L.K.	/ TW	/ TW		
8. MORITA, Hermina M.				//
9. SONSON, Alex M.				//
10. SOUKI, Joseph M.	/			
11. TSUJI, Clift	/			
12. YAMANE, Ryan I.	/			
13. YAMASHITA, Kyle T.	/			
14. MARUMOTO, Barbara C.	/			
15. PINE, Kymberly Marcos				/
16. THIELEN, Cynthia	/			
TOTAL (16)	12	1	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <p style="margin-left: 40px;">committee acronym(s)</p>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				