

STAND. COM. REP. NO.

2806

Honolulu, Hawaii

FEB 29 2008

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

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 2004, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this measure is to facilitate resolving issues relating to cost reimbursement in the administrative hearings process relating to the education of children with disabilities.

Specifically, this measure extends the deadline to file a request for an administrative hearing relating to the education of a child with a disability from ninety days to one hundred eighty days when the request is for reimbursement of costs of a child's placement.

Testimony in support of this measure was submitted by the Hawaii Disability Rights Center, the Community Children's Council Office and thirteen private individuals. Testimony opposing this measure was submitted by the Department of Education and the Department of the Attorney General. The State Council on Developmental Disabilities, the Special Education Advisory Council, and two private citizens submitted comments.

Your Committee is sympathetic to concerns raised by both parents and the Department of Education. However, a ninety day statute of limitations for parents requesting a due process hearing places an unfair burden and undue stress on many parents. Extending the deadline would allow greater opportunity for parents

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to resolve issues with the Department. Your Committee further finds that the complexity of this issue seems to warrant continued discussion.

Your Committee has amended this measure by:

- (1) Requiring the Department of Education to report annually to the Legislature the number of requests related to reimbursement of a child's placement that are currently awaiting a due process hearing; and
- (2) Changing the effective date to July 1, 2050, in order to promote continued discussion among interested parties.

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

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,


ROSALYN H. BAKER, Chair



