

STAND. COM. REP. NO. 19

Honolulu, Hawaii

Feb 5, 2009

RE: H.B. No. 87
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Education, to which was referred H.B. No. 87 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this bill is to ensure that a free and appropriate public education (FAPE) is provided to students eligible for special education who are placed in private schools at public expense, by:

- (1) Authorizing and obligating the Department of Education (DOE) to oversee and monitor those students; and
- (2) Authorizing DOE to withhold tuition payment for failure of the private school or parent to afford reasonable access to individuals and to the records necessary to provide FAPE.

DOE testified in support of this bill. The Hawaii Special Education Advisory Council offered comments.

Your Committee has amended this bill by:

- (1) Deleting language relating to the withholding of tuition payment for failure of the private school or parent to provide access to individuals and records;

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- (2) Inserting a provision that if the private school or facility does not allow DOE routine and timely access to monitor the delivery of special education and related services, the placement of the student in the private school or facility is to be deemed an inappropriate placement for the student and is not to be considered the last agreed-upon placement;
- (3) Requiring the individualized education program team to reconvene to determine a new placement for the student;
- (4) Replacing all references to "private school" with "private school or facility"; and
- (5) 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 H.B. No. 87, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 87, H.D. 1, and be referred to the Committee on Judiciary.

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



ROY TAKUMI, Chair



