

STAND. COM. REP. NO.

1102

Honolulu, Hawaii

APR 02 2009

RE: S.C.R. No. 150
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Education and Housing, to which was referred S.C.R. No. 150 entitled:

"SENATE CONCURRENT RESOLUTION URGING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH AND FACILITATE A SPECIAL EDUCATION PRIVATE SCHOOL TASK FORCE TO ADVISE THE DEPARTMENT OF EDUCATION ON POLICIES OR PROCEDURES FOR OVERSIGHT AND MONITORING OF PRIVATE SCHOOL OR FACILITY PLACEMENTS,"

begs leave to report as follows:

The purpose of this measure is to urge the Superintendent of Education to establish and facilitate a Special Education Private School Task Force to:

- (1) Advise the Department of Education on policies or procedures for oversight and monitoring of private school or facility placements;
- (2) Review data collected by the Department regarding oversight and monitoring;
- (3) Advise the Department on efforts to improve and streamline oversight and monitoring; and
- (4) Report its findings and recommendations to the 2011 Legislature.

Testimony in support of this measure was submitted by two government agencies, five private organizations, and twenty



individuals. Two individuals testified in opposition. One individual submitted comments. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that students with disabilities are placed in private schools or facilities as a result of an Individualized Education Program team decision, a due process hearing decision, or a settlement agreement. Pursuant to the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), the Department of Education is required to provide a free appropriate public education to all students with disabilities, including students placed in a private school or facility at public expense, and to monitor every student's progress.

Your Committee has heard that in the past, the Department has sometimes been denied timely access to monitor these students and their educational records because they were not educated on a public school campus. Your Committee believes that through the task force to be convened by this measure, the Department will be able to study the barriers and strengths of the current monitoring system and determine how best to correct any deficiencies.

Your Committee has also considered concerns regarding the inclusion of the Senior Hearings Officer from the Department of Commerce and Consumer Affairs, Office of Administrative Hearings, or a designee, as a member of the Task Force, since placement may be determined through the hearings process. Your Committee has heard extensive discussion, and finds the Senior Hearings Officer should remain a member.

First, your Committee notes that the role of the Special Education Private School Task Force is advisory in nature. Second, your Committee believes that the information and professional experience that the Senior Hearings Officer brings to the Task Force far outweigh any possible conflict of interest that may occur. Third, should a potential conflict arise, the Senior Hearings Officer or designee may be excused from participation in that instance.

Your Committee has amended this measure to sunset the Special Education Private School Task Force on June 30, 2011.

As affirmed by the record of votes of the members of your Committee on Education and Housing that is attached to this report, your Committee concurs with the intent and purpose of



S.C.R. No. 150, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 150, S.D. 1.

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



NORMAN SAKAMOTO, Chair



