

JAN 23 2009

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# A BILL FOR AN ACT

RELATING TO EDUCATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The federal Individuals with Disabilities  
2 Education Act (Public Law 108-446, reauthorized 2004) requires  
3 that the State establish and maintain an advisory panel on the  
4 education of children with disabilities. The Act further states  
5 that the advisory panel shall be appointed by the governor or  
6 any other official authorized under state law to make those  
7 appointments; provided that if a state has an existing advisory  
8 panel that can perform the required functions, the State may  
9 designate and modify the existing panel so that it fulfills all  
10 of the requirements, instead of establishing a new advisory  
11 panel. The Act also requires that the advisory panel advise the  
12 state educational agency of unmet needs within the State in the  
13 education of children with disabilities; comment publicly on any  
14 rules or regulations proposed by the State regarding the  
15 education of children with disabilities; advise the state  
16 educational agency in developing evaluations and reporting on  
17 data to the Secretary of Education under section 618 of the Act;



1 advise the state educational agency in developing corrective  
2 action plans to address findings identified in federal  
3 monitoring reports; and advise the state educational agency in  
4 developing and implementing policies relating to the  
5 coordination of services for children with disabilities.

6 The purpose of this Act is to establish in chapter 302A,  
7 Hawaii Revised Statutes, the state advisory panel as required by  
8 the reauthorized Individuals with Disabilities Education Act, by  
9 designating the existing special education advisory council as  
10 the state advisory panel, with new members to be appointed by  
11 the governor.

12 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15 **"§302A- State advisory panel; established. (a)**  
16 Pursuant to the Individuals with Disabilities Education Act (20  
17 U.S.C. 1400 et seq.), the special education advisory council is  
18 designated as the state advisory panel to provide policy  
19 guidance with respect to special education and related services  
20 for children with disabilities in the State. The state advisory  
21 panel shall be attached to the department for administrative  
22 purposes.



1        (b) The state advisory panel shall consist of twenty-one  
2 members appointed by the governor as provided in the Individuals  
3 with Disabilities Education Act (20 U.S.C. 1400 et seq.) and in  
4 accordance with section 26-34. In making appointments to the  
5 state advisory panel, the governor shall ensure that members are  
6 representative of the state population and are involved in, or  
7 concerned with, the education of children with disabilities. A  
8 majority of the members of the state advisory panel shall be  
9 individuals with disabilities or parents of children with  
10 disabilities, ages birth through twenty-six years; provided that  
11 at least one member shall be a student with disabilities.

12        (c) Members shall be appointed for three-year terms;  
13 provided that beginning July 1, 2009, members of the state  
14 advisory panel shall serve staggered terms as follows:

15        (1) One-third shall serve a one year term;

16        (2) One-third shall serve a two-year term; and

17        (3) One-third shall served a three-year term;

18 provided further that the student member or members shall serve  
19 a one-year term. Members shall be limited to two terms;  
20 provided that the two terms are not required to be served  
21 consecutively. The state advisory panel shall appoint an  
22 executive committee from among its members to develop and



1 transmit to the governor in December of each year, a list of  
2 persons to fill expired terms. The executive committee shall  
3 also develop and transmit to the governor, a list of persons to  
4 fill vacancies as they occur.

5 (d) Members of the state advisory panel shall designate a  
6 chairperson and vice chairperson. Members shall serve without  
7 compensation, but shall be reimbursed for travel and other  
8 expenses incurred in the performance of their duties.

9 (e) The state advisory panel shall be subject to part 1 of  
10 chapter 92.

11 (f) By July 1 of each year, the state advisory panel shall  
12 submit an annual report of panel activities and advisements to  
13 the department of education. This report shall be made  
14 available to the public."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Shiranne Chen Akland



**Report Title:**

Special Education; State Advisory Panel

**Description:**

Establish in statutes the state advisory panel, as required by the reauthorized Individuals with Disabilities Education Act, by designating the existing special education advisory council as the state advisory panel, with new members to be appointed by the governor; requires annual report.

