

STAND. COM. REP. NO. 1136

Honolulu, Hawaii

March 24, 2011

RE: S.B. No. 1284
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Education, to which was referred S.B. No. 1284, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this bill is to ensure that students with disabilities in private special education schools and placements as a result of hearing officers' decisions, court orders, or programmatic placement receive a quality education by, among other things:

- (1) Authorizing the Department of Education (DOE) to monitor students with disabilities who are placed in private schools or placements at DOE's expense, and requiring DOE to withhold payment if student monitoring is restricted or denied;
- (2) Requiring private schools and placements that receive DOE funds to annually post itemized rates, fees, and tuition and to charge DOE the same tuition as that charged to parents and guardians who unilaterally place a student at the private school or placement; and
- (3) Requiring DOE to pay only for private school or placement services that are specified in a student's individualized education program.

SB1284 HD1 HSCR EDN HMS 2011-3247



The Board of Education, DOE, Hawaii State Teachers Association, and a concerned individual supported this bill. The Hawaii Disability Rights Center and several concerned individuals opposed this measure. The Hawaii Association of Independent Schools provided comments.

Your Committee has amended this bill by:

- (1) Exempting schools that are full and accredited members in good standing of the Hawaii Association of Independent Schools and the Hawaii Catholic Schools; provided that DOE maintains authorization to monitor students eligible for services at DOE's expense at such schools; and
- (2) 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 S.B. No. 1284, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1284, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

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



ROY TAKUMI, Chair



