

Honolulu, Hawaii

FEB 18 2011

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

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committees on Education and Human Services, to which was referred S.B. No. 1284 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

beg leave to report as follows:

The purpose and intent of this measure is to amend section 302A-443, Hawaii Revised Statutes, to grant the Department of Education:

- (1) Access to monitor students with disabilities who are placed, at the Department of Education's expense, at private special education schools or placements; and
- (2) Authority to set reasonable rates for the placement of students at private education schools and placements.

Your Committees received testimony in support of this measure from the Department of Education; the State Council on Developmental Disabilities; the Special Education Advisory Council; and two individuals. Your Committees received testimony in opposition to this measure from the Hawaii Disability Rights Center, Hawaii Association of Independent Schools, Hawaii Autism Society, and nine individuals. Your Committees received comments on this measure from the Board of Education.

Your Committees find that the Department of Education has the responsibility to ensure that students with disabilities who are placed in private schools or placements are provided special



education and related services in conformance with their Individualized Education Programs. In order for the Department of Education to fulfill this obligation, it must have access to monitor students with disabilities in private schools or placements.

Your Committees have amended this measure by inserting language to:

- (1) Clarify that the Department of Education shall have authority to monitor any child eligible to receive special education and related services who is placed in a private school or placement:
 - (A) Regardless of whether the placement is the result of a hearing officer's decision, court order, or programmatic placement; and
 - (B) At the Department's expense, whether by direct payment or through reimbursement to the student's parent, legal guardian, or legal custodian;
- (2) Expand the definition of "monitoring" to include direct observation of the student, review of student records, and the right of the Department of Education to talk with the student's teacher at the private school or placement;
- (3) Require private schools or placements that receive funds from the Department of Education to post with the Department itemized rates, fees, and tuition each April for the next school year;
- (4) Require private schools or placements that receive funds from the Department of Education to charge the Department the same rates, fees, and tuition charged to parents who unilaterally place a student at the school;
- (5) Require the Department of Education to pay only for private school or placement services that are specified in a student's Individualized Education Program;
- (6) Require private schools or placements to provide the Department of Education with a student's records within three business days of a request for such records; and



- (7) Authorize the Department of Education to withhold payment to any private school or placement that restricts or denies monitoring of students under this measure.

As affirmed by the records of votes of the members of your Committees on Education and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1284, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1284, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Education and
Human Services,



SUZANNE CHUN OAKLAND, Chair



JILI TOKUDA, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

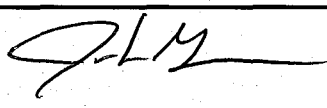
Record of Votes
Committee on Education
EDU

Bill / Resolution No.:* SB 1284	Committee Referral: EDU/HMS, WAM	Date: 2-9-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	/			
KIDANI, Michelle N. (VC)	/			
CHUN OAKLAND, Suzanne	/			
NISHIHARA, Clarence K.	/			
TANIGUCHI, Brian T.	/			
SLOM, Sam				/
TOTAL	5			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1284	EDU/HMS, WAM	2/11/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)				✓
GREEN, M.D., Josh	✓			
SLOM, Sam	✓			
TOTAL	3	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

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