



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/12/2014

Committee: House Education

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 2134, SD1(sscr2728) RELATING TO EDUCATION.

Purpose of Bill: Amends various sections of chapter 302A, HRS, to comply with the requirements of the federal Individuals with Disabilities Education Act. Effective 7/1/2050. (SD1)

Department's Position:

The Department of Education (Department) supports SB 2134 SD1. However, the Department stresses the importance of the need to correct the defective effective date contained in Section 5 as it is imperative that this measure be passed so that the Department can be in compliance with IDEA at the earliest possible time.



HAWAII DISABILITY RIGHTS CENTER

1132 Bishop Street, Suite 2102, Honolulu, Hawaii 96813

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THE HOUSE OF REPRESENTATIVES THE TWENTY-SEVENTH LEGISLATURE REGULAR SESSION OF 2014

Committee on Education Testimony in Support of S.B. 2134, SD1 Relating to Education

**Wednesday, March 12, 2014, 2:00 P.M.
Conference Room 309**

Chair Takumi and Members of the Committee:

The Hawaii Disability Rights Center testifies in support of this bill.

In August 2013, the Hawaii Disability Rights Center, along with a team of attorneys from the law firm Alston Hunt Floyd and Ing won a Class Action lawsuit allowing students with disabilities to continue their education. The United States Court of Appeals for the Ninth Circuit struck down Act 163 which barred students from attending Hawaii public school after age 20. The Ninth Circuit ruled that since students without disabilities were allowed to continue their education in the community school for adults (a form of public education), students with disabilities must be allowed to continue their education under the Individuals with Disabilities Education Act until 22. The decision of the Court therefore allows special education students two more years of school.

This bill would codify the effect of that decision into the law. We are pleased to see the legislature acknowledge the Court's decision and we believe that both from a policy as well as a legal point of view it is the appropriate course of action.

Thank you for the opportunity to testify in support of this measure.



S E A C
Special Education Advisory Council

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March 12, 2014

**Special Education
Advisory Council**

Ms. Ivalee Sinclair, *Chair*
Ms. Martha Guinan, *Vice
Chair*

Ms. Brendelyn Ancheta
Dr. Tammy Bopp
Dr. Robert Campbell
Ms. Deborah Cheeseman
Ms. Annette Cooper
Ms. Shari Dela Cuadra-Larsen,
liaison to the Superintendent
Ms. Gabriele Finn
Ms. Jenny Gong
Ms. Tami Ho
Ms. Barbara Ioli
Ms. Valerie Johnson
Ms. Deborah Kobayakawa
Ms. Bernadette Lane
Ms. Dale Matsuura
Ms. Stacey Oshio
Ms. Zaidarene Place
Mr. Kenneth Powell
Ms. Barbara Pretty
Ms. Kau'i Rezentes
Ms. Melissa Rosen
Dr. Patricia Sheehey
Mr. Tom Smith
Ms. Lani Solomona
Dr. Daniel Ulrich
Ms. Amy Weich
Ms. Cari White
Ms. Susan Wood

Jan Tateishi, Staff
Susan Rocco, Staff

Representative Roy Takumi, Chair
Committee on Education
State Capitol
Honolulu, HI 96813

RE: SB 2134, SD1- RELATING TO EDUCATION

Dear Chair Takumi and Members of the Committee,

The Special Education Advisory Council (SEAC), Hawaii's State Advisory Panel under the Individuals with Disabilities Education Act (IDEA), **supports** SB 2134 which amends Section 302A-101 of Hawaii Revised Statutes to bring Hawaii's age limit for students with disabilities receiving special education services into compliance with the Individuals with Disabilities Education Act (IDEA).

However, if the stated purpose of this legislation is to comply with IDEA, then SEAC strongly recommends that the Legislature consider forming a task force at a future date to revise the language in Section 302A-101 under the definition of "exceptional children." The current language speaks of exclusion and the inability of students with disabilities to benefit from "ordinary instructional methods." These descriptions are not only antiquated, but also offensive to the disability community and contrary to the spirit of IDEA.

Thank you for the opportunity to provide testimony on this legislation. If you have any questions, or if SEAC can be of assistance in redrafting language for Section 302A-101, please do not hesitate to contact me.

Respectfully,

Ivalee Sinclair, Chair

ohno2-Rexie

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 10, 2014 1:53 PM
To: EDNtestimony
Cc: tabalos@hsta.org
Subject: *Submitted testimony for SB2134 on Mar 12, 2014 14:00PM*

SB2134

Submitted on: 3/10/2014

Testimony for EDN on Mar 12, 2014 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Tanya Abalos	Individual	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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