
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The legislature finds that Act 163, Session
2 Laws of Hawaii 2010, established the age of twenty as the
3 threshold age for disqualification from attendance at a
4 department of education school. Although the provisions of Act
5 163 fall within the stated exceptions to the federal Individuals
6 with Disabilities Education Act, the provisions do not promote
7 the main purposes of the federal Act, which are "to ensure that
8 all children with disabilities have available to them a free
9 appropriate public education that emphasizes special education
10 and related services designed to meet their unique needs and
11 prepare them for further education, employment, and independent
12 living" and "to ensure that the rights of children with
13 disabilities and parents of such children are protected." Title
14 20, United States Code, section 1400(d)(1)(A) and (B). Act 163
15 effectively sets an "age out" limit for public school students,
16 including special education students, at their nineteenth
17 birthday, two years short of what the federal Act generally
18 requires, which is a free and appropriate public education to



1 students ages three to twenty-one, inclusive. Title 20, United
2 States Code, section 1412(a)(1)(A). Furthermore, Hawaii is one
3 of only two states in the United States that do not satisfy this
4 federal standard.

5 The most recent published financial overview from the
6 department of education, spanning the 2010-2011 fiscal year,
7 indicates that out of an operating budget of \$2,340,000,000,
8 only \$438,000,000, approximately nineteen per cent, was expended
9 by the department of education on special education, a decrease
10 from the 2008-2009 fiscal year.

11 The legislature further finds that when looking at long-
12 term expenditures and comparing the life-cycle cost of an
13 individual with disabilities (including post-high school
14 medicaid expenses for those incapable of living independently)
15 to the cost of an additional two years of education (which could
16 be used to teach vocational and rehabilitative skills), the
17 education costs seem somewhat negligible. In 2007, medicaid
18 payments to disabled individuals in Hawaii reached \$363,000,000,
19 with an average of \$14,472 paid to each enrollee. An
20 extrapolation of that number over a lifetime yields a total cost
21 that becomes exponentially larger than what the State is
22 expending for special education for each student each year.



1 The purpose of this Act is to satisfy federal standards for
 2 providing children with disabilities access to a public
 3 education by raising the threshold age for disqualification from
 4 attending a department of education school from twenty years of
 5 age to twenty-two years of age.





6 SECTION 2. Section 302A-1134, Hawaii Revised Statutes, is
 7 amended by amending subsection (c) to read as follows:



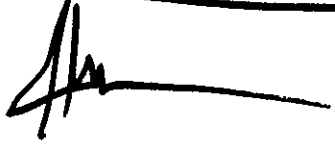

8 "(c) No person who is [~~twenty~~] twenty-two years of age or
 9 over on the first instructional day of the school year shall be
 10 eligible to attend a public school. If a person reaches
 11 [~~twenty~~] twenty-two years of age after the first instructional
 12 day of the school year, the person shall be eligible to attend
 13 public school for the full school year."

14 SECTION 3. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.
 17

INTRODUCED BY:



H.B. NO. 1472

Report Title:

Public Schools; Age Limit

Description:

Raises the threshold age for disqualification from attending a DOE school from 20 years of age to 22 years of age, to accommodate federal standards for providing children with disabilities access to a public education.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

