

STAND. COM. REP. NO.

2002

Honolulu, Hawaii

JAN 29 2014

RE: S.B. No. 2134

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

Your Committee on Education, to which was referred S.B. No. 2134 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose and intent of this measure is to amend various sections of chapter 302A, Hawaii Revised Statutes, to comply with the requirements of the federal Individuals with Disabilities Education Act.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii Disability Rights Center, Community Children's Council of Hawaii, and Special Education Advisory Council.

Your Committee finds that the United States Court of Appeals for the Ninth Circuit recently held in E.R.K. v. State of Hawaii Department of Education, 728 F.3d 982 (2013), that section 302A-1134(c), Hawaii Revised Statutes, which limits public school attendance to children who are twenty years of age or younger, violated the federal Individuals with Disabilities Education Act by denying public education to special-needs students aged twenty to twenty-one. This measure is necessary to bring Hawaii's law into compliance with the requirements of the federal Individuals with Disabilities Education Act.

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.

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No. 2134 and recommends that it pass Second Reading and be referred to the Committee on Ways and Means.

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



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JILL N. TOKUDA, Chair



