

MAR 17 2009

SENATE RESOLUTION

ESTABLISHING THE HAWAII GEOGRAPHIC EXCEPTION TASK FORCE TO
IDENTIFY AND EVALUATE THE PROCESS BY WHICH PUBLIC SCHOOL
GEOGRAPHIC EXCEPTIONS ARE APPROVED AND TO MAKE
RECOMMENDATIONS TO CLARIFY AND IMPROVE THE GEOGRAPHIC
EXCEPTION PROCESS.

1 WHEREAS, the Individuals with Disabilities Education and
2 Improvement Act of 2004 calls for each school district to ensure
3 that a continuum of placements is available to meet the needs of
4 children with disabilities for special education and related
5 services; and

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7 WHEREAS, the determination of placement is based upon the
8 child's individualized need and is made by the Individualized
9 Education Plan team members, where parents are an integral part
10 of such teams; and

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12 WHEREAS, to meet the growing diverse needs of students,
13 school are striving to develop innovative curriculum in focused
14 areas, resulting in the evolution of signature or magnet schools
15 and schools of excellence; and

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17 WHEREAS, with the federal mandate of the No Child Left
18 Behind Act, parents are given an option and priority to seek
19 enrollment at a school outside their home school, if their home
20 school is not making adequate yearly progress; and

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22 WHEREAS, families may seek public school geographic
23 exceptions for many reasons, which may include and are not
24 limited to attending other schools due to convenience of other
25 caregivers or specialized curriculum and programming, such as at
26 a signature school; and

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28 WHEREAS, through the Individualized Education Plan process,
29 a team may make a programmatic placement based on a
30 determination that a child's needs could be best met by
31 enrolling the child in a school other than the child's home
32 school; and
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1 WHEREAS, S.B. No. 759 (2009), would have provided parents
2 of children with disabilities with additional flexibility in
3 choices relating to education, including the requirement that a
4 child with a disability shall be granted permission to attend a
5 public school outside of the district in which the child
6 resides, upon request by the parent or guardian of the child;
7 now, therefore,
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9 BE IT RESOLVED by the Senate of the Twenty-fifth
10 Legislature of the State of Hawaii, Regular Session of 2009,
11 that there is established the Hawaii Geographic Exception Task
12 Force to identify and evaluate the process by which public
13 school geographic exceptions are approved and to make
14 recommendations to clarify and improve the geographic exception
15 process by:
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17 (1) Analyzing data related to the applications for
18 geographic exceptions of students receiving special
19 education, including but not limited to:
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21 (A) A comparison between the number of students
22 applying for a geographic exception and the
23 number of students approved; and
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25 (B) A review of reasons given for geographic
26 exception requests;
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28 (2) Identifying barriers to fulfilling student requests
29 for geographic exceptions based on:
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31 (A) General education placements; and
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33 (B) Special education programmatic placements; and
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35 (3) Reviewing the process of application for, and
36 adjudication and notification of geographic
37 exceptions, as well as the process of appeals for
38 completeness; and
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40 BE IT FURTHER RESOLVED that the Hawaii Geographic Exception
41 Task Force shall include representatives from:
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43 (1) The Office of the Superintendent of Education;
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- (2) The Board of Education;
- (3) The Department of Health, Early Intervention Section;
- (4) The Special Education Advisory Council;
- (5) The Special Parent Information Network;
- (6) The Learning Disabilities Association of Hawaii;
- (7) The Community Children's Councils;
- (8) A public elementary, middle, and high school;
- (9) A parent of a child from a neighbor island and Oahu, to be appointed by the Superintendent of Education;
- (10) A member of the Hawaii State Senate to be appointed by the President of the Senate; and
- (11) A member of the Hawaii State House of Representatives to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Hawaii Geographic Exception Task Force is requested to submit a report of its findings and recommendations to this body no later than twenty days prior to the convening of the Regular Session of 2010; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Superintendent of Education, Board of Education, Director of Health, Special Education Advisory Council, Special Parent Information Network, Learning Disabilities Association of Hawaii, Community Children's Councils, President of the Senate, and Speaker of the House of Representatives.

OFFERED BY:

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