STAND. COM. REP. NO. 1136

Honolulu, Hawaii

March 24, 2011

RE: S.B. No. 1284

S.D. 2 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Education, to which was referred S.B. No. 1284, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this bill is to ensure that students with disabilities in private special education schools and placements as a result of hearing officers' decisions, court orders, or programmatic placement receive a quality education by, among other things:

- (1) Authorizing the Department of Education (DOE) to monitor students with disabilities who are placed in private schools or placements at DOE's expense, and requiring DOE to withhold payment if student monitoring is restricted or denied;
- (2) Requiring private schools and placements that receive DOE funds to annually post itemized rates, fees, and tuition and to charge DOE the same tuition as that charged to parents and guardians who unilaterally place a student at the private school or placement; and
- (3) Requiring DOE to pay only for private school or placement services that are specified in a student's individualized education program.

SB1284 HD1 HSCR EDN HMS 2011-3247



The Board of Education, DOE, Hawaii State Teachers
Association, and a concerned individual supported this bill. The
Hawaii Disability Rights Center and several concerned individuals
opposed this measure. The Hawaii Association of Independent
Schools provided comments.

Your Committee has amended this bill by:

- (1) Exempting schools that are full and accredited members in good standing of the Hawaii Association of Independent Schools and the Hawaii Catholic Schools; provided that DOE maintains authorization to monitor students eligible for services at DOE's expense at such schools; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. No. 1284, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1284, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

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

ROY TAKUMI, Chair

## State of Hawaii House of Representatives The Twenty-sixth Legislature



## **Record of Votes of the Committee on Education**

SB 1284, SD2	EDN, FIN		3/21/2011	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)				
EDN Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKUMI, Roy M. (C)	<b>✓</b>			
2. BELATTI, Della Au (VC)				
3. AQUINO, Henry J.C.				
4. AWANA, Karen L.	✓			
5. CHANG, Jerry L.				V
6. HANOHANO, Faye P.				V
7. MIZUNO, John M.	1		""	
8. NAKASHIMA, Mark M.				
9. NISHIMOTO, Scott Y.	<b>✓</b>			
10. SAIKI, Scott K.				
11. TAKAI, K. Mark	<b>✓</b>			
12. WOOLEY, Jessica				
13. FONTAINE, George R.	<b>V</b>	,,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	****
14. JOHANSON, Aaron Ling	<b>√</b>			
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PLIK				
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TOTAL (14)	12			2
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature: Alla C. Belotti				
Distribution: Original (White) Committee Duplicate (Yellow) Chief Clerk's Office Duplicate (Pink) HMSO				