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## HOUSE RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO PROVIDE  
RECOMMENDATIONS TO THE LEGISLATURE IN UPDATING THE HAWAII  
REVISED STATUTES REGARDING EARLY INTERVENTION AND SPECIAL  
EDUCATION IN RESPONSE TO THE ENACTMENT OF THE INDIVIDUALS  
WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004 AND THE  
CURRENT NEEDS OF OUR CHILDREN WITH DISABILITIES.

1           WHEREAS, the United States Department of Education requires  
2 that all States have rules written and implemented to be in  
3 compliance with the Individuals with Disabilities Education  
4 Improvement Act of 2004; and  
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6           WHEREAS, the Department of Education has been designated as  
7 the Lead Agency in implementing Part B of the Act, while the  
8 Department of Health has been designated as the Lead Agency in  
9 implementing Part C of the Act; and  
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11           WHEREAS, recommendations by the Board of Education's  
12 Committee on Special Programs, on January 28, 2008, for approval  
13 of the Department of Education's plan to put forth for public  
14 comment proposed administrative rules to repeal Hawaii  
15 Administrative Rules chapter 56 and to add chapter 60 regarding  
16 free appropriate public education for students with disabilities  
17 were subsequently approved by the full Board; and  
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19           BE IT RESOLVED by the House of Representatives of the  
20 Twenty-fourth Legislature of the State of Hawaii, Regular  
21 Session 2008, that the Legislative Reference Bureau is  
22 requested, in consultation with the Department of Education,  
23 Special Education Advisory Council, the Department of Health,  
24 and the United States Department of Education's websites,  
25 including [www.ed.gov](http://www.ed.gov) and [www.idea.ed.gov](http://www.idea.ed.gov), to study, in  
26 comparison to Hawaii's laws and rules, including state-imposed  
27 requirements:  
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- 1 (1) the optional (or otherwise noted as *at a State's*
- 2 *discretion*) policies and expenses allowed under the
- 3 Individuals with Disabilities Education Improvement
- 4 Act of 2004;
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- 6 (2) all other States' and the District of Columbia's laws
- 7 and regulations which are allowed at a State's
- 8 discretion, including eligibility criteria, definition
- 9 of least restrictive environment, continuum of
- 10 placements, provision of services, timelines for
- 11 implementation, and policies that serve children
- 12 beyond the requirements of the Act; and
- 13

14 BE IT FURTHER RESOLVED that the Legislative Reference  
 15 Bureau is requested to submit a report of its findings and  
 16 recommendations, including any proposed legislation to update  
 17 the Hawaii Revised Statutes in accordance with federal special  
 18 education and disability-related laws and the current needs of  
 19 Hawaii's children with disabilities to the Legislature no later  
 20 than twenty days prior to the Regular Session of 2009; and  
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22 BE IT FURTHER RESOLVED that certified copies of this  
 23 Resolution be transmitted to the Senate President, Speaker of  
 24 the House of Representatives, Office of the Governor, Chair of  
 25 the Board of Education, Superintendent of Education, Director of  
 26 Health, and the Chair of the Interdepartmental cluster for  
 27 services to children pursuant to the Hawaii Revised Statutes  
 28 §321D-1.  
 29  
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OFFERED BY: 

MAR 12 2008

