

Honolulu, Hawaii

**April 25**, 2008

RE: S.B. No. 2879  
S.D. 2  
H.D. 1  
C.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2879, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to establish a power of attorney for special education.

This measure also establishes the process to appoint an educational representative for an adult student who lacks capacity and clarifies the authority of a guardian of an adult student.

Your Committee on Conference finds that, in 2007, the Department of Education convened the Chapter 56/60 Community Workgroup to assist the Department in adopting administrative rules that would be in alignment with the reauthorization of the Individuals with Disabilities Act of 2004 (IDEA). Necessary changes

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of the administrative rules were to be considered for chapter 56, Hawaii Administrative Rules, with the new rules to be adopted as a new chapter 60, Hawaii Administrative Rules. The Community Workgroup considered input from interested parties and made several recommendations to the Department. This bill addresses the requirement under the IDEA that the states establish procedures for the appointment of a representative for a student who is incapable of making decisions or providing informed consent on education issues by establishing a power of attorney for special education, establishing the process for appointment of an educational representative for an adult student who lacks capacity, and clarifying the authority of a guardian of an adult student. Your Committee on Conference determines that this bill will satisfy the requirements under the IDEA, while providing a less expensive and less labor intensive alternative to guardianships currently available for handling such matters.

Upon further review, your Committee on Conference has amended this bill by changing its effective date to July 1, 2008.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2879, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2879, S.D. 2, H.D. 1, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



ROY TAKUMI, Co-Chair



BLAKE K. OSHIRO, Co-Chair



MARILYN B. LEE, Co-Chair



NORMAN SAKAMOTO, Chair



BRIAN T. TANIGUCHI, Co-Chair



SHAN S. TSUTSUI, Co-Chair



Hawaii State Legislature  
Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: **SB 2879, SD 2, HD 1** Date/Time: **4/29/02 2:27P**

The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure  The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
SAKAMOTO, Norman, Chr.	✓				TAKUMI, Roy M., Co-Chr.	✓			
TANIGUCHI, Brian T., Co-Chr.	✓				OSHIRO, Blake K., Co-Chr.	✓			
TSUTSUI, Shan S., Co-Chr.	✓				LEE, Marilyn B., Co-Chr.	✓			
NISHIHARA, Clarence K.	✓				BERG, Lyla B., Ph.D.	✓			
SLOM, Sam	✓				PINE, Kymberly Marcos	✓			
TOTAL	<del>NK</del> 5	-	-	0	TOTAL	5	-	-	-

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is:  Adopted  Not Adopted House Recommendation is:  Adopted  Not Adopted

Senate Lead Chair's or Designee's Signature: *N Sakamoto* House Lead Chair's or Designee's Signature: *Blake*

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