

Honolulu, Hawaii

Feb 8, 2008

RE: H.B. No. 2186  
H.D. 1

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

Sir:

Your Committee on Education, to which was referred H.B. No. 2186 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this bill is to assist parents and guardians in ensuring that their children with disabilities receive an appropriate special education by:

- (1) Extending from 90 days to two years of a unilateral special education placement, the time allowed for parents or guardians or the Department of Education (DOE) to request an impartial hearing regarding reimbursement for the costs of a child's placement;
- (2) Requiring DOE to adopt rules regarding reimbursement of certain fees and expenses, including expert witness fees, associated with the hearing; and
- (3) Requiring DOE to adopt rules for an appeals board and process to review the decisions of the hearings officers concerning the identification, evaluation, program, or placement of children who have or are suspected of having an educational disability.



The Hawaii Disability Rights Center, Hawaii Down Syndrome Congress, Autism Society of Hawaii, and several concerned individuals testified in support of this bill. The Community Children's Council Office supported this measure with amendments. DOE and the Department of the Attorney General opposed this bill. The Special Education Advisory Council and a concerned individual offered comments.

Your Committee defers to the Committee on Judiciary regarding the legal issues involved in this bill.

Your Committee has amended this bill by deleting the requirement that DOE establish and adopt rules for an appeals board and process.

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 H.B. No. 2186, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2186, H.D. 1, and be referred to the Committee on Judiciary.

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



---

ROY TAKUMI, Chair



State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

HSCR 260-08

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

<b>Bill/Resolution No.:</b> HB 2186	<b>Committee Referral:</b> EDN, JUD, FIN	<b>Date:</b> 2/6/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> 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)	✓			
2. BERG, Lyla B., Ph.D. (VC)	✓			
3. BERTRAM, Joe, III	✓			
4. CABANILLA, Rida T.R.				✓
5. CHANG, Jerry L.	✓			
6. NISHIMOTO, Scott Y.	✓			
7. SAIKI, Scott K.				✓
8. SHIMABUKURO, Maile S. L.				✓
9. TAKAI, K. Mark				✓
10. TAKAMINE, Dwight Y.	✓			
11. WAKAI, Glenn	✓			
12. CHING, Corinne W.L.				✓
13. FINNEGAN, Lynn	✓			
<b>TOTAL (13)</b>	<b>8</b>			<b>5</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
<b>Vice Chair's or designee's signature:</b> <i>Lyla B. Berg</i>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office				