

Honolulu, Hawaii

April 25, 2008

RE: S.B. No. 2004
S.D. 2
H.D. 2
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. 2004, S.D. 2, H.D. 2, 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 measure is to make amendments to the administrative hearings process relating to the education of children with disabilities.

Specifically, this measure:

- (1) Extends the deadline within which to file a request for a due process hearing relating to the education of a child with a disability from ninety days to one year when the request is for reimbursement of costs of a child's unilateral special education placement;



- (2) Requires the Department of Education to submit annual reports to the Legislature that provide the total number of requests filed by a parent or guardian of a child with a disability for a due process hearing regarding the reimbursement of costs for a child's placement; and
- (3) Requires the Department of Education to exercise oversight and monitoring of any child who has undergone unilateral placement in special education.

Your Committee on Conference finds that, pursuant to state law and the Individuals with Disabilities Education Act, it has been a continual challenge for the Departments of Education, Human Services, and Health to provide Hawaii's children with disability services that meet their special education needs. Issues surrounding these special needs students must be properly handled, and every possible path to ensure their needs are provided for should be developed. Currently, feedback from parents of children with disabilities indicates that there is confusion and frustration with the current ninety-day statute of limitations period for requesting a hearing regarding a unilateral special education placement, where the reimbursement of costs is an issue. This bill addresses the administrative hearing process that determines a student's identification, evaluation, program, or placement due to their disability. A balance is required in providing for the timely resolution of these issues, while also recognizing the difficulties of parents in these situations, including the difficulty in retaining an attorney for purposes of the administrative hearing.

Upon further review, your Committee on Conference has amended this bill by:

- (1) Changing from one year to one hundred eighty days the time provided to file a request a hearing regarding the reimbursement of costs for a child's unilateral special education placement, where the request is for reimbursement of the costs of the placement;
- (2) Including language to ensure that if any provision contained therein is held invalid, such invalidity will not affect any of its other provisions that can be given effect without the invalid provision or application; and
- (3) Changing the 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. 2004, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2004, S.D. 2, H.D. 2, C.D. 1.

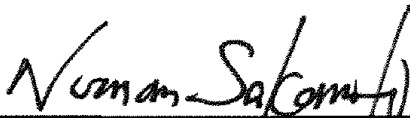
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE


ON THE PART OF THE SENATE



ROY TAKUMI, Co-Chair



NORMAN SAKAMOTO, Chair




MAILE SHIMABUKURO, Co-Chair



SUZANNE CHUN OAKLAND, Co-Chair



BLAKE K. OSHIRO, Co-Chair



SHAN S. TSUTSUI, Co-Chair



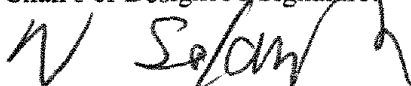
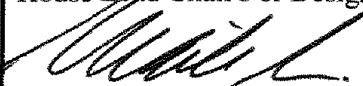
KARL RHOADS, Co-Chair



Hawaii State Legislature

CCR 121

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 2004, SD 2, HD 2					Date/Time: 4/25/08 10:22pm				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> 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.				✓
CHUN OAKLAND, Suzanne, Co-Chr.	✓				SHIMABUKURO, Maile S. L., Co-Chr.	✓			
TSUTSUI, Shan S., Co-Chr.	✓				OSHIRO, Blake K., Co-Chr.	✓			
NISHIHARA, Clarence K.	✓				RHOADS, Karl, Co-Chr.	✓			
SLOM, Sam				✓	FINNEGAN, Lynn	✓			
TOTAL	4	-	-	1	TOTAL	4	-	-	1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature: 					House Lead Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Conference Committee Report House Clerk's Office Senate Clerk's Office Drafting Agency									