
SENATE CONCURRENT RESOLUTION

URGING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH AND FACILITATE A SPECIAL EDUCATION PRIVATE SCHOOL TASK FORCE TO ADVISE THE DEPARTMENT OF EDUCATION ON POLICIES OR PROCEDURES FOR OVERSIGHT AND MONITORING OF PRIVATE SCHOOL OR FACILITY PLACEMENTS.

1 WHEREAS, pursuant to section 302A-436, Hawaii Revised
2 Statutes, the Department of Education has a clearly defined duty
3 toward exceptional children, including providing instruction,
4 special facilities, and special services for education, therapy,
5 and training to enable them to live normal competitive lives;
6 and

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8 WHEREAS, in order to effectively accomplish this purpose,
9 the Department is required to establish and administer
10 instruction, special facilities, and special services for the
11 education, therapy, and training of exceptional children, and
12 provide in connection therewith corrective therapy, together
13 with academic, occupational, and related training; and

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15 WHEREAS, this program shall include boarding facilities,
16 when necessary, special classes in schools or homes, and other
17 facilities as shall be required to render appropriate services
18 to the exceptional child; and

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20 WHEREAS, pursuant to section 302A-443, Hawaii Revised
21 Statutes, the Department of Education has the authority to
22 "exercise oversight and monitoring of any child who has
23 undergone unilateral special education placement as soon as
24 practicable after the placement"; now, therefore,

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26 BE IT RESOLVED by the Senate of the Twenty-fifth
27 Legislature of the State of Hawaii, Regular Session of 2009, the
28 House of Representatives concurring, that the Superintendent of
29 Education is urged to establish and facilitate a Special
30 Education Private School Task Force to:

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- (1) Advise the Department of Education on policies or procedures for oversight and monitoring of private school or facility placements;
- (2) Review data collected by the Department regarding oversight and monitoring; and
- (3) Advise the Department on efforts to improve and streamline oversight and monitoring; and

BE IT FURTHER RESOLVED that the Special Education Private School Task Force members include:

- (1) A representative from the Department of Education;
- (2) A representative from the Special Education Advisory Council;
- (3) The senior hearings officer from the Department of Commerce and Consumer Affairs, Office of Administrative Hearings, or a designee;
- (4) A representative from the Hawaii Association of Independent Schools;
- (5) A representative from the University of Hawaii, College of Education, Special Education;
- (6) A representative administrator from a public school with experience with private school placements; and
- (7) A representative administrator from a public charter school; and

BE IT FURTHER RESOLVED that the Special Education Private School Task Force select a Chairperson by a majority of votes of its members; provided that the Chairperson shall be a member other than an employee of the Department of Education; and

BE IT FURTHER RESOLVED that the Special Education Private School Task Force submit a report of its findings and recommendations to the Legislature no later than twenty days prior to the convening of the Regular Session of 2011, reporting

1 data from the 2009-2010 school year, including but not limited
2 to the:

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4 (1) Number of private school or facility placements
5 statewide and the names of the private school or
6 facility involved;

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8 (2) Number of attempts made to monitor students in private
9 school or facility placements; and

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11 (3) Barriers that hinder fulfilling this provision; and

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13 BE IT FURTHER RESOLVED that the Special Education Private
14 School Task Force shall cease to exist on June 30, 2011; and

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16 BE IT FURTHER RESOLVED that certified copies of this
17 Concurrent Resolution be transmitted to the Superintendent of
18 Education; Special Education Advisory Council; Department of
19 Commerce and Consumer Affairs, Office of Administrative
20 Hearings; Hawaii Association of Independent Schools; and
21 University of Hawaii, College of Education, Special Education.