

MAR 17 2009

SENATE CONCURRENT RESOLUTION

ESTABLISHING THE HAWAII GEOGRAPHIC EXCEPTION TASK FORCE TO IDENTIFY AND EVALUATE THE PROCESS BY WHICH PUBLIC SCHOOL GEOGRAPHIC EXCEPTIONS ARE APPROVED AND TO MAKE RECOMMENDATIONS TO CLARIFY AND IMPROVE THE GEOGRAPHIC EXCEPTION PROCESS.

1 WHEREAS, the Individuals with Disabilities Education and
2 Improvement Act of 2004 calls for each school district to ensure
3 that a continuum of placements is available to meet the needs of
4 children with disabilities for special education and related
5 services; and

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7 WHEREAS, the determination of placement is based upon the
8 child's individualized need and is made by the Individualized
9 Education Plan team members, where parents are an integral part
10 of such teams; and

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12 WHEREAS, to meet the growing diverse needs of students,
13 school are striving to develop innovative curriculum in focused
14 areas, resulting in the evolution of signature or magnet schools
15 and schools of excellence; and

16
17 WHEREAS, with the federal mandate of the No Child Left
18 Behind Act, parents are given an option and priority to seek
19 enrollment at a school outside their home school, if their home
20 school is not making adequate yearly progress; and

21
22 WHEREAS, families may seek public school geographic
23 exceptions for many reasons, which may include and are not
24 limited to attending other schools due to convenience of other
25 caregivers or specialized curriculum and programming, such as at
26 a signature school; and

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28 WHEREAS, through the Individualized Education Plan process,
29 a team may make a programmatic placement based on a
30 determination that a child's needs could be best met by



1 enrolling the child in a school other than the child's home
2 school; and

3
4 WHEREAS, S.B. No. 759 (2009), would have provided parents
5 of children with disabilities with additional flexibility in
6 choices relating to education, including the requirement that a
7 child with a disability shall be granted permission to attend a
8 public school outside of the district in which the child
9 resides, upon request by the parent or guardian of the child;
10 now, therefore,

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12 BE IT RESOLVED by the Senate of the Twenty-fifth
13 Legislature of the State of Hawaii, Regular Session of 2009, the
14 House of Representatives concurring, that there is established
15 the Hawaii Geographic Exception Task Force to identify and
16 evaluate the process by which public school geographic
17 exceptions are approved and to make recommendations to clarify
18 and improve the geographic exception process by:

19
20 (1) Analyzing data related to the applications for
21 geographic exceptions of students receiving special
22 education, including but not limited to:

23
24 (A) A comparison between the number of students
25 applying for a geographic exception and the
26 number of students approved; and

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28 (B) A review of reasons given for geographic
29 exception requests;

30
31 (2) Identifying barriers to fulfilling student requests
32 for geographic exceptions based on:

33
34 (A) General education placements; and

35
36 (B) Special education programmatic placements; and

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38 (3) Reviewing the process of application for, and
39 adjudication and notification of geographic
40 exceptions, as well as the process of appeals for
41 completeness; and

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43 BE IT FURTHER RESOLVED that the Hawaii Geographic Exception
44 Task Force shall include representatives from:



- 1
- 2 (1) The Office of the Superintendent of Education;
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- 4 (2) The Board of Education;
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- 6 (3) The Department of Health, Early Intervention Section;
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- 8 (4) The Special Education Advisory Council;
- 9
- 10 (5) The Special Parent Information Network;
- 11
- 12 (6) The Learning Disabilities Association of Hawaii;
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- 14 (7) The Community Children's Councils;
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- 16 (8) A public elementary, middle, and high school;
- 17
- 18 (9) A parent of a child from a neighbor island and Oahu,
- 19 to be appointed by the Superintendent of Education;
- 20
- 21 (10) A member of the Hawaii State Senate to be appointed by
- 22 the President of the Senate; and
- 23
- 24 (11) A member of the Hawaii State House of Representatives
- 25 to be appointed by the Speaker of the House of
- 26 Representatives; and
- 27

28 BE IT FURTHER RESOLVED that the Hawaii Geographic Exception
 29 Task Force is requested to submit a report of its findings and
 30 recommendations to the Legislature no later than twenty days
 31 prior to the convening of the Regular Session of 2010; and

32
 33 BE IT FURTHER RESOLVED that certified copies of this
 34 Concurrent Resolution be transmitted to the Superintendent of
 35 Education, Board of Education, Director of Health, Special
 36 Education Advisory Council, Special Parent Information Network,
 37 Learning Disabilities Association of Hawaii, Community
 38 Children's Councils, President of the Senate, and Speaker of the
 39 House of Representatives.

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