

Honolulu, Hawaii

FEB 18 2011

RE: S.B. No. 1503
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Education, to which was referred S.B. No. 1503 entitled:

"A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Change the term "exceptional child" to "student with disability" and to clarify the criteria for such a designation;
- (2) Clarify the definition of services auxiliary to education required to be provided to students with a disability;
- (3) Clarify eligibility standards for preschool students with a disability;
- (4) Clarify charter school duties to children with a disability; and
- (5) Establish certification criteria for persons who provide interpreting services for children who are deaf or hard of hearing and certain students with a disability.

Your Committee has amended this measure by deleting its contents and replacing it with language to:



- (1) Require private special education schools and programs that provide services to students with disabilities who receive state funding, to comply with federal and state laws, rules, and regulations;
- (2) Require accreditation within ninety days for private schools or programs that accept students with disabilities who receive state funding; and
- (3) Provide definitions for the terms "accredited private special education school or program", "certified or licensed private residential facility", and "nonpublic special education school or program".

Prior to amending this measure, a proposed S.D. 1 was prepared and made available for public review.

Your Committee received testimony in support of this proposed measure from the Department of Education, Complex Area Superintendent for the Castle-Kahuku Complex; the Department of Education, Kaaawa Elementary School Principal; the State Council on Developmental Disabilities; the Hawaii Association of Independent Schools; the Special Education Advisory Council; the Community Children's Council of Hawaii; and five individuals. Your Committee received testimony in opposition to this measure from the Autism Society of Hawaii and one individual.

Your Committee finds that situations arise in which private special education schools or programs provide placement opportunities for students with disabilities at the Department of Education's expense. Your Committee further finds that it is vital that these special education schools or programs comply with federal and state laws and are accredited to ensure that disabled students are receiving appropriate services.

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 S.B. No. 1503, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1503, S.D. 1, and be referred to the Committee on Ways and Means.



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

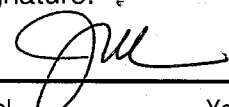


JILL TOKUDA, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Education
EDU

Bill / Resolution No.:* SB1503	Committee Referral: EDU, WAM	Date: 2-14-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
KIDANI, Michelle N. (VC)		✓		
CHUN OAKLAND, Suzanne	✓			
NISHIHARA, Clarence K.	✓			
TANIGUCHI, Brian T.	✓			
SLOM, Sam	✓			
TOTAL	5	1	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes