

Honolulu, Hawaii

APR 27 2012

RE: S.B. No. 1382  
S.D. 2  
H.D. 1  
C.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1382, S.D. 2, H.D. 1, 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 establish the Federal Higher Education Compliance and Educational Personnel Licensure and Certification Task Force (Task Force) to make recommendations to the Legislature regarding:

- (1) The State's compliance with pertinent federal laws to ensure that state post-secondary educational programs qualify for federal student loan programs and other federal funding; and
- (2) Whether the licensing or authorization of educational institutions and their administrators and instructors



should be consolidated and tasked to a single state agency.

Your Committee on Conference finds that in October 2010, the United States Department of Education issued new regulations for programs authorized under Title IV of the Higher Education Act of 1965, as amended, to hold programs accountable for preparing students for gainful employment, protect students from misleading recruiting practices, ensure that only eligible students receive financial aid, and strengthen federal student aid programs at for-profit, non-profit, and public institutions. The regulations also include requirements for state authorization of institutions that offer educational programs beyond secondary education for purposes of federal program eligibility.

Your Committee on Conference further finds that the State was unable to satisfy all of the requirements relating to state authorization by the July 1, 2011, deadline. However, the United States Department of Education provided the opportunity for states and institutions to receive an extension to July 1, 2013, for certain regulations. In the meantime, it is the intent of your Committee on Conference that the State proactively seek solutions by determining what actions and changes are required for the State to come into compliance with the new regulations.

Your Committee on Conference has amended this measure by:

- (1) Amending the purpose section to more accurately reflect the intent of the Legislature;
- (2) Deleting all language in this measure relating to the Task Force;
- (3) Inserting language to require the Auditor, among other things, to examine the Higher Education Act of 1965, as amended, and regulations pursuant to that Act, and recommend the best available options to the State, including a regulatory framework, to ensure the State's compliance with provisions relating to the authorization of institutions that offer educational programs beyond secondary education;
- (4) Inserting language to require the Auditor to submit a report of the analyses performed pursuant to this measure to the Legislature no later than twenty days prior to the convening of the Regular Session of 2013; and



(5) Making this measure effective upon approval.

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. 1382, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1382, S.D. 2, H.D. 1, C.D. 1.

Respectfully submitted on behalf  
of the managers:

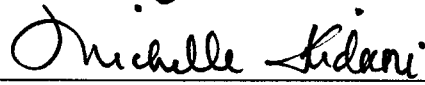
ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


  
\_\_\_\_\_  
SCOTT NISHIMOTO, Co-Chair

  
\_\_\_\_\_  
JILL TOKUDA, Chair

  
\_\_\_\_\_  
ROY TAKUMI, Co-Chair

  
\_\_\_\_\_  
MICHELLE KIDANI, Co-Chair

  
\_\_\_\_\_  
KYLE T. YAMASHITA, Co-Chair

  
\_\_\_\_\_  
JAMES KUNAME TOKIOKA, Co-Chair



Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 1382, SD 2, HD 1</b>	Date/Time: <b>4/26/12 2:39 PM</b>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

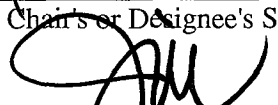

The Committee is reconsidering its previous decision.

<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.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TOKUDA, Jill N., Chr.	X				NISHIMOTO, Scott Y., Co-Chr.	X			
KIDANI, Michelle N., Co-Chr.	X				TAKUMI, Roy M., Co-Chr.	X			
SLOM, Sam	X				YAMASHITA, Kyle T., Co-Chr.				X
					TOKIOKA, James Kunane, Co-Chr.	X			
					BELATTI, Della Au	X			
					NAKASHIMA, Mark M.	X			
					JOHANSON, Aaron Ling	X			
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>TOTAL</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>1</b>

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
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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**Distribution:**      Original      Yellow      Pink      Goldenrod  
 File with Conference Committee Report      House Clerk's Office      Senate Clerk's Office      Drafting Agency