

STAND. COM. REP. NO.

2430

Honolulu, Hawaii

FEB 10 2020

RE: S.B. No. 2293  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committees on Government Operations and Education, to which was referred S.B. No. 2293 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

beg leave to report as follows:

The purpose and intent of this measure is to require the Office of the Auditor to conduct a compliance audit of the Department of Education and submit a report of its findings and recommendations to the Legislature before the next legislative session. Specifically, this audit is meant to determine whether the Department is providing Hawaii public school students with a free, appropriate public education designed to meet their unique needs and prepare them for further education, employment, and independent living, as required under the federal Individuals with Disabilities Act (IDEA) and the Rehabilitation Act of 1973.

Your Committees received testimony in support of this measure from the Hawaii State Teachers Association, Hawaii Disability Rights Center, Hawaii Association for Behavior Analysis, and eight individuals. Your Committees received comments on this measure from the Department of Education.

Your Committees recognize our State's commitment to the education of all students, especially students with disabilities, and the provision of an equitable, excellent, and innovative learning environment to engage and elevate our communities.



According to the testimony received by your Committees, there is a growing achievement gap between students with special needs and their general education peers; and based on statewide assessments, most students with special needs are performing at below grade level in reading and mathematics. Your Committees note that the expiration of the Department of Education special education classroom supply fund in 2011 contributed to a loss in supplies and support for our students with special needs. A compliance audit would show what special education needs are currently in place and what additional resources are needed to meet the needs of our keiki, especially those in special education programs.

Your Committees additionally recognize the 2014 federal court decision, *K.M. v. Tustin Unified School District*, which differentiates a public school's duty to provide free, appropriate public education under the federal Individuals with Disabilities Act (IDEA) with its obligation to provide equal opportunity and equally effective communication under the federal Americans with Disabilities Act (ADA); and as such, your Committees propose to facilitate continued dialogue on this measure through the legislative process, including further consideration on the inclusion of the Department of Education's compliance with the ADA as it pertains to the types of disabilities covered under IDEA and section 504 of the Rehabilitation Act.

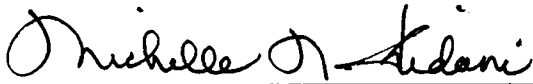
Your Committees have amended this measure by:

- (1) Changing its effective date to January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2293, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2293, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Government  
Operations and Education,



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MICHELLE N. KIDANI, Chair



\_\_\_\_\_  
LAURA H. THIELEN, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Government Operations**  
**GVO**

Bill / Resolution No.:* <b>SB2293</b>	Committee Referral: <b>GVO/EDU, WAM</b>	Date: <b>2/3/2020</b>		
<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				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
THIELEN, Laura H. (C)	✓			
INOUYE, Lorraine R. (VC)				✓
BAKER, Rosalyn H.				✓
KANUHA, Dru Mamo	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>3</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Thirtieth Legislature  
 State of Hawai'i

Record of Votes  
 Committee on Education  
 EDU

Bill / Resolution No.:* <b>SB2293</b>	Committee Referral: <b>GVO/EDU, WAM</b>	Date: <b>02/03/2020</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312   
  Pass, with amendments 2311   
 Hold 2310   
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KIDANI, Michelle N. (C)	/			
KIM, Donna Mercado (VC)	/			
DELA CRUZ, Donovan M.				/
KANUHA, Dru Mamo	/			
FEVELLA, Kurt	/			
<b>TOTAL</b>	<b>4</b>			<b>1</b>

Recommendation:     Adopted     Not Adopted

Chair's or Designee's Signature:  


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