

**Summary of Changes from Chapter 60 to Proposed Revisions to
Chapter 60, Hawaii Administrative Rules, Provision of a
Free Appropriate Public Education for a Student with a
Disability**

The additions are:

Subchapter 1 General Provisions

§8-60-1 Purposes and scope
None

§8-60-2 Definitions

- a) To provide the definition of "Accredited private special education school or program"
- b) To provide in the definition of "Certified of licensed private residential facility"
- c) To provide the definition of "Eligible student"
- d) To provide the definition of "HAIS"
- e) To provide the definition of "NAEYC"
- f) To provide the definition of "NECPA"
- g) To provide the definition of "Nonpublic special education school or program"
- h) To provide the definition of "Programming"
- i) To provide the definition of "WASC"

Subchapter 2 FAPE Requirements

§8-60-3 Free appropriate public education (FAPE)
None

§8-60-4 Limitation: exception to FAPE for certain ages
None

§8-60-5 Residential placement
None

§8-60-6 Assistive technology
None

§8-60-7 Extended school year services
None

§8-60-8 Nonacademic services
None

§8-60-9 Program options

None

§8-60-10 Child find and referral

None

§8-60-11 Routine checking of hearing aids and external components of surgically implanted medical devices

None

§8-60-12 Transition of students from the Part C program to preschool programs

None

§8-60-13 Students with disabilities who are covered by public benefits or insurance

None

§8-60-14 Prohibition of mandatory medication

None

Subchapter 3 Least Restrictive Environment

§8-60-15 Least restrictive environment (LRE) requirements

None

§8-60-16 Continuum of alternative placements

None

§8-60-17 Placements

None

§8-60-18 Nonacademic settings

None

§8-60-19 (Reserved)

Subchapter 4 Students in Private Schools

§8-60-20 Definition of parentally placed private school students with disabilities

None

§8-60-21 Child find for parentally-placed private school students with disabilities

None

§8-60-22 Provision of services for parentally-placed private school students with disabilities: basic requirement

None

§8-60-23 Equitable services determined
None

§8-60-24 Equitable services provided
None

§8-60-25 Location of services and transportation
None

§8-60-26 Due process complaints and state complaints
None

§8-60-27 Placement of students by parents when FAPE is at issue
None

8-60-28 Applicability of sections 8-60-29 through 8-60-30
None

8-60-29 Responsibility of department
None

8-60-30 Implementation by the department
To provide a revision to the section that the department must monitor any student eligible to receive special education and related services, who is placed in a private special education school or program, certified or licensed private residential facility, or nonpublic special education school or program in accordance with Hawaii Administrative Rules §302A-443(f) through (k) in implementing §8-60-29.

Subchapter 5 Evaluations and Eligibility Determinations

8-60-31 Parental consent
None

8-60-32 Evaluation
None

8-60-33 Initial evaluations
None

8-60-34 Screening for instructional purposes is not evaluation
None

8-60-35 Reevaluations

None

8-60-36 Evaluation procedures
None

8-60-37 Additional requirements for evaluations and
reevaluations
None

8-60-38 Determination of eligibility
None

8-60-39 Eligibility criteria
None

8-60-40 Additional group members
None

8-60-41 Determining the existence of a specific learning
disability
None

8-60-42 Observation
None

8-60-43 Specific documentation for the eligibility determination
None

Subchapter 6 Individualized Education Programs

8-60-44 Definition of individualized education program
None

8-60-45 IEP team
None

8-60-46 Parent participation
None

8-60-47.1 When IEPs must be in effect
None

8-60-48 Development, review, and revision of IEP
None

8-60-49 Private school placements by the department
None

8-60-50 Educational placements

None

8-60-51 Alternative means of meeting participation
None

Subchapter 7 State Complaint Procedures

8-60-52 State complaint procedures
None

8-60-53 Minimum state complaint procedure.
None

8-60-54 Filing a complaint
None

Subchapter 8 Procedural Safeguards

8-60-55.1 Procedural safeguards
None

8-60-56 Opportunity to examine records; parent participation in meetings
None

8-60-57 Independent educational evaluation
None

8-60-58 Prior notice by the department; content of notice
None

8-60-59 Procedural safeguards notice
None

8-60-60 Mediation
None

8-60-61 Filing a due process complaint
None

8-60-62 Due process complaint
None

8-60-63 Model forms
None

- 8-60-64 Resolution process
None
- 8-60-65 Impartial due process hearing
None
- 8-60-66 Hearing rights
None
- 8-60-67 Hearing decisions
None
- 8-60-68 Finality of decision; appeal
None
- 8-60-69 Timelines and convenience of hearings and reviews
None
- 8-60-70 Civil action
None
- 8-60-71 Attorneys' fees
None
- 8-60-72 Student's status during proceedings
None
- 8-60-73 Surrogate parents
None
- 8-60-74.1 Transfer of parental rights at age of majority
None

Subchapter 9 Discipline Procedures

- 8-60-75 Authority of school personnel
None
- 8-60-76 Determination of setting
None
- 8-60-77 Appeal
None
- 8-60-78 Placement during appeals
None

8-60-79 Protections for students not determined eligible for special education and related services
None

8-60-80 Referral to and action by law enforcement and judicial authorities
None

8-60-81 Change of placement because of disciplinary removals
None

8-60-82 - 8-60-83 (Reserved)

Subchapter 10 Confidentiality of Information

8-60-84 Applicability
None