
A BILL FOR AN ACT

RELATING TO EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Department of Education is required to pay for the
2 private placement of students with disabilities in private special education
3 schools and placements as a result of hearing officers' decisions, court
4 orders, or programmatic placement. When a student with a disability is
5 placed in a private special education school or placement, the Department of
6 Education is often not allowed to monitor each student's progress and
7 educational programming to ensure that each student is afforded the same
8 opportunity to receive rigorous, standards-based instruction and curriculum
9 that is aligned with the Common Core State Standards that is provided to
10 their peers in public schools. Some private placements are not in compliance
11 with federal, state, and county health and safety laws, rules, regulations,
12 and requirements.

13 The Department of Education is also charged high cost tuition and fees
14 for services by private special education placements. The Department of
15 Education should pay reasonable tuition and fees for services.

16 The purpose of this Act is to ensure that the Department of Education
17 has the ability to monitor students with disabilities who are placed in
18 private special education schools or placements so that the Department of
19 Education can ensure: (1) the safety of each student; (2) that each student
20 is receiving rigorous, content-based instruction and curriculum that is
21 aligned with the Common Core State Standards; (3) the implementation of the

1 student's Individualized Education Program; and (4) that the rates, fees, and
2 tuition charged are reasonable..

3 SECTION 2. Section 302A-443, Hawaii Revised Statutes, is amended by
4 amending subsection (f) to read as follows:

5 "(f) The department shall [~~exercise oversight and~~] monitor[~~ing of~~] any child
6 who [~~has undergone unilateral~~] is placed, at the department's expense, whether
7 by direct payment or through reimbursement to the student's parent, legal
8 guardian, or legal custodian, in any private special education school as
9 defined by the federal laws relating to students with disabilities and its
10 implementing regulations or any other private special education placement.
11 Any private special education school or placement who receives funding from
12 the department for the placement of a student with a disability at its
13 private special education school or placement, whether such funding is by
14 direct payment or through reimbursement to the student's parent, legal
15 guardian, or legal custodian, shall allow the Department access to exercise
16 its authority to monitor any student placed at the private special education
17 school or placement. Monitoring shall include but not be limited to:

18 (1) The monitoring of all private special education schools and
19 placements to ensure compliance with all applicable federal, state, and
20 county laws, rules, and regulations pertaining to health and safety;

21 (2) The monitoring of all students with disabilities placed in a
22 private special education school or placement to ensure that each
23 student is receiving academic education, instruction, and programming
24 as required by each student's Individualized Education Program; and

25 (3) The monitoring of all students with disabilities placed in a
26 private special education school or placement to ensure that the

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1 curriculum and instruction is rigorous, based on content standards, and
2 aligned with the Common Core State Standards.

3 The department shall set rates for the payment of any student placed in
4 a private special education school or placement."

5 SECTION 3. Section 302A-443 is amended by adding subsection (g) as
6 follows:

7 "(g) The department shall adopt rules relating to section 302A-443(f)."

8 SECTION 4. Statutory material to be repealed is bracketed and
9 stricken. New statutory material is underscored.

10 SECTION 5. This act shall take effect on July 1, 2011.

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INTRODUCED BY: _____

JUSTIFICATION SHEET

DEPARTMENT: Education

TITLE: A BILL FOR AN ACT RELATING TO EDUCATION

PURPOSE: To allow the Department of Education (1) access to monitor students with disabilities who are placed, at the Department's expense, at private special education schools or placements; and (2) the mechanism to set reasonable rates for the placement of students at private special education schools and placements.

MEANS: Amending Chapter §302A-443(f), Hawaii Revised Statutes.

JUSTIFICATION: This bill proposes to amend the current statute to ensure:

1. The Department's ability to monitor the placement of students with disabilities at private special education schools and placements at the Department's expense; and
2. That students with disabilities, placed in private special education schools and placements at the department's expense, are provided with a rigorous, academic, standards-based curriculum and instruction aligned with the common core state standards; and
3. That the Department pays reasonable tuition and fees for the placement of students with disabilities at private special education schools or placements.

GENERAL FUND: None

OTHER FUNDS: None

PPBS PROGRAM
 DESIGNATION: NA

EFFECTIVE DATE: July 1, 2011