
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The legislature finds an inconsistency between
2 the Hawaii statutes and the Individuals with Disabilities
3 Education Act. In order to ensure federal funding for students
4 enrolled in public charter schools who are eligible for special
5 education, section 302A-1188, Hawaii Revised Statutes, must be
6 amended to comply with Part B regulations of the Individuals
7 with Disabilities Education Act.

8 The purpose of this Act is to comply with federal
9 regulations to enable the department of education charter
10 schools to receive federal grant moneys under the Individuals
11 with Disabilities Education Act.

12 SECTION 2. Section 302A-1188, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) The department shall be responsible for the provision
15 of a free, appropriate public education. Any new century
16 charter school that enrolls special education students or
17 identifies one of its students as eligible for special education
18 shall be responsible for providing the educational and related



1 services required by a student's individualized education
2 program[~~—The~~]; the programs and services for the student shall
3 be determined collaboratively by the student's individualized
4 education program team and the student's parents or legal
5 guardians. If the new century charter school is unable to
6 provide all of the required services, then services to the
7 student shall be provided by the department according to
8 services determined by the student's individualized educational
9 program team. The department shall collaborate with the charter
10 school administrative office to develop guidelines related to
11 the provision of special education services and resources to
12 each new century charter school. The department shall review
13 all of the current individualized education programs of special
14 education students enrolled in a new century charter school and
15 may offer staff or funding, or both, to the new century charter
16 school based upon a per-pupil weighted formula implemented by
17 the department and used to allocate resources for special
18 education students in the public schools."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 4. This Act shall take effect on July 1, 2006.



SB1659, SD2

Report Title:

DOE; Individuals with Disabilities Education Act

Description:

Enables the department of education charter schools to receive federal grant moneys under the Individuals with Disabilities Education Act. (SD2)

