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# A BILL FOR AN ACT

RELATING TO SPECIAL EDUCATION.

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

1           SECTION 1. The legislature finds that, pursuant to federal  
2 law, the State owes a duty to provide students with disabilities  
3 residing in Hawaii "instruction, special facilities, and special  
4 services for education, therapy, and training to enable them to  
5 live normal competitive lives." See section 302A-436, Hawaii  
6 Revised Statutes. The department of education has established  
7 rules for ensuring that all students with disabilities are  
8 provided free appropriate public education that includes special  
9 education and related services to assist them in school and in  
10 their lives following the completion of their compulsory  
11 education.

12           The legislature further finds that the department of  
13 education is currently required to develop, by the beginning of  
14 each school year, an individualized education program for each  
15 student with a disability within its jurisdiction. The  
16 department of education is also required to develop an  
17 individualized family service plan for children with



1 disabilities from ages three to five, in accordance with 20  
2 U.S.C. section 1435, to address the needs of the child and the  
3 family. Additionally, to meet the special needs of infants and  
4 toddlers, the department of health is tasked with developing a  
5 program for the provision of necessary services.

6 The process of developing, implementing, and revising an  
7 individualized education program or an individualized family  
8 service plan can be complicated and daunting. The legislature  
9 believes that the departments of education and health should be  
10 committed to providing students and families involved in the  
11 individualized education program or individualized family  
12 service plan processes with greater assistance and oversight to  
13 ensure that infants, toddlers, and students with disabilities  
14 are being provided free appropriate public education and any  
15 necessary services to meet their special needs.

16 The purpose of this Act is to establish research,  
17 development, and review panels for individualized education  
18 programs and individualized family service plans and to provide  
19 access to qualified individuals to families in the development  
20 of individualized education programs and individualized family  
21 service plans.



1 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
2 amended by adding two new sections to part II, subpart C to be  
3 appropriately designated and to read as follows:

4 "§302A- Individualized education program research,  
5 development, and review panel; students with disabilities. (a)

6 The department shall establish a research, development, and  
7 review panel for individualized education programs.

8 (b) The research, development, and review panel shall  
9 provide assistance to the department and to parents of students  
10 with disabilities in the research and development of  
11 individualized education programs and shall conduct reviews of  
12 individualized education programs to ensure implementation and  
13 compliance and to monitor progress.

14 §302A- Individualized education programs; services  
15 available. The department shall provide parents of students  
16 with disabilities access to necessary services provided by  
17 qualified individuals, including service providers located  
18 outside of the geographic area of the student's district, in the  
19 development or revision of an individualized education program."

20 SECTION 3. Chapter 321, Hawaii Revised Statutes, is  
21 amended by adding two new sections to part XXVIII to be  
22 appropriately designated and to read as follows:



1        "§321- Individualized family service plans research,  
2 development, and review panel; students with disabilities. (a)

3 The department shall establish a research, development, and  
4 review panel for individualized family service plans.

5        (b) The research, development, and review panel shall  
6 provide assistance to the department and to parents of infants  
7 and toddlers with disabilities in the research and development  
8 of individualized family service plans and shall conduct reviews  
9 of individualized family service plans to ensure implementation  
10 and compliance and to monitor progress.

11        §321- Individualized family service plans; services  
12 available. The department shall provide parents of infants and  
13 toddlers with disabilities access to necessary services provided  
14 by qualified individuals, including service providers located  
15 outside of the geographic area of the infant or toddler's school  
16 district, as applicable, in the development or revision of an  
17 individualized family service plan."

18        SECTION 4. New statutory material is underscored.

19        SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 15 2008



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H.B. NO.

2185

**Report Title:**

DOE; SPED; IEP and IFSP Research, Development, and Review Panels

**Description:**

Establishes research, development, and review panels for individualized education programs and individualized family service plans. Provides access to qualified individuals in the development of individualized education programs and individualized family service plans.

