
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Section 302A-443, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) An impartial hearing may be requested by any parent
5 or guardian of a child with a disability, or by the department,
6 on any matter relating to the identification, evaluation,
7 program, or placement of a child with a disability; provided
8 that the hearing is requested:

9 (1) Within two years of the date the parent, guardian, or
10 department knew or should have known about the alleged
11 action that formed the basis of the request for a
12 hearing; and

13 (2) Notwithstanding paragraph (1), within [~~ninety days~~]
14 one year of a unilateral special education placement,
15 where the request is for reimbursement of the costs of
16 the placement."



1 2. By amending subsection (c) to read:

2 "(c) The department shall adopt rules that conform to the
3 requirements of any applicable federal statutes or regulations
4 pertaining to the impartial hearing based on the education of a
5 child with a disability. The rules [~~shall require~~]:

6 (1) Shall provide that any party may be present at the
7 proceeding~~[]~~ and may be accompanied and advised by
8 counsel or individuals with special knowledge or
9 training with respect to the problems of children with
10 a disability~~[]~~ ;

11 (2) Shall require witnesses to be under oath~~[]~~ ;

12 (3) Shall provide that any party may cross-examine
13 witnesses~~[]~~ and obtain a written or electronic
14 verbatim record of the proceedings~~[]~~ ; and

15 (4) Shall provide that the prevailing party is entitled to
16 the reimbursement of expert witness and other relevant
17 fees and expenses associated with a hearing."

18 SECTION 2. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 3. This Act shall take effect on July 1, 2020.



Report Title:

DOE; SPED; Due Process; Hearings

Description:

Extends from 90 days to one year of a unilateral special education placement, the time allowed for parents or guardians or the Department of Education to request an impartial hearing regarding reimbursement for the costs of a child's placement. Requires that the rules include provisions for the reimbursement of expert witness and other relevant fees and expenses associated with a hearing, limited to the prevailing party.
(HB2186 HD2)

