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# 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 by amending subsection (f) to read as follows:

3           "(f) The department shall [~~exercise~~] have the authority  
4 and obligation for oversight and monitoring of [any child who  
5 has undergone unilateral special education placement as soon as  
6 practicable after the placement.] students eligible for special  
7 education who are placed in a private school or facility at  
8 public expense. Oversight and monitoring in the private school  
9 or facility shall include:

10           (1) Observation of the student in the private school or  
11           facility setting;

12           (2) Interviews with the student, if appropriate, and  
13           relevant parties; and

14           (3) Examination of the student's educational records.

15 If the private school or facility does not allow the department  
16 routine and timely access to monitor the delivery of special  
17 education and related services, the placement of the student in  
18 the private school or facility shall be deemed an inappropriate



1 placement for the student and shall not be considered the last  
2 agreed-upon placement. The individualized education program  
3 team shall reconvene to determine a new placement for the  
4 student, and shall not consider the private school or facility  
5 in which the student was inappropriately placed."

6 SECTION 2. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect on July 1, 2046.



**Report Title:**

Special Education; Oversight and Monitoring

**Description:**

Authorizes and obligates DOE to oversee and monitor students eligible for special education who are placed in private schools or facilities at public expense. (HB87 HD2)

