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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 at public expense.  
8 Oversight and monitoring in private school shall include:

9           (1) Observation of the student in the private school  
10           setting;

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

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


14 The department shall have the authority to withhold tuition  
15 payment for failure of the private school or parent to afford  
16 reasonable access to individuals, including the student, and  
17 records necessary to provide the free, appropriate public  
18 education."



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 Statutory material to be repealed is bracketed  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

3 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 

JAN 21 2009



**Report Title:**

Special Education; Oversight and Monitoring

**Description:**

Provides the Department of Education with oversight and monitoring powers over a child receiving special education services at a private school but at public expense.

