



GOV. MSG. NO. **1231**

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 15, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

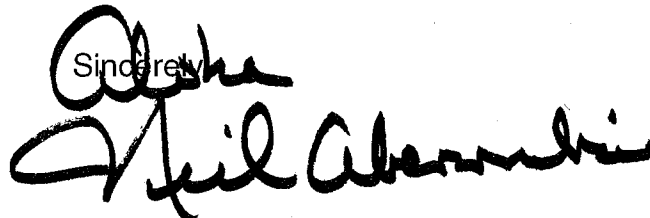
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 15, 2011, the following bill was signed into law:

SB1503 SD2 HD1 CD1

RELATING TO SPECIAL EDUCATION
Act 128 (11)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor.

on JUN 15, 2011

THE SENATE
TWENTY-SIXTH LEGISLATURE, 2011
STATE OF HAWAII

ACT 128
S.B. NO. 1503
S.D. 2
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO SPECIAL EDUCATION.

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

1 SECTION 1. Pursuant to the federal Individuals with
2 Disabilities Education Improvement Act of 2004 and chapter 60 of
3 the Hawaii administrative rules, the department of education is
4 required to provide to students who are eligible to receive
5 special education and related services an array of placements in
6 the least-restrictive environment. At times, private special
7 education schools and programs provide at the department's
8 expense placement opportunities for students with disabilities
9 who are eligible to receive special education and related
10 services.

11 The purpose of this Act is to provide definitions of
12 various private special education schools and programs and the
13 requirements for those schools and programs to accept students
14 with disabilities at the department's expense.

15 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:



1 "§302A- Education of students with disabilities; private
2 residential facilities; special education schools or programs;
3 accreditation. (a) As used in this section:

4 "Accredited private special education school or program"
5 means a private day school, private day program, or any
6 preschool that has earned accreditation according to the
7 requirements and procedures specified by the Western Association
8 of Schools and Colleges, any Hawaii affiliate of the Western
9 Association of Schools and Colleges, the Hawaii Association of
10 Independent Schools, the National Association for the Education
11 of Young Children, or the National Early Childhood Program for
12 Accreditation.

13 "Certified or licensed private residential facility" means
14 a private residential school or program that has earned
15 licensure, certification, or accreditation according to
16 requirements and procedures specified by the appropriate state
17 licensure board or department.

18 "Nonpublic special education school or program" means any
19 privately owned or operated preschool, school, educational
20 organization or corporation, treatment facility, day program,
21 residential program, or any other placement that maintains,
22 conducts, or provides classes or programming, including related



1 services as defined by federal or state laws, rules, or
2 regulations, for the purpose of offering instruction or
3 treatment to students with disabilities for consideration,
4 profit, tuition, or fees.

5 (b) Any accredited private special education school or
6 program, certified or licensed private residential facility, or
7 nonpublic special education school or program that:

8 (1) Provides education, treatment, programming, or related
9 services to students with disabilities who are
10 eligible to receive special education and related
11 services pursuant to federal or state laws, rules, or
12 regulations; and

13 (2) Receives funding from the State, either directly or
14 through parental reimbursement,

15 shall comply with all federal and state laws, rules, and
16 regulations.

17 (c) Any nonpublic special education school or program
18 that:

19 (1) Is not accredited by the Western Association of
20 Schools and Colleges, any Hawaii affiliate of the
21 Western Association of Schools and Colleges, the
22 Hawaii Association of Independent Schools, the

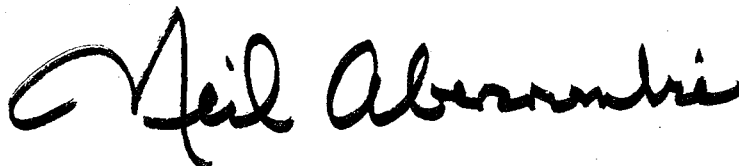


1 National Association for the Education of Young
2 Children, or the National Early Childhood Program for
3 Accreditation; and
4 (2) Receives funding from the State, either directly or
5 through parental reimbursement,
6 shall apply for accreditation within ninety days from the date
7 of accepting a student with disabilities who was placed there as
8 the result of a hearing officer's decision pursuant to section
9 302A-443, court order, settlement agreement, or placement by the
10 department. Within the ninety-day application period, the
11 nonpublic special education school or program shall provide
12 proof of its application for accreditation to the department.
13 (d) The department may adopt rules pursuant to chapter 91
14 to implement this section."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on July 1, 2011.

APPROVED this 15 day of JUN , 2011



GOVERNOR OF THE STATE OF HAWAII