

JAN 26 2011

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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. The department of education is required to pay  
2 for the private placement of students with disabilities in  
3 private special education schools and placements as a result of  
4 hearing officers' decisions, court orders, or programmatic  
5 placement. When a student with a disability is placed in a  
6 private special education school or placement, the department of  
7 education is often not allowed to monitor each student's  
8 progress and educational programming to ensure that each student  
9 is afforded the same opportunity to receive rigorous, standards-  
10 based instruction and curriculum that are aligned with the  
11 Common Core State Standards that are provided to their peers in  
12 public schools. Some private placements are not in compliance  
13 with federal, state, and county health and safety laws, rules,  
14 regulations, and requirements.

15           The department of education is also charged high cost  
16 tuition and fees for services by private special education  
17 placements. The department of education should pay reasonable  
18 tuition and fees for services.

1           The purpose of this Act is to ensure that the department of  
2 education has the ability to monitor students with disabilities  
3 who are placed in private special education schools or  
4 placements so that the department of education can ensure: (1)  
5 the safety of each student; (2) that each student is receiving  
6 rigorous, content-based instruction and curriculum that are  
7 aligned with the Common Core State Standards; (3) the  
8 implementation of the student's Individualized Education  
9 Program; and (4) that the rates, fees, and tuition charged are  
10 reasonable.

11           SECTION 2. Section 302A-443, Hawaii Revised Statutes is  
12 amended to read as follows:

13           "(f) The department shall [~~exercise oversight and~~  
14           ~~monitoring of~~] monitor any child who [~~has undergone~~  
15           ~~unilateral~~] is placed, at the department's expense,  
16           whether by direct payment or through reimbursement to  
17           the student's parent, legal guardian, or legal  
18           custodian or in any private special education school  
19           as defined by federal laws relating to students with  
20           disabilities and the implementing regulations or any  
21           other private special education placement. Any  
22           private special education school or placement who

1 receives funding from the department for the placement  
2 of a student with a disability at its private special  
3 education school or placement, whether such funding is  
4 by direct payment or through reimbursement to the  
5 student's parent, legal guardian, or legal custodian,  
6 shall allow the department access to exercise its  
7 authority to monitor any student placed at the private  
8 special education school or placement. Monitoring  
9 shall include but not be limited to:

10 (1) The monitoring of all private special education  
11 schools and placements to ensure compliance with all  
12 applicable federal, state, and county laws, rules, and  
13 regulations pertaining to health and safety;

14 (2) The monitoring of all students with disabilities  
15 placed in a private special education school or  
16 placement to ensure that each student is receiving  
17 academic education, instruction, and programming as  
18 required by each student's individualized education  
19 program; and

20 (3) The monitoring of all students with disabilities  
21 placed in a private special education school or  
22 placement to ensure that the curriculum and

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1 instruction is rigorous, based on content standards,  
2 and aligned with the Common Core State Standards.

3 The department shall set rates for the payment of any  
4 student placed in a private special education school  
5 or placement."


6 "g) The department shall adopt rules relating to section  
7 302A-443(f)."

8 SECTION 3. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 4. This act shall take effect on July 1, 2011.

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INTRODUCED BY: 

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BY REQUEST

# S.B. NO. 1284

**Report Title:**

Relating to Education

**Description:**

Amends section 302A-443, Hawaii Revised Statutes, to allow the Department of Education (1) access to monitor students with disabilities who are placed, at the Department's expense, at private special education schools or placements; and (2) the mechanism to set reasonable rates for the placement of students at private special education schools and placements.

JUSTIFICATION SHEET

DEPARTMENT: Education

TITLE: A BILL FOR AN ACT RELATING TO EDUCATION.

PURPOSE: To allow the Department of Education (1) access to monitor students with disabilities who are placed, at the Department's expense, at private special education schools or placements; and (2) the mechanism to set reasonable rates for the placement of students at private special education schools and placements.

MEANS: Amend section 302A-443, Hawaii Revised Statutes.

JUSTIFICATION: This bill proposes to amend the current statute to ensure:

1. The Department's ability to monitor the placement of students with disabilities at private special education schools and placements at the Department's expense; and
2. That students with disabilities, placed in private special education schools and placements at the department's expense, are provided with a rigorous, academic, standards-based curriculum and instruction aligned with the common core state standards; and
3. That the Department pays reasonable tuition and fees for the placement of students with disabilities at private special education schools or placements.

Impact on the public:

Impact on the department and other agencies:

GENERAL FUND:           None.

OTHER FUNDS:           None.

PPBS PROGRAM  
DESIGNATION:           NA

OTHER AFFECTED  
AGENCIES:              NA

EFFECTIVE DATE:        July 1, 2011