

A Bill for an Act Relating to Special Education.

Be It Enacted by the Legislature of the State of Hawaii:

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

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

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

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

“Accredited private special education school or program” means a private day school, private day program, or any preschool that has earned accreditation according to the requirements and procedures specified by the Western Association of Schools and Colleges, any Hawaii affiliate of the Western Association of Schools and Colleges, the Hawaii Association of Independent Schools, the National Association for the Education of Young Children, or the National Early Childhood Program for Accreditation.

“Certified or licensed private residential facility” means a private residential school or program that has earned licensure, certification, or accreditation according to requirements and procedures specified by the appropriate state licensure board or department.

“Nonpublic special education school or program” means any privately owned or operated preschool, school, educational organization or corporation, treatment facility, day program, residential program, or any other placement that maintains, conducts, or provides classes or programming, including related services as defined by federal or state laws, rules, or regulations, for the purpose of offering instruction or treatment to students with disabilities for consideration, profit, tuition, or fees.

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

- (1) Provides education, treatment, programming, or related services to students with disabilities who are eligible to receive special education and related services pursuant to federal or state laws, rules, or regulations; and
- (2) Receives funding from the State, either directly or through parental reimbursement,

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

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

- (1) Is not accredited by the Western Association of Schools and Colleges, any Hawaii affiliate of the Western Association of Schools

and Colleges, the Hawaii Association of Independent Schools, the National Association for the Education of Young Children, or the National Early Childhood Program for Accreditation; and

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

shall apply for accreditation within ninety days from the date of accepting a student with disabilities who was placed there as the result of a hearing officer's decision pursuant to section 302A-443, court order, settlement agreement, or placement by the department. Within the ninety-day application period, the nonpublic special education school or program shall provide proof of its application for accreditation to the department.

(d) The department may adopt rules pursuant to chapter 91 to implement this section.”

SECTION 3. New statutory material is underscored.¹

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

(Approved June 15, 2011.)

Note

1. Edited pursuant to HRS §23G-16.5.