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# 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.



**Report Title:**

Department of Education; Education of Students with Disabilities; Accreditation

**Description:**

Requires certain private special education schools and programs that provide services to students with disabilities who receive state funding, to comply with federal and state laws, rules, and regulations. Requires accreditation within a certain time for certain private schools or programs that accept students with disabilities who receive state funding. (CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

