

LEGISLATIVE REPORT

SUBJECT: Relating to Education

REFERENCE: SB 2004, SD2, HD2, CD1, Act 179 (SLH 2008)

ACTION REQUESTED: HRS §302A-443(e) A report on the total number of requests for a due process hearing relating to the reimbursement of costs for a child's placement filed by a parent or guardian of a child with a disability.

DOE REPORT:

Introduction:

Act 179 extended the statute of limitations from 90 days to 180 days for a parent to file a due process hearing request if the request included reimbursement for private school tuition. Provision (e) was added to the statute which required the Department of Education (Department) to report to the Legislature on the number of due process hearings relating to reimbursement of private school tuition. This report satisfies the requirement specified in Act 179, HRS §302A-443(e).

FINDINGS:

During school year 2007-2008, there were 74 due process hearing requests filed relating to the reimbursement of costs for a child's placement filed by a parent or guardian of a child with a disability.

RECOMMENDATIONS:

The Department will continue efforts to provide a free appropriate public education to all students with disabilities and to reduce the number of due process hearing requests related to the reimbursement of costs for a child's placement filed by a parent or guardian of a child with a disability. The Department will sustain practices to reduce the number of due process hearing requests relating to a child's unilateral placement through the use of appropriate dispute resolution measures.