

ACT 214

H.B. NO. 2669-80

A Bill for an Act Relating to Education.

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

SECTION 1. Chapter 301, Hawaii Revised Statutes, is amended by adding a new section to read:

“Sec. 301- Administrative hearing procedures and subpoena power relating to the education of handicapped children. (a) An impartial hearing may be requested by any parent or guardian of a handicapped child or by the department on any matter relating to the identification, evaluation, program, or placement of a handicapped child. The department shall adopt rules and regulations which shall conform to the requirements of any applicable federal statutes or regulations pertaining to the impartial hearing based on the education of a handicapped child. Such rules and regulations shall require that any party may be present at the proceeding, be accompanied and advised by counsel or individuals with special knowledge or training with respect to the problems of handicapped children, may require witnesses to be under oath, cross-examine witnesses, and obtain a written or electronic verbatim record of the proceedings.

(b) Any party to such hearings or the hearings officer shall have the right to compel the attendance of witnesses upon subpoena issued by the hearings officer. The fees for attendance shall be the same as for the fees of witnesses before circuit court. In case of the failure of any person to comply with a subpoena, a circuit court judge of the judicial circuit in which the witness resides, upon application of the hearings officer, shall compel attendance of the person.”

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SECTION 2. New statutory material is underscored.*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 6, 1980.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.