

# HO‘OLAHA HO‘OPALEKANA KA‘INA HANA

no nā Mākua a me nā Haumāna

Ma lalo o ke kānāwai ‘o *The Individuals With Disabilities Education Act* a me nā Lula a me nā Kānāwai o Hawai‘i (*Hawai‘i Law and Regulations*)<sup>1</sup>

**April 2020**

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<sup>1</sup>Ho‘okumu ‘ia ma luna o ka palapala ‘o *the U.S. Department of Education’s Model Form: Procedural Safeguards Notice*

## Ho'ololi 'ia ma 'Aukake 2011

Ma ke koi 'ana a ke kōnāwai, 'o *The Individuals with Disabilities Education Act (IDEA)*, nā kōnāwai Pekelala, a me nā lula a me nā kōnāwai o Hawai'i (*Hawai'i Administrative Rules, Title 8, Chapter 60, Provision of a Free Appropriate Public Education for a Student with a Disability*) pili i ka ho'ona'auao 'ia 'ana o nā haumāna me ke kino kīnā, koi 'ia nā kula e hā'awi i nā mākuā o kekahi haumāna me kekahi kīnā o ke kino i kekahi palapala ho'olaha e ho'ākāka piha ana no nā lawelawe ho'opalekana i loa'a ma lalo o ka *IDEA* a me nā lula o ka 'Oihana Ho'ona'auao o 'Amelika a me nā lula a me nā kōnāwai o Hawai'i (*HAR §8-60-59*). Pono e hā'awi 'ia he kope o kēia ho'olaha i nā mākuā ho'okahi wale nō manawa i ka makahiki kula, a he pono nō ho'i e hā'awi 'ia: (1) i ka wā i hāpai mua 'ia ai ka mana'o kōkuā a i 'ole i ka manawa mua i noi mua 'ia ai e loiloi 'ia ka haumāna; (2) ma ka loa'a mua 'ana o kāu ho'opi'i mua i ke aupuni Moku'āina (ma lalo o ke 34 *CFR* §§300.151 ā hiki i ka 300.153 a me ka *HAR* §8-60-52 ā hiki i ka 8-60-54) a ma ka loa'a 'ana o kāu ho'opi'i ka'ina kōnāwai (ma lalo o ke 34 *CFR* §300.507 a me ka *HAR* §8-60-61) i ka makahiki kula; (3) i ka wā i ho'oholo 'ia ai e ho'opa'i 'ia kāu keiki e kūpono ai ka ho'ololi 'ana i kahi i ho'okomo 'ia ai kāu keiki; a (4) ma kou noi 'ana [34 *CFR* §300.504(a) a me ka *HAR* §8-60-59(a)].

Aia i loko o kēia ho'olaha ho'opalekana ka'ina hana he ho'ākāka piha 'ana no nā ho'opalekana ka'ina hana a pau ma lalo o ke:

34 *CFR* §300.148 a me ka *HAR* §8-60-27 (ka ho'okomo 'ia 'ana o ka haumāna ma kekahi kula uku me ka uku pū o ka lehulehu),

34 *CFR* §§300.151 ā hiki i ka 300.153 a me ka §§8-60-52 ā hiki i ka 8-60-54 (nā ka'ina hana no ka ho'opi'i Moku'āina),

34 *CFR* §300.300 a me ka *HAR* §8-60-31 (ka 'ae 'ana o ka makua),

34 *CFR* §§300.502 a me ka 300.503 a me ka *HAR* §§8-60-44 ā hiki i ka 8-60-57 (ka loiloi ho'ona'auao kū'oko'a (*Independent Educational Evaluation*)) a me ka *HAR* §8-60-58 (ka leka ho'omaopopo ma mua o ka hana 'ana),

34 *CFR* §§300.505 ā hiki i ka 300.518 a me ka *HAR* §§8-60-60 ā hiki i ka 8-60-72 (kekahi mau 'ano 'ē a'e o ka ho'opalekana ka'ina hana),

34 *CFR* §§300.530 ā hiki i ka 300.536 a me ka *HAR* §§8-60-75 ā hiki i ka 8-60-81 (ke ka'ina hana no ka ho'opa'i 'ana), a me ke

34 *CFR* §§300.610 ā hiki i ka 300.625 a me ka *HAR* §8-60-84 (ka hūnā 'ia 'ana o ka 'ike).

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**IKE LAULĀ****KA LEKA HO'OMAOPOPO MA MUA O KA HANA****34 CFR §300.503***HAR §8-60-58***'Ōlelo Ho'ākāka**

Pono ka 'Oihana Ho'ona'auao o ka Moku'āina 'o Hawai'i (ka 'Oihana) e hā'awi iā 'oe i kekahi leka ho'omaopopo (me kekahi mau 'ike ma loko) i kekahi kōā o ka manawa i kūpono ka lō'ihī ma mua o:

1. kona hāpai 'ana i ka mana'o e ho'omaka a i 'ole e ho'ololi i kekahi 'ike e hō'ike ana 'o wai lā kāu keiki, kona loiloi 'ia 'ana, a i 'ole kahi i kau 'ia ai 'o ia no ka ho'ona'auao 'ana, a i 'ole kona ho'olako 'ia 'ana i ka ho'ona'auao 'ana i kūpono a manuahi (*FAPE: Free and Appropriate Public Education*); **a i 'ole**
2. kona hō'ole 'ana e ho'omaka a i 'ole ho'ololi i kekahi 'ike e hō'ike ana 'o wai lā kāu keiki, kona loiloi 'ia 'ana, a i 'ole kahi i kau 'ia ai 'o ia no ka ho'ona'auao 'ana, a i 'ole kona ho'olako 'ia 'ana i ka ho'ona'auao 'ana i kūpono a manuahi (*FAPE*).

**Ka 'Ike i Loko o ka Leka Ho'omaopopo**

Pono e komo i loko o ka leka ho'omaopopo:

1. he ho'ākāka 'ana no ka hana a ka 'Oihana e hāpai nei a i 'ole e hō'ole nei e hana;
2. he ho'ākāka 'ana no ke kumu a ka 'Oihana e hāpai nei a i 'ole e hō'ole nei e hana i ia hana;
3. he ho'ākāka 'ana no kēlā me kēia hana, loiloi 'ana, mo'olelo, a i 'ole palapala i ho'ohana 'ia e ka 'Oihana ma ka ho'oholo 'ana e hāpai a i 'ole hō'ole i ia hana;
4. he māmala'ōlelo pili no nā palekana i kūpono iā 'oe ma lalo o nā palekana i loa'a ma ke ka'ina hana ma ka Māhele B o ke kāmāwai 'o *the Individuals with Disabilities Education Act (IDEA)* a me nā kāmāwai a me nā lula no ka ho'ona'auao kūikawā (*HAR 8-60*), a inā ho'i 'a'ole he mea kēia leka ho'omaopopo no ka loiloi 'ana, 'o ia nō ho'i ka hana e loa'a ai iā 'oe he kope o ka *HAR §8-60-59 (procedural safeguards notice)*;
5. nā lako kōkua nou no ka 'imi 'ana i ke kōkua ma ka ho'omaopopo 'ana i ka Māhele B o ka *IDEA* a me nā mea i ho'olako 'ia ma ka *HAR 8-60*.
6. he ho'ākāka 'ana no nā koho 'ē a'e a ka pū'ulu *Individualized Education Program (IEP)* i nūnē ai a me nā kumu i hō'ole 'ia ai ia mau koho; **a**
7. he ho'ākāka 'ana no nā kumu 'ē a'e i hāpai a hō'ole ai paha ka 'Oihana i ia hana.

**Ka leka ho'omaopopo ma kekahi 'ōlelo maopopo**

No ka leka ho'omaopopo:

1. Pono e kākau 'ia ma ka 'ōlelo maopopo i ka lehulehu; **a**
2. Pono e hā'awi 'ia iā 'oe ma kāu 'ōlelo kumu a i 'ole ma kekahi 'ano o ka 'ōlelo i ma'a iā 'oe, koe ke hiki 'ole ke hana penei.

Inā 'a'ole kāu 'ōlelo kumu he 'ōlelo i kākau 'ia, pono ka 'Oihana e hō'ōia i kēia mau mea ma lalo nei:

1. ka unuhi waha 'ia o ka leka ho'omaopopo iā 'oe a i 'ole e ho'omaopopo iā 'oe i kona mana'o ma kekahi 'ano ma kāu 'ōlelo kumu;
2. ka maopopo o ka mana'o o ka leka ho'omaopopo iā 'oe; a
3. ka loa'a o kekahi hō'ike i kākau 'ia no ka ho'okō 'ia o nā koi o ka paukū 1 a me ka 2.

### 'ŌLELO KUMU - HE HO'ĀKĀKA 'ANA

#### 34 CFR §300.29

HAR §8-60-2

'Ōlelo Kumu: Ke ho'ohana 'ia kēia 'ōlelo e pili ana i kekahi kanaka i emi kona kama'āina i ka 'ōlelo Pelekānia, penei ka mana'o o ia 'ōlelo:

1. 'O ia ka 'ōlelo ma'amau i ia kanaka, a i 'ole, inā he haumāna, 'o ia ka 'ōlelo ma'amau a nā mākuā o ia haumāna;
2. Ma ka hui 'ana me ka haumāna (ma ka loilo 'ana kekahi), 'o ia ka 'ōlelo ma'amau a ia haumāna ma ka home a i 'ole ma kahi e ho'ona'auao 'ia ai 'o ia.

No kekahi kanaka pepeiao kuli a makapō paha, a i 'ole no kekahi kanaka 'a'ole kāna 'ōlelo he 'ōlelo i kākau 'ia, 'o ka 'ōlelo a ia kanaka, 'o ia ka 'ōlelo ma'amau a ia kanaka ('o ke kuhikuhi lima paha, ka *Braille*, a i 'ole he 'ōlelo i wala'au wale 'ia nō).

### KA 'AE 'ANA O KA MAKUA - HE HO'ĀKĀKA 'ANA

#### 34 CFR §300.9

HAR §8-60-2

'O ka 'ae 'ana, penei ka ho'ākāka 'ana:

1. Ua ho'omaopopo piha 'ia 'oe ma kāu 'ōlelo kumu a i 'ole ma kekahi 'ano paha o ka 'ōlelo (ma ke kuhikuhi lima 'oe, ka *Braille* 'oe, a i 'ole ma ka ha'i waha 'ana paha) no nā 'ike a pau loa no ka hana āu e 'ae nei.
2. Ua maopopo nō iā 'oe a he 'ae pū 'oe ma ke kākau 'ana i ia hana, a ma ka 'ae 'ana, ho'ākāka 'ia ia hana a helu pū 'ia nā mo'olelo (inā loa'a) e ho'oku'u 'ia ana a iā wai e ho'oku'u 'ia ai; a
3. Ua maopopo nō iā 'oe nāu nō i koho e 'ae aku nou iho nō a he hiki nō iā 'oe ke ho'opau i kou 'ae 'ana e like me kou makemake.

Inā makemake 'oe e ho'opau i kou 'ae 'ana ma hope o ka ho'omaka 'ana o ka ho'olako 'ia 'ana o kāu keiki ka ho'ona'auao kūikawā a me nā lawelawe i pili, pono 'oe e hana pēlā ma ke kākau 'ana. Ma kou ho'opau 'ana i kou 'ae, 'a'ole e ho'i hou ke kūlana o ia hana i pau i ka hana 'ia ma hope o kou 'ae 'ana, akā, ma mua o kou ho'opau 'ana i ia 'ae 'ana. Eia kekahi, 'a'ole pono e ho'ololi ke kula i ka mo'olelo o kāu keiki e wehe ai i kekahi hō'ike no ka ho'olako 'ia o kāu keiki i ka ho'ona'auao kūikawā a me nā lawelawe i pili ma hope o kou ho'opau 'ana i ka 'ae 'ana.

## KA 'AE 'ANA O KA MAKUA

## 34 CFR §300.300

HAR §8-60-31

## Ka 'ae 'ana no ka loiloi mua 'ana

'A'ole hiki i ka 'Oihana ke lawelawe i ka loiloi mua 'ia 'ana o kāu keiki no ka ho'omaopopo 'ana inā kūpono i kāu keiki ka ho'ona'auao kūikawā ma lalo o ka Māhele B o ka *IDEA* me ka 'ole o ka hā'awi mua 'ana iā 'oe ma ka leka ho'omaopopo ma mua o ka hana 'ana no ka hana i hāpai 'ia a me ka noi 'ana i kou 'ae 'ana (ke pono ka loiloi 'ana ma ke 'ano he māhele o ka loiloi 'ana) e like me ia i ho'ākāka 'ia ma lalo o nā po'omana'o, 'o ***Leka Ho'omaopopo ma Mua o ka Hana 'ana*** a me ***Ka 'Ae 'ana o ka Makua***.

Pono ka 'Oihana e ho'ā'o pono e loa'a kou 'ae 'ana e like me kou ho'omaopopo 'ia 'ana no ka loiloi mua 'ana no ka ho'omaopopo 'ana inā he haumāna kino kīnā 'i'o nō kāu keiki.

Ma kou 'ae 'ana no ka loiloi mua 'ana, 'a'ole i mana'o 'ia ua 'ae pū nō 'oe i ke kula e ho'omaka i ka ho'ona'auao kūikawā a me nā lawelawe i pili i kāu keiki.

'A'ole hiki i ka 'Oihana ke ho'ohana i kou hō'ole 'ana e 'ae i kekahi lawelawe a hana paha i pili i ka loiloi mua 'ana ma ke 'ano he kumu e hō'ole ai iā 'oe a i 'ole kāu keiki i kekahi lawelawe 'ē a'e, he pono paha a hana paha, koe ke pono ka 'Oihana e hana pēlā ma lalo o kekahi koi o ka Māhele B o ka *IDEA*.

Inā ua kākau inoa 'ia kāu keiki ma kekahi kula aupuni a i 'ole inā makemake 'oe e kākau inoa 'ia kāu keiki ma kekahi kula aupuni a ua hō'ole 'oe e 'ae a i 'ole inā 'a'ole 'oe i pane i kekahi noi e 'ae i ka loiloi mua 'ana, hiki i ka 'Oihana – akā, 'a'ole pono – ke hāpai i ka mana'o e lawelawe 'ia ka loiloi mua no kāu keiki ma ka ho'ohana 'ana i ka māhele 'uao o ka *IDEA* a i 'ole ka ho'opi'i ka'ina kānāwai, ka hālāwai ho'onā, a me nā ka'ina hana no ka hālāwai ho'olohe mana'o ka'ina kānāwai kaulike. 'A'ole 'a'e ka 'Oihana i kona mau kuleana e 'imi, hō'ike a loiloi i kāu keiki inā 'a'ole ia e lawelawe i ka loiloi 'ia 'ana o kāu keiki inā penei ke kūlana.

### Nā lula kūikawā no ka loiloi mua 'ana no nā mea i ho'okahu 'ia ma lalo o ke aupuni Moku'āina

'O ke 'ano o ia mea he *Mea i ho'okahu 'ia ma lalo o ke aupuni Moku'āina*, e like me kona ho'ohana 'ia 'ana ma ka *IDEA* a me ka *HAR 8-60*, 'o ia ho'i, he haumāna i ho'ākāka 'ia ai kona 'ano e ke aupuni o ka moku'āina kahi e noho ai ia haumāna penei:

1. he keiki lawe hānai no ka manawa;
2. he keiki i ho'ākāka 'ia ai kona kūlana he mea i ho'okahu 'ia ma lalo o ke aupuni moku'āina ma ke kānāwai o ka moku'āina; ***a i 'ole***
3. he keiki i pa'a ma lalo o ka malu o kekahi 'oihana mālama keiki o ke aupuni.

Ho'okahi nō ho'okoe 'ana i pono e ho'omaopopo 'ia. 'A'ole pili ke 'ano o ia mea he *mea i ho'okahu 'ia ma lalo o ke aupuni Moku'āina* i ke keiki lawe hānai no ka manawa nona ka makua lawe hānai no ka manawa i kūpono iā ia ka ho'ākāka 'ia 'ana he *makua* e like me kona ho'ohana 'ia 'ana ma ka *IDEA* a me ka *HAR 8-60*.

Inā he mea i ho'okahu 'ia kekahi haumāna ma lalo o ke aupuni Moku'āina a inā 'a'ole 'o ia e noho nei me kona makua—

'A'ole pono ka 'ae 'ana o ka makua i ka 'Oihana no ka loiloi mua 'ana no ka ho'omaopopo 'ana inā he haumāna kino kīnā ia haumāna:

1. ma ka ho'ā'o pono 'ana, 'a'ole loa'a ka makua o ka haumāna i ka 'Oihana;
2. ua ho'opau loa 'ia nā kuleana o nā mākua e like me ka 'ōlelo ma nā kānāwai o Hawai'i; **a i 'ole**
3. na kekahi luna ho'okolokolo i ho'okohu i ke kuleana no ka ho'oholo 'ana i nā mea pili i ka ho'ona'auao 'ana i kekahi kanaka 'oko'a ma waho a'e o ka makua a ua 'ae aku ia kanaka i ka loiloi mua 'ana.

### **Ka 'ae 'ana o ka makua no nā lawelawe**

Pono e loa'a ka 'ae i ka 'Oihana e like me kou ho'omaopopo 'ia 'ana ma mua o ka ho'olako 'ana i kāu keiki i ka ho'ona'auao kūikawā a me nā lawelawe i pili no ka manawa mua.

Pono e ho'ā'o pono ka 'Oihana e loa'a kou 'ae e like me kou ho'omaopopo 'ia 'ana ma mua o ka ho'olako 'ana i kāu keiki i ka ho'ona'auao kūikawā no ka manawa mua.

Inā 'a'ole 'oe e pane i kekahi noi e 'ae e ho'olako 'ia kāu keiki i ka ho'ona'auao kūikawā a me nā lawelawe i pili no ka manawa mua, a i 'ole inā hō'ole 'oe e 'ae a i 'ole ho'i e ho'opau 'oe i kou 'ae 'ana ma hope ma ke kākau 'ana, 'a'ole hiki i ka 'Oihana ke ho'ohana i nā palekana ma ke ka'ina hana ('o ia ho'i, ka 'uao 'ana, ka ho'opī'i ka'ina kānāwai, ka hālāwai ho'onā, a i 'ole ka hālāwai ho'olohe mana'o ka'ina kānāwai kaulike) no ka loa'a 'ana o ka 'ae a i 'ole kekahi ho'oholo 'ana e ho'olako 'ia kāu keiki i ka ho'ona'auao kūikawā a me nā lawelawe i pili (e like me ka paipai 'ana a ka pū'ulu *IEP* a kāu keiki) me ka 'ole o kou 'ae 'ana.

Inā hō'ole 'oe e 'ae 'ia kāu keiki e ho'olako 'ia i ka ho'ona'auao kūikawā a me nā lawelawe i pili no ka manawa mua, a i 'ole inā 'a'ole 'oe e pane i kekahi noi e 'ae a i 'ole inā ho'opau 'oe i kou 'ae ma hope ma ke kākau 'ana a 'a'ole ho'olako ka 'Oihana i kāu keiki i ka ho'ona'auao kūikawā a me nā lawelawe i pili e like me ka mea i noi 'ia, a laila, penei ka hopena:

1. 'A'ole i 'a'e ka 'Oihana i ke koi e ho'olako 'ia ka *FAPE* i kāu keiki no kona ho'olako 'ole 'ana i ia mau lawelawe i kāu keiki; **a**
2. 'A'ole pono ka 'Oihana e mālama i kekahi hālāwai *IEP* a i 'ole e kūkulu i kekahi *IEP* no kāu keiki no ka ho'ona'auao kūikawā a me nā lawelawe i pili e like me ka mea i noi 'ia.

Inā ho'opau 'oe i kou 'ae ma ke kākau 'ana i kekahi wā ma hope o ka ho'olako mua 'ia 'ana o kāu keiki i ka ho'ona'auao kūikawā a me nā lawelawe i pili, a laila, 'a'ole paha e ho'omau ka 'Oihana i ka ho'olako i ia mau lawelawe, akā, pono e hā'awi 'ia 'oe he leka ho'omaopopo ma mua o ka hana, e like me ia ma lalo o ke po'omana'o ***Ka Leka Ho'omaopopo ma Mua o ka Hana*** ma luna a'e nei, ma mua o ka ho'opau 'ana i ia mau lawelawe.

### **Ka 'ae 'ana o ka makua no ka loiloi hou 'ana**

Pono e loa'a i ka 'Oihana kou 'ae e like me kou ho'omaopopo 'ia 'ana ma mua o ka loiloi hou 'ia 'ana o kāu keiki, koe ke hiki i ka 'Oihana ke hō'ike'ike penei:

1. Ua kūpono kāna mau hana ma ka 'imi 'ana i kou 'ae no ka loiloi hou 'ia 'ana o kāu keiki; **a**
2. 'A'ole 'oe i pane.

Inā hō'ole 'oe e 'ae i ka loiloi hou 'ia 'ana o kāu keiki, hiki i ka 'Oihana – akā, 'a'ole pono – e 'imi i ka loiloi hou 'ia 'ana o kāu keiki ma ka ho'ohana 'ana i ka 'uao 'ana, ka ho'opī'i ka'ina



kānāwai, ka hālāwai ho'onā, a me ke ka'ina hana hālāwai ho'olohe mana'o ka'ina kānāwai kaulike no ka 'imi 'ana i ka 'a'e 'ana ma luna o kou hō'ole 'ana e 'ae i ka loiloi hou 'ia 'ana o kāu keiki. E like nō me ka loiloi mua 'ana, 'a'ole i 'a'e ka 'Oihana i kona mau kuleana ma lalo o ka Māhele B o ka *IDEA* inā hō'ole ia e 'imi i ka loiloi hou 'ana penei.

### **Ka mo'olelo no ka ho'ā'o pono 'ana e loa'a ka 'ae o ka makua**

Pono kou kula e mālama i nā mo'olelo no ka ho'ā'o pono 'ana e loa'a kou 'ae no ka loiloi mua 'ana, no ka ho'olako 'ana i ka ho'ona'auao kūikawā a me nā lawelawe i pili no ka manawa mua, no ka loiloi hou 'ana, a no ka huli 'ana ā loa'a nā mākua o nā mea i ho'okahu 'ia ma lalo o ke aupuni Moku'āina no ka loiloi mua 'ana. Pono e komo i loko o ua mau mo'olelo lā ka ho'ā'o 'ana o ka 'Oihana e hana i kēia mau mea nei, penei:

1. nā mo'olelo maiau no ke kelepona 'ana a i 'ole ka ho'ā'o 'ana e kelepona a me ka hopena o ia mau hana;
2. nā kope o nā leka i ho'ouna 'ia ai iā 'oe a me nā pane i loa'a; **a me**
3. nā mo'olelo maiau o nā kipa 'ana i kou home a wahi hana paha a me ka hopena o ia mau hana.

### **He mau koi 'ē a'e no ka 'ae 'ana**

'A'ole pono kou 'ae 'ana no ka hana 'ana o ka 'Oihana i kēia mau hana:

1. No ka nānā 'ana i nā 'ike i loa'a ma ke 'ano he māhele ia o ka loiloi 'ana a i 'ole ka loiloi hou 'ia 'ana o kāu keiki; **a i 'ole**
2. No ka hā'awi 'ana i kāu keiki i kekahi hō'ike a mea loiloi paha i hā'awi 'ia i nā haumāna a pau, koe, inā ma mua o ka hā'awi 'ia 'ana o ia hō'ike a mea loiloi paha, he mea pono ka 'ae 'ana na ka makua no nā haumāna a pau.

Inā ua kākau inoa 'oe i kāu keiki ma kekahi kula uku a nāu nō ho'i i uku a i 'ole inā nāu nō e kula i kāu keiki ma ka home a 'a'ole 'oe e 'ae i ka loiloi mua a i 'ole ka loiloi hou 'ia 'ana o kāu keiki, a i 'ole ho'i, 'a'ole 'oe pane i kekahi noi e 'ae, 'a'ole paha e ho'ohana ka 'Oihana i ke ka'ina hana no ka ho'onā hihia ('o ia ho'i ka 'uao 'ana, ka ho'opi'i ka'ina kānāwai, ka hālāwai ho'onā, a i 'ole ka hālāwai ho'olohe mana'o ka'ina kānāwai kaulike) a 'a'ole pono e ho'oholo ua kūpono i kāu keiki ka loa'a 'ana o nā lawelawe kaulike (nā lawelawe i ho'olako 'ia i nā haumāna kino kīnā i ho'okomo 'ia ai i loko o ia mau kula e nā mākua).

### **KA LOILOI HO'ONA'AUAO KŪ'OKO'A**

#### **34 CFR §300.502**

*HAR §8-60-57*

#### **Nā mana'o laulā**

E like me ka mea i ho'ākāka 'ia ma lalo nei, aia iā 'oe ke kuleana e 'imi ā loa'a ka loiloi ho'ona'auao kū'oko'a (*independent educational evaluation: IEE*) no kāu keiki inā kū'ē'ē 'oe i ka hopena o ka loiloi 'ia 'ana o kāu keiki i lawelawe 'ia e ka 'Oihana.

Inā noi 'oe i ka loiloi ho'ona'auao kū'oko'a (*IEE*), pono ka 'Oihana e hā'awi iā 'oe i ka 'ike no kahi e hiki ai ke loa'a iā 'oe ka *IEE* a no nā ana ho'ohālike o ka 'Oihana i pili i ka *IEE*.

### Ka Ho'ākāka 'ana

'O ke 'ano o ia mea he *loiloi ho'ona'auao kū'oko'a*, 'o ia ka loiloi 'ana i lawelawe 'ia e kekahi mea loiloi i loa'a kona palapala hō'oiā ma ia 'oihana a 'a'ole 'o ia he limahana o ka 'Oihana.

'O ke 'ano o ia mea he *ho'olilo o ka lehulehu*, 'o ia ho'i, na ka 'Oihana e uku i ke kumu kāki piha no ka loiloi 'ana a i 'ole nāna e hō'oiā i ka lawelawe 'ia 'ana o ka loiloi 'ana me kou uku 'ole 'ana, e like me ka 'ōlelo o ka Māhele B o ka *IDEA* e pili ana i ka ho'olilo 'ana o ke aupuni moku'āina i nā waihona o ke aupuni moku'āina, kūloko, Pekelala a i 'ole nā hui i loa'a ma ka moku'āina no ke kāko'o 'ana i hiki ke ho'okō 'ia nā koi o ka Māhele B o ia kāmāwai.

### Ke kuleana pili i ka loiloi 'ana i uku 'ia e ka lehulehu

He kuleana kou pili i ka *IEE* no kāu keiki i uku 'ia e ka lehulehu inā kū'ē'ē 'oe i ka loiloi 'ia 'ana o kāu keiki i lawelawe 'ia e ka 'Oihana, e like me ka ho'ākāka 'ana ma lalo nei:

1. Inā noi 'oe i ka *IEE* no kāu keiki i uku 'ia e ka lehulehu, pono ka 'Oihana – me ka ho'okali kūpono 'ole 'ana – (a) e waiho i kekahi ho'opi'i ka'ina kāmāwai e noi ana i hālāwai ho'olohe mana'o e hō'ike'ike ai ua kūpono ka loiloi 'ana i lawelawe 'ia e ia; a i 'ole (b) e lawelawe i ka *IEE* i uku 'ia e ka lehulehu, koe ke hō'ike'ike ka 'Oihana ma kekahi hālāwai ho'olohe mana'o 'a'ole i kō nā koi a ka 'Oihana ma ka loiloi 'ia 'ana o kāu keiki i mālama 'ia e 'oe.
2. Inā noi ka 'Oihana i hālāwai ho'olohe mana'o a ho'opuka 'ia ka 'ōlelo ho'oholo ua kūpono nō ka loiloi 'ia 'ana o kāu keiki, 'oiā mau nō kou kuleana i *IEE*, akā, 'a'ole e uku 'ia e ka lehulehu.
3. Inā noi 'oe i *IEE* no kāu keiki, hiki i ka 'Oihana ke nīnau iā 'oe i ke kumu no kou kū'ē'ē 'ana i ka loiloi i lawelawe 'ia e ka 'Oihana. Akā na'e, 'a'ole paha e koi ka 'Oihana i kumu a 'a'ole ia e ho'okali i ka lawelawe 'ia 'ana o ka *IEE* no kāu keiki i uku 'ia e ka lehulehu a i 'ole ka waiho 'ana i ka ho'opi'i ka'ina kāmāwai no ka noi 'ana i ho'opi'i ka'ina kāmāwai no ka pale 'ana i ka loiloi 'ia 'ana o kāu keiki ma lalo o ka 'Oihana.

He kuleana kou no ho'okahi wale nō *IEE* no kāu keiki i uku 'ia e ka lehulehu i kēlā me kēia manawa a ka 'Oihana e lawelawe ai i ka loiloi 'ia 'ana o kāu keiki āu i kū'ē'ē ai.

### Ka noi a ka makua i loiloi 'ana

Inā lawelawe 'ia ka *IEE* no kāu keiki i uku 'ia e ka lehulehu a i 'ole ka'ana like 'oe i ka lawelawe 'ia 'ana o ka loiloi 'ana me ka 'Oihana a nāu i ho'onohonoho a nāu nō ho'i i uku:

1. Pono ka 'Oihana e no'ono'o i ka hopena o ka loiloi 'ia 'ana o kāu keiki, inā ua kō nā koi a ka 'Oihana no ka *IEE*, no kēlā me kēia mana'o ho'oholo i pili i ka ho'olako 'ia 'ana o ka *FAPE* no kāu keiki; a
2. Hiki iā 'oe a i 'ole ka 'Oihana ke ho'okomo i ka loiloi 'ana ma ke 'ano he hō'ike ma ka hālāwai ho'olohe mana'o ka'ina kāmāwai pili i kāu keiki.

### Ka noi a ka luna ho'omalū hālāwai ho'olohe mana'o i loiloi 'ana

Inā na ka luna ho'omalū hālāwai ho'olohe mana'o e noi i *IEE* no kāu keiki ma ke 'ano he māhele o ka hālāwai ho'olohe mana'o ka'ina kāmāwai, na ka lehulehu nō e uku e pono ai.

**Nā ana ho'ohālike a ka 'Oihana**

Inā na ka lehulehu e uku no kekahi *IEE*, pono e like nā ana ho'ohālike i lawelawe 'ia ai ka loilo 'ana, me kahi e mālama 'ia ai ia hana a me ke 'ano o ka palapala hō'oa o ka mea nāna e loilo, me nā ana ho'ohālike a ka 'Oihana e ho'ohana ai inā nāna ka lawelawe 'ana i ka loilo 'ana (e like nō me ke kū o ia mau ana ho'ohālike i kou kuleana i *IEE*).

Koe no nā ana ho'ohālike i hō'ike 'ia a'ela ma luna nei, 'a'ole hiki i ka 'Oihana ke koi i kekahi 'ano kaupalena 'ana a palena manawa paha pili i ka lawelawe 'ia 'ana o ka *IEE* i uku 'ia e ka lehulehu.

**KA HŪNĀ 'IA 'ANA O KA 'IKE**

HAR §8-60-84

HE KULEANA KO NĀ MĀKUA, A I 'OLE NĀ HAUMĀNA I PIHA IĀ LĀKOU 18 MAKAHIKI A 'OI, E PILI ANA I NĀ MO'OLELO HO'ONA'AUAO I MĀLAMA 'IA NO KĀ LĀKOU KEIKI MA LALO O KE KĀNĀWAI NO NĀ KULEANA HO'ONA'AUAO A ME KA HŪNĀ 'IA 'ANA (*FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT: FERPA*) A ME NĀ LULA O HAWAI'I E PILI ANA I KA MĀLAMA 'IA 'ANA O NĀ KULEANA HO'ONA'AUAO A ME KA HŪNĀ 'IA 'ANA 'O WAI KA HAUMĀNA A ME NĀ MĀKUA. MA LALO O *FERPA* A ME NĀ LULA O HAWAI'I, KE PIHA I KEKAHI HAUMĀNA 18 MAKAHIKI, ILI NĀ KULEANA O NĀ MĀKUA PILI I NĀ MO'OLELO O KA HAUMĀNA, ME KE KULEANA 'AE PŪ E HO'OKU'U I NĀ MO'OLELO, I KA HAUMĀNA.

**KA HO'ĀKĀKA 'ANA****34 CFR §300.611**

E like me kona ho'ohana 'ia 'ana ma lalo o ke po'omana'o, 'o **Ka Hūnā 'ia 'ana o ka 'Ike** (*Confidentiality of Information*):

- 'O ke 'ano o ia 'ōlelo, 'o *wāwahi*, 'o ia ka luku 'ana a i 'ole ka wehe 'ana i kekahi 'ike nāna e hō'ike 'o wai lā ke kanaka nona ia 'ike i 'ole e ho'omaopopo 'ia 'o wai ia kanaka.
- 'O ke 'ano o ia mea he *mo'olelo ho'ona'auao*, 'o ia ke 'ano mo'olelo i ho'ākāka 'ia ma lalo o ka ho'ākāka 'ia 'ana o "mo'olelo ho'ona'auao (*education records*)" ma ke 34 *CFR* Māhele 99 (nā lula pili i ka ho'okō 'ia 'ana o *FERPA* o ka 1974, 20 *U.S.C.* 1232g).
- 'O ke 'ano o ia mea he *'oihana i komo*, 'o ia kekahi 'āpana kula, 'oihana a hui paha nāna e 'ohi, mālama a ho'ohana paha i kekahi 'ike e kōkua ana i ka ho'omaopopo 'ana 'o wai kekahi kanaka, a i 'ole mai ia wahi mai i loa'a ai kekahi 'ike, ma lalo o Māhele B o ka *IDEA*.

**KA HŌ'IKE NO KE KANAKA****34 CFR §300.32**

'O ke 'ano o ia 'ōlelo, 'o *ka hō'ike no ke kanaka*, 'o ia ka 'ike pili i kēia mau mea nei:

1. ka inoa o kāu keiki, kou inoa ma kou 'ao'ao 'o 'oe ka makua, a i 'ole ka inoa o kekahi lālā o ka 'ohana;
2. ka helu wahi o kāu keiki;
3. he hō'ike no ke kanaka, e like ho'i me ka helu ho'opalekana ola (*social security*) a i 'ole ka helu hō'ike haumāna; **a i 'ole**
4. he papa helu o nā 'ano a 'ike hou a'e paha nāna e kōkua i ka ho'omaopopo 'ana 'o wai kāu keiki ma ke kuhi mana'o.

**KA 'OLELO HO'OMAOPPO I NĀ MĀKUA****34 CFR §300.612**

Pono ka 'Oihana e ho'olaha i kekahi 'ōlelo ho'omaopopo i nui kūpono e ho'omaopopo piha ai i nā mākuā no ka hūnā 'ia 'ana o nā hō'ike no ke kanaka, e like me kēia:

1. he ho'ākāka 'ana no ka laulā o ka 'ōlelo ho'omaopopo ma ka 'ōlelo kumu a nā lāhui kanaka o ka Moku'āina;

2. he ho'ākāka 'ana no nā haumāna no lākou kekahi 'ike i hūnā 'ia ai, ke 'ano o ka 'ike i 'imi 'ia, nā ki'ina hana a ka Moku'āina ma ka 'ohi 'ana i ka 'ike (me nā kumu pū i loa'a ai ka 'ike), a me ke kumu e ho'ohana 'ia ai ka 'ike;
3. he hō'ulu'ulu 'ana no nā ka'ina hana a me nā ki'ina hana a nā 'oihana i komo e hahai ai e pono ai no ka mālama 'ana, ka ho'oku'u 'ia 'ana o ka 'ike i kekahi hui 'ē a'e, ka 'au'a 'ana, a me ka wāwahi 'ia 'ana o nā 'ike e hō'ike ana 'o wai ke kanaka; a
4. he ho'ākāka 'ana no nā kuleana a pau o nā mākua a me nā haumāna no kēia 'ike, me nā kuleana ma lalo o *FERPA* a me nā lula ma lalo o ia mea ma ke 34 *CFR* Māhele 99.

Ma mua o kekahi hana mea nui e hō'ike, 'imi a loiloi ai paha i nā haumāna i pono iā lākou ka ho'ona'auao kūikawā a me nā lawelawe i pili ('o kekahi 'ōlelo no ia mea, 'o ka " 'imi keiki (*child find*)"), pono e ho'olaha 'ia ka 'ōlelo ho'omaopopo ma nā nūpepa a kekahi 'ano 'ē a'e paha o ka ho'olaha laulā 'ana i waena o ka lehulehu, a i 'ole paha ma ia mau 'ano hana a pau, me ka laulā kūpono o ka ho'olaha 'ana e ho'omaopopo ai i nā mākua mai 'ō a 'ō o ka Moku'āina no kēia mau hana.

## NĀ KULEANA 'AE

### 34 *CFR* §300.613

Pono e 'ae 'ia 'oe e ka 'oihana i komo e nānā i nā mo'olelo ho'ona'auao like 'ole e pili ana i kāu keiki i 'ohi, mālama a ho'ohana 'ia paha e ka 'Oihana ma lalo o ka Māhele B o ka *IDEA*. Pono e ho'okō ka 'oihana i komo i kāu noi e nānā i kekahi mo'olelo ho'ona'auao no kāu keiki me ka ho'okali kūpono 'ole 'ana a ma mua ho'i o kekahi hālāwai e pili ana i ka *IEP*, a i 'ole kekahi hālāwai ho'olohe mana'o ka'ina kāmāwai kaulike (me kekahi hālāwai ho'onā a i 'ole he hālāwai ho'olohe mana'o no ka ho'opa'i 'ana), a 'a'ole e hala 45 mau lā 'alemanaka ma hope o kou noi 'ana, koe ke ho'ākāka 'ia ma nā *Hawai'i Administrative Rules (HAR)* e pili ana i ka Mālama 'ia 'ana o nā Kuleana Ho'ona'auao a me ka Hūnā 'ia 'ana 'o Wai nā Haumāna a me nā Mākua. Penei ke 'ano o kou kuleana e nānā i nā mo'olelo ho'ona'auao:

1. He kuleana kou e pane 'ia ai e kekahi 'oihana i komo i kāu noi kūpono i ho'ākāka 'ana a me ka wehewehe 'ana ho'i e pono ai no nā palapala;
2. He kuleana kou e noi e ho'olako mai ka 'oihana i komo he kope o nā mo'olelo inā 'a'ole hiki iā 'oe ke nānā pono i nā mo'olelo, koe ma ka loa'a 'ana iā 'oe ia mau mo'olelo; a
3. He kuleana kou e ho'okohu i kekahi 'ākena nāna e nānā i nā mo'olelo nāu.

Hiki i ka 'oihana i komo ke kuhi aia ka mana iā 'oe e nānā i nā mo'olelo e pili ana i kāu keiki, koe ke ho'omaopopo 'ia 'a'ohē ou mana ma lalo o kekahi kāmāwai o ka Moku'āina e pili ana i nā kumuhana e like me ka ho'okahu 'ana, ka ho'oka'awale male 'ana, a me ka moku male 'ana.

## KA MO'OLELO 'AE

### 34 *CFR* §300.614

Pono kēlā me kēia 'oihana i komo e mālama i kekahi mo'olelo o nā hui a kanaka paha i 'ae 'ia e nānā i nā mo'olelo ho'ona'auao i 'ohi, mālama a i 'ole ho'ohana 'ia ma lalo o ka Māhele B o ka *IDEA* (koe ka 'ae 'ia 'ana o nā mākua a me nā limahana i 'ae 'ia o ka 'oihana i komo), me ka inoa pū o ka hui a kanaka paha, ka lā i 'ae 'ia ai, a me ke kumu a ka hui a kanaka paha i 'ae 'ia ai e ho'ohana i nā mo'olelo.

**KA MO'OLELO O 'ELUA A 'OI HAUMĀNA****34 CFR §300.615**

Inā ua komo kekahi 'ike no 'elua a 'oi po'e haumāna ma kekahi mo'olelo ho'ona'auao, he kuleana ko nā mākuā o ia mau haumāna e nānā i ka 'ike no kā lākou mau keiki pono'ī wale nō a i 'ole e ho'omaopopo 'ia no ia 'ike.

**KA PAPA O NĀ 'ANO A ME KAHI O NĀ MO'OLELO****34 CFR §300.616**

Ma ka noi 'ana, pono kēlā me kēia 'oihana i komo e hā'awi iā 'oe i kekahi papa o nā 'ano a me kahi o nā mo'olelo ho'ona'auao i 'ohi, mālama a ho'ohana 'ia paha e ia 'oihana i komo.

**KE KUMU KĀKI****34 CFR §300.617**

Hiki ke kāki kēlā me kēia 'oihana i komo no nā kope i hā'awi 'ia iā 'oe ma lalo o ka Māhele B o ka *IDEA* inā ālai 'ia 'oe e ho'okō i kou kuleana e nānā i ia mau palapala. Ma lalo o ka mokuna o ke kānāwai *HAR* e pili ana i ka Mālama 'ia 'ana o nā Kuleana Ho'ona'auao a me ka Hūnā 'ia 'ana 'o Wai ka Haumāna a me nā Mākuā, 'a'ole e 'oi ke kumu kāki i ke kumu kāki maoli no ka hana 'ia 'ana o ke kope, a i ka wā pilikia i ka nele i ke kālā, hiki i ka 'oihana i komo ke kāpae i ke kumu kāki no ka hana kope 'ana.

'A'ole e kāki kekahi 'oihana i komo i kekahi kumu kāki no ka huli 'ana a i 'ole ke ki'i 'ana i ka 'ike ma lalo o ka Māhele B o ka *IDEA*.

**KA HOOLOLI 'IA 'ANA O KA MO'OLELO MA KA NOI 'ANA****34 CFR §300.618**

Inā mana'o'i'o 'oe ua pa'ewa kekahi 'ike no kāu keiki ma nā mo'olelo ho'ona'auao i 'ohi, mālama a ho'ohana 'ia paha ma lalo o ka Māhele B o ka *IDEA*, a i 'ole inā 'a'e 'ia ke kuleana hūnā 'ike a i 'ole kekahi kuleana 'ē a'e o kāu keiki, hiki iā 'oe ke noi i ka 'oihana i komo e ho'ololi i ka 'ike.

Pono e ho'oholo ka 'oihana i komo inā e ho'ololi 'ia ka 'ike e like me kāu noi i loko o kekahi kōā manawa nui kūpono mai ka wā i loa'a ai kāu noi.

Inā hō'ole ka 'oihana i komo e ho'ololi i ka 'ike e like me kāu noi, pono ia 'oihana e ho'omaopopo iā 'oe no ia hō'ole 'ana a hō'ike iā 'oe no kou kuleana e mālama 'ia he hālāwai ho'olohe mana'o e like me ia ma lalo o ke po'omana'o, 'o ***Ka Mālama 'ia 'ana o ka Hālāwai Ho'olohe Mana'o.***

**KA MĀLAMA 'IA 'ANA O KA HĀLĀWAI HO'OLOHE MANA'O****34 CFR §300.619**

Pono ka 'oihana i komo e mālama i kekahi hālāwai ho'olohe mana'o e like me kāu noi no ke kū'ē'ē 'ana i ka 'ike i loko o nā mo'olelo ho'ona'auao e pili ana i kāu keiki i mea e hō'ōia 'ia ai 'a'ole i pa'ewa, ho'olalau hewa a i 'ole 'a'e 'ia ke kuleana hūnā 'ike a kuleana 'ē a'e paha o kāu keiki.

**KE KA'INA HANA NO KA HĀLĀWAI HO'OLOHE MANA'O****34 CFR §300.621**

Pono e mālama 'ia kekahi hālāwai ho'olohe mana'o no ke kū'ē'ē 'ana i nā mo'olelo ho'ona'auao e like me nā ka'ina hana no ia 'ano hālāwai ho'olohe mana'o ma lalo o ka *FERPA* a me ka mokuna o ke kāmāwai *HAR* e pili ana i ka Mālama 'ia 'ana o nā Kuleana Ho'ona'auao a me ka Hūnā 'ia 'ana 'o Wai ka Haumāna a me nā Mākua.

**KA HOPENA O KA HĀLĀWAI HO'OLOHE MANA'O****34 CFR §300.620**

Inā ma ka hopena o ka hālāwai ho'olohe mana'o ua ho'oholo 'ia e ka 'oihana i komo ua pa'ewa, ho'olalau hewa a 'a'e paha ka 'ike i nā kuleana hūnā 'ike a kuleana 'ē a'e paha o kāu keiki, pono ia 'oihana e ho'ololi i ka 'ike a ho'omaopopo iā 'oe no ia hana ma ke kākau 'ana.

Inā ma ka hopena o ka hālāwai ho'olohe mana'o ua ho'oholo 'ia e ka 'oihana i komo 'a'ole i pa'ewa, ho'olalau hewa a 'a'e paha ka 'ike i nā kuleana hūnā 'ike a kuleana 'ē a'e paha o kāu keiki, pono ia 'oihana e ho'omaopopo iā 'oe no kou kuleana no ka ho'okomo 'ana i loko o nā mo'olelo āna e mālama nei no kāu keiki he māmalā'ōlelo e pili ana i ka 'ike a i 'ole he māmalā'ōlelo e hō'ike ana i ke/nā kumu āu e kū'ē'ē ana i ka ho'oholo 'ana a ia 'oihana i komo.

Pono e hana 'ia penei e pili ana i ia 'ano māmalā'ōlelo ma nā mo'olelo o kāu keiki:

1. pono e mālama 'ia e ka 'oihana i komo e like me nā mo'olelo 'ē a'e o kāu keiki no ka wā e mālama 'ia ai ia mo'olelo a māhele paha i kū'ē'ē 'ia ma ia 'oihana i komo; **a**
2. Inā hō'ike ka 'oihana i komo i nā mo'olelo o kāu keiki a i 'ole ka 'ike i kū'ē'ē 'ia i kekahi mea 'ē aku, pono e hō'ike pū 'ia ma ka māmalā'ōlelo.

**KA 'AE 'ANA NO KA HO'OKU'U 'IA 'ANA O KA 'IKE NO KE KANAKA****34 CFR §300.622**

Pono e loa'a kou 'ae 'ana – koe i ka wā i komo ai ka 'ike ma nā mo'olelo ho'ona'auao a hā'awi 'ia ka 'ae me ka 'aelike 'ole 'ana o ka makua ma lalo o ka *FERPA* – ma mua o ka ho'oku'u 'ia 'ana o kekahi 'ike e hō'ike ana 'o wai ke kanaka i kekahi mea 'ē ma waho a'e o nā luna o kekahi 'oihana i komo. 'A'ole pono kou 'ae 'ana, koe no kekahi kumu i helu 'ia ma lalo nei, ma mua o ka ho'oku'u 'ia 'ana o kekahi 'ike e hō'ike ana 'o wai ke kanaka i nā luna o kekahi 'oihana i komo no ka ho'okō 'ana i kekahi koi 'ana ma lalo o ka Māhele B o ka *IDEA*.

Pono e loa'a kou 'ae 'ana, a i 'ole ka 'ae 'ana o kekahi haumāna i piha iā ia nā makahiki he kanaka makua ma lalo o nā kāmāwai o ka Moku'āina, ma mua o ka ho'oku'u 'ia 'ana o kekahi 'ike e hō'ike ana 'o wai ke kanaka i nā luna o nā 'oihana e ho'olako ana a i 'ole e uku ana i nā lawelawe ho'one'e (*transition service*).

**NĀ HO'OPALEKANA**

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**34 CFR §300.623**

Pono kēlā me kēia 'oihana i komo e mālama i ke kūlana huna o ka 'ike e hō'ike ana 'o wai ke kanaka ma ka 'ohi 'ana, ka mālama 'ana, ka ho'oku'u 'ana, a me ka wāwahi 'ana.

Pono e ho'okohu 'ia ho'okahi luna ma kēlā me kēia 'oihana nona ke kuleana no ka hō'oiā 'ana i ke kūlana huna o kekahi 'ike e hō'ike ana 'o wai ke kanaka.

Pono e a'o 'ia kēlā me kēia kanaka nāna e 'ohi a ho'ohana paha i kekahi 'ike e hō'ike ana 'o wai ke kanaka e pili ana i nā ka'ina hana a ka Moku'āina no ka hūnā 'ike 'ana ma lalo o ka Māhele B o ka *IDEA* a me ka *FERPA*.

Pono kēlā me kēia 'oihana i komo e mālama, no ka nānā 'ia 'ana o ka lehulehu, he papa helu o nā inoa a me nā kūlana hana o nā limahana o ia 'oihana i 'ae 'ia e nānā i ka 'ike e hō'ike ana 'o wai ke kanaka.

**KA WĀWAHI 'IA 'ANA O KA 'IKE**

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**34 CFR §300.624**

Pono ka 'Oihana e ho'omaopopo iā 'oe inā pau ka pono o ka mālama 'ia o kekahi 'ike e hō'ike ana 'o wai ke kanaka i 'ohi, mālama a ho'ohana 'ia paha no ka ho'olako 'ana i nā lawelawe ho'ona'auao i kāu keiki.

Pono e wāwahi 'ia ka 'ike e like me kāu noi. Akā na'e, hiki ke mālama 'ia he mo'olelo ho'omau o kāu keiki me ka 'ole o ka palena manawa me kēia mau 'ike: ka inoa, ka helu wahi, a me ka helu kelepona, kona mau kaha, ka mo'olelo kū lā o kona hele kula 'ana, kāna mau papa i komo ai, kona mau makahiki kula i pau pono iā ia, a me kona makahiki i pau iā ia ka hele kula 'ana.

Ma kou noi 'ana, pono nō ho'i ka 'Oihana e 'ae aku iā 'oe e nānā i nā mo'olelo ho'ona'auao ma mua o ka wāwahi 'ia 'ana o ia mau mea.



**KE KA'INA HANA A KA MOKU'ĀINA NO KA HO'OPI'I 'ANA****KA 'OKO'A O NĀ KA'INA HANA NO NĀ HO'OPI'I KA'INA KĀNĀWAI A ME NĀ HĀLĀWAI HO'OLOHE MANA'O A NO NĀ HO'OPI'I MOKU'ĀINA****34 CFR §§300.151 ā hiki i ka 300.153 a me ka 300.507 ā hiki i ka 300.518****HAR §8-60-52 ā hiki i ka 8-60-54 a me ka 8-60-61 ā hiki i ka 8-60-72**

Kūkulu 'ia 'elua mau ka'ina hana ma nā lula no ka Māhele B o ka *IDEA* no nā ho'opi'i Moku'āina a no nā ho'opi'i ka'ina kĀnāwai a me nā hālāwai ho'olohe mana'o. E like me ka ho'ākāka 'ana ma lalo nei, hiki ke waiho kekahi kanaka a hui paha i kekahi ho'opi'i Moku'āina e ho'opi'i ana i ka 'a'e 'ia 'ana o kekahi koi 'ana o ka Māhele B e ka 'Oihana. 'O 'oe a me ka 'Oihana wale nō nā mea i hiki ke waiho i kekahi ho'opi'i no kekahi kumuhana e pili ana i kekahi mana'o i hāpai 'ia a i 'ole he hō'ole 'ana e ho'omaka a i 'ole ho'ololi i ka 'ike, ka loilo 'ana a i 'ole kahi ho'ona'auao i ho'okomo 'ia ai ka haumāna me ke kino kīnā a i 'ole kekahi māhele o ka *FAPE* e ho'olako 'ia ai ka haumāna. Ma ke 'ano laulā, pono ka 'Oihana e ho'onā i kekahi ho'opi'i Moku'āina i loko o 60 mau lā 'alemanaka, koe ke ho'opane'e pono 'ia ka palena manawa. Inā 'a'ole, pono kekahi luna ho'omalua hālāwai ho'olohe mana'o e ho'olohe i ka ho'opi'i ka'ina kĀnāwai (inā 'a'ole i ho'onā 'ia ma o ka hālāwai ho'onā a i 'ole ma ka 'uao 'ana), a nāna e ho'opuka i kona ho'oholo 'ana i kākau 'ia i loko o 45 mau lā 'alemanaka ma hope o ka pau 'ana o ke kōā manawa ho'onā, e like me ia i ho'ākāka 'ia ma kēia palapala ma lalo o ke po'omana'o, 'o ***Ka Ho'onā Hihia 'ana***, koe ke 'ae ka luna ho'omalua hālāwai ho'olohe mana'o i ka ho'opane'e 'ia o ka palena manawa i hō'ike akāka 'ia kona palena ma kou noi 'ana a i 'ole ka noi 'ana o ka 'Oihana. Na ka luna ho'omalua hālāwai ho'olohe mana'o e no'ono'o i ka hopena maika'i 'ole o ka ho'ona'auao 'ia 'ana o ka haumāna inā 'ae 'ia ka ho'opane'e hou 'ana, ka palapala noi a ka makua a i 'ole ka 'Oihana a me ka mea i hiki i iā lākou ke hana e hō'alo ai i ka pono o ka ho'opane'e hou 'ana i ka palena manawa, ka hopena maika'i 'ole o ka hō'ole 'ana i ka noi 'ana e ho'opane'e hou i ka palena manawa, ka 'i'ini o ka *IDEA* a me ka *HAR* 8-60 e hō'oiā ana e nānā koke 'ia ka ho'opi'i ka'ina kĀnāwai a inā he mea ka ho'opane'e 'ia 'ana o ka palena manawa e ho'opau ai i ka 'i'ini o ka *IDEA* a me ka *HAR* 8-60 no ka pono o ho'okahi o nā 'ao'ao 'elua i komo. Ho'onui 'ia ma lalo nei ka ho'ākāka 'ana no ka ho'opi'i Moku'āina a me ka ho'opi'i ka'ina kĀnāwai, ka ho'onā 'ana a me nā ka'ina hana no ka hālāwai ho'olohe mana'o. Aia ma lalo o ke po'omana'o, 'o ***He mau Palapala Ho'opihapiha Kumu Ho'ohālike***, kekahi mau palapala kumu ho'ohālike i kōkua nāu a na kekahi mea 'ē paha ma ka waiho 'ana i kekahi ho'opi'i Moku'āina.

**KA 'ĀPONO 'IA 'ANA O NĀ KA'INA HANA NO NĀ HO'OPI'I MOKU'ĀINA****34 CFR §300.151****HAR §8-60-52****Nā mana'o laulā**

Pono e kākau ka 'Oihana i nā ka'ina hana no kēia mau mea nei:

1. ka ho'onā 'ana i nā ho'opi'i e like me ka ho'opi'i i waiho 'ia e kekahi hui a kanaka paha o kekahi Moku'āina 'ē;
2. ka waiho 'ana i ka ho'opi'i ma ka 'Oihana; a me

3. ka ho'olaha laulā 'ana i nā ka'ina hana o ka Moku'āina i nā mākuā a me nā kānaka hoihoi, e like pū nō me nā kikowaena a'o makua, nā kikowaena ho'olaha 'ike, nā 'oihana mālama a 'uao, nā kikowaena nohona ho'okū'oko'a, a me nā hui 'ē a'e i kūpono.

### **Ka ho'onā 'ana i ka hō'ole 'ia 'ana o nā lawelawe i makemake 'ia**

Ma ka ho'onā 'ana i kekahi ho'opi'i Moku'āina i ho'okō 'ole ai ka 'Oihana i ka ho'olako 'ana i nā lawelawe i makemake 'ia, pono ka 'Oihana e hō'ike a ho'oponopono i kēia mau mea nei:

1. ka ho'olako 'ole 'ia 'ana o nā lawelawe i makemake 'ia a me ka hana e ho'oponopono ai i kūpono no ka ho'olako 'ana i nā mea e pono ai ka haumāna (pēia pū no ka uku 'ana i ke koi pohō a me ka ho'ihō'i 'ana i ke kālā); **a me**
2. ka mea e hana ai i ka wā e hiki mai ana e ho'olako ai i nā lawelawe i nā haumāna a pau me ke kino kīnā.

### **KA PALENA IKI O NĀ KA'INA HANA KŪ I KE KĀNĀWAI**

#### **34 CFR §300.152**

*HAR §8-60-53*

### **Ka palena manawa; ka palena iki o ke ka'ina hana**

Pono e komo i loko o nā ka'ina hana ho'opi'i o ka 'Oihana ka palena manawa he 60 mau la 'alemanaka ma hope o ka waiho 'ia 'ana o ka ho'opi'i no:

1. ka ho'okolokolo kū'oko'a 'ana, inā ho'oholo ka 'Oihana he mea pono ia;
2. ka hā'awi 'ana i ka mea nāna i waiho i ka ho'opi'i i ka manawa e waiho ai i kekahi 'ike hou aku, ma ka hō'ike waha 'ana a i 'ole ma ke kākau 'ana, no nā mea e ho'opi'i 'ia ana;
3. ka hā'awi 'ana i ka 'Oihana i ka manawa e pane ai i ka ho'opi'i me kēia mau mea pū ma ka palena iki: (a) ma ke koho 'ana o ka 'Oihana, ka hāpai 'ana i ka mana'o e ho'onā i ka ho'opi'i; **a** (b) ka manawa e 'ae ai ka makua nāna i waiho i ka ho'opi'i a me ka 'Oihana no lākou iho nō i ke komo 'ana i ka 'uao 'ana;
4. ka nānā 'ana i nā 'ike a pau e pili ana i ka ho'opi'i a ho'oholo ma kona 'ao'ao kū'oko'a inā ua 'a'e ka 'Oihana i kekahi koi 'ana o ka Māhele B o ka *IDEA*; **a me**
5. ka ho'olaha 'ana i ka mana'o ho'oholo i kākau 'ia i ka mea nāna i waiho i ka ho'opi'i me kekahi 'ōlelo e pili ana i kēlā me kēia mea i ho'opi'i 'ia me ka loa'a pū nō o: (a) nā kū'i'o i loa'a a me nā ho'oholo 'ana; **a me** (b) nā kumu no ka 'ōlelo ho'oholo hope a ka 'Oihana.

### **Ka ho'opane'e hou 'ia 'ana o ka palena manawa; ka ho'oholo hope 'ana; ka ho'okō 'ana**

Ma loko o nā ka'ina hana a ka 'Oihana, pono e komo pū kēia mau mea nei:

1. 'ae 'ia e ho'opane'e hou 'ia ka palena manawa he 60 mau lā 'alemanaka inā wale nō: (a) loa'a kekahi kumu kūikawā e pili ana i kekahi ho'opi'i Moku'āina i hō'ike 'ia; **a i 'ole** (b) 'aelike 'oe me ka 'Oihana e ho'opane'e hou aku i ka palena manawa no ka ho'onā 'ana i ka hihia ma o ka 'uao 'ana a i 'ole kekahi alaha'e 'oko'a o ka ho'onā hihia 'ana.
2. nā ka'ina hana no ka ho'okō pono 'ana i ka 'ōlelo ho'oholo hope a ka 'Oihana, inā pono, me kēia mau mea pū: (a) ke kōkuā ma ka ho'ohana 'ana i nā mīkini; (b) ke kūkā 'ana; **a me** (c) nā hana e ho'oponopono ai i mea e ho'okō 'ia ai ka 'ōlelo ho'oholo.

**Nā ho'opi'i Moku'aina a me nā hālāwai ho'olohe mana'o ka'ina kånāwai**

Inā ua loa'a kekahi ho'opi'i Moku'aina a he māhele nō ho'i ia o ka ho'opi'i 'ana ma kekahi hālāwai ho'olohe mana'o ka'ina kånāwai e like me ia i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o ***Ka Waiho 'ana i ka Ho'opi'i Ka'ina Kånāwai***, a i 'ole inā he mau kumuhana nō ma ka ho'opi'i Moku'aina i lilo ai ho'okahi a 'oi o ia mau mea he māhele o ka hālāwai ho'olohe mana'o, pono ka Moku'aina e kāpae i kekahi māhele o ka ho'opi'i Moku'aina e nānā 'ia nei no ka manawa ā hiki i ka pau 'ana o ka hālāwai ho'olohe mana'o. Pono e ho'onā 'ia kekahi hihia ma ka ho'opi'i Moku'aina ma ka ho'ohana 'ana i ka palena manawa a me nā ka'ina hana i ho'ākāka 'ia ma luna nei.

Inā ua ho'oholo mua 'ia kekahi hihia o kekahi ho'opi'i Moku'aina ma kekahi hālāwai ho'olohe mana'o ka'ina kånāwai me ke komo pū o nā mea ho'okahi i komo mua (ma ke 'ano ho'ohālike, 'o 'oe a me ka 'Oihana), a laila, ua pili mai ka ho'oholo 'ana o ka hālāwai ho'olohe mana'o i ia hihia a pono ka 'Oihana e ho'omaopopo i ka mea nāna i waiho i ka ho'opi'i i ka pili mai o ia ho'oholo 'ana.

Pono ka 'Oihana e ho'onā i kekahi ho'opi'i e ho'opi'i ana i ka ho'okō 'ole 'ana o ke kula i ka 'ōlelo ho'oholo a ka hālāwai ho'olohe mana'o ka'ina kånāwai.

**KA WAIHO 'ANA I KA HO'OPĪ'I MOKU'ĀINA****34 CFR §300.153**

§8-60-54

Hiki i kekahi hui a kanaka paha ke waiho i kekahi ho'opi'i Moku'aina i kākau 'ia i pūlima 'ia ma ke ka'ina hana i ho'ākāka mua 'ia.

E ho'ouna i nā ho'opi'i i kākau 'ia i kēia helu wahi:

Complaints Management Program  
Monitoring and Compliance Branch  
Office of the Deputy Superintendent  
P.O. Box 2360  
Honolulu, HI 96804

Pono e komo i loko o ka ho'opi'i Moku'aina kēia mau mea nei:

1. he māmala'ōlelo e hō'ike ana ua 'a'e ka 'Oihana i kekahi koi 'ana o ka Māhele B o ka *IDEA* a i 'ole 'a'ole ia i ho'okō i nā lula ma ke 34 *CFR* Māhele 300 a i 'ole ka *HAR* 8-60;
2. nā kū'i'o e kāko'o ana i ka māmala'ōlelo;
3. ka pūlima a me ka 'ike e loa'a ai ke kanaka a hui paha nāna i waiho i ka ho'opi'i; a
4. inā waiho 'ia ka ho'opi'i no kekahi haumāna i hō'ike 'ia:
  - (a) ka inoa o ka haumāna a me kona helu wahi kahi e noho ai;
  - (b) ka inoa o ke kula kahi e hele nei ka haumāna;
  - (c) inā ua pili ka hihia i kekahi haumāna a 'ōpio paha 'a'ohe ona hale, ka 'ike e loa'a ai ia haumāna, a me ka inoa ho'i o ke kula kahi e hele nei ka haumāna;
  - (d) he ho'ākāka 'ana no ke 'ano o ka pilikia o ka haumāna me nā kū'i'o pū e pili ana i ka pilikia; **a**

- (e) he mana'o no ka ho'onā 'ana i ka pilikia e like me ka mea i maopopo a i loa'a ho'i i ka mea nāna e waiho nei i ka ho'opi'i i ka wā i waiho 'ia ai ka ho'opi'i.

Pono e hō'ike 'ia ma ka ho'opi'i ka mea i 'a'e 'ia i loko o ka wā 'a'ole e 'oi a'e i ka ho'okahi makahiki ma mua o ka lā i loa'a ai ka ho'opi'i i waiho 'ia e like me ia i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o ***Ka 'Āpono 'ia 'ana o nā Ka'ina Hana no nā Ho'opi'i Moku'āina***.

Pono e ho'ouna ka mea nāna i waiho i ka ho'opi'i i ka Luna Ho'omalua Pā Kula (*Complex Area Superintendent*) e lawelawe nei i ka haumāna i ka wā ho'okahi e waiho ai ia mea i ka ho'opi'i i ka 'Oihana.

<http://www.hawaiipublicschools.org/DOE%20Forms/Special%20Education/WrittenComplaint.pdf>

**KE KA'INA HANA HO'OPI'I KA'INA KĀNĀWAI****KA WAIHO 'ANA I KA HO'OPI'I KA'INA KĀNĀWAI****34 CFR §300.507***HAR §8-60-61***Nā mana'o laulā**

Hiki iā 'oe a i 'ole ka 'Oihana ke waiho i kekahi ho'opi'i ka'ina kĀnāwai no kekahi kumuhana i pili i kekahi mana'o i hāpai 'ia a i 'ole he hō'ole 'ana e ho'omaka a ho'ololi paha i ka 'ike e hō'ike ana 'o wai kāu keiki, kona loiloi 'ia 'ana a i 'ole kahi i ho'okomo 'ia ai 'o ia, a i 'ole kona ho'olako 'ia 'ana o ka *FAPE*.

Pono e hō'ike 'ia ma ka ho'opi'i ka'ina kĀnāwai no ka 'a'e 'ana i hana 'ia i loko o ka wā 'a'ole i 'oi a'e i 2 makahiki ma mua o ka maopopo 'ana iā 'oe a i 'ole i ka 'Oihana, a i 'ole ma mua o ka wā i pono ka maopopo 'ana, no ka mea i hana 'ia i lilo 'o ia ke kumu no ka ho'opi'i ka'ina kĀnāwai.

Inā kŭ'ē'ē 'oe i ka loa'a o ka ho'ona'auao 'ana i manuahi a kŭpono ma nā kula aupuni a ho'okomo 'oe i kāu keiki ma kekahi kula uku a wahi uku paha a he nīnau nō paha kāu e pili ana i ka mea nāna e uku e pono ai no ia ho'okomo 'ana, e like me ka ho'ona'auao kŭikawā a me nā pono i pili, pono e noi 'ia he hālāwai ho'olohe mana'o ka'ina kĀnāwai no ka ho'ihō'i 'ia 'ana o kāu kālā i loko o 180 mau lā mai ka wā i kākau inoa 'ia ai ma ia kula a wahi uku paha. Ho'omaka ka palena manawa he 180 lā ma ka lā mua o ka haumāna ma ka hele 'ana i ia kula, e like me ia i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o ***Ka Palena Manawa no ka Noi 'ana i ka Ho'ihō'i 'ia 'ana o ke Kālā no ka Ho'okomo 'ana o ka Makua i ka Haumāna ma ke Kula Uku.***

'A'ole i pili ka palena manawa ma luna nei iā 'oe inā 'a'ole i hiki iā 'oe ke waiho i ka ho'opi'i i loko o ka palena manawa no kēia mau kumu:

1. ua hō'ike hewa ka 'Oihana ua pau nā hihia i hō'ike 'ia i loko o ka ho'opi'i i ka ho'onā 'ia; **a i 'ole**
2. ua 'au'a ka 'Oihana i kekahi 'ike iā 'oe i pono e hā'awi 'ia iā 'oe ma lalo o ka Māhele B o ka *IDEA*.

**He mau 'ike no nā mākuā**

Pono ka 'Oihana e ho'omaopopo iā 'oe no nā lawelawe pili i ka 'oihana loio a i 'ole nā lawelawe 'ē a'e i pili i loa'a ma kou wahi noho i manuahi a i 'ole i emi ke kumu kŭ'ai inā noi 'oe i ia 'ike, **a i 'ole** inā waiho 'oe a i 'ole ka 'Oihana i kekahi ho'opi'i ka'ina kĀnāwai.

**KA HO'OPĪ'I KA'INA KĀNĀWAI****34 CFR §300.508**

HAR §8-60-62

**Nā mana'o laulā**

Ma ka noi 'ana i hālāwai ho'olohe mana'o, pono 'oe a i 'ole ka 'Oihana (a i 'ole kou loio a i 'ole ka loio o ka 'Oihana) e waiho i ka ho'opī'i ka'ina kĀnāwai i kekahi 'ao'ao o ka hihia. Pono e komo i loko o ia ho'opī'i nā mea a pau i helu 'ia ma lalo nei a pono e hūnā 'ia.

No ka 'Oihana ke kuleana no ka mālama 'ana a me nā kākī no ka hālāwai ho'olohe mana'o.

Hiki ke noi 'ia i hālāwai ho'olohe mana'o i ka Luna Ho'omalua Pā Kula kūpono kahi i kākau inoa 'ia ai ka haumāna.

**Nā mea e komo ai ma ka ho'opī'i**

Pono e komo kēia mau mea i loko o ka ho'opī'i:

1. ka inoa o ka haumāna;
2. ka helu wahi o ka haumāna kahi āna e noho ai;
3. ka inoa o ke kula o ka haumāna;
4. inā 'a'ole hale o ka haumāna a 'ōpio paha, ka 'ike e loa'a ai ia haumāna a me ka inoa o kona kula;
5. he ho'ākāka 'ana no ke 'ano o ka pilikia o ka haumāna i pili i ka hana i hāpai 'ia a i 'ole hō'ole 'ia, me nā kū'i'o pū i pili i ka pilikia; **a**
6. he ha'ina nāna e ho'onā i ka pilikia e like me ka mea i maopopo a i loa'a i ka 'ao'ao nāna i ho'opī'i ('o 'oe a i 'ole ka 'Oihana) ma ia manawa.

**Koi 'ia ka ho'omaopopo 'ana ma mua o ka hālāwai ho'olohe mana'o no ka ho'opī'i ka'ina kĀnāwai**

'A'ole e mālama 'ia he hālāwai ho'olohe mana'o ka'ina kĀnāwai aia nō ā waiho 'oe a i 'ole ka 'Oihana (a i 'ole kou loio a i 'ole ka loio o ka 'Oihana) i ka ho'opī'i ka'ina kĀnāwai me ka 'ike pū i helu 'ia ma luna a'e nei.

**Ka lawa kūpono o ka ho'opī'i**

I mea e holomua ai ka ho'opī'i ka'ina kĀnāwai, pono e 'aelike 'ia ua lawa kūpono. E nānā 'ia ka ho'opī'i ka'ina kĀnāwai he lawa kūpono ('o ia ho'i, ua kō nā koi i helu 'ia ma luna a'e nei), koe ke ho'omaopopo ka 'ao'ao i hā'awi 'ia ai ka ho'opī'i ka'ina kĀnāwai ('o 'oe a i 'ole ka 'Oihana) i ka luna ho'omalua hālāwai ho'olohe mana'o a me kekahi 'ao'ao o ka hihia ma ke kākau 'ana, i loko o 15 mau lā 'alemanaka mai ka wā i loa'a ai ka ho'opī'i, no ka mana'o'i'o o ka 'ao'ao i hā'awi 'ia ai 'a'ole i kō nā koi i helu 'ia ma luna nei.

I loko o 5 mau lā 'alemanaka mai ka wā i ho'omaopopo 'ia ai 'a'ole i lawa kūpono ka ho'opī'i ka'ina kĀnāwai i ka mana'o'i'o o ka 'ao'ao i hā'awi 'ia ai ('o 'oe a i 'ole ka 'Oihana), pono ka luna ho'omalua hālāwai ho'olohe mana'o e ho'oholo inā ua kō nā koi o ka ho'opī'i ka'ina kĀnāwai i helu 'ia ma luna nei a ho'omaopopo koke iā 'oe a me ka 'Oihana ma ke kākau 'ana.

**Ka ho'ololi 'ana i ka ho'opi'i**

Hiki iā 'oe a i 'ole ka 'Oihana ke ho'ololi i ka ho'opi'i inā wale nō:

1. 'āpono kekahi 'ao'ao o ka hihia ma ke kākau 'ana a hā'awi 'ia ka manawa e ho'onā ai i ka ho'opi'i ka'ina kāmāwai ma o ka hālāwai ho'onā, e like me ka mea i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o ***Ka Ho'onā Hihia 'ana; a i 'ole***
2. 'ae ka luna ho'omalua hālāwai ho'olohe mana'o i ka ho'ololi 'ana ma mua o ka piha 'ana o 5 mau lā ma mua o ka ho'omaka 'ana o ka hālāwai ho'olohe mana'o ka'ina kāmāwai.

Inā ho'ololi ka 'ao'ao e ho'opi'i nei ('o 'oe a i 'ole ka 'Oihana) i ka ho'opi'i ka'ina kāmāwai, ho'omaka hou nā palena manawa no ka hālāwai ho'onā (i loko o 15 mau lā 'alemanaka mai ka wā i loa'a ai ka ho'opi'i) a me ke kōā manawa no ka ho'onā 'ana (i loko o 30 mau lā 'alemanaka mai ka wā i loa'a ai ka ho'opi'i) ma ka lā i waiho 'ia ai ka ho'opi'i i ho'ololi 'ia.

**Ka pane 'ana a ka 'Oihana i ka ho'opi'i ka'ina kāmāwai**

Inā 'a'ole i ho'ouna ka 'Oihana i kekahi leka ho'omaopopo iā 'oe, e like me ia i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o ***Leka Ho'omaopopo ma Mua o ka Hana***, no ke kumuhana o ka ho'opi'i ka'ina kāmāwai, a laila, ma loko o 10 lā 'alemanaka mai ka wā i loa'a ai ka ho'opi'i ka'ina kāmāwai, pono ka 'Oihana e ho'ouna iā 'oe i kekahi pane me kēia mau mea nei:

1. he ho'ākāka 'ana no ke kumu i hāpai a hō'ole 'ia ai paha ka lawelawe i hō'ike 'ia ma ka ho'opi'i ka'ina kāmāwai;
2. he ho'ākāka 'ana no nā koho 'ē a'e a ka pū'ulu *IEP* a kōu keiki i nūnē ai a me nā kumu i kāpae 'ia ai ia mau koho;
3. he ho'ākāka 'ana no kēlā me kēia ka'ina hana loiloi, ka loiloi 'ana, palapala a mo'olelo paha a ka 'Oihana i ho'ohana ai ma ka ho'oholo 'ana i ke kumu no ka hana i hāpai a hō'ole 'ia; **a**
4. he ho'ākāka 'ana no nā kumu 'ē a'e i pili i ka hana a ka 'Oihana i hāpai a hō'ole ai.

'A'ole i ālai 'ia ka 'Oihana ma ka hāpai 'ana i ka mana'o ua lawa kūpono 'ole kōu ho'opi'i ka'ina kāmāwai ma ka ho'olako 'ana i ka 'ike o ka helu 1 ā ka helu 4 ma luna nei.

**Ka pane a kekahi 'ao'ao i ka ho'opi'i ka'ina kāmāwai**

Ma waho o ka ho'ākāka 'ana ma lalo o ke po'omana'o, 'o ***Ka pane 'ana a ka 'Oihana i ka ho'opi'i ka'ina kāmāwai***, pono ka 'ao'ao i loa'a iā lākou ka ho'opi'i ka'ina kāmāwai e ho'ouna i kekahi pane i kekahi 'ao'ao i loko o 10 lā 'alemanaka mai ka wā i loa'a ai ka ho'opi'i e pane ana i kēlā me kēia mana'o i hāpai 'ia ma ka ho'opi'i.

**NĀ PALAPALA HO'OPIHAPIHA KUMU HO'OHĀLIKE****34 CFR §300.509**

*HAR §8-60-63*

Pono ka 'Oihana e hana i nā palapala ho'opihapiha kumu ho'ohālike no ke kōkua 'ana iā 'oe ma ka waiho 'ana i ka ho'opi'i ka'ina kāmāwai a no ke kōkua 'ana nō ho'i iā 'oe a me nā 'ao'ao 'ē a'e i komo i ka hihia ma ka waiho 'ana i ka ho'opi'i Moku'āina. Akā na'e, 'a'ole paha e koi ka 'Oihana e ho'ohana i ia mau palapala ho'opihapiha. Eia kekahi, hiki iā 'oe ke ho'ohana i ka palapala ho'opihapiha kumu ho'ohālike a i 'ole kekahi 'ano palapala i kūpono inā loa'a nā 'ike kūpono no ka waiho 'ana i ka ho'opi'i ka'ina kāmāwai a i 'ole ka ho'opi'i Moku'āina.

<http://www.hawaiipublicschools.org/DOE%20Forms/Special%20Education/RequestforDueProcessHearing.pdf>

## KA 'UAO 'ANA

### 34 CFR §300.506

HAR §8-60-60

### Nā mana'o laulā

Pono e lawelawe ka 'Oihana i ka 'uao 'ana i hiki iā 'oe a me ka 'Oihana ke ho'onā i nā nīnau e pili ana i kekahi hihia ma lalo o ka Māhele B o ka *IDEA*, e like me nā nīnau i kupu mai ma mua o ka waiho 'ia 'ana o ka ho'opi'i ka'ina kāmāwai. No laila, he mea ka 'uao 'ana e ho'onā ai i ka hihia ma lalo o ka Māhele B o ka *IDEA*, inā ua waiho 'oe i ka ho'opi'i ka'ina kāmāwai no ka noi 'ana i hālāwai ho'olohe mana'o ka'ina kāmāwai a 'a'ole paha, e like me ia i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o ***Ka Waiho 'ana i ka Ho'opi'i Ka'ina Kāmāwai***.

### Nā Koi

Pono e komo kēia mau mea nei ma ke ka'ina hana o ka 'uao 'ana:

1. lawelawe 'ia e like me kou 'ae 'ana a me ka 'ae 'ana o ka 'Oihana;
2. 'a'ole ho'ohana 'ia no ka hō'ole a ho'okali 'ana paha i kou kuleana no ka hālāwai ho'olohe mana'o ka'ina kāmāwai a i 'ole no ka hō'ole 'ana i kekahi kuleana 'ē a'e i ho'olako 'ia ma lalo o ka Māhele B o ka *IDEA*; **a**
3. lawelawe 'ia e kekahi mea 'uao kū'oko'a i loa'a iā ia he palapala hō'oiā no ia 'oihana i a'o 'ia ma ka hana 'uao 'ana i kūpono.

Pono e loa'a i ka 'Oihana he papa inoa o ka po'e 'uao me ka palapala hō'oiā a i akamai i nā kāmāwai a me nā lula e pili ana i ka ho'olako 'ia 'ana o ka ho'ona'auao kūikawā a me nā lawelawe e pili ana. Pono e wae huikau ka 'Oihana i nā mea 'uao i kēlā me kēia manawa.

No ka 'Oihana ke kuleana e uku no ke ka'ina 'uao me nā hālāwai pū.

Pono e ho'opa'a 'ia ka papa manawa no kēlā me kēia hālāwai ma ke ka'ina hana o ka 'uao 'ana me ka 'eleu kūpono a mālama 'ia ma kekahi wahi i kūpono iā 'oe a me ka 'Oihana.

Inā ho'onā 'oe a me ka 'Oihana i kekahi hihia ma o ke ka'ina hana o ka 'uao 'ana, pono nā 'ao'ao 'elua e ho'opa'a i kekahi 'aelike i pa'a ma ka 'oihana pili kāmāwai e ho'opa'a ana i ka ha'ina o ka hihia a pono e komo pū kēia mau mea nei:

1. pono e hō'ike 'ia ma ka 'ōlelo ua hūnā 'ia nā kūkā 'ana i mālama 'ia ma ke ka'ina hana o ka 'uao 'ana a 'a'ole hiki ke ho'ohana 'ia ma ke 'ano he hō'ike e kū'ē'ē ai ma kekahi hālāwai ho'olohe mana'o ka'ina kāmāwai a ka'ina hana paha o ka 'aha ho'okolokolo ma ia hope aku; **a**
2. pūlima 'ia e 'oe a me kekahi 'elele o ka 'Oihana i loa'a ka mana e ho'opa'a i ka 'Oihana ma ka 'oihana pili kāmāwai.

He mea ka 'aelike 'uao i kākau a pūlima 'ia e ho'okō 'ia ai ma kekahi 'aha ho'okolokolo me ka mana ho'okolokolo ('o ia ho'i he 'aha ho'okolokolo i loa'a ka mana ho'okolokolo ma lalo o nā



kānāwai Moku'āina e ho'olohe i kēia 'ano hihia) a i 'ole ma kekahi 'aha ho'okolokolo 'āpana o 'Amelika Hui 'ia.

Pono e hūnā 'ia nā kūkā 'ana i mālama 'ia ma ke ka'ina hana o ka 'uao 'ana. 'A'ole hiki ke ho'ohana 'ia ma ke 'ano he mea e kū'ē'ē ai ma kekahi hālāwai ho'olohe mana'o ka'ina kānāwai a ka'ina hana kūwila paha ma ia hope aku ma kekahi 'aha ho'okolokolo Pekelala a Moku'āina paha o kekahi Moku'āina e loa'a nei ke kālā kāko'o ma lalo o ka Māhele B o ka *IDEA* 2004. (I kēia manawa, 'a'ole pono nā 'ao'ao e pūlima i ka 'ōlelo ho'ohiki huna ma mua o ka ho'omaka 'ana o ka 'uao 'ana.)

### Ke kūlana kaulike o ka mea 'uao

No ka mea 'uao:

1. 'a'ole hiki ke lawelawe kekahi limahana o ka 'Oihana i kēia hana i komo pū i ka ho'ona'auao 'ana a me ka mālama 'ana i kāu keiki; **a**
2. 'a'ole hiki ke komo ma kekahi 'ao'ao pilikino a pili 'oihana paha e kū'ē'ē ai i kāna hana ma ka lawelawe 'ana me ke kaulike.

'A'ole kekahi kanaka he limahana o ka 'Oihana ma muli wale nō o kona uku 'ia 'ana e ka 'Oihana e lawelawe ma ke 'ano 'o ia ka mea 'uao.

### KA HO'ONĀ HIHIA 'ANA

#### 34 CFR §300.510

HAR §8-60-64

### Ka hālāwai ho'onā

I loko o 15 mau lā 'alemanaka mai ka wā i loa'a ai ka leka ho'omaopopo no kāu ho'opi'i ka'ina kānāwai, a ma mua ho'i o ka ho'omaka 'ana o ka hālāwai ho'olohe mana'o ka'ina kānāwai, pono ka 'Oihana e mālama i kekahi hālāwai me 'oe a me kekahi lālā a mau lālā paha o ka pū'ulu *IEP* i loa'a kekahi 'ike e ho'ākāka ai i nā kū'i'o i hō'ike 'ia i loko o kāu ho'opi'i ka'ina kānāwai. Ma ia hālāwai, pono e komo kēia mau mea nei:

1. pono e komo pū kekahi 'elele o ka 'Oihana i loa'a ka mana ho'oholo no ka 'ao'ao o ka 'Oihana; **a**
2. 'a'ole paha e komo pū kekahi loio o ka 'Oihana, koe ke komo pū 'oe me kekahi loio.

Nāu a na ka 'Oihana e ho'oholo i nā lālā kūpono o ka pū'ulu *IEP* nāna e komo i ka hālāwai.

'O ke kumu o ka hālāwai, 'o ia ke kūkākūkā 'ana e pili ana i kāu ho'opi'i ka'ina kānāwai a me nā kū'i'o i lilo i kumu no kāu ho'opi'i i hiki i ka 'Oihana ke kōkua i ka ho'onā 'ana i ka hihia.

'A'ole he mea pono ka hālāwai ho'onā inā:

1. 'aelike 'oe a me ka 'Oihana ma ke kākau 'ana e kāpae i ka hālāwai; **a i 'ole**
2. 'aelike 'oe a me ka 'Oihana e ho'ohana i ke ka'ina hana o ka 'uao 'ana, e like me ia i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o **Ka 'Uao 'ana**.

### Ke kōā manawa ho'onā

Inā 'a'ole i ho'onā ka 'Oihana i ka ho'opi'i ka'ina kānāwai e like me kou makemake i loko o 30 mau lā 'alemanaka mai ka wā i loa'a ai ka ho'opi'i ka'ina kānāwai (i loko o ke kōā manawa no

ke ka'ina hana o ka ho'onā 'ana), a laila, hiki ke mālama 'ia ka hālāwai ho'olohe mana'o ka'ina kānāwai.

Ho'omaka ke kōā manawa he 45 mau lā 'alemanaka no ka ho'opuka hope 'ana i ka mana'o ho'oholo no ka hālāwai ho'olohe mana'o ka'ina kānāwai, e like me ia i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o ***Ke Kūlana Hope o ka Mana'o i Ho'oholo 'ia***, ma ka pau 'ana o ke kōā manawa ho'onā he 30 mau lā 'alemanaka, koe i kekahi manawa no ka ho'oponopono 'ana i ka lā 'alemanaka no ke kōā manawa ho'onā, e like me ia i ho'ākāka 'ia ma lalo nei.

Koe i ka manawa i 'aelike ai 'oe a me ka 'Oihana e kāpae i ke ka'ina hana ho'onā a i 'ole e lawelawe i ka 'uao 'ana, inā 'a'ole 'oe hiki aku i ka hālāwai, e ho'opane'e 'ia ana nā palena manawa no ke ka'ina hana ho'onā a me ka hālāwai ho'olohe mana'o ka'ina kānāwai ā hiki i ka mālama 'ia 'ana o ka hālāwai.

Inā ho'ā'o pono ka 'Oihana e kono a paipai iā 'oe e komo i ka hālāwai a mālama ka 'Oihana i ka mo'olelo no kēlā me kēia ho'ā'o 'ana a 'a'ole 'oe hiki aku i ka hālāwai ho'onā, a laila, ma ka pau 'ana o ke kōā manawa ho'onā he 30 mau lā, hiki i ka 'Oihana ke noi i ka luna ho'omalua hālāwai ho'olohe mana'o e kāpae i kāu ho'opi'i ka'ina kānāwai. Pono e komo i ka mo'olelo no ka ho'ā'o 'ana he mo'olelo no nā ho'ā'o 'ana o ka 'Oihana e ho'opa'a me 'oe i ka manawa a me kahi e hālāwai ai, e like paha me kēia nei:

1. nā mo'olelo maiau o nā kelepona 'ana a i 'ole ka ho'ā'o 'ana e kelepona a me ka hopena o ia mau kelepona 'ana;
2. nā kope o nā leka i ho'ouna 'ia iā 'oe a me nā pane pū i loa'a mai; a me
3. nā mo'olelo maiau o nā kipa 'ana i kou home a i 'ole kou wahi hana a me ka hopena o ia mau kipa 'ana.

Inā 'a'ole mālama ka 'Oihana i kekahi hālāwai ho'onā i loko o 15 mau lā 'alemanaka mai ka wā i loa'a ai kāu leka ho'omaopopo no kāu ho'opi'i ka'ina kānāwai **a i 'ole** 'a'ole ia i komo i ka hālāwai ho'onā, hiki iā 'oe ke noi i ka luna ho'omalua hālāwai ho'olohe mana'o e ho'omaka i ke kōā manawa hālāwai ho'olohe mana'o ka'ina kānāwai he 45 mau lā 'alemanaka.

### **Ka ho'ololi 'ana i ke kōā manawa ho'onā he 30 mau lā 'alemanaka**

Inā 'aelike 'oe a me ka 'Oihana ma ke kākau 'ana e kāpae i ka hālāwai ho'onā, a laila, ho'omaka ke kōā manawa he 45 lā 'alemanaka no ka hālāwai ho'olohe mana'o ka'ina kānāwai i kekahi lā a'e.

Ma hope o ka ho'omaka 'ana o ka 'uao 'ana a i 'ole ka hālāwai ho'onā a ma mua o ka pau 'ana o ke kōā manawa ho'onā he 30 lā 'alemanaka, inā 'aelike 'oe a me ka 'Oihana ma ke kākau 'ana he hiki 'ole ke 'aelike, a laila, ho'omaka ke kōā manawa he 45 lā 'alemanaka no ka hālāwai ho'olohe mana'o ka'ina kānāwai i ia lā a'e.

Inā 'aelike 'oe a me ka 'Oihana e lawelawe i ka 'uao 'ana, akā, 'a'ole na'e i pa'a ka 'aelike, ma ka pau 'ana o ke kōā manawa ho'onā he 30 lā 'alemanaka, hiki ke ho'opane'e 'ia ke ka'ina hana 'uao ā hiki i ka pa'a 'ana o kekahi 'aelike inā 'aelike nā 'ao'ao 'elua e ho'opane'e ma ke kākau 'ana. Akā na'e, inā ha'alele 'oe a i 'ole ka 'Oihana i ke ka'ina hana 'uao i loko nō o ia kōā manawa ho'opane'e, a laila, ho'omaka ke kōā manawa he 45 lā 'alemanaka no ka hālāwai ho'olohe mana'o ka'ina kānāwai i ia lā a'e.

**'Aelike ho'onā i kākau 'ia**

Inā ho'oholo 'ia ka ho'onā 'ia 'ana o ka hihia ma ka hālāwai ho'onā, pono 'oe a me ka 'Oihana e komo i kekahi 'aelike i pa'a ma ka 'oihana pili kānāwai me kēia mau mea nei pū:

1. pūlima 'ia e 'oe a me kekahi 'elele o ka 'Oihana i loa'a ka mana e ho'opa'a i ka 'Oihana ma ka 'oihana pili kānāwai; a
2. hiki ke ho'okō 'ia ma kekahi 'aha ho'okolokolo me ka mana ho'okolokolo o ka Moku'āina (he 'aha ho'okolokolo i loa'a ka manawa e ho'olohe i kēia 'ano hihia) a i 'ole ma kekahi 'aha ho'okolokolo 'āpana o 'Amelika Hui 'ia.

**Kōā manawa nānā 'aelike**

Inā komo 'oe a me ka 'Oihana i kekahi 'aelike ma muli o ka hopena o kekahi hālāwai ho'onā, hiki i kekahi 'ao'ao ('o 'oe a i 'ole ka 'Oihana) ke ho'opau loa i ka 'aelike i loko o 3 mau lā hana mai ka wā āu a me ka 'Oihana i pūlima ai i ka 'aelike.

**KA HĀLĀWAI HO'OLOHE MANA'O NO KA HO'OPI'I KA'INA KĀNĀWAI****HĀLĀWAI HO'OLOHE MANA'O KA'INA KĀNĀWAI KAULIKE****34 CFR §300.511***HAR §8-60-65***Nā mana'o laulā**

Ke waiho 'ia he ho'opi'i ka'ina kĀnāwai, pono e 'ae 'ia 'oe a i 'ole ka 'Oihana e noi i hālāwai ho'olohe mana'o ka'ina kĀnāwai, e like me ia i ho'ākāka 'ia ma nā māhele, 'o ***Ka Ho'opi'i Ka'ina Kānāwai*** a me ***Ka Ho'onā Hihia 'ana***.

**Ka luna ho'omalua hālāwai ho'olohe mana'o kaulike**

Ma ka palena iki, pono e kō kēia mau mea nei i ka luna ho'omalua hālāwai ho'olohe mana'o:

1. 'a'ole hiki ke lawelawe kekahi limahana o ka 'Oihana i komo i ka ho'ona'auao a i 'ole ka mālama 'ana i ka haumāna i kēia hana. Akā na'e, 'a'ole kekahi kanaka he limahana o ka 'Oihana ma muli wale nō o kona uku 'ia 'ana e ka 'Oihana no ka lawelawe 'ana ma ke 'ano 'o ia ka luna ho'omalua hālāwai ho'olohe mana'o;
2. 'a'ole hiki ke komo ma kekahi 'ao'ao pilikino a pili 'oihana paha e kū'ē'ē ai i kĀna hana e lawelawe me ke kaulike;
3. pono e 'ike a maopopo nā māhele o ka *IDEA*, nā lula Pekelala me ka Moku'āina e pili ana i ka *IDEA*, a me nā ho'ākāka 'ana no ka *IDEA* na nā 'aha ho'okolokolo Pekelala a me ka Moku'āina; a
4. pono e 'ike i ka ho'omalua hālāwai ho'olohe mana'o 'ana, ke kūkulu me ke kākau 'ana i nā mana'o ho'oholo e like me ia i hana 'ia ma ka 'oihana pili kĀnāwai i kūpono, a pono pū e hiki ke lawelawe ma ia mau hana.

Pono ka 'Oihana e mālama i kekahi papa i helu 'ia ai nā kĀnaka lawelawe ma ke 'ano he luna ho'omalua hālāwai ho'olohe mana'o me ke komo pū o kekahi māmala'ōlelo no ka palapala hō'ōia no kēlā me kēia luna ho'omalua hālāwai ho'olohe mana'o.

**Ke kumuhana o ka hālāwai ho'olohe mana'o ka'ina kĀnāwai**

'A'ole hiki i ka 'ao'ao i noi i ka hālāwai ho'olohe mana'o ka'ina kĀnāwai ('o 'oe a i 'ole ka 'Oihana) ke hāpai i kekahi mana'o hou a'e ma waho o nā mana'o i komo i loko o ka ho'opi'i ka'ina kĀnāwai, koe ke 'aelike kekahi 'ao'ao.

**Ka palena manawa no ka noi 'ana i hālāwai ho'olohe mana'o**

Pono 'oe a i 'ole ka 'Oihana e noi i kekahi hālāwai ho'olohe mana'o kaulike no ka ho'opi'i ka'ina kĀnāwai i loko o 2 makahiki mai ka manawa mai i maopopo ai iā 'oe a i 'ole ka 'Oihana, a i 'ole ka manawa i pono e maopopo, no ka pilikia i hō'ike 'ia ma ka ho'opi'i.

**Ka Palena Manawa no ka Noi 'ana i ka Ho'ihoi 'ia 'ana o ke Kālā no ka Ho'okomo 'ana o ka Makua i ka Haumāna ma ke Kula Uku**

E like me ka ho'ākāka 'ana o ke kĀnāwai, 'o ka *Hawai'i Revised Statutes* §302A-443 no nā ka'ina hana ho'omalua no ka hālāwai ho'olohe mana'o a me ka mana kēnā e pili ana i ka ho'ona'auao 'ia 'ana o nā haumāna me ke kino kīnā, he 180 mau lā ma ka lula no ka palena

manawa no ke koi pohō no ka ho'okomo 'ia 'ana o ka haumāna ma kekahi kula uku e like me ka ho'oholo 'ana o ka makua, e like paha me ka pono no ka ho'ona'auao kūikawā a me nā lawelawe i pili. Ma ke 'ano ho'ākāka, inā 'a'ole 'oe 'aelike no ka loa'a o ka ho'ona'auao manuahi i kūpono ma nā kula aupuni a ho'okomo 'oe i kāu keiki i loko o kekahi kula a wahi uku paha a makemake 'oe e uku 'ia a ho'ihō'i 'ia paha kāu kālā iā 'oe no ke kumu uku no ia kula a wahi uku paha, e like me ka pono no ka ho'ona'auao kūikawā a me nā lawelawe i pili, pono e noi 'ia kekahi hālāwai ho'olohe mana'o no ka ho'ihō'i 'ia 'ana o kāu kālā no ka ho'ona'auao kūikawā a me/a i 'ole nā lawelawe i pili i loko o 180 mau lā mai ka wā mai o ke kākau inoa 'ia 'ana ma ke kula a wahi uku paha. Ho'omaka ke kōā manawa no ke kākau inoa 'ana ma ka lā mua o ka hele 'ana o ka haumāna i ia kula.

### Nā ho'okoe 'ana no ka palena manawa

'A'ole pili ke kōā manawa ma luna nei iā 'oe inā 'a'ole i hiki iā 'oe ke waiho i ka ho'opi'i ka'ina kōāwai ma muli o kēia mau kumu:

1. ua akāka ka ho'ohuikau 'ana o ka 'Oihana ma ka hō'ike 'ana ua pau kekahi pilikia a hihia paha i ka ho'oponopono a ho'onā 'ia paha āu i hāpai ai ma kāu ho'opi'i; **a i 'ole**
2. ua 'au'a ka 'Oihana i kekahi 'ike iā 'oe i pono ka hā'awi 'ia 'ana iā 'oe ma lalo o ka Māhele B o ka *IDEA*.

### NĀ KULEANA PILI I KA HĀLĀWAI HO'OLOHE MANA'O

#### 34 CFR §300.512

HAR §8-60-66

#### Nā mana'o laulā

He kuleana kou e kū no kou 'ao'ao ma ka hālāwai ho'olohe mana'o ka'ina kōāwai. Eia kekahi, he kuleana ko kekahi 'ao'ao ma ka hālāwai ho'olohe mana'o ka'ina kōāwai (e like pū nō me kekahi hālāwai ho'olohe mana'o i pili i ke ka'ina hana ho'opa'i) e pili ana i kēia mau mea nei:

1. kōkua 'ia a a'oa'o 'ia paha e kekahi loio a me/a i 'ole kekahi kanaka i 'ike a a'o 'ia paha no nā pilikia o ka haumāna me ke kino kīnā;
2. ho'okomo i kekahi hō'ike a 'alo, ninaninau, a kēnā i ka hiki mai o kekahi mea hō'ike;
3. pāpā i ka ho'okomo 'ia 'ana o kekahi hō'ike ma ka hālāwai ho'olohe mana'o i hō'ike 'ole 'ia i kekahi 'ao'ao 5 mau lā ma ka palena iki ma mua o ka hālāwai ho'olohe mana'o;
4. noi a loa'a kekahi mo'olelo mīkini lolouila o kēlā me kēia hua'olelo i ho'opuka 'ia ma ka hālāwai ho'olohe mana'o, e like me kou noi 'ana; **a**
5. Noi a loa'a nā mo'olelo mīkini lolouila o nā kū'i'o a me nā mana'o ho'oholo, e like me kou noi 'ana.

Aia i ka 'ao'ao nāna i hāpai i ka ho'opi'i ka'ina kōāwai ke kuleana e hō'oi'a'i'o me ka hō'ike'ike pū i nā hō'ike i nā mana'o i ho'opi'i 'ia.

#### Ka ho'oku'u hou 'ana i ka 'ike

He 5 mau lā ma ka palena iki ma mua o kekahi hālāwai ho'olohe mana'o ka'ina kōāwai, pono 'oe a me ka 'Oihana e ho'oku'u i kekahi i kekahi i nā loloi a pau i ho'opau 'ia ā hiki i ia lā me nā

mana'o kōkua pū i hāpai 'ia e like me ia mau loiloi 'ana āu a i 'ole a ka 'Oihana i makemake ai e ho'ohana ma ka hālāwai ho'olohe mana'o.

Hiki ke ālai ka luna ho'omalua hālāwai ho'olohe mana'o i kekahi 'ao'ao i kō 'ole iā lākou kēia koi 'ana i ka ho'okomo 'ana i kekahi loiloi 'ana i a i 'ole mana'o kōkua i hāpai 'ia i pili ma ka hālāwai ho'olohe mana'o me ka 'ae 'ole 'ana o kekahi 'ao'ao.

### Nā kuleana makua ma ka hālāwai ho'olohe mana'o

Pono e hā'awi 'ia kēia mau kuleana:

1. komo kāu keiki i ka hālāwai ho'olohe mana'o;
2. wehe i ka hālāwai ho'olohe mana'o i ka lehulehu; **a**
3. hā'awi 'ia iā 'oe ka mo'olelo o ka hālāwai ho'olohe mana'o, nā kū'i'o a me nā mana'o i ho'oholo 'ia me ka uku 'ole.

### NĀ MANA'O HO'OHOLA O KA HĀLĀWAI HO'OLOHE MANA'O

#### 34 CFR §300.513

HAR §8-60-67

### Ka mana'o ho'oholo a ka luna ho'omalua hālāwai ho'olohe mana'o

Pono e ho'okumu 'ia ka mana'o ho'oholo a ka luna ho'omalua ho'olohe mana'o no ka nīnau inā ua loa'a i kāu keiki ka *FAPE* ma luna o nā hō'ike a me nā 'ōlelo i pili maoli i ka *FAPE*.

No nā nīnau pili i ka 'a'e 'ia 'ana o ke ka'ina hana (e like paha me ka "pū'ulu *EIP* i piha 'ole"), hiki i ka luna ho'omalua hālāwai ho'olohe mana'o ke ho'oholo 'a'ole i loa'a i kāu keiki ka *FAPE* inā wale nō ua kō kēia mau mea nei no ka 'a'e 'ana:

1. ālai ia 'a'e 'ana i ke kuleana o kāu keiki no ka *FAPE*;
2. ālai 'ino ia 'a'e 'ana i ka manawa i loa'a iā 'oe e komo i ke kūkā 'ana e ho'oholo e pili ana i ka ho'olako 'ia 'ana o ka *FAPE* i kāu keiki; **a i 'ole**
3. ho'onele ia 'a'e 'ana i kāu keiki i kekahi pōmaika'i ho'ona'uao.

'A'ohe mea o nā ho'ākāka 'ana o luna nei e nānā 'ia ma ke 'ano ua ālai 'ia ka luna ho'omalua hālāwai ho'olohe mana'o ma ke kēnā 'ana i ka 'Oihana e ho'okō i nā koi o ka māhele ho'opalekana ka'ina hana o nā lula Pekelala ma lalo o ka Māhele B o ka *IDEA* (34 CFR §§300.500 ā hiki i ka 300.536).

Ma hope o ka ho'okomo 'ia 'ana o kekahi haumāna ma kekahi kula uku, a i 'ole no ka ho'omau 'ana i ka ho'okomo 'ia 'ana ma kekahi kula uku, 'a'ole hiki ke ho'oholo 'ia he wahi kūpono ia kula uku e ho'okomo 'ia ai ia haumāna inā 'a'ole i 'ae 'ia ka 'Oihana e ho'okō i kona kuleana e hō'ia i ka ho'olako 'ia o ka *FAPE* i ka haumāna.

### Ka noi hou 'ana i hālāwai ho'olohe mana'o ka'ina kōnāwai

'A'ohe mea i loko o ka māhele ho'opalekana ka'ina hana o nā lula Pekelala ma lalo o ka Māhele B o ka *IDEA* (34 CFR §§300.500 ā hiki i ka 300.536; HAR §§8-60-55 ā hiki i ka 8-60-81) e nānā 'ia ma ke 'ano ua ālai 'ia 'oe i ka waiho 'ana i ka ho'opi'i ka'ina hana no kekahi kumuhana 'oko'a ma waho o ka ho'opi'i i waiho mua 'ia.

**Nā mea i loa'a a me ka mana'o ho'oholo i hā'awi 'ia i ke kōmike a'oa'o a me ka lehulehu**

Pono ka 'Oihana e hana i kēia mau mea nei ma hope o ka holoī 'ana i kekahi 'ike e hō'ike ana 'o wai ke kanaka:

1. hā'awi i nā kū'ī'o a me nā mana'o i ho'oholo 'ia ma ka hālāwai ho'olohe ka'ina kāmāwai a ma ka ho'opī'i kū'ē 'ana paha i ke kōmike a'oa'o ho'ona'auao kūikawā o ka Moku'āina; **a**
2. wehe 'ia ia mau mea i loa'a a me nā mana'o i ho'oholo 'ia no ka lehulehu.

**KA HO'OPĪ'I KŪ'Ē 'ANA**

**KE KŪLANA HOPE O KA MANA'O I HO'OHOLA 'IA; KA HO'OPĪ'I KŪ'Ē 'ANA; KA NĀNĀ KAULIKE 'ANA**

**34 CFR §300.514**

HAR §8-60-68

**Ke kūlana hope o ka mana'o i ho'ohola 'ia ma ka hālāwai ho'olohe mana'o**

Ke holo ka mana'o ma ka hālāwai ho'olohe mana'o ka'ina kānāwai (pēia pū no ka hālāwai ho'olohe mana'o e pili ana i ke ka'ina hana no ka ho'opa'i 'ana), ua pau loa nō i ka ho'ohola 'ia, koe he hiki nō i kekahi 'ao'ao i komo i ka hālāwai ho'olohe mana'o ('o 'oe a i 'ole ka 'Oihana) ke ho'opi'i kū'ē i ka mana'o i ho'ohola 'ia ma ka hāpai 'ana i ka hana kīwila, e like me ia i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o ***Nā Hana Kīwila, me ke Kōā Manawa Pū e waiho ai i ia mau Hana.***

**KA PAPA MANAWA A ME KA MANAWA KŪPONO E MĀLAMA 'IA AI NĀ HĀLĀWAI HO'OLOHE MANA'O A ME KA NĀNĀ 'ANA**

**34 CFR §300.515**

HAR §8-60-69

Pono ka 'Oihana e hō'oiā i kēia mau mea ma lalo nei i loko o 45 mau lā ma hope o ka hala 'ana o ke kōā manawa he 30 lā 'alemanaka no nā hālāwai ho'onā ***a i 'ole***, e like me ia ho'ākāka 'ia ma lalo o ke po'omana'o, 'o ***Ka ho'ololi 'ana i ke kōā manawa ho'onā he 30 mau lā 'alemanaka***, 'a'ole e hala 45 lā 'alemanaka ma hope o ka hala 'ana o ke kōā manawa i ho'ololi 'ia:

1. pono e pau ka mana'o ho'ohola i ka ho'ohola 'ia ma ka hālāwai ho'olohe mana'o; ***a***
2. ho'ouna 'ia kekahi kope o ka mana'o i ho'ohola 'ia i kēlā me kēia 'ao'ao.

Hiki ke 'ae aku ka luna ho'omalua hālāwai ho'olohe mana'o i ka ho'opane'e i ka palena manawa i ho'ākāka 'ia ā hala ke kōā manawa he 45 lā 'alemanaka i ho'ākāka 'ia ma luna nei ma ka noi 'ana o kekahi 'ao'ao ('o 'oe a i 'ole ka 'Oihana). 'A'ole e hala kēlā me kēia ho'opane'e palena manawa 'ana i nā lā he 45. I mea e ho'ohola 'ia ai ka ho'opane'e 'ia 'ana o ka palena manawa, e no'ono'o ka luna ho'omalua hālāwai ho'olohe mana'o i kēia mau mea nei:

1. ka hopena maika'i 'ole o ka ho'opane'e 'ia 'ana o ka palena manawa i ho'okali 'ia ai ka ho'ona'auao 'ia 'ana o ka haumāna ma muli o ia ho'opane'e 'ana;
2. ka mea e hiki ai i ka 'ao'ao noi ke hana e hō'alo ai i ka noi 'ana i ka ho'opane'e 'ana;
3. inā mai ka 'ao'ao i hāpai i ia mana'o ka noi e ho'opane'e i ka palena manawa, inā ua lawa ka manawa i ka 'ao'ao nāna i hāpai i ka mana'o ka manawa e ho'omākaukau pono ma mua o ka waiho 'ana ma mua o ka hālāwai ho'olohe mana'o;
4. ka hopena maika'i 'ole o ka hō'ole 'ana i ka ho'opane'e 'ana i ka palena manawa;
5. ka 'i'ini o ka *IDEA* 2004 a me ka *HAR* 8-60 e hō'eleu i ke ka'ina hana ho'omalua pa'alula 'ole; a
6. inā e 'a'e 'ia ka 'i'ini o ke kānāwai no ka pono o nā 'ao'ao ma ka 'ae 'ana i ka ho'opane'e 'ana i ka palena manawa.



'A'ole e 'ae ka luna ho'omalua hālāwai ho'olohe mana'o i ka ho'opane'e 'ana i ka palena manawa no ka hālāwai ho'olohe mana'o, koe ke hō'ike 'ia iā ia he kumu kūpono loa e ho'ohuli ana i kona mana'o a i 'ole ke hō'ike akāka 'ia 'o ia kekahi kumu e pilikia loa ai kekahi 'ao'ao.

E pane ka luna ho'omalua hālāwai ho'olohe mana'o ma ke kākau 'ana i kēlā me kēia noi e ho'opane'e i ka palena manawa. E komo i kēlā me kēia pane nā mea i loa'a a me nā ho'oholo 'ana no nā kumu i loa'a ai nā kumu kūpono. E lilo kēlā me kēia pane he māhele o nā mo'olelo. Inā 'ae 'ia ka ho'opane'e 'ia 'ana o ka palena manawa, na ka luna ho'omalua hālāwai ho'olohe mana'o e ho'opa'a i kekahi lā hou no ka hālāwai ho'olohe mana'o a ho'omaopopo i nā 'ao'ao ma ke kākau 'ana no ia lā.

Pono e lawelawe 'ia kēlā me kēia hālāwai ho'olohe mana'o i kekahi manawa a me kekahi wahi i kūpono nou a no kāu keiki.

'A'ohe mea ma ka HAR 8-60 (HAR §§8-60-56 ā hiki i ka 8-60-81) e nānā 'ia ma ke 'ano ua ālai 'ia 'oe i ka waiho 'ana i kekahi ho'opi'i ka'ina kāmāwai hou a'e no kekahi kumuhana i 'oko'a mai ka ho'opi'i ka'ina kāmāwai i waiho mua 'ia.

## **NĀ HANA KĪWILA, ME KE KŌĀ MANAWA PŪ E WAIHO AI I IA MAU HANA**

### **34 CFR §300.516**

HAR §8-60-70

#### **Nā mana'o laulā**

He kuleana ko kekahi 'ao'ao ('o 'oe a i 'ole ka 'Oihana) e 'aelike 'ole nei me nā kū'i'o a me ka ho'oholo 'ana ma ka hālāwai ho'olohe mana'o ka'ina kāmāwai (pēia pū no ka hālāwai ho'olohe mana'o no ke ka'ina hana no ka ho'opa'i 'ana) e kūkulu i kekahi hana kīwila e pili ana i ka hihia i lilo i kumuhana no ka hālāwai ho'olohe mana'o ka'ina kāmāwai. Hiki ke waiho 'ia ia hana i kekahi 'aha ho'okolokolo o ka Moku'āina me ka mana ho'okolokolo (he 'aha ho'okolokolo i loa'a ka mana e ho'olohe i kēia 'ano hihia) a i 'ole ma kekahi 'aha ho'okolokolo 'āpana o 'Amelika Hui 'ia me ka nānā 'ole i ka huina kālā i hāpai 'ia ma ka hihia.

#### **Ka palena manawa**

Loa'a i ka 'ao'ao e hāpai nei i ka hana ('o 'oe a i 'ole ka 'Oihana) 30 mau lā 'alemanaka no ka waiho 'ana i ka hana kīwila mai ka lā mai o ka ho'oholo 'ia 'ana o ka mana'o ma ka hālāwai ho'olohe mana'o.

#### **Nā ka'ina hana hou a'e**

Ma kekahi hana kīwila, hana ka 'aha ho'okolokolo i kēia mau hana:

1. mālama i nā palapala o nā ka'ina hana ho'omalua;
2. ho'olohe i nā hō'ike hou a'e e like me kāu noi a i 'ole ka noi a ka 'Oihana; **a**
3. kūkulu i kona ho'oholo 'ana ma luna o ka piha kūpono o nā hō'ike a 'ae aku i ka ho'oponopono 'ana āna e ho'oholo ai he kūpono.

Aia i ke 'ano o nā nīnau i loa'a, ma ka ho'oponopono 'ana i ka pilikia, hiki ke koi aku ka 'aha ho'okolokolo i ka ho'ihō'i 'ia 'ana o ke kālā i uku 'ia no ke kumu uku hele kula o ke kula uku a me nā lawelawe ho'ona'auao i pono e uku 'ia.

### Ka mana ho'okolokolo o nā 'aha ho'okolokolo 'āpana

Aia ka mana i nā 'aha ho'okolokolo 'āpana o 'Amelika Hui 'ia no ka ho'oholo 'ana no nā hana i lawelawe 'ia ma lalo o ka Māhele B o ka *IDEA* me ka nānā 'ole i ka huina kālā i hō'ike 'ia ma ka hihia.

### Ka lula kūkulu

'A'ohe mea o ka Māhele B o ka *IDEA* e ālai a ho'ohaiki ana paha i nā kuleana, nā ka'ina hana, a me nā ho'onā 'ana i loa'a ma lalo o ke Kumukānāwai o 'Amelika Hui 'ia, ke kānāwai, 'o *the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504)*, a i 'ole kekahi kānāwai Pekelala 'ē a'e no ka pale 'ana i nā kuleana o nā haumāna me ke kino kīnā, akā na'e, ma mua o ka waiho 'ana i kekahi hana kīwila ma lalo o kēia mau kānāwai e 'imi ana i ka ho'onā 'ana ma lalo o ka Māhele B o ka *IDEA*, pono e pau nā ka'ina hana i ho'ākāka 'ia ma luna nei i ka ho'ā'o 'ia e like me ia i koi 'ia inā ua waiho 'ia ia hana ma lalo o ka Māhele B o ka *IDEA*. No laila, ua loa'a nā ala e ho'onā ai ma lalo o nā kānāwai like 'ole i 'ano like ma kekahi 'ano me nā kānāwai ma lalo o ka *IDEA*, akā, ma ke 'ano laulā, ma ka 'imi 'ana i ka ho'onā 'ana ma lalo o ia mau kānāwai, pono 'oe e ho'ā'o mua i nā ala ho'omalū e 'imi ai i ka ho'onā 'ana ma lalo o ka *IDEA* ('o ia ho'i, ka ho'opi'i ka'ina kānāwai; ke ka'ina hana ho'onā, me ka hālāwai ho'onā pū kekahi; a me nā ka'ina hana no ka hālāwai ho'olohe mana'o kaulike) ma mua o ka hele 'ana i ka 'aha ho'okolokolo.

### KE KŪLANA O KA HAUMĀNA I KA WĀ E NĀNĀ 'IA NEI KA HO'OPI'I KA'INA KĀNĀWAI A ME KA HĀLĀWAI HO'OLOHE MANA'O

#### 34 CFR §300.518

#### HAR §8-60-72

Aia ā ho'ouna 'ia ka ho'opi'i ka'ina kānāwai i kekahi 'ao'ao i loko nō o ke kōā manawa no ka ho'onā 'ana, a i ka wā nō ho'i e kali nei no ka ho'oholo 'ia 'ana o ka mana'o no kekahi hālāwai ho'olohe mana'o ka'ina kānāwai kaulike a hana paha a ka 'aha ho'okolokolo, koe ke like me ka mea i ho'ākāka 'ia ma lalo nei ma lalo o ke po'omana'o, 'o **KE KA'INA HANA KE HO'OPA'I 'IA KA HAUMĀNA ME KE KINO KĪNĀ**, a koe ho'i ke 'aelike 'oe me ka 'Oihana no kekahi hana 'oko'a, pono e waiho 'ia kāu keiki ma kona wahi ho'ona'auao i kākau inoa 'ia ai.

Inā ua komo i loko o ka ho'opi'i ka'ina kānāwai he palapala ho'opihapiha no ke komo 'ana i loko o ke kula aupuni no ka manawa mua, pono kāu keiki, me kou 'ae 'ana nō ho'i, e ho'okomo 'ia i loko o kekahi polokalamu kula aupuni ma'amau ā hiki i ka pau 'ana o nā ka'ina hana a pau.

Inā ua komo i loko o ka ho'opi'i ka'ina kānāwai he palapala ho'opihapiha no nā lawelawe no ka manawa mua ma lalo o ka Māhele B o ka *IDEA* no kekahi haumāna e ne'e nei mai ka lawelawe 'ia 'ana ma lalo o ka Māhele C o ka *IDEA* ā hiki i ka Māhele B o ka *IDEA* a i pau kona kūpono no nā lawelawe ma lalo o ka Māhele C ma muli o ka piha 'ana i ia haumāna 'ekolu makahiki, 'a'ole i koi 'ia ka 'Oihana e ho'olako i nā lawelawe ma lalo o ka Māhele C i ho'olako mua 'ia ai ia haumāna. Inā ho'oholo 'ia ua kūpono ka haumāna ma lalo o ka Māhele B o ka *IDEA* a 'ae 'oe e ho'olako 'ia kāu keiki i ka ho'ona'auao kūikawā a me nā lawelawe i pili no ka manawa mua, a laila, e like me ka mea i ho'oholo 'ia ma ke ka'ina hana, pono ka 'Oihana e

ho'olako i ia mau lawelawe ho'ona'auao kūikawā a me nā lawelawe i pili i ho'opi'i 'ole 'ia (nā lawelawe i 'aelike 'ia).

Inā 'aelike ka luna ho'omalua hālāwai ho'olohe mana'o ma ka hālāwai ho'olohe mana'o ka'ina kāmāwai ua kūpono ka ho'ololi 'ia 'ana o kahi i ho'okomo 'ia ai ka haumāna, pono e nānā 'ia ia wahi ma ke 'ano 'o ia kahi ho'ona'auao i ho'okomo 'ia ai ā hiki i ka ho'opuka 'ia 'ana o ka mana'o ho'oholo no ka hālāwai ho'olohe mana'o ka'ina kāmāwai a ka'ina hana paha o ka 'aha ho'okolokolo.

## NĀ KUMU KĀKI LOIO

### 34 CFR §300.517

HAR §8-60-71

#### Nā mana'o laulā

Ma kekahi hana a ka'ina hana paha i lawelawe 'ia ma lalo o ka Māhele B o ka *IDEA*, hiki i ka 'aha ho'okolokolo ke ho'olilo i nā kumu kāki loio kūpono i hapa o ke kumu kū'ai iā 'oe, e like me kona ho'oholo 'ana, inā lanakila 'oe.

Ma muli o ka 'i'ini o ka hālāwai ho'onā a me ka 'uao 'ana e hā'awi i ka makua a me ka 'Oihana i ka manawa e 'aelike ai no ka ho'onā 'ana, 'a'ole i mana'o 'ia he kuleana ia no kekahi 'ao'ao e noho pū kekahi loio ma ka hālāwai ho'onā a me ka hālāwai 'uao. Inā ho'oholo 'oe e noho pū kekahi loio me kona komo pū i loko o ke kūkā 'ana ma nā hālāwai ho'onā a i 'ole nā hālāwai 'uao, 'a'ole paha e ho'ihō'i a uku paha ka 'Oihana i kāu kālā i uku ai no ke kumu kāki loio.

Ma kekahi hana a ka'ina hana paha i lawelawe 'ia ma lalo o ka Māhele B o ka *IDEA*, hiki i ka 'aha ho'okolokolo ke ho'olilo i nā kumu kāki loio kūpono i māhele o ka ho'olilo o ka 'ao'ao lanakila, e like me kona ho'oholo 'ana, inā 'o ke Ke'ena Ho'ona'auao o ka Moku'āina ia, 'o ia ka 'Oihana, a na kou loio e uku, inā ua hana 'ia kēia mau mea: (a) na kou loio i waiho i ka ho'opi'i a hihia 'aha ho'okolokolo a ka 'aha ho'okolokolo i ho'oholo ai he 'ano 'ole, kūpono 'ole a i 'ole kumu 'ole; **a i 'ole** (b) ho'opane'e 'ia no ka ho'opi'i 'ana ma ka 'aha ho'okolokolo ma hope o ka lilo akāka 'ana o ia ho'opi'i 'ana he mea 'ano 'ole, kūpono 'ole, a i 'ole kumu 'ole; **a i 'ole**

Ma kekahi hana a ka'ina hana paha i lawelawe 'ia ma lalo o ka Māhele B o ka *IDEA*, hiki i ka 'aha ho'okolokolo ke ho'olilo i nā kumu kāki loio kūpono i māhele o ka ho'olilo o ka 'ao'ao lanakila, e like me kona ho'oholo 'ana, inā 'o ke Ke'ena Ho'ona'auao o ka Moku'āina ia, 'o ia ka 'Oihana, a nāu a me kou loio e uku, inā ua waiho 'ia kāu noi i hālāwai ho'olohe mana'o ka'ina kāmāwai a i 'ole i hihia 'aha ho'okolokolo no kekahi wā aku no kekahi kumu kūpono 'ole, e like me ka ho'ouluhua 'ana, ka ho'okali kūpono 'ole 'ana, a i 'ole ka ho'onuini kūpono 'ole 'ana i ke kumu kāki no ka hana a ka'ina hana paha (hālāwai ho'olohe mana'o).

#### Ka ho'olilo 'ia 'ana o ke kumu kāki

Ho'olilo ka 'aha ho'okolokolo i nā kumu kāki kūpono i kekahi 'ao'ao penei:

1. Pono e ho'okumu 'ia nā kumu kāki ma luna o nā kumu kāki ma'amau ma ke kaiāulu kahi i kupu ai ka hana a ka'ina hana paha no ke 'ano a me ke kūpono o nā lawelawe i ho'olako 'ia. 'A'ole hiki ke ho'ohui 'ia he uku keu a kumu ho'onui hou a'e ma ke kūkulu 'ana i nā kumu kāki i ho'olilo 'ia i kekahi 'ao'ao.
2. 'A'ole hiki ke ho'olilo 'ia nā kumu kāki loio a 'a'ole e ho'ihō'i 'ia kāu kālā no nā hana i pili i hana 'ia ma kekahi hana a ka'ina hana paha ma lalo o ka Māhele B o ka *IDEA* no nā

lawelawe i ho'olako 'ia ma hope o ka waiho 'ia 'ana o kekahi palapala ho'onā i mua ou inā:

- a. waiho 'ia ka palapala ho'onā i loko o ke kōā manawa e like me ia i ho'ākāka 'ia ma ka *Rule 68* o ka *Federal Rules of Civil Procedure* a i 'ole, inā ma ka hālāwai ho'olohe mana'o ka'ina kōnāwai a ma ka nānā 'ana paha o ka Moku'āina, ma kekahi manawa i 'oi a'e i nā lā he 10 lā 'alemanaka ma mua o ka ho'omaka 'ana o ke ka'ina hana;
- b. 'a'ole i 'ae 'ia ka palapala ho'onā i loko o 10 mau lā 'alemanaka; **a**
- c. ho'oholo 'ia e ka 'aha ho'okolokolo a i 'ole ka luna ho'omalua hālāwai ho'olohe mana'o 'a'ole i 'oi a'e ka ho'oponopono 'ana i ho'oholo 'ia no ka pono o kou 'ao'ao ma mua o ka mea i hāpai 'ia ma ka palapala ho'onā.

Ma waho a'e o kēia mau palena, hiki ke ho'olilo 'ia nā kumu kākī loio a me nā kumu kākī i pili iā 'oe inā 'o 'oe ka i lanakila a ua kūpono kou hō'ole 'ana i ka ho'onā 'ana i hāpai 'ia.

3. 'A'ole paha e ho'olilo 'ia nā kumu kākī no kekahi hālāwai o ka pū'ulu *IEP*, koe ke mālama 'ia ka hālāwai ma muli o ke ka'ina hana ho'omalua a hana paha a ka 'aha ho'okolokolo.

Eia kekahi, 'a'ole paha e ho'olilo 'ia nā kumu kākī no ka 'uao 'ana e like me ia i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o **Ka 'uao 'ana**.

No ka hālāwai ho'onā, e like me ia i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o **Ka Ho'onā Hihia 'ana**, 'a'ole i mana'o 'ia he hālāwai i mālama 'ia ma muli o ka hālāwai ho'olohe mana'o ho'omalua a i 'ole he hana a ka 'aha ho'okolokolo, a 'a'ole nō ho'i i mana'o 'ia he hālāwai ho'olohe mana'o ho'omalua a hana paha a ka 'aha ho'okolokolo me ka pili pū mai o nā ho'ākāka 'ana ma luna nei no nā kumu kākī loio.

Na ka 'aha ho'okolokolo e ho'ēmi i ka huina o nā kumu kākī loio i ho'olilo 'ia ma lalo o ka Māhele B o ka *IDEA*, e like me kona mana'o he pono, inā ho'oholo ka 'aha ho'okolokolo penei:

1. nāu a i 'ole na kou loio i ho'okalī kūpono 'ole i ka ho'oholo hope 'ia 'ana o ka ho'onā 'ana no ka hihia i ka wā o ka holomua 'ana o ka hana a ka'ina hana paha;
2. ua pi'i ā pākela 'ino ka huina o nā kumu kākī loio i 'ae mua 'ia ma ka ho'olilo 'ana i nā kākī hola ma'amau ma ke kaiāulu no ia mau lawelawe 'ano like ma waena o nā loio o ia 'oihana ho'okahi nō o ke kūlana kaulana ho'okahi a me ka nui pū o ka 'ike;
3. ua nui ā pākela ka nui o ka manawa a me nā lawelawe loio i ho'olako 'ia ma ka no'ono'o 'ana i ke 'ano o ka hana a ka'ina hana paha; **a i 'ole**
4. 'a'ole i hā'awi ka loio e kū ana ma kahi ou i ka 'ike kūpono i ka 'Oihana e like me ka leka ho'omaopopo no ka noi 'ana i ke ka'ina kōnāwai e like me ia i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o **Ka Ho'opi'i Ka'ina Kōnāwai**.

Akā na'e, 'a'ole paha e ho'ēmi ka 'aha ho'okolokolo i nā kumu kākī inā ho'oholo ka 'aha ho'okolokolo na ka 'Oihana i ho'okalī kūpono 'ole i ka ho'oholo hope 'ia 'ana o ka ho'onā 'ana no ka hana a ka'ina hana paha a i 'ole ua 'a'e 'ia kekahi māhele ho'opalekana ka'ina hana o ka Māhele B o ka *IDEA*.

**KE KA'INA HANA KE HO'OPA'I 'IA KA HAUMĀNA ME KE KINO KĪNĀ****KA MANA O NĀ LIMAHANA KULA****34 CFR §300.530***HAR §8-60-75***Nānā 'ia kēlā me kēia hihia**

Hiki i nā limahana o ke kula ke ho'oholo i kekahi kūlana kūikawā e like me kona mana'o he pono ma ka ho'oholo 'ana inā kūpono ka ho'ololi 'ia 'ana o kahi i ho'okomo 'ia ai kekahi haumāna me ke kino kīnā i 'a'e i kekahi lula o ke kula pili i nā hana a nā haumāna, inā ua hana 'ia e like me nā koi ma lalo nei e pili ana i ka ho'opa'i 'ana.

**Nā mana'o laulā**

E like nō me kā lākou hana no nā haumāna 'a'ohē o lākou kino kīnā, hiki i nā limahana o ke kula ke wehe i kekahi haumāna me ke kino kīnā i 'a'e i kekahi lula o ke kula no nā hana a nā haumāna mai kona wahi i ho'okomo 'ia ai a ho'okomo iā ia ma kahi ho'ona'auao 'oko'a i kūpono no ka manawa, no ka wā ho'omau, a i 'ole hiki ke wehe 'ia mai ke kula aku.

Aia ā wehe 'ia kekahi haumāna me ke kino kīnā mai kona wahi i ho'okomo 'ia ai no nā lā kula 'a'ole e 'oi a'e i **nā lā kula he 10 lā** ka huina ma ia makahiki kula ho'okahi nō, pono ka 'Oihana e ho'olako i nā lawelawe i loko o ia mau lā ma hope iho o kona wehe 'ia 'ana ma ia makahiki kula nō, e like me ia i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o **Nā Lawelawe**. Ua like ka wehe 'ia 'ana no nā lā kula he 10 a 'oi ma ia makahiki ho'okahi nō me ka ho'ololi 'ia 'ana o kahi i ho'okomo 'ia ai (e nānā i ke po'omana'o, 'o **Ka Loli o Kahi i Ho'okomo 'ia ai no ka Wehe 'ana ma ka Ho'opa'i 'ana**).

**Ka mana hou a'e**

Inā 'a'e kekahi haumāna me ke kino kīnā i ka lula no nā hana a nā haumāna a 'a'ole pili kāna hana i kona kīnā o ke kino (e nānā i ke po'omana'o, 'o **Ka ho'oholo 'ana no kekahi hō'ike o ke kīnā**) a e hala nā lā i hāpai 'ia no kona wehe 'ia 'ana i nā lā he 10 lā kula ka huina i ka makahiki ho'okahi, hiki i nā limahana o ke kula ke ho'okō i nā ka'ina hana ho'opa'i i ia haumāna me ke kino kīnā e like me ka mea i hana 'ia a no nā kumu ho'okahi nō a no ke kōā manawa ho'okahi nō no nā haumāna 'a'ohē o lākou kīnā o ke kino, koe ua pono ia kula e ho'olako i nā lawelawe i ia haumāna e like me ia i ho'ākāka 'ia ma lalo o **Nā Lawelawe**. Na ka pū'ulu *IEP* a ka haumāna e ho'oholo i kahi ho'ona'auao 'oko'a no ia mau lawelawe.

Hiki i nā limahana o ke kula ke kauoha i ka ho'oponopono 'ia o ka ulia pōpilikia (e nānā i ka ho'ākāka 'ana ma lalo nei) no kekahi haumāna me ke kino kīnā mai kahi ho'ona'auao i ho'okomo 'ia ai ia haumāna ā hiki i ka piha 'ana o 10 mau lā kula e like me ia ma ka *HAR Chapter 19 (HAR §8-19-7)*. Inā hala nā lā kula he 10 lā no ka ho'oponopono ulia pōpilikia hui pū me nā lā i hala ma mua i wehe 'ia ai ia haumāna ma ka ho'opa'i 'ia 'ana a no ka ho'oponopono ulia pōpilikia ā hala 10 lā kula, a laila, ua like kēlā me ka ho'ololi 'ia 'ana o kahi i ho'okomo 'ia ai inā wale nō 'ike 'ia he kuluma kāna mau hana ma muli o kēia mau kumu:

1. ua 'ano like loa nō ka hana a ka haumāna me kāna hana ma kekahi manawa ma mua i hihia ai 'o ia me ka hopena ua wehe 'ia 'o ia he mau manawa; a
2. he mau kumu hou a'e, e like me ka lō'ihī o kēlā me kēia wehe 'ana, ka huina o ka manawa i wehe 'ia ai ia haumāna, a me ka pinepine o ka wehe 'ia 'ana.

E ho'okō 'ia ka ho'oponopono ulia pōpilikia e like me ka *HAR* §8-19-7, a pēia pū no nā kuleana o ka haumāna e ho'omau i ka hele 'ana i ke kula i ka wā koke nō e pau ai ka pono o ia ho'oponopono 'ana, e like me ia ma ka *HAR* §8-19-7 (a).

'O ka "ho'oponopono ulia pōpilikia", 'o ia ka wehe 'ia 'ana o ka haumāna mai ke kula aku i ka wā o kekahi ulia pōpilikia ma muli o ka hana a ia haumāna a ua akāka ka hō'ike he weliweli hikiwawe ke kūlana palekana o ia haumāna a i 'ole nā kānaka 'ē a'e, a i 'ole ia, ma muli o ka nui loa o ke 'ano ho'ohuikau o ka hana a ia haumāna, he pono e wehe koke 'ia 'o ia i mea e kōkua ai i ka mālama 'ia 'ana o nā kuleana o nā haumāna 'ē a'e e 'imi i ka ho'ona'auao manuahi me ka ho'ohuikau 'ole 'ia 'ana.

### Nā Lawelawe

Hiki i ka 'Oihana ke ho'olako i nā lawelawe i ka haumāna me ke kino kīnā a me ka haumāna 'a'ohē kīnā o ke kino i wehe 'ia mai kona wahi i ho'okomo 'ia ai **he 10 lā kula a emi paha** ma ia makahiki kula. Hiki ke hā'awi 'ia ia haumāna kekahi koho 'ē a'e no ka ho'ona'auao 'ana (ka ha'awina ho'ihō'i, ka papa hana, ka ha'awina papa paha) a hiki ke ho'olako 'ia nā lawelawe ma kahi ho'ona'auao 'oko'a no ka manawa.

Pono e hana 'ia nā mea i helu 'ia ma lalo nei no kekahi haumāna me ke kino kīnā i wehe 'ia mai loko aku o kona wahi i ho'okomo 'ia ai **no nā lā kula he 10 a 'oi** i ka makahiki kula me ka pili 'ole o kāna hana 'a'e lula i kona kīnā o ke kino (e nānā i ke po'omana'o, 'o ***Ka ho'oholo 'ana no kekahi hō'ike o ke kīnā***) a i 'ole inā ua wehe 'ia no kekahi kumu kūikawā (e nānā i ke po'omana'o, 'o ***Nā kūlana kūikawā***):

1. ho'omau 'ia ka ho'olako 'ia 'ana o ia haumāna i nā lawelawe ho'ona'auao (ka *FAPE*) i hiki i ia haumāna ke ho'omau i ke komo i ka papa ha'awina ho'ona'auao laulā ma'amau, koe ma kahi ho'ona'auao 'oko'a (malia paha he wahi ho'ona'auao 'oko'a no ka manawa) a i hiki ho'i ke holomua ma ka ho'okō 'ana i nā mea i makemake 'ia ma ka *IEP* o ia haumāna; **a**
2. lawelawe 'ia he loiloi hana kūpono nona me nā lawelawe 'uao a me ka ho'ololi i kūkulu 'ia no ka ho'oponopono 'ana i ka hana i 'a'e 'ia ai ka lula i 'ole e hana hou 'ia.

Ma hope o ka wehe 'ia 'ana o kekahi haumāna me ke kino kīnā mai kona wahi i ho'okomo 'ia ai **no nā lā kula he 10** ma ia makahiki kula, a **inā** he 10 mau lā kula a emi paha ka lō'ihī o ka wehe 'ia 'ana o hope nei a inā 'a'ole ka wehe 'ana he loli o kona wahi i ho'okomo 'ia ai (e nānā i ka ho'ākāka 'ana ma lalo nei), **a laila**, na nā limahana kula, me ke kūkā pū me ho'okahi a 'oi paha o nā kumu a ia haumāna, e ho'oholo i ka nui o nā lawelawe i pono i mea e hiki ai ke ho'omau ia haumāna i ke komo 'ana ma ka papa ha'awina laulā ma'amau, koe ma kahi 'oko'a, a i hiki ke holomua ma ka ho'okō 'ana i nā mea i makemake 'ia ma ka *IEP* a ia haumāna.

Inā wehe 'ia ka haumāna ma ka ho'ololi 'ana i kona wahi i ho'okomo 'ia ai (e nānā i ke po'omana'o, 'o ***Ka Loli 'ana o Kahi i Ho'okomo 'ia ai no ka Wehe 'ana ma ka Ho'opa'i 'ana***), a laila, na ka pū'ulu *IEP* a ia haumāna e ho'oholo i nā lawelawe kūpono e hiki ai i ka haumāna ke ho'omau i ke komo 'ana ma ka papa ha'awina ho'ona'auao laulā, koe ma kahi 'oko'a (malia paha he wahi ho'ona'auao 'oko'a no ka manawa), a i mea e hiki ai ke ho'okō i nā mea i makemake 'ia ma ka *IEP* a ia haumāna.

Inā hala nā lā he 10 ka lō'ihī o ka wehe 'ia 'ana ma ia makahiki kula a he ho'oponopono ulia pōpilikia ia wehe 'ana, **a laila**, na nā limahana kula, me ke kūkā pū me ho'okahi a 'oi paha o nā kumu a ia haumāna, e ho'oholo i ka nui o nā lawelawe i pono i mea e hiki ai ke ho'omau ia haumāna i ke komo 'ana ma ka papa ha'awina laulā ma'amau, koe ma kahi 'oko'a, a i hiki ke holomua ma ka ho'okō 'ana i nā mea i makemake 'ia ma ka *IEP* a ia haumāna.

### Ka ho'oholo 'ana no kekahi hō'ike o ke kīnā

Ma waho a'e o ka ho'oponopono ulia pōpilikia, i loko o **nā lā kula he 10** mai ka wā i ho'oholo 'ia ai e ho'ololi i kahi o kekahi haumāna me ke kino kīnā no ka 'a'e 'ana i kekahi lula no nā hana a nā haumāna, pono 'oe, ka 'Oihana a me nā lālā kūpono 'ē a'e o ka pū'ulu *IEP* (e like me kou a me ko ka 'Oihana ho'oholo 'ana) e nānā i nā 'ike a pau i pili ma ka mo'olelo o ka haumāna, me ka *IEP* pū kekahi o ia haumāna, nā mana'o o nā kumu, a me kekahi 'ike 'ē a'e i pili i ho'olako 'ia e 'oe no ka ho'oholo 'ana i kēia mau mea nei:

1. inā ua hana 'ia ia 'a'e lula 'ana ma muli o ke kīnā o ke kino o ia haumāna a i 'ole inā ua pili; **a i 'ole**
2. inā ua hana 'ia ia 'a'e lula 'ana ma muli o ka ho'okō 'ole 'ana o ka 'Oihana i ka *IEP* o ia haumāna.

Inā ho'oholo ka 'Oihana, 'oe, a me nā lālā o ka pū'ulu *IEP* i pili ua kō kekahi o nā mana'o i helu 'ia ma luna nei, a laila, pono e nānā 'ia ka hana a ia haumāna ma ke 'ano he hō'ike ia no kona kīnā o ke kino.

Inā ho'oholo ka 'Oihana, 'oe, a me nā lālā o ka pū'ulu *IEP* i pili ua hana 'ia ka 'a'e lula 'ana ma muli o ka ho'okō 'ole 'ana o ka 'Oihana i ka *IEP*, a laila, pono ka 'Oihana e ho'oponopono i ka hemahema i ia wā koke nō.

### Ka ho'oholo 'ana he hō'ike 'ana ka hana a ka haumāna no ke kīnā o kona kino

Inā ho'oholo ka 'Oihana, 'oe, a me nā lālā o ka pū'ulu *IEP* he hō'ike ka hana a ka haumāna no ke kīnā o kona kino, a laila, pono ka *IEP* e hana i kekahi o kēia mau mea nei.

1. lawelawe i kekahi loiloi hana kūpono, koe inā ua pau ka lawelawe 'ia o kekahi loiloi hana kūpono e ka 'Oihana ma mua o ka hana 'ia 'ana o ka hana i kūpono ai ka ho'ololi 'ana i kahi i ho'okomo 'ia ai a ho'okō i kekahi mana'o hou ma ke 'ano 'uao no ka haumāna; **a i 'ole**
2. inā ua kūkulu mua 'ia he mana'o no ka 'uao 'ana, a laila, nānā i ia mana'o 'uao a ho'ololi i ia mea e like me ka mea pono i mea e ho'oponopono ai i ka hana a ia haumāna.

Koe e like me ka mea i ho'ākāka 'ia ma lalo nei ma lalo o ke po'omana'o, 'o ***Nā kūlana kūikawā***, pono ka 'Oihana e ho'iho'i i kāu keiki i kahi i ho'okomo 'ia ai, mai kahi ho'i i wehe 'ia ai 'o ia, koe ke 'aelike 'oe a me ka 'Oihana e ho'ololi i ia wahi ma ke 'ano he māhele ia o ka loli 'ana o ka mana'o 'uao.

### Nā kūlana kūikawā

Inā he hō'ike ka hana a ka haumāna no kona kīnā o ke kino a 'a'ole paha, hiki i nā limahana kula ke wehe i ka haumāna a ho'okomo iā ia ma kahi ho'ona'auao 'oko'a no ka manawa (e like me ka ho'oholo 'ana o ka pū'ulu *IEP*), akā, 'a'ole e 'oi a'e i nā lā he 45, inā pili kēia mau mea nei i kāu keiki:

1. pa'a 'o ia i kekahi mea pepehi (e nāna i ka ho'ākāka 'ana ma lalo nei) ma ke kula, ma ka pā kula a i 'ole ma kekahi papa hana ma lalo o ka mana o ka 'Oihana;
2. maopopo iā ia ua pa'a 'o ia i ka lā'au 'ino a i 'ole ho'ohana 'o ia i ka lā'au i pāpā 'ia (e nānā i ka ho'ākāka 'ana ma lalo nei), a i 'ole kū'ai a kālewa paha 'o ia i ka lā'au ho'ohe'i (e nānā i ka ho'ākāka 'ana ma lalo nei), iā ia ma ke kula, ma ka pā kula, a i 'ole ma kekahi papa hana ma lalo o ka mana o ka 'Oihana; **a i 'ole**

- ua hō'eha 'ino 'o ia i ke kino o kekahi po'e (e nānā i ka ho'ākāka 'ana ma lalo nei) iā ia ma ke kula, ma ka pā kula a i 'ole ma kekahi papa hana ma lalo o ka mana o ka 'Oihana.

### Nā ho'ākāka 'ana

*Lā'au ho'ohei (controlled substance):* 'O ia ho'i, he lā'au a mea 'ē paha i ho'ākāka 'ia ma lalo o ka *schedule I, II, III, IV, a i 'ole V* o ka *section 202(c)* o ke *kānāwai, 'o ke Controlled Substances Act (21 U.S.C. 812(c))*. Komo pū ma lalo o "lā'au ho'ohei" ka lā'au 'ino a mea 'ē paha e like me ia i ho'ākāka 'ia ma ka *I ā hiki i ka V* ma ka *Chapter 329, Hawai'i Revised Statutes, Uniform Controlled Substances Act*.

*Lā'au i pāpā 'ia (illegal drug):* 'O ia ho'i, he lā'au 'ino; akā, 'a'ole komo ma lalo o kēia 'ōlelo he lā'au a ka haumāna e pa'a ana e like me ka mea i 'ae 'ia ma ke kānāwai a i 'ole ho'ohana 'ia ma lalo o ka malu o kekahi kanaka i laikini 'ia ma ka 'oihana lā'au lapa'au a i 'ole ua pa'a e like me ia i kū i ke kānāwai a ho'ohana 'ia ma lalo o kekahi mana ma lalo o ua kānāwai lā a i 'ole ma lalo o kekahi māhele o ke kānāwai Pekelala. Ho'ākāka 'ia ia mea he "lā'au i pāpā 'ia" ma ka *HAR 8-19* he lā'au i pāpā 'ia ma lalo o ka *Chapter 329, Hawai'i Revised Statutes* a me ka *Chapter 712, Māhele IV, Hawai'i Revised Statutes* inā pa'a, hā'awi 'ia, 'ai 'ia, hana 'ia, ho'ohana 'ia, kū'ai 'ia a hali 'ia paha.

*Hō'eha 'ino i ke kino (serious bodily injury):* Ho'ākāka 'ia ma ke 'ano "hō'eha 'ino i ke kino" ma lalo o ka paukū (3) o ka māhele o lalo (h) o ka māhele 1365 o ke po'omana'o 18, *United States Code*.

*Mea pepehi (weapon):* Ho'ākāka 'ia ma ke 'ano "mea pepehi weliweli" ma lalo o ka paukū (2) o ka māhele o lalo (g) o ka māhele 930 o ke po'omana'o 18, *United States Code*. Ho'ākāka 'ia ia mea he "mea pepehi weliweli" ma ka *HAR 8-19* ma ke 'ano he mea hana, 'o kona kumu kū ho'okahi, 'o ia ka hō'eha 'ana i ke kino a i 'ole ka ho'omake 'ana. 'O kekahi 'ano hō'ike no ia 'ano mea hana, 'o ia kēia (akā, 'a'ole e kaupalena 'ia penei wale nō): ka pahi hahai holoholona, ka pahi pelu, ka pahi, ka lā'au pālau, ka ma'a, ka lā'au hili, ka pu'u lima hao a mea pepehi 'ē a'e paha no ka hō'eha 'ana i ke kino a i 'ole no ka ho'omake 'ana.

### Ka ho'omaopopo 'ana

Ma ka lā a ka 'Oihana e ho'oholo ai e wehe i kāu keiki ma ke 'ano he ho'ololi 'ana no kahi e ho'okomo 'ia ai kāu keiki no ka 'a'e 'ia 'ana o kekahi lula no nā hana a nā haumāna, pono ka 'Oihana e ho'omaopopo iā 'oe no ia ho'oholo 'ana a ho'ouna iā 'oe i kekahi leka ho'omaopopo no nā ho'opalekana ka'ina hana.

## KA LOLI 'ANA O KAHU I HO'OKOMO 'IA AI NO KA WEHE 'ANA MA KA HO'OPA'I 'ANA

### 34 CFR §300.536

*HAR §8-60-81*

Ua like ka wehe 'ia 'ana o kāu keiki me ke kino kīnā mai ke kula aku me ka ho'ololi 'ana i **kona wahi i ho'okomo 'ia ai** inā:

- ua hala kona mau lā i wehe 'ia ai i nā lā kula he 10 a 'oi; **a i 'ole**
- ua like ka huina o nā lā i wehe 'ia ai 'o ia me nā lā kula he 10 a 'oi ma ia makahiki kula.



**KA HO'OHOLA 'ANA I KAHU O KA HAUMĀNA****34 CFR § 300.531**

HAR §8-60-76

Na ka pū'ulu *IEP* e ho'oholo i kahi ho'ona'auao 'oko'a ma ka wehe 'ana i like me **Ka ho'ololi 'ana i kahi i ho'okomo 'ia ai**, a me ka wehe 'ana ma lalo o ke po'omana'o, 'o **Ka mana hou a'e** a me **Nā kūlana kūikawā**.

**KA HO'OPI'I KŪ'Ē 'ANA****34 CFR § 300.532**

HAR §8-60-77

**Nā mana'o laulā**

Hiki iā 'oe ke waiho i ka ho'opi'i ka'ina hana (e nānā i ke po'omana'o, 'o **Ka Waiho 'ana i ka Ho'opi'i Ka'ina Kānāwai**) no ka noi 'ana i hālāwai ho'olohe mana'o ka'ina hana inā kŪ'Ē 'oe i kēia mau mea nei:

1. ka ho'oholo 'ana no kahi i ho'okomo 'ia ai kāu keiki ma lalo o kēia ka'ina hana no ka ho'opa'i 'ana; **a i 'ole**
2. ka ho'oholo 'ana no ka hō'ike no ke kīnā o ke kino o ka haumāna, e like me ia ho'ākāka 'ia ma lalo o ke po'omana'o, 'o **Ka ho'oholo 'ana no kekahi hō'ike no ke kīnā**.

Hiki i ka 'Oihana ke waiho i ho'opi'i ka'ina hana (e nānā i ke po'omana'o, 'o **Ka Waiho 'ana i ka Ho'opi'i Kānāwai**) no ka noi 'ana i hālāwai ho'olohe mana'o ka'ina kānāwai inā mana'o'i'o ia he hiki ke hō'eha 'ia kāu keiki a i 'ole kekahi mea 'ē ma ka ho'omau 'ana i ke komo 'ana o kāu keiki ma kona wahi i ho'okomo 'ia ai.

**Ka mana o ka luna ho'omalulu hālāwai ho'olohe mana'o**

Pono ka luna ho'omalulu hālāwai ho'olohe mana'o i kō iā ia nā koi i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o **Ka luna ho'omalulu hālāwai ho'olohe mana'o kaulike**, e ho'omalulu i ka hālāwai ho'olohe mana'o ka'ina kānāwai a ho'oholo i ka hopena. Hiki i ka luna ho'omalulu ke hana i kēia mau mea nei:

1. ho'ihoi i kāu keiki me ke kino kīnā i kahi i ho'okomo 'ia ai kahi i wehe 'ia ai inā ho'oholo ka luna ho'omalulu hālāwai ho'olohe mana'o ua wehe 'ia 'o ia ma ka 'a'e 'ana i nā koi i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o **Ka Mana o nā Limahana Kula**, a i 'ole he hō'ike 'ana ka hana a kāu keiki no kona kīnā o ke kino; **a i 'ole**
2. kauoha e ho'ololi 'ia kahi i ho'okomo 'ia ai kāu keiki me ke kino kīnā i kekahi wahi ho'ona'auao 'oko'a i kūpono no ka manawa 'a'ole e hala nā lā he 45 lā kula inā ho'oholo ka luna ho'omalulu hālāwai ho'olohe mana'o he hiki ke hō'eha 'ia kāu keiki a i 'ole kekahi mea 'ē ma ka ho'omau 'ana o kāu keiki ma kona wahi i ho'okomo 'ia ai.

Hiki ke hana hou e like me kēia ka'ina hana inā mana'o'i'o ka 'Oihana he hiki ke hō'eha 'ia kāu keiki a i 'ole kekahi mea 'ē ma ka ho'ihoi 'ana i kāu keiki i kahi i ho'okomo mua 'ia ai 'o ia.

Ke waiho 'oe a i 'ole ka 'Oihana i ka ho'opi'i ka'ina kânāwai no ka noi 'ana i hālāwai ho'olohe mana'o, pono e mālama 'ia he hālāwai ho'olohe mana'o me ka ho'okō 'ana i nā koi i ho'ākāka 'ia ma lalo o nā po'omana'o, 'o ***Ka Waiho 'ana i ka Ho'opi'i Ka'ina Kânāwai*** a me ***Ka Hālāwai Ho'olohe Mana'o Ho'opi'i Ka'ina Kânāwai***, koe kēia mau mea nei:

1. pono ka 'Oihana e ho'onohonoho i ka hālāwai ho'olohe mana'o ka'ina kânāwai i hō'eleu 'ia a pono e mālama 'ia i loko o **20** lā kula mai ka lā mai i waiho 'ia ai ka noi i hālāwai ho'olohe mana'o a pono e ho'opuka 'ia kekahi mana'o ho'oholo i loko o **10** lā kula ma hope o ka pau 'ana o ka hālāwai ho'olohe mana'o.
2. pono e mālama 'ia he hālāwai ho'onā i loko o **7** lā 'alemanaka mai ka lā i loa'a ai ka leka ho'omaopopo no ka ho'opi'i ka'ina kânāwai, koe ke 'aelike 'oe a me ka 'Oihana ma ke kākau 'ana e kāpae i ka hālāwai a i 'ole inā 'aelike 'ia e komo i ka 'uao 'ana. Hiki ke mālama 'ia ka hālāwai koe ke ho'onā 'ia e like me ka makemake o nā 'ao'ao 'elua i loko o **15** lā 'alemanaka mai ka lā i loa'a ai ka ho'opi'i ka'ina kânāwai.
3. hiki ke emi mai ka palena manawa no ka hō'ike'ike 'ana i nā hō'ike a me nā loilo i nā lā hana he 5 lā a pono e ho'opa'a 'ia e ka luna ho'omalua hālāwai ho'olohe mana'o ma ka hālāwai kūkā ma mua o ka mālama 'ana i ka hālāwai ho'olohe mana'o.

Hiki iā 'oe a i 'ole ka 'Oihana ke ho'opi'i kūrē i ka mana'o i ho'oholo 'ia ma kekahi ka ho'olohe mana'o ka'ina kânāwai i hō'eleu 'ia e like me ka hana no ka ho'oholo 'ana ma nā 'ano 'ē a'e o ka hālāwai ho'olohe mana'o ka'ina kânāwai (e nānā i ke po'omana'o, 'o ***Ka Ho'opi'i Kūrē 'ana***).

#### **KAHI O KA HAUMĀNA I KA WĀ O KA HO'OPI'I KŪ'Ē 'ANA**

##### **34 CFR §300.533**

*HAR §8-60-78*

Ke waiho 'oe a i 'ole ka 'Oihana i ka ho'opi'i ka'ina kânāwai e pili ana i nā nīnau no ka ho'opa'i 'ana, e like me ia i ho'ākāka 'ia ma luna nei, pono kāu keiki (koe ke 'aelike 'oe a me ka 'Oihana i kekahi mana'o 'oko'a) e ho'omau ma kahi ho'ona'auao 'oko'a no ka manawa ā hiki ka ho'opuka 'ana mai o ka luna ho'omalua hālāwai ho'olohe mana'o i kona mana'o ho'oholo a i 'ole ā hiki i ka pau 'ana o ke kōā manawa no ka wehe 'ana, e like me ia i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o ***Ka Mana o nā Limahana Kula*** (e ho'okō 'ia ka mea mua o ia mau koho i 'ike 'ia).

#### **NĀ PALEKANA NO NĀ HAUMĀNA I KŪPONO 'OLE NA'E IĀ LĀKOU KA HO'ONA'AUAO KŪIKAWĀ A ME NĀ LAWELawe I PILI**

##### **34 CFR §300.534**

*HAR §8-60-79*

#### **Nā mana'o laulā**

Inā 'a'ole i ho'oholo 'ia ua kūpono i kāu keiki ka ho'ona'auao kūikawā a me nā lawelawe i pili a 'a'e 'o ia i kekahi lula no nā hana a nā haumāna, akā, ua maopopo ka 'Oihana (e like me ia i ho'ākāka 'ia ma lalo nei) ma mua o ka hana 'ia 'ana o ka mea i loa'a mai ai ka ho'opa'i he haumāna kāu keiki me kekahi kīnā o ke kino, a laila, hiki ke koi kāu keiki i kekahi o nā palekana i ho'ākāka 'ia ma kēia palapala.

**Ke kumu o ka 'ike no nā nīnau pili i ka ho'opa'i 'ana**

E mana'o 'ia ua maopopo i ka 'Oihana he haumāna kāu keiki me kekahi kīnā o ke kino inā, ma mua o ka hana 'ia 'ana o ka mea i loa'a mai ai ka ho'opa'i 'ana:

1. ua hō'ike 'oe i kou mana'o ma ke kākau 'ana i nā limahana ho'omalua o ke kula o kāu keiki a i 'ole i ke kumu a kāu keiki he pono ka ho'ona'auao kūikawā a me nā lawelawe i pili i kāu keiki;
2. ua noi 'oe e lawelawe 'ia ka loiloi 'ana e ho'omaopopo ai inā ua kūpono i kāu keiki ka ho'ona'auao kūikawā a me nā lawelawe i pili ma lalo o ka Māhele B o ka *IDEA*; **a i 'ole**
3. ua hō'ike ke kumu a kāu keiki a i 'ole kekahi limahana 'ē a'e o ka 'Oihana i kekahi mana'o akāka no ke 'ano o ka hana a kāu keiki i nā limahana ho'omalua o ke kula o kāu keiki a i 'ole i kekahi limahana ho'omalua 'ē o ka 'Oihana.

**Ka ho'okoe 'ana**

'A'ole e mana'o 'ia ua maopopo i ka 'Oihana inā:

1. 'a'ole 'oe i 'ae i ka loiloi 'ana no kāu keiki a i 'ole ua hō'ole 'oe i nā lawelawe ho'ona'auao kūikawā; **a i 'ole**
2. ua loiloi 'ia kāu keiki a ho'oholo 'ia 'a'ole 'o ia he haumāna me ke kino kīnā ma lalo o ka Māhele B o ka *IDEA*.

**Nā kūlana i pili inā 'a'ohe kumu o ka 'ike**

Inā, ma mua o ka ho'opa'i 'ia 'ana o kāu keiki, 'a'ole i maopopo ka 'Oihana he haumāna kāu keiki me ke kino kīnā, e like me ia i ho'ākāka 'ia ma lalo o ke po'omana'o, 'o ***Ke kumu o ka 'ike no nā nīnau pili i ka ho'opa'i 'ana*** a me ***Ka ho'okoe 'ana***, a laila, hiki ke ho'opa'i 'ia kāu keiki e like me ia e pili ana i nā haumāna 'a'ohe o lākou kino kīnā e komo ana i nā hana i like.

Akā na'e, inā noi 'ia he loiloi 'ana no kāu keiki i loko o ke kōā manawa e ho'opa'i 'ia ana kāu keiki, a laila, pono e mālama 'ia me ka hō'eleu pū.

Ā hiki i ka pau 'ana o ka loiloi 'ana, ho'omau kāu keiki ma kahi ho'ona'auao i ho'okomo 'ia ai 'o ia i ho'oholo 'ia e nā luna o ke kula a hiki nō ho'i ke ho'opa'i 'ia ma ka wehe 'ana mai ke kula aku no ka manawa a i 'ole no ka wā ho'omau me ka 'ole o nā lawelawe ho'ona'auao.

Inā ho'oikaika kāu keiki i kona makemake e lilo he haumāna me ke kino kīnā, ma ka nānā 'ana i ka 'ike i loa'a ma ka loiloi 'ana i lawelawe 'ia e ka 'Oihana a me ka 'ike nō ho'i āu i hā'awi ai, a laila, pono ka 'Oihana e ho'olako i ka ho'ona'auao kūikawā a me nā lawelawe i pili e like me ia ma ka Māhele B o ka *IDEA*, me nā koi pū no ka ho'opa'i 'ana i ho'ākāka 'ia ma luna nei.

**KA HO'OILI 'ANA I KEKAHI HIHIA I KA 'OIHANA MĀKA'I A ME KA 'OIHANA HO'OKOLOKOLO A ME KĀ LĀKOU HANA**

**34 CFR §300.535**

*HAR §8-60-80*

'A'ole komo i loko o ka Māhele B o ka *IDEA* kēia mau mea nei:

1. ālai 'ia kekahi ke'ena ma ka hō'ike 'ana no kekahi kalaima i hana 'ia e kekahi haumāna me ke kino kīnā i nā 'oihana kūpono; **a i 'ole**

2. ālai i ka 'oihana māka'i a me ka 'oihana ho'okolokolo i ka ho'okō 'ana i ko lākou mau kuleana e pili ana i ka ho'okō 'ana i nā kānāwai Pekelala a me ka Moku'āina no nā kalaima i hana 'ia e nā kānaka me ke kino kīnā.

**Ka ho'ouna 'ana i nā mo'olelo**

Inā hō'ike ka 'Oihana i kekahi kalaima i hana 'ia e kekahi haumāna me ke kino kīnā, a laila, e hana ia i kēia mau mea:

1. ho'ouna i nā kope o nā mo'olelo no ka ho'ona'auao kūikawā o ka haumāna me nā mo'olelo ho'opa'i pū i hiki i nā luna o ka 'oihana i ho'ouna 'ia ai ia mau mo'olelo ke nānā; a
2. hiki ke ho'ouna i nā kope o ka ho'ona'auao kūikawā o ka haumāna me nā mo'olelo ho'opa'i pū e like wale nō me ka mea i 'ae 'ia ma ka *FERPA*.

## NĀ KOI NO KA HO'OKOMO 'ANA O KA MĀKUA I KA HAUMĀNA MA KE KULA UKU I UKU 'IA NA KA LEHULEHU

### NĀ MANA'O LAULĀ

#### 34 CFR §300.148

#### HAR §8-60-27

'A'ole i koi 'ia ma ka Māhele B o ka *IDEA* e uku ka 'Oihana no ke kumu kāki no ka ho'ona'auao 'ana, a pēia pū no ka ho'ona'auao kūikawā a me na lawelawe i pili, no kāu keiki me ke kino kīnā ma kekahi kula a wahi uku paha inā ua ho'olako ka 'Oihana i ka *FAPE* i kāu keiki a nāu i koho e ho'okomo i ka haumāna ma kekahi kula a wahi uku paha. Akā na'e, pono ka 'Oihana e ho'okomo i kāu keiki i loko o ka pū'ulu o ka po'e i lawelawe 'ia ma lalo o nā māhele o ka Māhele B no nā haumāna i ho'okomo 'ia e ko lākou mau mākua i loko o kekahi kula uku e like me ia ma lalo o ke 34 *CFR* §§300.131 ā hiki i ka 300.144 a me ka *HAR* §§8-60-21 ā hiki i ka 8-60-27.

#### **Ka ho'ihō'i 'ia 'ana o kāu kālā no ka ho'okomo 'ana i ka haumāna i loko o ke kula uku**

Inā ua ho'olako mua 'ia kāu keiki i ka ho'ona'auao kūikawā a me nā lawelawe i pili ma lalo o ka mana o ka 'Oihana a nāu i koho e kākau inoa 'ia kāu keiki ma kekahi kula kamali'i, kula ha'aha'a a kula ki'eki'e uku paha me ka 'ae 'ole 'ana a i 'ole ka mana'o kōkua o ka 'Oihana, hiki i ka 'aha ho'okolokolo a i 'ole ka luna ho'omalua hālāwai ho'olohe mana'o ke koi i ka 'Oihana e ho'ihō'i i kāu kālā no ke kumu kāki no ia kākau inoa 'ana inā ho'oholo ka 'aha ho'okolokolo a i 'ole ka luna ho'omalua hālāwai ho'olohe mana'o 'a'ole i ho'olako ka 'Oihana i ka *FAPE* i kāu keiki me ka 'āwīwī i hiki ma mua o ia kākau inoa 'ana a he kūpono ka ho'okomo 'ia 'ana o ia haumāna ma ia kula uku. Hiki ke ho'oholo ka luna ho'omalua hālāwai ho'olohe mana'o a 'aha ho'okolokolo paha ua kūpono kou ho'okomo 'ana i kāu keiki ma ia kula, me ke kō 'ole nō ho' i o nā ana ho'ohālike o ka Moku'āina e pili ana i ka ho'ona'auao 'ana i ho'olako 'ia e ka 'Oihana.

No kekahi haumāna e ho'omau ana ma kekahi kula uku, 'a'ole e ho'oholo 'ia no ke kūpono o ka ho'okomo 'ia 'ana o ia haumāna ma ia kula koe ke 'ae ia kula uku i ka 'Oihana e ho'okō i kona kuleana e hō'oa i ka ho'olako 'ia 'ana o ka *FAPE* no ia haumāna.

Pono e noi 'ia he hālāwai ho'olohe mana'o no ka ho'ihō'i 'ia 'ana o ke kālā no nā kumu kāki no ka ho'okomo 'ia 'ana ma ke kula uku, me ka ho'ona'auao kūikawā a me nā lawelawe i pili pū kekahi, i loko o 180 lā mai ka wā mai i kākau inoa 'ia ai ma ia kula uku a wahi uku paha. (E nānā i kekahi mau mana'o hou a'e ma lalo o ke po'omana'o, 'o ***Ka Palena Manawa no ka Noi 'ana i ka Ho'ihō'i 'ia 'ana o ke Kālā no ka Ho'okomo 'ana o ka Makua i ka Haumāna ma ke Kula Uku.***)

#### **Ke kaupalena 'ana no ka ho'ihō'i 'ia 'ana o ke kālā**

Hiki ke ho'ēmi a hō'ole 'ia paha ke kumu kāki no ka ho'ihō'i 'ia 'ana o ke kālā e like me ia i ho'ākāka 'ia ma ka paukū ma luna nei:

1. Inā: (a) ma ka hālāwai *IEP* hope āu i hele ai ma mua o kou wehe 'ana i kāu keiki mai ke kula aupuni aku, 'a'ole 'oe i ho'omaopopo i ka pū'ulu *IEP* e hō'ole ana 'oe i ka ho'okomo 'ana a ka 'Oihana no ka ho'olako 'ana i ka *FAPE* i kāu keiki, me ka hō'ike pū aku i kou mau mana'o ku'ihē a me kou 'i'ini e kākau inoa i kāu keiki ma kekahi kula uku me ka uku pū aku o ka lehulehu; a i 'ole (b) i loko o 10 a emi paha lā hana (helu pū 'ia nā lā nui

ma ka lā hana) ma mua o kou wehe 'ana i kāu keiki mai ke kula aupuni aku, 'a'ole 'oe i hā'awi i ka leka ho'omaopopo i ka 'Oihana no ia 'ike;

2. Inā, ma mua o kou wehe 'ana i kāu keiki mai ke kula aupuni aku, ua ho'ouna ka 'Oihana i kekahi leka ho'omaopopo iā 'oe ma mua no kona 'i'ini e loiloi i kāu keiki (me kekahi māmalalo'olelo pū kekahi no ke kumu o ia loiloi 'ana i kūpono a makepono ho'i), akā, 'a'ole 'oe i lawe aku i ka haumāna no ka loiloi 'ana; **a i 'ole**
3. ma ka ho'oholo 'ana o ka 'aha ho'okolokolo ua kūpono 'ole kāu hana.

Akā ho'i, pili mai kēia mau mana'o no ka ho'ihoi 'ana i kāu kālā:

1. 'a'ole hiki ke ho'ēmi a hō'ole 'ia no ka ho'okō 'ole 'ana i ka ho'olako 'ana inā: (a) na ke kula i ālai iā 'oe ma ka ho'ouna 'ana i ka leka ho'omaopopo; (b) 'a'ole i loa'a iā 'oe ka leka ho'omaopopo no kou kuleana e ho'olako i ka leka ho'omaopopo i ho'ākāka 'ia ma luna nei; a i 'ole (c) 'o ka hopena o ka ho'okō 'ana i nā koi o luna nei, 'o ia ka 'eha 'ana o kāu keiki; **a**
2. 'a'ole paha e ho'ēmi a hō'ole 'ia paha, e like me ka ho'oholo 'ana o ka 'aha ho'okolokolo, no kou ho'olako 'ole 'ana i ka leka ho'omaopopo i koi 'ia inā: (a) 'a'ole 'oe 'ike i ke kākau a me ka heluhelu a 'a'ole hiki iā 'oe ke kākau ma ka 'ōlelo Pelekānia; a i 'ole (b) 'o ka hopena o ka ho'okō 'ana i ke koi ma luna nei, 'o ia ka 'eha'eha o ka na'au o kāu keiki.

**KA HO'OILI 'ANA I NĀ KULEANA****KA HO'OILI 'IA 'ANA O NĀ KULEANA MAKUA I KA MAKAHIKI PIHA KANAKA MAKUA****34 CFR §300.520***HAR §8-60-74*

Ā piha i kekahi haumāna me ke kino kīnā 18 makahiki, ili nā kuleana a pau o nā mākuā ma lalo o ka Māhele B o ka *IDEA* a me ka *HAR 8-60* i luna o ka haumāna, koe inā ho'oholo 'ia he na'aupō a i 'ole ua hiki 'ole i ia haumāna ke ho'oholo nona iho ma lalo nā kānāwai Moku'āina. I ka wā e ili ai nā kuleana i ka haumāna kanaka makua, ho'omau ka 'Oihana i ka ho'olako i ka leka ho'omaopopo e like me ia i koi 'ia ma ka *IDEA* a me ka *HAR 8-60* i ka haumāna a me nā mākuā pū.

Ma lalo o ka *Hawai'i Revised Statutes* §§302A-491 ā hiki i ka 302A-498, ho'olako 'ia ka haumāna kanaka makua i 'ekolu (3) koho e ho'oholo ai:

- ka ho'okohu 'ana i 'ākena ma o ka mana loio (i kaupalena 'ia) no ka ho'ona'auao kūikawā e ho'oholo ai no nā mea pili i ka ho'ona'auao 'ana nona iho;
- ka ho'okohu 'ana i 'elele ho'ona'auao no kekahi haumāna kanaka makua i hiki 'ole ke ho'oholo i nā mea pili i ka ho'ona'auao 'ana nona iho; a i 'ole
- ka ho'okohu 'ana i kahu mālama i ho'oholo 'ia e ka 'aha ho'okolokolo no kekahi haumāna kanaka makua i hiki 'ole ke ho'oholo i nā mea pili i ka ho'ona'auao 'ana nona iho.

## HE MAU LAWELAWE KĀKO'O 'Ē A'E

<p>Community Children's Council 4680 Kalaniana'ole Hwy., TB1A Honolulu, HI 96821 Kelepona: (808) 305-0695 Website: <a href="http://www.hawaiipublicschools.org/ParentsAndStudents/SupportForParents/Pages/CCC.aspx">http://www.hawaiipublicschools.org/ParentsAndStudents/SupportForParents/Pages/CCC.aspx</a></p>	<p>Leadership in Disabilities &amp; Achievement of Hawaii 245 N. Kukui St. , Suite 205 Honolulu, HI 96817  Kelepona: (808) 536-9684 Website: <a href="http://www.lidahawaii.org">www.lidahawaii.org</a> E-mail: <a href="mailto:info@ldahawaii.org">info@ldahawaii.org</a></p>
<p>Hawaii Disability Rights Center 1132 Bishop St., Suite 2102 Honolulu, HI 96813 Kelepona: (808) 949-2922 Kāki 'Ole: (800) 882-1057 Website: <a href="http://www.hawaiidisabilityrights.org">www.hawaiidisabilityrights.org</a> E-mail: <a href="mailto:info@hawaiidisabilityrights.org">info@hawaiidisabilityrights.org</a></p>	<p>Legal Aid Society of Hawaii 924 Bethel Street Honolulu, HI 96813  Kelepona: Oahu (808) 536-4302 Toll Free: (800) 499-4302 Website: <a href="http://www.legalaidhawaii.org">www.legalaidhawaii.org</a></p>
<p>Hawaii Families as Allies P.O. Box 1971 Aiea, HI 96701 Kelepona: (808) 682-1511 Website: <a href="http://www.hifamilies.org">www.hifamilies.org</a> E-mail: <a href="mailto:hfaa@hfaa.net">hfaa@hfaa.net</a></p>	<p>Mediation Center of the Pacific 1301 Young Street 2<sup>nd</sup> floor Honolulu, HI 96814  Kelepona: (808) 521-6767 Website: <a href="https://www.mediatehawaii.org">https://www.mediatehawaii.org</a> E-mail: <a href="mailto:mcp@mediatehawaii.org">mcp@mediatehawaii.org</a></p>
<p>Hawaii State Bar Association Alakea Corporate Tower 1100 Alakea Street, Suite 1000 Honolulu, HI 96813  Kelepona: (808) 537-1868 Website: <a href="https://hsba.org">https://hsba.org</a> E-mail: <a href="mailto:webinfo@hsba.org">webinfo@hsba.org</a></p>	<p>Special Parent Information Network 1010 Richards Street, Room 118 Honolulu, HI 96813  Kelepona: (808) 586-8126 Website: <a href="http://www.spinhawaii.org">www.spinhawaii.org</a> E-mail: <a href="mailto:spin@doh.hawaii.gov">spin@doh.hawaii.gov</a></p>

**No ke kōkua ma ka ho'omaopopo 'ana i nā māhele i ho'ākāka 'ia ma kēia palapala nei, a i 'ole inā makemake 'oe i kope o kēia palapala, e 'olu'olu, e kelepona i nā ke'ena o ka 'Oihana Ho'ona'auao ma lalo nei:**

<p>O'AHU:</p> <ul style="list-style-type: none"> <li>• Central (808) 622-6432</li> <li>• Honolulu (808) 733-4977</li> <li>• Leeward (808) 675-0384, -0335</li> <li>• Windward (808) 784-5940</li> </ul> <p>KAUA'I: (808) 274-3504</p> <p>KE'ENA MOKU'ĀINA: (808) 307-3600</p>	<p>HAWAI'I:</p> <ul style="list-style-type: none"> <li>• East (808) 974-4401</li> <li>• West (808) 323-0015</li> <li>• North (808) 775-8895</li> <li>• South (808) 982-4252</li> </ul> <p>MAUI: (808) 873-3520</p> <p>MOLOKA'I / LĀNA'I: (808) 553-1723</p>
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Kahi e nānā ai i ka *Hawai'i Administrative Rules, Title 8, Department of Education, Chapter 60 (Provision of a Free Appropriate Public Education for a Student with a Disability) and Chapter 34, Protection of Educational Rights and Privacy of Students and Parents* ma ka website o ka Board of Education: <http://boe.hawaii.gov>