



SPIN NEWS

The Newsletter for Parents of Children with Special Needs

SPECIAL
PARENT
INFORMATION
NETWORK

December 2013

Volume XXX, No. 2

SPIN is co-sponsored by the Disability & Communication Access Board and the Department of Education. Services include a phone line for information referral and support, a quarterly newsletter, an annual conference and community workshops. SPIN is guided by an Advisory Committee made up of parents, teachers and people with disabilities.

SPIN

919 Ala Moana Blvd., # 101
Honolulu, Hawaii 96814



PHONE
586-8126

Neighbor Islands dial the exchange below, then 6-8126

Kauai - 274-3141

Hawai'i - 974-4000

Maui - 984-2400

Molokai - 1-800-468-4644

Lanai - 1-800-468-4644



FAX
586-8129



E-MAIL
spin@doh.hawaii.gov



WEB
www.spinhawaii.org

9th Circuit Court Decisions Clarify Special Education Rights

This summer, judges in the 9th Circuit Court of Appeals handed down two important decisions --*Doug C. v. Hawaii* and *E.R.K. v. Hawaii*--that shed light on how Hawaii schools should be providing special education services to students with disabilities.

To explain the impact of court rulings such as these, it's helpful to have a little background information.

The Individuals with Disabilities Education Act (IDEA) is the law first passed by Congress in 1975 that requires all public schools to provide a free and appropriate public education to eligible students with disabilities. IDEA regulations are the rules developed by the U.S. Department of Education that attempt to clear up any confusion about how the law is to be implemented. Even so, parents and school personnel may sometimes have different interpretations of what the law says or how it should be carried out.

IDEA builds in the protection of due process, including the right to a due process hearing. Here a hearing officer makes a decision on whether the evidence presented proves that a student's or parent's rights under IDEA were violated.



Often, a greater understanding of IDEA is gained through the courts--where state or federal law judges hear appeals of due process decisions and offer their own *legal interpretations*. The higher the Court, the more weight

is given to its findings.

At the top, of course, is the Supreme Court, which has handed down a number of decisions on special education that impact how services are delivered. Feeding the Supreme Court is the U.S. Court of Appeals. Its 9th Circuit provides rulings for nine states, including Hawaii, plus Pacific territories.

On page two we will describe how the 9th Circuit's interpretations are changing practice in Hawaii.

WHAT'S INSIDE

Court Decisions (cont.)	2
Fracture Clinic	3
Best Buddies	3
Kindergarten Changes	4
Coffee Talks	4
Big Mac 2014	5
Haupoa Research	5
SPIN Conference Grid	6
Friends in Focus	7
Calendar of Events	8

Printing and mailing costs of the SPIN News generously donated by

AlternateEnergy

Renewable Energy For Your Future

www.AlternateEnergyHawaii.com



2013 9th Circuit Court Decisions Impacting Services in Hawaii

(continued from page 1)

The Case	 E.R.K. v. Hawaii DOE	 Doug C. v. Hawaii DOE
The Plaintiffs (who filed the appeal)	Four students representing all students in Hawaii who were entitled to services under IDEA but were denied special education after the last day of the school year in which they turned 20.	The father of a special education student who was attending a private school at public expense.
The main issue(s)	Equal access to public education	Parental participation in the IEP process
Background Information	IDEA covers students from 3 through 21 but allows states to set a lower age limit under certain circumstances. When IDEA was passed in 1975 there was already a set age limit for special education in Hawaii of 3-20 set by the Silva Consent Decree (1973). In 2010 Hawaii also passed Act 163 denying public education to ALL students--disabled or not--who were 20 on the first day of school.	The home school of the student was attempting to set up an IEP meeting prior to the anniversary date. After scheduling and re-scheduling the IEP meeting several times, the special education coordinator held the IEP meeting without the parent who unavailable to attend on that date due to illness. At the meeting, the team changed the student's placement.
The Court's Findings	Act 163 is discriminatory because services for students with disabilities are ended at age 20, but students without disabilities between 20-22 can pursue a high school diploma through the Community School for Adults. If Hawaii provides a "free public education" to non-disabled students in the adult diploma program, it must provide a free appropriate public education (FAPE), including special education and related services, to students with disabilities through age 21.	Parents represent the best interests of their child and provide information critical to developing a comprehensive IEP. Their participation must take precedence over meeting the IEP anniversary timeline. The school's efforts to include the parent were not sufficient and resulted in a denial of FAPE. A second IEP meeting held after the fact did not make up for denying the parent the opportunity to be part of the creation of the initial IEP.
The Impact of the Ruling	<p>While attorneys are still working on the final remedy, the Court's decision suggests the following:</p> <ul style="list-style-type: none"> • Special education students who have not yet reached age 20 may be able to extend services to their 22nd birthday IF: 1) they have not yet received a high school diploma, and 2) the IEP team determines that additional services are appropriate. • Special education students whose services were terminated because of Act 163 may be eligible for compensatory services. <p>Schools are attempting to reach these students who left school without a diploma after July 2010 (when Act 163 went into effect).</p>	Schools must make every effort to include the parent in the IEP process, <i>unless the parent refuses to participate</i> . When scheduling the IEP meeting, priority must be given to the parent's schedule. If the IEP meeting cannot be scheduled prior to the annual review deadline, the student's services will not automatically lapse, but efforts of both parents and school staff must be made to meet as soon as it is practical to ensure parent participation.
For more information:	http://cdn.ca9.uscourts.gov/datastore/opinions/2013/09/19/12-16063%20web%20corrected.pdf	http://www.wrightslaw.com/law/caselaw/2013/9th.doug.c.v.hawaii.pdf

PEDIATRIC FRACTURE CLINIC



Shriners Hospitals for Children has opened a walk-in Pediatric Fracture Clinic in Honolulu for broken bones and sports injuries. The clinic is part of their Outpatient Clinic and is open from 7:30 a.m. - 9:00 a.m., Mondays through Fridays (excluding holidays). No appointment necessary. Shriners accepts all forms of insurance including no insurance.

Care may include reduction, surgery, casting, post fracture follow-up and rehabilitation as needed. Children and adolescents younger than 18 years who have a documented or suspected fracture, and who do not require immediate intervention (e.g. open fracture) may be eligible for these services.

You can contact Shriners at 941-4466. To watch Leo's Story at the Fracture Clinic, click onto this link. <https://vimeo.com/79740418>.

GREAT NEW WEB SITE



If your child has been diagnosed with an emotional or behavior problem, or you suspect that he or she may have one, check out: www.helpyourkeiki.com. This website was developed locally by the Evidence Based Services (EBS) Committee whose members want to get useful information into the hands of parents and teachers.

The website describes common problems and then directs you to treatments or strategies that work to relieve symptoms of the problem. There are tools that parents can use, and even skills your child can learn to help himself or herself.

The website gets updated regularly with new links and information, so check back often to see what's helping families like yours.

BEST BUDDIES

Best Buddies helps to create opportunities of one-to-one friendships, integrated employment, and leadership development for people with intellectual and developmental disabilities.

In 2007, Michael McCormick was approached by his sister, Maureen McCormick and Anthony Kennedy Shriver to bring the Best Buddies' programs to Hawaii.

In 2008, the first Hawaii chapter on Maui was created and the program now serves over 550 students throughout the State and has transformed the lives of students, families and the community through social change.

An example of Best Buddies' success is Ambassador, Glenn Hiro, a graduate of Kapolei High School on Oahu. Glenn was very shy and like most people with intellectual and developmental disabilities, he did not have many friends outside his immediate family. Glenn was matched in a one-to-one friendship which boosted his confidence and belief in himself.

Glenn began immediately working on his leadership skills and became the Buddy Director for Kapolei High School. In

2011, Glenn became Oahu's Best Buddies Ambassador and travelled to Indiana University to attend a Leadership Conference.

Glenn now works with the Best Buddies Oahu Advisory Board on

helping to empower people with IDD to be leaders in their schools, communities, and workplace.

Best Buddies is also proud to report that Glenn just began his new job at Assaggio Ristorante in Kapolei on July 18, 2013.

For more information on Best Buddies Hawaii, please contact Michael McCormick at (808) 385-6846 or www.bestbuddieshawaii.org



Glenn (center) with his co-workers at Assaggio.

MAKE TIME FOR...



Kindergarten

AGE HAS CHANGED

Starting August 2014, for the Department of Education's School Year 2014-2015, a child must be 5 years old on or before July 31st to be eligible to attend DOE kindergarten. The DOE will not accept a child who is not 5 on or before July 31st. The exception to this new age rule are children who have been found eligible to receive special education and related services. They may be eligible to receive services as early as their third birthday.

Families may consider various settings, such as group child care centers, family-child interaction learning programs, and/or registered family child care for their children.

For those children who will no longer be eligible for Kindergarten, there will be a limited number of child care subsidies from the Department of Human Services through their Preschool Open Doors program and the Child Care Connection Hawaii program. Both programs use a sliding fee scale for families who are eligible. The subsidy amount varies based on the family's gross monthly income, family size, and type and cost of care. Information on these programs can be found at <http://humanservices.hawaii.gov/bessd/child-care-program/ccch-subsidies/>.

To learn more about these changes, referral for services and other financial resources, visit earlylearning.hawaii.gov or call (808)586-0796.



COFFEE TALKS

Networking with other parents, developing relationships, and sharing resources is vital for families living with autism to continue on their journey in a positive, productive, and supportive manner. Talk About Curing Autism (TACA) Hawaii provides a forum for parents of children with autism by holding meetings and Coffee Talks throughout the year.



Coffee Talks provide more intimate settings for families to informally network, share resources and speak with seasoned parents. They are held across Oahu to provide families opportunities that accommodate their busy schedules.

Coffee Talks Windward, Leeward, Manoa, Home School, and Teen & Young Adult will resume in the new year. Coffee Talk - Teen & Young Adult also includes speakers who are relevant and important to parents of individuals with autism. Unless advance arrangements are made, Coffee Talks are only for families living with autism. Providers interested in attending are welcome to contact TACA Hawaii.

All new parents who join TACA Coffee Talks receive a free TACA Autism Journey Guide. Parents and caregivers of individuals with autism and related special needs are welcome to join TACA Hawaii Coffee Talks, Autism Learning Seminars and other family events.

For more information about Coffee Talks, go to www.tacanow.org/hawaii, or contact Kiele at 855-726-7810 or email to Kiele.Pennington@takanow.org.

Please help the Department of Education (DOE) improve educational services for children in our state. Don't forget to complete the DOE parent survey that will be given out at your child's annual Individualized Education Program (IEP) meeting.

For more information, contact Karen Sato at 808-203-5560.



BIG MAC 2014

Is your child with a disability prepared for life after high school? Are you interested in learning about programs and services that could help in this transition process? Then, make your way down to the Sixth Annual Big Mac (Moving Across Community) High School Transition Event that will be held on Thursday, February 13, 2014, at the Velma McWayne Santos Community Center (Wailuku Community Center), 395 Waena Place, Wailuku.

The event is sponsored by the Department of Education-Maui District, Community Children’s Council of Maui, Maui County Department of Parks and Recreation, and the State Council on Developmental Disabilities. It will feature a Disability Resource/Job Fair from 3:00-5:00 p.m. with over 27 agencies showcasing their programs and services. In addition, there will be a Transition Presentation from 5:30 p.m. - 7:00 p.m. with various speakers providing first-hand information about the transition process.

If you require access accommodations, please call Rob Tarver at the Maui Developmental Disabilities Council office at (808) 984-8218, before Tuesday, January 28, 2014.

For more information contact Rob at 984-8218, or email to robert.tarver@doh.hawaii.gov.



HAUPOA NEEDS YOUR HELP

In our September 2013 issue of the SPIN News, we told you about the new Haupo Services being provided in partnership by PACT and the University of Hawaii. If you are a mother of a child between the ages of 3 and 17 years old and if your child has been exposed to any of kind of violence in the home, community, and bullying. Haupo is asking for your help to participate in a research study. This national research project is designed to learn about stopping and preventing violence in Hawaii.



The parent and child will meet with a community researcher three times in 12 months to complete questionnaires that take between 1-2 hours each. For each interview, participants will EACH receive a \$25 gift card.

To schedule an interview or learn more about this project, call Chelsea at (808)206-3724.

SPIN AWARDS

Here’s Your Chance to Honor Those Folks Who Have Been a Big Hit in the Field!



Every year, SPIN singles out some key parents and professionals whose efforts make a positive difference in the lives of children and young adults with disabilities and their families in Hawaii. These outstanding individuals will be honored at our 2014 SPIN Conference, “Hit a Home Run with SPIN!”, on Saturday, April 5, 2014 at the UH Campus Center.

We are asking for your help in identifying candidates for SPIN’s major awards:

- * Parent of the Year
- * Professional of the Year
- * Family Choice Award

To request a nomination form, please call SPIN at 586-8126 or email spin@doh.hawaii.gov. You can also download a form at www.spinhawaii.org. We want to hear about your Most Valuable Players by March 5, 2014.



VENDORS INVITED

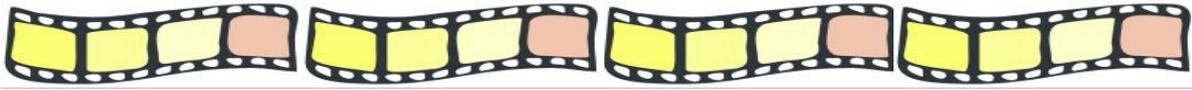
If you are interested in sharing your agency’s program and services for families of children and youth with disabilities, then don’t forget to sign up to man a table display at the 2014 SPIN Conference “Hit a Home Run with SPIN” on Saturday, April 5, 2014. Contact SPIN for more information.



**HAPPY HOLIDAYS!
FROM SPIN**



FRIENDS IN FOCUS



Albert Perez, Vocational Rehabilitation Administrator with Senator Suzanne Chun-Oakland at the VR Recognition Ceremony of Outstanding Employers & Employees with Disabilities



Kaimana McDermott-Sa, Outstanding Rehabilitant from Kauai (middle), with proud parents, Robert and Leona.



Dean Nakagawa and Barbara Yamada, Windward District hosts, welcome Senator Jill Tokuda (center) at the Footsteps to Transition Fair 2013 held at King Middle School on October 26, 2013.

PRANCE ON OVER TO THESE...



2014

3/11-14 **11th Annual Hawaii Conference:
Preventing, Assessing & Treating
Child, Adolescent & Adult Trauma** (Child
Trauma, Prevention/Early Intervention,
Family Trauma and more)
Ala Moana Hotel
For fees and info, call 858-527-1860, x4030,
email ivatconf@alliant.edu or go to
www.IVATCenters.org

4/5 **28th Annual SPIN
Conference
"HIT A HOME RUN
WITH SPIN"**
Limited parent airfare
scholarships available.
Call SPIN for more info.



K.E.L.I.I. - Keiki Education Living Independent Institute

Date: January 18, 2014
Place: Kahumana Farms, 87-660 Lualualei Homestead Road, Waianae
Time: 1:00 p.m. - 5:00 p.m.



A free social event for families of children with special needs. There will be free entertainment, games, face painting, shave ice, cotton candy, free massages and much more!

Families please bring your own food and chairs.

Contact Melodee Haole at 927-5909 or email to haolem002@gmail.com.

30TH ANNIVERSARY OF THE PACIFIC RIM INTERNATIONAL
CONFERENCE ON DISABILITY AND DIVERSITY!

Learn from Yesterday. Live for Today. Envision Tomorrow.

May 19 & 20, 2014: Honolulu, HI
Hawai'i Convention Center

Many Pre and Post Conference Activities and Institutes!
Members and families of the Hawai'i SPIN network —special conference fee —\$200.00
through April 1, 2014



**Pacific
Rim**
Conference

www.pacrim.hawaii.edu

For more information email prinfo@hawaii.edu or call (808) 956-7539