

HAWAII SPECIAL
EDUCATION ADVISORY
COUNCIL (SEAC)



ANNUAL REPORT
2008-2009



Message from the Chair

It is our pleasure to present you with the Special Education Advisory Council (SEAC) Annual Report for School Year 2008-2009.

This year was a critical year for all of us as extensive cuts were made to the Department's budget as well to other state agencies providing services to students with disabilities. We appreciate the assurances that services to students with disabilities will not be negatively impacted in the coming year. However, we continue to be concerned that as further cuts are made, there is the likelihood of more contentious IEP meetings and formal disputes arising from the scarcity of resources at the school level.

Finally, the school year closed out with the long awaited passage of Chapter 60, Hawaii administrative rules for implementing the Individuals with Disabilities Education Act of 2004, and Chapter 61, Hawaii rules impacting students with disabilities entitled to individualized services under the Rehab Act of 1973. We look to working with each of you in gaining a greater understanding of these new rules and striving for consistency in implementation. We believe this is best accomplished when all stakeholders learn from each other and work together.

We hope that you find the information in this report of interest. SEAC welcomes your input as we move into another year of a collaborative working relationship with the Department of Education and the community at large.

Ivalee Sinclair



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VISION

The Council believes in optimizing the educational achievement of every child through a strong public education system that is proactive and supportive of students, families and educators. To that end the Council will use its strength as a broad based constituency group to play an active and influential role in decisions affecting policies, programs and services.

MISSION

The mission of the Council is to guide and assist the Hawaii Department of Education in fulfilling its responsibility to meet the individual needs of children with disabilities.

PURPOSE

The Council shall provide policy guidance with respect to special education and related services for children with disabilities in the State. CFR 300.167

FUNCTIONS OF THE COUNCIL

1. To advise the Department of Education of unmet needs and any other issues or concerns within the state in the education of students with disabilities. CFR 300.169(a)
2. To comment publicly on the rules or regulations proposed by the State regarding the education of children with disabilities. CFR.300.169(b)
3. To advise the Department of Education in developing evaluations and reporting on data to the Secretary of Education, U.S. Department of Education, under Section 618 of the Individuals with Disabilities Education Act. 300.169(c)
4. To advise the Department of Education in developing corrective action plans to address findings identified in the Federal monitoring reports. CFR 300.169(d)
5. To advise the Department of Education in developing and implementing policies relating to the coordination of
services for children with disabilities. CFR 300.169(e)
6. To monitor the implementation of activities and timetable pursuant to consent decrees or court orders regarding the education of children with disabilities.
7. To advise on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons.



RECOMMENDATIONS TO THE SUPERINTENDENT

Under its responsibility to advise you, the Council asks your action on the following recommendations:

ANNUAL PERFORMANCE REPORT (APR) PLANNING

- Provide data for the APR Work Groups at least one week prior to planned discussions; aggregate the data down to the school level 1) to allow greater understanding by the community at large of performance outcomes and 2) to facilitate relevant input and suggestions
- Allow adequate time for the Council to review and comment on the APR draft document prior to submission to the Office of Special Education Programs.

DUE PROCESS

- Pilot the use of an external facilitator to conduct resolution sessions in at least one of the districts with high numbers of due process hearings (Maui, Windward and Honolulu) to test the effectiveness in reaching settlement agreements with impartial facilitators vs. DOE personnel;
- Pilot the addition of a representative from SEAC or an agency providing parent-to-parent assistance on a State team sent to debrief schools that have been involved in due process hearings for two or more years in a row;
- Develop state criteria for private schools who provide special education and related services at public expense, and include access to student records and opportunities for observation of the publicly funded student in these criteria;
- Partner with SEAC and other willing parties to develop and present training to mixed audiences that focuses on special education dispute prevention and early resolution;
- Allow a subgroup of SEAC to review data on settlement agreements and appeals.

SERVICES TO STUDENTS

- Work with SEAC and parent groups for children with Autism Spectrum Disorder to examine and improve the array of services offered in public school settings to ensure the delivery of evidenced based teaching methodologies.



MEMBERSHIP

The membership of the Council represents a broad spectrum of committed individuals who have a stake in the education of children with disabilities. Council members are parents, grandparents, persons with disabilities, educators, advocates, departmental representatives, university professors and community members. A majority of members are individuals with disabilities or parents and grandparents of children with disabilities. All school districts are represented. Members are appointed by the Superintendent and serve a three-year term. A membership roster is included in Appendix A.

COMMITTEES

The Council currently has four topical standing committees plus a Membership Committee to oversee ongoing representation from required stakeholder groups under IDEA.

Transition Committee

This committee was formed at the beginning of the school year in response to a request from the Special Education Section for assistance in meeting critical performance indicators related to secondary transition and graduation and drop out rates. The scope of the Committee was broadened to include all transitions involving students with disabilities (age 3 to20) at the urging of the Superintendent.

Mission. The Transition Committee would like to raise awareness for families and the Department of Education about issues related to the transition process, with the hope that awareness will translate into achievement of smooth transitions. *-or-* The Transition Committee will strive to raise awareness of issues related to the transition process, for families and the DOE, in order to achieve smooth transitions in a manner that does not duplicate existing resources.

Activities of the SY 08-09.

- ☛ gathered data from existing resources related to transition with an initial focus on post secondary transiitons;
- ☛ consulted with the Transition Age Youth (TAY) specialist from the Child & Adolescent Mental Health Division.

Direction for SYY 09-10. Write a “white paper” report on (post-secondary?) transition to:

- ✓ Identify current services
- ✓ Identify gaps and prioritized unmet needs
- ✓ Develop an action plan.



COMMITTEES (cont.)

Due Process Committee

The Due Process Committee was formalized in 2002 to monitor the effect of the transition of responsibility for due process hearings from independent hearing officers to the Administrative Hearings Office of the Department of Commerce and Consumer Affairs. IDEA requires that State Advisory Panels, such as SEAC, be given copies of all due process hearing decisions. The Committee goes beyond mere review to include analysis of dispute resolution options and recommendations for improvement of the overall process.

Mission. The Due Process Committee will review all aspects of dispute resolution in order to make reasonable recommendations to the Department that promote early conflict resolution and, if implemented, may: reduce the number of hearings conducted in Hawai'i, improve school and family relationships, and convert the money and attention currently paid to formal and fixed conflict resolution options into improved learning outcomes for students with disabilities.

Activities of the SY 08-09:

- ☛ Participated in a planning group convened by the Complaints Management Office and facilitated by the Consortium on Appropriate Dispute Resolution in Education (CADRE) to develop targeted actions to reduce the need for formal dispute resolution by prevention and early intervention strategies to reduce parent/school conflicts;
- ☛ Developed a draft brochure for families in partnership with the Complaints Management Office regarding options for dispute resolution;
- ☛ Reviewed all due process hearing decisions and reviewed data related to State complaints for the SY 07-08;
- ☛ Compiled a REPORT ON REVIEW OF SY 07-08 DUE PROCESS HEARINGS that included a review of hearing decisions, complaints, comparisons to Hawaii data from SY 03-04, SY 04-05, SY05-06, and SY06-07 and recommendations based on national trends and best practices

Direction for SY 09-10.

- ✓ Review due process hearing decisions and relevant data related to alternate dispute resolution options such as mediation and written complaints;
- ✓ Gather information related to settlement agreements and appeals;
- ✓ Monitor the impact of Chapter 60 hearing extension restrictions and the 180 day timeline on hearing requests related to reimbursement for private school reimbursement;
- ✓ Participate on a Task Force established by the 09 Legislative Session looking at private school placements of students with disabilities.



Legislative Committee

The Legislative Committee has been active for a number of years monitoring both state and national legislation related to students with disabilities and their families.

Mission. The mission of the Legislative Committee is twofold: 1) provide information and testimony to the Department, the Legislature, the U.S. Congress and the Board of Education regarding legislative issues and administrative rules impacting children with disabilities; and 2) monitor the budget through the legislative process before the Board and then testify before the Board and the Legislature to ensure adequate funds and sources of funds to serve the needs of students with disabilities.

Activities of the SY 08-09:

- ☛ Participated on a work group convened by the Department to draft Guidelines for the proposed Chapter 60 administrative rules;
- ☛ Provided testimony to the Board of Education on proposed revisions to administrative rules including Chapter 12., Chapter 19, Chapter 56/60 and Chapter 53/61;
- ☛ Developed talking points on Chapter 19, Chapter 60 and Chapter 61 to inform the public of SEAC's position on revisions and to encourage more public participation in the public hearing process;;
- ☛ Testified on a number of legislative bills and resolutions regarding: private school placement of students with disabilities at public expense, interagency coordination and training for child & adolescent mental health, parent choice in the education of students with disabilities and a post-Felix accounting of services for children served by the Department of Education and the Department of Health;
- ☛ Met with the Community Children's Council Legislative Coalition and the Child and Adolescent Mental Health Task Force to set legislative priorities;
- ☛ Testified in support of key sections of the Department of Education's budget as they impacted students with disabilities and advocated for a broad base of funding for public education, including the pooling of funds from various sources;
- ☛ Urged the to the Department of Health to reconsider proposed changes to the Hawaii Early Inteervention State Plan that would eliminate many young infants and toddlers at environmental risk from Part C eligibility;

Direction for SYY 09-10.

- √ Monitor the Governor's use and release of stimulus monies and other funds intended for public education.



Personnel Committee

The Personnel Committee is rooted in the belief that the best way to ensure student achievement is to ensure adequate numbers of highly qualified, highly motivated teachers, therapists and support personnel.

Mission. The Personnel Committee will research and analyze factors that both negatively and positively impact the availability of well trained, committed teachers, administrators and support personnel to meet the needs of students with disabilities and make recommendations to maximize support to both educators and students.

Activities of the SY 08-09:

- ☛ Conducted a literature review of evidence based teaching methodologies that support inclusive education, including team teaching.
- ☛ Invited Personnel Specialists from the Recruitment and Employment Section of the Personnel Management Branch to brief the Council on recruitment and retention policies and procedures.

Direction for SY 09-10.

√ Conduct research or gather information from various universities on preservice training for special education teachers.

ADDITIONAL COUNCIL ACTIVITIES FOR SY 08-09:

- ☛ Reviewed the Department's proposed revisions to the Continuous Integrated Monitoring Improvement Process and made recommendations to the Superintendent;
- ☛ Participated in Annual Performance Report Work Group meetings to review data and activities related to the Office of Special Education Program's key indicators;

Direction for SY 09-10

√ Update *A Parent's Guide to Partnership in Special Education* so that parents have a reader-friendly version Chapter 60

√ Participate with the Department in collaborative community training on the new Chapter 60 regulations.

√ Continue to meet quarterly with the Superintendent to update her on Council activities and receive guidance on how the Council can support Department initiatives.



APPENDIX A

SPECIAL EDUCATION ADVISORY COUNCIL 2008-09 MEMBER ROSTER

Ms. Ivalee Sinclair, Chair	Individual with a Disability/CCCO Representative
Mr. Steve Laracuente, Vice Chair	Individual with a Disability/SSC
Ms. Brendelyn Ancheta	Parent - Kauai District
Dr. Paul Ban	Special Education Services Branch
Ms. Sue Brown	Early Intervention Section, DOH
Ms. Deborah Cheeseman	Special Education Teacher – Honolulu District
Ms. Phyllis DeKok	Parent - Hawaii District
Ms. Mary Ellis	Parent - Central District
Ms. Debra Farmer	Special Education Section
Ms. Gabriele Finn	Parent - Windward District
Ms. Martha Guinan	University Representative, Parent - Central District
Mr. Henry Hashimoto	Community Representative
Mr. John Hinkle	Child Welfare Branch, DHS
Ms. Tami Ho	Parent – Windward District
Ms. Barbara Ioli	Parent - Leeward District
Ms. Shanelle Lum	Parent - Leeward District
Ms. Rachel Matsunobu	Parent- Maui District
Ms. June Motokawa	General Education Teacher - HSTA
Ms. Connie Perry	Developmental Disabilities Division
Ms. Barbara Pretty	Windward District Resource Teacher
Ms. Paula Quealy	CAMHD Representative
Ms. Kau'i Rezentes	Parent - Leeward District, Early Intervention
Dr. Patricia Sheehey	University of Hawaii Representative
Mr. August Suehiro	Principal - Olomana School
Ms. Judy Tonda	Homeless Children Representative
Ms. Cari White	Department of Public Safety
Ms. Jasmine Williams	Parent Training and Information Center
Mr. Duane Yee	Private School Representative
Mr. Shawn Yoshimoto	Division of Vocational Rehabilitation, DHS
Ms. Susan Rocco	Staff to SEAC
Ms. Jan Tateishi	Staff to SEAC

Share Your Concerns

Meetings are open and public input is welcome. Up to 30 minutes of each meeting is set aside for individuals to comment on issues related to special education. Comments can be presented in person or mailed to the Council to be read by the Council Chairperson.

Individuals have up to five minutes to present their issue. The individual speaker will be asked to be factual and avoid using names of students or school staff.

If you have something to say to SEAC, here is some basic information :

DATE: 2nd Friday of the month
(except State holidays)

TIME: 9:00 a.m. - noon
(Public Comment Period is
11:30 a.m. - noon)

PLACE: 919 Ala Moana Blvd.
(call ahead for the room)

You may receive an agenda and minutes of our meetings by contacting us, or you may view them electronically on the SPIN website:
<http://www.spinhawaii.org/SAP/sap.html>



SPECIAL EDUCATION ADVISORY COUNCIL (SEAC)

919 Ala Moana Blvd., #101,
Honolulu, Hawaii 96814
(808) 586-8126 (V)(T) or (808) 586-8129/fax
e-mail: spin@doh.hawaii.gov

Other Resources:

Assistive Technology Resource Center
(808) 532-7110 (V)(T) www.atrc.org

Community Children's Council Office (CCCO)
(808) 586-5363, (800) 437-8641 (V)

Complaints Office, Special Ed/504 Compliance (DOE)
(808) 733-4832 (V)

Developmental Disabilities Council
(808) 586-8100 (V) www.hiddc.org

Division of Vocational Rehabilitation (Oahu)
(808) 586-5167 (V)(T) www.hawaii.gov/dvs

Hawaii Disability Rights Center
(808) 949-2922 (V)(T) www.hawaiidisabilityrights.org

Hawaii Families as Allies
(808) 487-8785 (V) www.hfaa.net

Hawaii Services on Deafness
(808) 926-4763 (V)(T) www.hsod.org

Learning Disabilities Association of Hawaii
(808) 536-9684, (800) 533-9684 (V) www.ldahawaii.org

Mediation Center of the Pacific
(808) 521-6767 (V) www.mediatahawaii.org

Special Education Section (DOE)
(808) 733-4400 (V)(T)
<http://doe.k12.hi.us/specialeducation/index.htm>

Special Parent Information Network
(808) 586-8126 (V)(T) www.spinhawaii.org

(V) - voice (T) - TTY/TDD

SPECIAL EDUCATION ADVISORY COUNCIL (SEAC)



*Hawaii's Advisory Body on
Special Education Issues*

Revised February 2007

What is SEAC?

The Individuals with Disabilities Education Act (IDEA) requires that each state establish and maintain an advisory panel for the purpose of advising the State special education staff regarding the education of all eligible children with disabilities. In Hawaii that advisory panel is the **Special Education Advisory Council** or **SEAC**.

Our Vision

The Council believes in optimizing the educational achievement of every child through a strong public education system that is proactive and supportive of students, families and educators. To that end the Council will use its strength as a broad based constituency group to play an active and influential role in decisions affecting policies, programs and services.

Our Mission

The mission of the Council is to guide and assist the Hawaii Department of Education in fulfilling its responsibility to meet the individual needs of children with disabilities.

Functions of the Council

- To advise the Department of Education (DOE) of unmet needs in the education of students with disabilities
- To comment publicly on proposed rules and regulations by the DOE regarding the education of children with disabilities
- To advise the DOE in developing evaluations and reporting on data to the U.S. DOE
- To advise the DOE in developing corrective action plans
- To advise DOE in developing and implementing policies relating to the coordination of services for students with disabilities
- To monitor the implementation of activities and timetables pursuant to consent decrees or court orders
- To advise on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons.

SEAC Membership

SEAC is made up of a diverse group of individuals with expertise on all aspects affecting special education and related issues. Each school district is represented. Our membership includes:

- ✓ parents and grandparents
- ✓ persons with disabilities
- ✓ teachers (from both special and general education)
- ✓ district and state school officials
- ✓ university professors
- ✓ juvenile and adult corrections program administrators
- ✓ folks from the Departments of Health and Human Services
- ✓ community folks
- ✓ private school representatives
- ✓ staff from the Parent, Training & Information Center (AWARE)
- ✓ representatives for children who are in foster care or who are homeless





APPENDIX C

TESTIMONY TO THE BOARD OF EDUCATION

- 1) Testimony to the Special Programs Committee dated 12/8/08 re: Proposed Revisions to Chapter 12
- 2) Testimony to the Full Board dated 4/6/09 re: Proposed Revisions to Chapter 19
- 3) Revised testimony to the Full Board dated 4/6/09 re: Proposed Revisions to Chapter 19
- 4) Testimony to the Full Board dated 4/6/09 re: Proposed Revisions to Chapter 60
- 5) Testimony to the Full Board dated 4/6/09 re: Proposed Revisions to Chapter 61
- 6) Testimony from the Chapter 60 Community Work Group dated 5/26/09 re: final revisions to Chapter 60
- 7) Testimony to the Committee on Budget & Fiscal Accountability dated 5/27/09 re: the Department's Proposed Budget for SY 2009-2011
- 8) Testimony to the Committee on Budget & Fiscal Accountability dated 6/12/09 re: the Governor's Announcement to cut the Department's budget by another 13.8%



APPENDIX D

TESTIMONY TO THE HAWAII LEGISLATURE

(NOTE: Where multiple testimonies were submitted on the same measure, the final testimony was selected to highlight.)

- 1) Testimony to the Senate Committee on Education and Housing dated 2/13/09 re: SB 792 (school bullying)
- 2) Testimony to the Senate Committees on Education and Housing and Human Services dated 2/23/09 re: SB 183 (placing SEAC in state statute)
- 3) Testimony to the Senate Committee on Education and Housing dated 2/23/09 re: SB 759 (flexibility in parent choice)
- 4) Testimony to the Senate Committee on Education and Housing dated 2/23/09 re: HB 87, HD 2 (monitoring of private school placement)
- 5) Testimony to the House Committee on Education dated 3/25/09 re: HB 68 (report on Post Felix services and funding)
- 6) Testimony to the Senate Committee on Ways and Means dated 4/2/09 re: SB 1371, HD 1, SD 1 (funding for early intervention, respite and and Medicaid Waiver)
- 7) Testimony to the House Committee on Finance dated 4/3/09 re: SB 1679, SD2, HD 1 (use of emergency and budget reserve fund)
- 8) Testimony to the House Committee on Education dated 4/3/09 re: HCR 76, HD 1 (asking the governor not to use DOE funds to balance budget)
- 9) Testimony to the House Committee on Education dated 4/23/09 re: SCR 150, SD 1 (private school task force)



APPENDIX E

OTHER CORRESPONDENCE

- 1) Letter to the Superintendent dated 7/10/08 re: the 07-08 Annual Report and REPORT ON REVIEW OF SY 06-07 DUE PROCESS HEARINGS
- 2) Testimony to the Houses Committee on Health Informational Briefing on Adult and Child & Adolescent Mental Health held 8/18/08
- 3) Letter to Governor Lingle dated 4/30/09 re: supporting the DOE budget approved by the Legislature
- 4) Testimony to the Early Intervention Section dated 5/11/09 re: proposed changes to the Hawaii Early Intervention State Plan
- 5) Memo to the Superintendent dated May 29, 2009 re: proposed revisions to CIMIP



Contact Information

Members of the Special Education Advisory Council (SEAC) can be reached at:

Special Education Advisory Council (SEAC)

919 Ala Moana Blvd., Room 101

Honolulu, HI 96814

Phone: (808) 586-8126

Fax: (808) 586-8129

Email: spin@doh.hawaii.gov

SEAC's meeting schedule, agendas, by-laws, minutes and annual reports are available online at: [**http://www.spinhawaii.org/SAP/sap.html**](http://www.spinhawaii.org/SAP/sap.html).
