

# **Special Education Advisory Council ANNUAL REPORT**



**Relating to SEAC Activities  
July 1, 2010 to June 30, 2011**



## Message from the Chair

*It is our pleasure to provide you with the Special Education Advisory Council (SEAC) Annual Report for School Year 2010-2011.*

*I would like to thank our Council members for their dedication and participation in a number of important activities aimed at ensuring that students with disabilities have access to timely and appropriate services in the face of our State's budget shortages. While funds were dedicated to ending school furloughs for public school students this school year, State Departments serving students with disabilities (Education, Health and Human Services, most notably) strained to maintain their basic floor of services in the face of staff shortages, program cuts, reorganization and reduced work time.*

*In the plus column SEAC supported bills to replace the term 'mental retardation' with "intellectual disabilities' in state statutes, ensure monitoring of students with disabilities in private schools at public expense, and enable Rainy Day funds to be spent on needed family support services. Hawaii's plan to reform public education through its Race to the Top proposals also received Washington's stamp of approval, paving the way for meaningful benefit to all students.*



*We hope that you find the information in this report of interest and value. SEAC welcomes your input as we move into another year of partnering with the Department of Education, the newly appointed Board of Education, the Legislature and the community at large.*

*Ivaalee Sinclair*

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## 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. The islands of Hawaii, Kauai, Maui and Oahu are represented. Members are appointed by the Superintendent and serve a three-year term. During the 10-11 School Year, new members were welcomed representing Hawaii’s Parent Training & Information Center, students who are homeless and students in foster care. A membership roster is included in Appendix A.

# Recommendations to the Superintendent



Kathryn Matayoshi

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

## **ANNUAL PERFORMANCE REPORT (APR) PLANNING**

- Provide an orientation for new members of the APR Work Groups and ongoing opportunities for members to develop greater understanding of indicator data collection and analysis.
- Provide data to Indicator Work Group participants at the earliest possible time to support the study of the data in more depth so that stakeholder contributions are more useful to the APR process.
- Disaggregate complex area and district data down to the school level for all indicators to provide a greater awareness of trends within and between complex areas and/or age groups.
- Disaggregate ethnicity data from the broad Office of Special Education Programs (OSEP) categories of “Asian” and “Pacific Islander” into the ten largest ethnicities comprising these categories in Hawaii in order to ensure effective improvement activities.
- Share data with SEAC that substantiates the effectiveness of improvement activities and identifies potential areas needing more attention.
- Allow adequate time for the Council to review and comment on the APR draft document prior to submission to OSEP.

## **CHAPTER 60 TRAINING AND GUIDELINES**

- Include SEAC, parents, and other stakeholders in Departmental trainings on Chapter 60 as both trainers and audience members in order to model partnership and ensure that all stakeholders share a mutual understanding of the regulations.
- Include SEAC in the final drafting of Chapter 60 guidelines in order to make use of the Council’s expertise and ensure that the resulting guidelines are optimally usable by all stakeholder groups.

## **DUE PROCESS**

- Include SEAC and other key stakeholders in improvement activities, including training to mixed audiences that focuses on special education dispute prevention and early resolution.
- Increase utilization of early dispute resolution, such as facilitated IEPs and mediation, through enhanced awareness activities aimed at parents and schools.

# Recommendations (cont.)

## DUE PROCESS (cont.)

- Conduct a survey of stakeholder groups to understand the reasons behind the low utilization of informal dispute resolution options.
- Ensure the adequacy of available hearing officers and legal counsel to meet the demand in order to improve the timeliness and effectiveness of hearings.
- Pursuant to Act 128 and Act 129, ensure that IEP teams are trained in the available options for private school placement without requiring legal action.
- Enlist the support of SEAC in conducting a thorough review of settlement agreements--issues, outcomes, costs, student characteristics and geographic locale; utilize this information to gain a more comprehensive picture of Hawaii's due process efforts and identify prevention and early intervention strategies to 1) preserve the relationship between school and home and 2) avoid legal costs.
- Utilize data (provided to SEAC by the Hawaii Disability Rights Center) on state and federal appeals of due process hearing decisions in order to establish trends, gain a more comprehensive picture of Hawaii's due process efforts, and identify strategies to decrease preventable legal costs.

## LEAST RESTRICTIVE ENVIRONMENT AND INCLUSION

- Increase the number of co-teaching teams to enable more students with special education needs to receive support in the general education classroom.
- Maintain a reasonable size and proportion of students with disabilities to those without disabilities in co-taught classrooms.
- Utilize research based strategies such as those listed below to improve the outcome of co-teaching:
  - ★ provision of adequate time for planning and consultation,
  - ★ equal participation of the regular and special education co-teaching team members in planning, instruction, monitoring and evaluating student progress, and
  - ★ support and leadership by administration.
- Provide a clear definition of inclusion to eliminate confusion in the field and clarify the direction of the Department.
- Expand professional development and training to parents and other key stakeholders on evidence based strategies for inclusive education.

## PARAPROFESSIONAL TUTORS (PPTs)

- Provide the field with a job description of the PPT in order to clear up confusion over their duties.

# Recommendations (cont.)

## PARAPROFESSIONAL TUTORS (cont.)

- Provide a procedure for how services will consistently be provided to students when PPTs are sick or on leave.
- Standardize training for the PPTs in order to ensure comparable services statewide.
- Provide training to teachers on optimal strategies for the supervision of paraprofessionals.

## SECONDARY TRANSITION

- Ensure consistency across complexes and districts in implementing transition planning activities and services for students with disabilities age 14 and older by establishing transition coordinator positions in each complex with adequate training and understanding of the core competencies required of these positions.
- Identify and implement critical supports for students with disabilities to complete new graduation requirements.
- Identify and implement critical supports for students with disabilities to develop a career track whether they are anticipated to receive a certificate of completion or a regular diploma.

## SERVICES TO STUDENTS WITH AUTISM SPECTRUM DISORDERS

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

## 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.

## Committee Reports

### 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. The Committee goes beyond mere review of all due process hearing decisions 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 Hawaii, 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.

# Committee Reports (cont.)

## **Due Process Committee Activities of the SY 10-11.**

- ☑ Briefed the Deputy Superintendent on the findings in SEAC's 2010 Due Process Report;
- ☑ Participated in the Annual Performance Report work group addressing complaints, due process hearings, mediations and resolution sessions;
- ☑ Presented preliminary due process findings for the SY 09-10 to surrogate parents at the Epic Foundation;
- ☑ Provided information to Dr. Jean Johnson for her article on special education due process in Hawaii appearing in the December 2010 issue of the Hawaii Bar Journal; and
- ☑ Reviewed all due process hearing decisions and reviewed data related to State complaints for the SY 09-10.

## **Direction for SY 11-12.**

- Review due process hearing decisions for SY 10-11 and relevant data related to dispute resolution options such as mediation and written complaints.
- Gather information related to settlement agreements.
- Continue to work with the Hawaii Disability Rights Center in documenting information related to appeals.



## **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 as well as addressing Board of Education policies and rules.

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

## **Legislative Committee Activities of the SY 10-11.**

- ☑ Provided testimony to the Board of Education on proposed amendments to Board Policy 2160--Special Education and Related Services--and a draft policy on inclusion;
- ☑ Met with other child and family serving agencies as the Coalition for Children with Special Needs to set joint legislative priorities;



# Committee Reports (cont.)

## Legislative Committee Activities of the SY 10-11 (cont.)

- ☑ Briefed the House and the Senate Chairs of the education committees on SEAC's position on key legislation;
- ☑ Met with the Director of the Department of Education's Budget Branch to learn about priorities for the upcoming biennium budget and provided testimony in support of key components of the budget;
- ☑ Testified on a number of legislative bills regarding:
  - Board of Education member selection,
  - Replacing the term *mental retardation* with *intellectual disabilities* in state statutes,
  - Funding for essential services using Rainy Day monies,
  - Monitoring of private school students, and
  - Accreditation of private schools; and
- ☑ Briefed the Vice Chairman of the newly appointed Board of Education at his request on special education issues.

## Direction for SY 11-12.

- ☛ Monitor the IDEA Fairness Restoration Act and the reauthorization of the No Child Left Behind Act;
- ☛ Monitor legislation and budgets impacting students with disabilities during the 2012 Legislative session;
- ☛ Participate in Chapter 60 training efforts and guidelines review;
- ☛ Provide input to the Board of Education on policy actions impacting students with disabilities;
- ☛ Monitor utilization of Private School Participation Project funds; and
- ☛ Finalize the Private School Placement Task Force recommendations for regulations, procedures and policies to support the implementation of Acts 128 and 129 (2011 Hawaii Legislature).

## 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.

# Committee Reports (cont.)

## **Personnel Committee Activities of the SY 10-11.**

- ☑ Provided representation on the Dyslexia Working Group to contribute SEAC input on training of parents and families, direct services to students with dyslexia and raising public awareness;
- ☑ Raised concerns from the field regarding confusion over the implementation of Chapter 60 and the lack of training on these new regulations;
- ☑ Identified the need for a job description of Paraprofessional Tutors, as well as information regarding their training, supervision and substitute coverage.

## **Direction for SY 11-12.**

- ☛ Continue to participate on the Dyslexia Working Group to provide recommendations to the Department of Education and the 2012 Legislature.
- ☛ Continue to monitor problematic issues related to the use of employee based paraprofessionals.
- ☛ Monitor training and implementation of Response to Intervention.



## **Transition Committee**

This committee was formed 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.

**Mission.** 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.

## **Transition Committee Activities of the SY 10-11.**

- ☑ Developed survey questions for school personnel to help determine the status of transition services across the state;
- ☑ Researched options for distributing the survey in schools;
- ☑ Participated in the transition work groups for the Annual Performance Report.

## **Direction for SY 11-12.**

- ☛ Obtain a memo from the Superintendent to accompany the distribution of the transition survey to secondary schools;
- ☛ Utilize survey results to make specific recommendations regarding the delivery and coordination of transition services to students.

# Additional Council Activities

- ☑ Met monthly with the Deputy Superintendent as “Meeting of the Minds,” a coalition of agencies serving students with disabilities working with the Department to identify unmet needs and opportunities for partnership;
- ☑ Wrote to the Superintendent to urge a speedy and parent-sensitive resolution of contract concerns over enteral feeding of medically fragile students;
- ☑ Assisted in setting up a Parent Focus Group to provide input to WestEd consultants who were contracted to review the delivery of special education services in Hawaii and offer recommendations for consideration by the Superintendent;
- ☑ Offered input to the Office of Special Education Programs (OSEP) monitoring team during their Verification Visit to Hawaii in October;
- ☑ Attended an OSEP technical assistance session on Least Restrictive Environment and the final debriefing of the Verification Visit;
- ☑ Reviewed data and progress on improvement activities and offered suggestions for further improvement as members of Indicator Work Groups at an Annual Performance Report meeting held in December;
- ☑ Received briefings on the Department’s major reform activities and revisions to the Department’s rules regarding discipline--Chapter 19; and
- ☑ Assisted the Star Advertiser with data and contacts for a three-part series on post-Felix special education services.

## Additional Directions for SY 11-12

- ☛ Finalize revisions to the *Parent Guide to Partnership in Special Education* once Chapter 60 guidelines are completed;
- ☛ Provide SEAC representation in each Annual Performance Report Work Group for the 10-11 APR;
- ☛ Track the implementation of Project Po’okela;
- ☛ Track the implementation of Race to the Top reform efforts, including Response to Intervention; and
- ☛ Continue “Meeting of the Minds” discussions with the Deputy Superintendent.



## Contact Information

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

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## Schedule of Meetings for SY 11-12

SEAC Meetings are typically held on the 2nd Friday of each month except June and July. Some adjustments to the meeting dates have been made due to holidays:

August 12, 2011

September 9, 2011

October 14, 2011

November 10, 2011 (Thursday)

December 9, 2011

January 13, 2012

February 10, 2012

March 9, 2012

April 13, 2012

May 11, 2012



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