



SEAC **10-11 Annual Report** **Appendices**

A. Member Roster

B. Testimony to the Board of Education

C. Testimony to the Hawaii Legislature

D. Other Correspondence

E. SEAC Brochure



Appendix A

SPECIAL EDUCATION ADVISORY COUNCIL 2010-11 MEMBER ROSTER

Ms. Ivalee Sinclair, Chair	Individual with a Disability/CCCO Representative
Ms. Barbara Pretty, Vice Chair	Windward District Resource Teacher
Ms. Brendelyn Ancheta	Parent - Kauai District
Ms. Sue Brown	Early Intervention Section, DOH
Ms. Deborah Cheeseman	Special Education Teacher – Honolulu District
Ms. Annette Cooper	Parent - Central District
Ms. Phyllis DeKok	Parent - Hawaii District
Ms. Debra Farmer	Special Education Section
Ms. Gabriele Finn	Parent - Windward District
Dr. David Fray	Developmental Disabilities Division
Ms. Martha Guinan	University Representative, Parent - Central District
Mr. Henry Hashimoto	Community Representative
Dr. Martin Hirsch	CAMHD Representative
Ms. Tami Ho	Parent – Windward District
Ms. Barbara Ioli	Parent - Leeward District
Ms. Deborah Kobayakawa	Parent Training and Information Center
Ms. Bernadette Lane	Child Welfare Branch, DHS
Ms. Shanelle Lum	Parent - Leeward District
Ms. Rachel Matsunobu	Parent- Maui District
Ms. Dale Matsuura	Special Education Teacher - HSTA
Ms. Kristy Nishimura	Office of the Superintendent
Ms. Sue Pyun	Representative of Students Who Are Homeless
Ms. Paula Quealy	CAMHD Alternate
Ms. Kau'i Rezentos	Parent - Leeward District, Early Intervention
Ms. Melissa Rosen	Charter School Representative
Dr. Patricia Sheehey	University of Hawaii Representative
Mr. August Suehiro	Principal - Olomana School
Ms. Cari White	Department of Public Safety
Mr. Duane Yee	Private School Representative
Ms. Carol Young	Division of Vocational Rehabilitation, DHS
Ms. Susan Rocco	Staff to SEAC
Ms. Jan Tateishi	Staff to SEAC



Appendix B

Testimony to the Board of Education

- 1) Testimony to the Full Board dated October 4, 2010 re: Proposed Amendments to Board Policy 2160--Special Education and Related Services
- 2) Testimony to the Committee on Curriculum, Instruction & Student Support dated March 14, 2011 re: Draft Policy on Inclusion



S E A C
Special Education Advisory Council

919 Ala Moana Blvd., Room 101

Honolulu, HI 96814

Phone: 586-8126 Fax: 586-8129

email: spin@doh.hawaii.gov

November 4, 2010

**Special Education
Advisory Council**

Ms. Ivalee Sinclair, *Chair*
Ms. Jasmine Williams, *Vice
Chair*

Ms. Brendelyn Ancheta
Ms. Sue Brown
Ms. Deborah Cheeseman
Ms. Annette Cooper
Ms. Phyllis DeKok
Ms. Mary Ellis
Ms. Debra Farmer
Ms. Gabriele Finn
Dr. David Fray
Ms. Martha Guinan
Mr. Henry Hashimoto
Dr. Martin Hirsch
Ms. Tami Ho
Ms. Barbara Ioli
Ms. Bernadette Lane
Ms. Shanelle Lum
Ms. Rachel Matsunobu
Ms. Dale Matsuura
Ms. Kristy Nishimura, *Liaison
to the Superintendent*
Ms. Barbara Pretty
Ms. Kau'i Rezentes
Ms. Melissa Rosen
Dr. Patricia Sheehy
Mr. August Suehiro
Ms. Cari White
Mr. Duane Yee
Ms. Carol Young

Jan Tateishi, Staff
Susan Rocco, Staff

Mr. Garrett Toguchi, Chair
Board of Education
1390 Miller Street
Honolulu, Hawaii 96813

RE: PROPOSED AMENDMENTS TO BOARD POLICY 2160

Dear Chair Toguchi and Members of the Board,

The Special Education Advisory Council (SEAC) became aware through community input in February of this year of parents' concerns over Honolulu District's plan to replace contracted services for students with autism and other emotional and behavioral disabilities with employee-based paraprofessionals. Since that time we have been working collaboratively with the Board, the Department, and community stakeholders to address these concerns.

SEAC provided our analysis of the issues related to the shift to employee-based services for students with diverse and complex needs in Honolulu District and elsewhere at the March 23, 2010 meeting of the Ad Hoc Committee on Special Programs, along with recommendations to be considered by the Board and the Department regarding this matter. We also offered suggested language for the proposed amendments to Board Policy 2160 at the May 25th Committee meeting. We are appreciative that many of our suggestions are included in the proposed policy amendments for action today. We urge the passage of these amendments as currently proposed.

Thank you for the opportunity to provide input on this important matter. Should you have questions regarding our testimony, please feel free to contact me by phone or email (Ivalee_Sinclair@notes.k12.hi.us).

Respectfully,

Ivalee Sinclair
Chair



S E A C
Special Education Advisory Council
919 Ala Moana Blvd., Room 101
Honolulu, HI 96814
Phone: 586-8126 Fax: 586-8129
email: spin@doh.hawaii.gov

March 14, 2011

**Special Education
Advisory Council**

Ms. Ivalee Sinclair, *Chair*
Ms. Barbara Pretty, *Acting
Vice Chair*

Ms. Brendelyn Ancheta
Ms. Sue Brown
Ms. Deborah Cheeseman
Ms. Annette Cooper
Ms. Phyllis DeKok
Ms. Mary Ellis
Ms. Debra Farmer
Ms. Gabriele Finn
Dr. David Fray
Ms. Martha Guinan
Mr. Henry Hashimoto
Dr. Martin Hirsch
Ms. Tami Ho
Ms. Barbara Ioli
Ms. Deborah Kobayakawa
Ms. Bernadette Lane
Ms. Shanelle Lum
Ms. Rachel Matsunobu
Ms. Dale Matsuura
Ms. Kristy Nishimura
Ms. Barbara Pretty
Ms. Sue Pyun
Ms. Kau'i Rezendes
Ms. Melissa Rosen
Dr. Patricia Sheehey
Mr. August Suehiro
Ms. Cari White
Mr. Duane Yee
Ms. Carol Young

Jan Tateishi, Staff
Susan Rocco, Staff

Leona Rocha-Wilson, Chair
Committee on Curriculum, Instruction & Student Support
Board of Education
P. O. Box 2360
Honolulu, HI 96804

Dear Chair Rocha-Wilson and Members of the Committee,

SEAC appreciates the opportunity to testify on this important policy on inclusive education. As you know, SEAC is a body created under the Individuals with Disabilities Education Act (IDEA) to advise the Department on the unmet needs of students with disabilities and to provide input on administrative rules and policies. IDEA is very clear in its requirement that, to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, be educated with students who are not disabled. §612(a)(5)

A second federal law that impacts the inclusion of students with disabilities is the No Child Left Behind Act of 2001. It holds schools accountable for improved educational outcomes for all students and requires that they have access to teachers with qualifications in core academic subjects. Research has shown that the majority of students with disabilities can experience positive educational, functional and behavioral outcomes in inclusive general education classrooms when they are taught by well-trained teachers and given appropriate supports.

Despite these two federal mandates, Hawaii ranks far behind the national norm in serving students with disabilities in regular education classrooms. In our latest Annual Performance Report for school year 2009-10 28% of children with IEPs aged 6 through 21 were served inside the regular class 80% or more of the day compared to the national average of 50%. The federal Office of Special Education Programs that monitors Hawaii's performance on this indicator has observed that two factors may result in low numbers of students having access to the regular education classroom--a lack of supports and



Testimony on Proposed Inclusion Policy
Page 2
March 14, 2011

services available in the regular education classroom and inappropriate procedures in making placement determinations.

SEAC concurs that an updated policy on inclusion is needed to bring about more effective practices in providing access to and maintaining students with disabilities in the regular education environment. This policy will strengthen current reform efforts by the Department, including Response to Intervention, positive behavioral supports and co-teaching.

Attached are SEAC's recommendations for your consideration. SEAC believes that adding these recommended changes to your draft policy will support the intent of this policy and lead to improved student outcomes. We are eager to assist the Board and the Department in its efforts to expand and improve inclusive practices for students with disabilities and those at risk.

If you have any questions, I would be happy to answer them.

Respectfully,

Ivalee Sinclair
Chair

SEAC Recommendations to the Committee's Draft Inclusion Policy

March 14, 2011

Add an Overarching Philosophy Statement

SEAC believes it is important to retain the initial statement from the 1995 inclusion policy: *The Board of Education believes that all students can and want to learn.* It provides the impetus for improving supports to students with disabilities through access to inclusive environments.

Add a Definition of Inclusion

SEAC has observed that there is considerable confusion in the field over what is meant by the term *inclusion*, as it is not defined in IDEA or Chapter 60. Having a common definition would help to clarify the direction of the Board and the Department. We offer the following definition for deliberation:

Inclusion is the expressed commitment to educate each student, to the maximum extent appropriate, in the school and classroom he or she would otherwise attend if not disabled. It involves bringing the support services to the student (rather than moving the student to the services), so that the student with a disability can learn in an environment with typically developing peers. Learning is not just the academics that occur in a classroom, but also the interaction, both academically and socially that occurs in the classroom.

Provide a Statement Regarding the Continuum of Placements

SEAC believes that it is important to state in the policy that “after a student’s strengths and needs have been identified and goals and objectives have been determined to meet these unique needs, the first placement option considered by the IEP team is the regular classroom in the school the student would attend if not disabled.” For some students with disabilities, the regular classroom may not be the appropriate placement, even with the provision of supplementary aids and services. For these students, the placement team must have a full continuum of alternative placements to consider in order to select the least restrictive environment for the student.

Provide a Statement Regarding Consideration of the Needs of Other Students

A number of court decisions have set parameters for determining whether placement in the regular classroom is appropriate for a particular student, including the impact on other students. When a child’s behaviors are disruptive to other students and impede learning, the IEP team must consider strategies, including positive behavior interventions, strategies and supports, to address those behaviors. Supplementary aids and services to accommodate the student’s need for additional support should be considered prior to the removal of the student.

SEAC Recommendations to the Committee's Draft Inclusion Policy (cont.)

Add to the List of Inclusive Elements/Practices

SEAC appreciates that your draft inclusion policy includes a number of elements that help to ensure the successful inclusion of students with disabilities. Additional inclusive practices include:

- Providing early intervening supports and strategies to support students at risk of school failure due to academic or behavioral challenges;
- Giving IEP teams the authority and resources necessary to discuss the full range of supports (i.e. behavioral supports, class size, accommodations, staff support, etc.) necessary to maintain a student in the least restrictive setting;
- Making IEP team placement decisions based on student needs rather than on the perceived availability or lack of availability of financial, personnel or other resources;
- Implementing staffing and funding options that support collaboration and the provision of education in the LRE;
- Including students with disabilities in nonacademic and extracurricular services and activities to the maximum extent appropriate to the needs of the individual student;
- Allowing for flexible learning environments, with flexible curricula and instruction;
- Utilizing multiple teaching/learning approaches like team teaching, co-teaching, peer partners, cooperative learning, etc.; and
- Providing support and training to general education teachers and ensuring adequate staffing ratios so that students can be successful.



Appendix C

Testimony to the Hawaii Legislature

(NOTE: Where multiple testimonies were submitted on the same measure, the final testimony was selected to highlight. Copies of individual testimonies are available upon request).

- 1) Testimony to the House Committee on Education dated January 31, 2011 supporting HB 338 – RELATING TO EDUCATION (creation of a Board of Education Selection Advisory Council to forward nominations to the Governor)
- 2) Testimony to the Senate Committee on Ways and Means dated February 3, 2011 supporting **SB 1288** - RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND (amending ACT 191 and extending the lapse date of appropriations)
- 3) Testimony to the House Committee on Education dated February 7, 2011 supporting SB 8, SD1 – RELATING TO EDUCATION (implementing legislation for the appointment of Board of Education members by the Governor)
- 4) Testimony to the Senate Committee on Education dated February 14, 2011 supporting SB 1503, SD1 - RELATING TO SPECIAL EDUCATION (providing requirements for schools and programs that accept students with disabilities at the Department of Education’s expense to hold or seek accreditation)
- 5) Testimony to the Senate Committee on Judiciary and Labor dated March 1, 2011 supporting SB 962 – RELATING TO CHANGING REFERENCES IN THE HAWAII REVISED STATUTES FROM ‘MENTAL RETARDATION’ TO ‘INTELLECTUAL DISABILITY’
- 6) Testimony to the House Committee on Education dated February 9, 2011 supporting the intent of HB 1562 – RELATING TO SPECIAL EDUCATION (with respect to adding new definitions for ‘related services’ and ‘student with a disability’ to Section 302A-101 of the Hawaii Revised Statute)
- 7) Testimony to the Senate Committee on Ways and Means dated February 24, 2011 supporting SB 935, SD1 - RELATING TO EMERGENCY AND BUDGET RESERVE FUND (appropriation of moneys from these funds to mainting funding levels of programs for public health, safety, welfare and education)

(continued on the next page)

Appendix C - Testimony to the Hawaii Legislature (cont.)

- 8) Testimony to the Senate Committee on Human Services dated March 22, 2011 supporting HB 761, HD1 - RELATING TO INTELLECTUAL DISABILITIES (substituting 'intellectual disabilities' for 'mental retardation' in applicable sections of the Hawaii Revised Statutes)
- 9) Testimony to the Senate Committee on Ways and Means dated March 28, 2011 offering positions on portions of HB 200 - RELATING TO THE STATE BUDGET (supporting additional funds for furlough restoration, contracted nursing services for students with disabilities, HCBS Medicaid Waiver Program and early intervention services)
- 10) Memorandum to Representatives Marcus Oshiro and Marilyn Lee, Chair and Vice Chair of the House Committee on Finance dated April 12, 2011 supporting the language of SB 1284, SD2, HD1 - RELATING TO EDUCATION (authorization for the Department of Education to monitor students with disabilities who are placed at private schools or placements at the Department's expense)



Appendix E

Other Correspondence

- 1) Letter to the Superintendent dated August 13, 2010 re: SEAC's Annual Report for SY 09-10
- 2) Letter to the Superintendent dated August 13, 2010 re: public concern over contract issues related to providing enteral feedings to students who are medically fragile
- 3) Letter to Debra Jennings dated September 29, 2010 requesting a meeting with the Verification Visit team in October, 2010
- 4) Letter to the Superintendent dated October 14, 2010 re: SEAC's SY 08-09 Due Process Report
- 5) Letter to Melody Musgrove, Director of OSEP, dated May 15, 2011 re: clarification on the use of the SAP/SICC Survey during an OSEP Verification Visit
- 6) SEAC Reponse dated May 23, 2011 to Written Testimony by Parent #1 at the April 8th SEAC Meeting
- 7) SEAC Email Response dated June 3, 2011 to Oral Testimony by Parent #2 at the April 8th SEAC Meeting



S E A C
Special Education Advisory Council
919 Ala Moana Blvd., Room 101
Honolulu, HI 96814
Phone: 586-8126 Fax: 586-8129
email: spin@doh.hawaii.gov

August 13, 2010

Advisory Council

Ms. Ivalee Sinclair, *Chair*
Ms. Jasmine Williams, *Vice Chair*

Ms. Brendelyn Ancheta
Ms. Sue Brown
Ms. Deborah Cheeseman
Ms. Annette Cooper
Ms. Phyllis DeKok
Ms. Mary Ellis
Ms. Debra Farmer
Ms. Gabriele Finn
Ms. Martha Guinan
Mr. Henry Hashimoto
Mr. John Hinkle
Dr. Martin Hirsch
Ms. Tami Ho
Ms. Barbara Ioli
Ms. Shanelle Lum
Ms. Rachel Matsunobu
Ms. Dale Matsuura
Ms. Kristy Nishimura
Ms. Barbara Pretty
Ms. Connie Perry
Ms. Kau'i Rezentes
Ms. Melissa Rosen
Dr. Patricia Sheehey
Mr. August Suehiro
Ms. Judy Tonda
Ms. Cari White
Mr. Duane Yee
Ms. Carol Young

Jan Tateishi, Staff
Susan Rocco, Staff

Kathryn Matayoshi
Interim Superintendent
Department of Education
P. O. Box 2360
Honolulu, HI 96804

Dear Mrs. Matayoshi:

The Special Education Advisory Council (SEAC) is pleased to provide you with our Annual Report for School Year 09-10. Our Council has been very honored to be active partners in addressing the critical issues the Department has faced in light of the extensive budget cuts.

The Annual Report summarizes the activities of our standing committees and other Council commitments, including participation in the Annual Performance Report planning process and support of various legislative initiatives. We have endeavored to provide you with useful information as you make your decisions regarding services to students with disabilities and their school communities, and we would very much appreciate your feedback on our recommendations.

During the last three or four years of Pat Hamamoto's leadership, SEAC was honored to participate in quarterly meetings where we were able to apprise her of concerns and issues facing students with disabilities and their families and receive direction on how SEAC could support the Department's initiatives. We are hopeful that you might be open to reinstating these meetings between you, our Council committee chairs and myself.

We thank you for your leadership in reforming the Department to better serve students and look forward to working collaboratively with you on educational reforms, training on Chapters 60, and any unforeseen issues which affect our targeted population. We stand ready to assist you in any way we can.

Sincerely,

Ivalee Sinclair, Chair

cc: Ronn Nozoe, Acting Deputy Superintendent
Dan Hamada, Assistant Superintendent, OCISS
attachments



S E A C
Special Education Advisory Council
919 Ala Moana Blvd., Room 101
Honolulu, HI 96814
Phone: 586-8126 Fax: 586-8129
email: spin@doh.hawaii.gov

August 13, 2010

Advisory Council

Ms. Ivalee Sinclair, *Chair*
Ms. Jasmine Williams, *Vice
Chair*

Ms. Brendelyn Ancheta
Ms. Sue Brown
Ms. Deborah Cheeseman
Ms. Annette Cooper
Ms. Phyllis DeKok
Ms. Mary Ellis
Ms. Debra Farmer
Ms. Gabriele Finn
Ms. Martha Guinan
Mr. Henry Hashimoto
Mr. John Hinkle
Dr. Martin Hirsch
Ms. Tami Ho
Ms. Barbara Ioli
Ms. Shanelle Lum
Ms. Rachel Matsunobu
Ms. Dale Matsuura
Ms. Kristy Nishimura
Ms. Barbara Pretty
Ms. Connie Perry
Ms. Kau'i Rezentes
Ms. Melissa Rosen
Dr. Patricia Sheehey
Mr. August Suehiro
Ms. Judy Tonda
Ms. Cari White
Mr. Duane Yee
Ms. Carol Young

Jan Tateishi, Staff
Susan Rocco, Staff

Kathryn Matayoshi
Interim Superintendent
Department of Education
P. O. Box 2360
Honolulu, HI 96804

Dear Mrs. Matayoshi:

At our Special Education Advisory Council meeting today, a concern was expressed in our public comment period that generated this response from the Council. As you know, our mandate under the Individuals with Disabilities Education Act is to assist the Department in addressing the unmet needs of students with disabilities.

The current concern centers around the Department's newly implemented contract with Nursefinders to provide assistance with medical directives for public school students who have need of nursing intervention during the school day. This contract was developed to address a void in nursing support left by the departure of Public Health Nursing. In planning for the transition from PHNs to contracted support, both Nursefinders and the Department were alerted to a potential liability issue related to the home preparation of formulas for gastrostomy feedings at school and encouraged to provide timely communications to families of any anticipated changes affecting these students in order to ensure a smooth transition.

Currently there are about 145 students statewide who receive their daily nutrition through gastrostomy tube feedings. Unfortunately, their parents were not included in the transition planning and were given only two days notice prior to the beginning of this school year that the new contractor cannot administer feedings to those students whose parents send home prepared formulas to school. The reason given is that Nursefinders is unable to validate the contents of the homemade premixed formulas. Families have been offered the option of using a manufactured formula or having contract staff mix specialized formulas at school; however, this option may not be in the best interest of individual students whose health and nutrition are vulnerable to



Kathryn Matayoshi
Page 2
August 13, 2010

changes in their diet. There are at least nineteen students for whom manufactured formulas are not an option. Restricting family choice also denies all 145 families the right to send a home lunch for their child--a right afforded all other public school families.

In fairness to the contractor SEAC was told that Nursefinders believes it is following appropriate medical and DOE policy in providing greater oversight of formula feedings. However, the result has been families scrambling to make time during the school day to come to school and administer the feedings themselves or to keep their children at home and find caregivers to manage their feedings throughout the day. From SEAC's perspective the current crisis affecting the health and education of these vulnerable students requires an expedited response from the Department who is ultimately responsible for meeting the support needs of these students during the academic day.

SEAC members discussed possible solutions to the problem including the following:

- Offering the contractor a waiver of liability to administer the home prepared formulas;
- Working with the students' physicians to provide detailed directives regarding these feedings to measure school and contract personnel that the formulas are safe and appropriate; and
- Having parents provide detailed labels on the home formula listing all ingredients.

Our staff has also contacted Kristy Nishimura, a regular SEAC member and liaison to your office who was unable to attend today's meeting, and we learned of some promising developments regarding this issue. Kristy and Leolinda Parlin from the Hilopa'a Family to Family Health Information Center have planned a meeting with affected parents this weekend to solicit feedback and share information about possible solutions. In addition, Public Health Nursing is being recruited in the short term to help implement the medical directives for these tube-fed students.

While these developments offer some expectation of short-term relief of the problem, SEAC is concerned that long term solutions also be developed to ensure student safety while still affording parental choice and involvement. Leaving families out of planning efforts for programs, policies and procedures that affect their children may afford some efficiencies of time, but proves costly in the long run due to the extra effort and expense required to repair strained relationships and "fix" programmatic solutions that don't fully meet the needs of students or their families.

SEAC offers its expertise, if needed, in proactive planning efforts. We would also appreciate a timely update of the Department's resolution of this issue.

Sincerely,

Ivalee Sinclair
Chair

cc: Ronn Nozoe, Acting Deputy Superintendent
Dan Hamada, Assistant Superintendent, OCISS
Kristy Nishimura, Special Education Director, Federal Compliance Section

Mandated by the Individuals with Disabilities Education Act



S E A C
Special Education Advisory Council
919 Ala Moana Blvd., Room 101
Honolulu, HI 96814
Phone: 586-8126 Fax: 586-8129
email: spin@doh.hawaii.gov

September 29, 2010

**Special Education
Advisory Council**

Ms. Ivalee Sinclair, *Chair*
Ms. Jasmine Williams, *Vice
Chair*

Ms. Brendelyn Ancheta
Ms. Sue Brown
Ms. Deborah Cheeseman
Ms. Annette Cooper
Ms. Phyllis DeKok
Ms. Mary Ellis
Ms. Debra Farmer
Ms. Gabriele Finn
Dr. David Fray
Ms. Martha Guinan
Mr. Henry Hashimoto
Ms. Tami Ho
Ms. Barbara Ioli
Ms. Shanelle Lum
Ms. Rachel Matsunobu
Ms. Dale Matsuura
Ms. Kristy Nishimura,
Liaison to the Superintendent
Ms. Barbara Pretty
Ms. Paula Quealy
Ms. Connie Perry
Ms. Kau'i Rezentes
Ms. Melissa Rosen
Dr. Patricia Sheehy
Mr. August Suehiro
Ms. Judy Tonda
Ms. Cari White
Ms. Jasmine Williams
Mr. Duane Yee
Ms. Carol Young

Jan Tateishi, Staff
Susan Rocco, Staff

Ms. Debra Jennings
Office of Special Education Programs
Office of Special Education and Rehabilitative Services
U.S. Department of Education
400 Maryland Ave., S.W.
Washington, DC 20202-7100

Dear Ms. Jennings.

The Special Education Advisory Council (SEAC) respectfully requests a meeting with you and your team from the Office of Special Education Programs during your October verification visit to Hawaii. We understand that you will be here the week of October 25th, meeting with the Early Intervention Section on Monday and Tuesday and the State Special Education Section on Wednesday and Thursday. We recognize that your schedule is tight. However, we feel it is incumbent upon us to meet with you regarding Hawaii's educational services to students with disabilities. Our past meetings with you have proven of great value to SEAC and other community stakeholders.

As you know, SEAC has been an avid contributor to the Annual Performance Report process. Additionally, we have undertaken committee work addressing areas of perceived need. Our annual report summarizes these activities and makes recommendations to the Superintendent of Education for consideration and possible action. We would welcome the opportunity to personally share the report with you and answer any questions you may have.

Since your visit to Hawaii was announced, SEAC has heard from a number of other community-based groups who would like an audience with you. We have demonstrated our capacity over the years to bring these groups together, and we would be happy to coordinate representation from key groups in our proposed meeting with you.



Ms. Debra Jennings
Page 2
September 29, 2010

We look forward to hearing from you in the immediate future, so that we can support your efforts. You may contact me through the SEAC office above, my home phone number (808-988-4962) or my email address (Ivalee_Sinclair@notes.k12.hi.us).

Sincerely,

Ivalee Sinclair
Chair

IS:sr

cc: Ms. Alma McPherson
Ms. Deborah Morrow



S E A C
Special Education Advisory Council
919 Ala Moana Blvd., Room 101
Honolulu, HI 96814
Phone: 586-8126 Fax: 586-8129
email: spin@doh.hawaii.gov

October 14, 2010

**Special Education
Advisory Council**

Ms. Ivalee Sinclair, *Chair*
Ms. Jasmine Williams, *Vice
Chair*

Ms. Brendelyn Ancheta
Ms. Sue Brown
Ms. Deborah Cheeseman
Ms. Annette Cooper
Ms. Phyllis DeKok
Ms. Mary Ellis
Ms. Debra Farmer
Ms. Gabriele Finn
Dr. David Fray
Ms. Martha Guinan
Mr. Henry Hashimoto
Ms. Tami Ho
Ms. Barbara Ioli
Ms. Shanelle Lum
Ms. Rachel Matsunobu
Ms. Dale Matsuura
Ms. Kristy Nishimura, *Liaison
to the Superintendent*
Ms. Barbara Pretty
Ms. Paula Quealy
Ms. Connie Perry
Ms. Kau'i Rezentes
Ms. Melissa Rosen
Dr. Patricia Sheehy
Mr. August Suehiro
Ms. Judy Tonda
Ms. Cari White
Ms. Jasmine Williams
Mr. Duane Yee
Ms. Carol Young

Jan Tateishi, Staff
Susan Rocco, Staff

Kathryn Matayoshi
Interim Superintendent
Department of Education
P. O. Box 2360
Honolulu, HI 96804

Dear Mrs. Matayoshi,

The Special Education Advisory Council (SEAC) presents you with our Due Process Committee's "SY 08-09 Due Process Report." The report was presented to the full Council on August 13, 2010.

As you know, the Individuals with Disabilities Education Act has mandated that each State Advisory Panel review all special education due process hearing decisions. IDEA also gives SEAC the responsibility of advising the Department on any unmet needs regarding students with disabilities. The attached report is the sixth in a series of reviews intended to shed light on Hawaii's high rate of due process hearings and to provide you with recommendations that you may find useful in improving Hawaii's special education dispute resolution process.

The Committee's analysis of the SY 08-09 hearing decisions and complaints has identified serious concerns in the following areas:

- excessive costs related to due process,
- underutilization of prevention and early intervention alternatives in resolving conflict,
- gaps in information regarding the overall dispute resolution system, and
- the length of time to reach due process hearing decisions.

To address these concerns, SEAC offers eight recommendations generated from our current analysis and research regarding improved practices in special education dispute resolution.



Kathryn Matayoshi
Page 2
October 14, 2010

SEAC is committed to regular review and analysis of due process hearing decisions and complaints. By working collaboratively with the Department we hope to: 1) reduce the numbers and costs of due process hearings and 2) improve relationships between families, schools and other service providers. SEAC would very much appreciate your response to this report at your convenience. We welcome an opportunity to meet with you should time permit to discuss our recommendations and ways to improve educational outcomes for children and youth with disabilities.

Thank you for your leadership and support of special education and your responsiveness to the Council's recommendations and efforts.

Sincerely,

Ivalee Sinclair
Chair

enclosure

Cc: Ronn Nozoe, Interim Deputy Superintendent
Christina Tydeman, Ph.D., Acting Director, Federal Compliance and Project Management
Office



S E A C
Special Education Advisory Council
919 Ala Moana Blvd., Room 101
Honolulu, HI 96814
Phone: 586-8126 Fax: 586-8129
email: spin@doh.hawaii.gov

May 16, 2011

**Special Education
Advisory Council**

Ms. Ivalee Sinclair, *Chair*
Ms. Barbara Pretty, Acting
Vice Chair

Ms. Brendelyn Ancheta
Ms. Sue Brown
Ms. Deborah Cheeseman
Ms. Annette Cooper
Ms. Phyllis DeKok
Ms. Mary Ellis
Ms. Debra Farmer
Ms. Gabriele Finn
Ms. Martha Guinan
Mr. Henry Hashimoto
Dr. Martin Hirsch
Ms. Tami Ho
Ms. Barbara Ioli
Ms. Deborah Kobayakawa
Ms. Bernadette Lane
Ms. Shanelle Lum
Ms. Rachel Matsunobu
Ms. Dale Matsuura
Ms. Kristy Nishimura
Ms. Connie Perry
Ms. Barbara Pretty
Ms. Kau'i Rezentes
Ms. Melissa Rosen
Dr. Patricia Sheehey
Mr. August Suehiro
Ms. Judy Tonda
Ms. Cari White
Mr. Duane Yee
Ms. Carol Young

Jan Tateishi, Staff
Susan Rocco, Staff

Melody Musgrove, Director
Office of Special Education Programs
Office of Special Education and Rehabilitative Services
U. S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-7100

Dear Ms. Musgrove,

The Special Education Advisory Council (SEAC), Hawaii's State Advisory Panel under the Individuals with Disabilities Education Act, takes seriously our responsibility to advise the Hawaii Department of Education on the unmet needs of our students with disabilities. Our diverse membership includes representation for all islands, and we meet ten times per school year to enhance our knowledge of the Department's initiatives and the SPP/APR process, and to carry out activities in alignment with our functions.

When we learned that OSEP had scheduled a Verification Visit in October of 2010, we sought an opportunity to dialogue with Hawaii's OSEP monitor, Debra Jennings, to share our knowledge and concerns regarding the delivery of special education services. We were informed that the Verification Visit was not a venue for public input; however, we were given ten minutes to give a brief report to Ms. Jennings and her Team Leader, Alma McPherson.

Subsequent to the visit, we discovered links on the Regional Resource and Federal Centers Network website (RRFC Portal) related to verification visits that include a State Advisory Panel survey. A second link is to a PowerPoint presentation by Dwight Thomas and Hillary Tabor entitled "Stakeholder Process: SAP/SICC Survey, PTI Parent Survey." It describes the 2010 Verification Visit stakeholder process as a two-pronged effort—providing a survey to the State Advisory Panel and soliciting general parent input through a survey posted by the Parent Training and Information Center.



Melody Musgrove
May 16, 2011
Page 2

Since SEAC was not given the survey during the Hawaii Verification Visit, we are uncertain of our responsibility at this point. Has the SAP/SICC Survey been used with other states? Is it appropriate for members to complete the survey and submit it to OSEP, so that the stakeholder process outlined by Ms. Tabor and Mr. Thomas is complete?

We appreciate any guidance you can provide.

Respectfully,

Ivalee Sinclair, Chair

cc: Kathryn Matayoshi
Superintendent

Ronn Nozoe
Deputy Superintendent

Robert Campbell
Executive Assistant for School Reform, Office of Strategic Reform

SEAC Response to Public Testimony

Testifier: Parent #1
Date of Testimony: April 8, 2011
Date of Response: May 23, 2011

Question Posed:

“How would a parent go about having falsified educational records and documents OFFICIALLY amended or removed from a child’s educational records short of a due process hearing if these records were generated by a State level DOE employee?”

SEAC Response:

The **Family Educational Rights and Privacy Act (FERPA)**, passed by Congress in 1974 or the **Buckley Amendment**) offers privacy protection for student educational records held by any school or educational agency that receives federal funding. FERPA requires that these entities provide students with access to their education records, an opportunity to seek to have the records amended, and some control over the disclosure of information from the records.

In Hawaii, the administrative rules pertaining to FERPA are contained in Chapter 34. The Board of Education has been in the process of updating these rules and has drafted a proposed Chapter 64; however, the new rules have not been passed or signed by the Governor, so we reference Chapter 34 below.

§8-34-10 Review and challenge of record contents. *An eligible student or parent may request:*

1. (1) *A meeting with school personnel to review the student’s education records. Every effort shall be made to resolve differences through informal meetings and discussions;*
1. (2) *The right to file a written explanation on points in question if the school disagrees on expunging or changing the contents. Additional requirements shall be as set forth in section 8-36-7(4); and*
1. (3) *The right to a hearing to challenge, correct, or delete data considered inaccurate, inappropriate, or misleading, if agreement is not reached. The hearing shall not be conducted unless specifically requested orally or in writing within ten days after the conference. [Eff. AUG 23, 1984] (Auth: HRS§302A-1112) (Imp: HRS §§302A-1101, 302A-1112; 20 U.S.C. 1232g, 34 C.F.R. 99.20)*

1.

The hearing referenced in 8-34-10 (3) is not the due process hearing outlined in Chapter 60, but rather a FERPA hearing typically conducted by a Complex Area Superintendent. SEAC is not aware of any other mechanism to officially remove objectionable documents and information from a student’s educational records, if the school is unwilling to do so upon your request.

EMAIL RESPONSE

Date: 6/3/11
To: Parent #2
From: SEAC Staff

At our April 8th SEAC meeting you inquired about the statutory basis for having the Attorney General's Office represent DOE and other State departments in due process hearings and other litigation. SEAC asked the DOH Deputy Attorney General to research this for us, and she has referenced two sections in the Hawaii Revised Statutes below.

I hope this information is useful to you. SEAC appreciates the time you took to bring your concerns to our attention.

HAWAII REVISED STATUTES

§26-7 Department of the attorney general. The department of the attorney general shall be headed by a single executive to be known as the attorney general.

The department shall administer and render state legal services, including furnishing of written legal opinions to the governor, legislature, and such state departments and officers as the governor may direct; represent the State in all civil actions in which the State is a party; approve as to legality and form all documents relating to the acquisition of any land or interest in lands by the State; and, unless otherwise provided by law, prosecute cases involving violations of state laws and cases involving agreements, uniform laws, or other matters which are enforceable in the courts of the State. The attorney general shall be charged with such other duties and have such authority as heretofore provided by common law or statute.

There shall be within the department of the attorney general a commission to be known as the commission to promote uniform legislation which shall sit in an advisory capacity to the attorney general and to the legislature on matters relating to the promotion of uniform legislation. The composition of the commission shall be as heretofore provided for the commission to promote uniform legislation existing immediately prior to November 25, 1959. The members of the commission shall be nominated, and by and with the advice and consent of the senate, appointed by the governor for terms of four years each, provided that each member shall hold office until the member's successor is appointed and qualified; and provided also that the provisions of section 26-34, limiting the appointment of members of boards and commissions to two terms and the duration of membership to not more than eight consecutive years shall not be applicable.

The functions and authority heretofore exercised by the attorney general, high sheriff, and the commission to promote uniform legislation as heretofore constituted are transferred to the department of the attorney general established by this chapter. [L Sp 1959 2d, c 1, §13; am L 1965, c 127, §1; Supp, §14A-12; HRS §26-7; am L 1969, c 123, §1 and c 175, §12; am L 1975, c 20, §1; gen ch 1985; am L 1989, c 211, §10; am L 1990, c 281, §11]

§28-1 Appears for State. The attorney general shall appear for the State personally or by deputy, in all the courts of record, in all cases criminal or civil in which the State may be a party, or be interested, and may in like manner appear in the district courts in such cases. [L 1866, p 16; RL 1925, §1486; RL 1935, §500; RL 1945, §1501; RL 1955, §30-1; HRS §28-1; am L 1969, c 175, §13; am L 1989, c 230, §1]

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:

Aloha Special Technology Access Center
(808) 532-5547 (V)(T) www.alohastac.org

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

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

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

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

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

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

Hilo pa'a Family to Family Health Info Center
(808) 791-3467 www.hilopaa.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.mediatehawaii.org

Special Education Section (DOE)
(808) 203-5560 (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 2011

Appendix E

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

