

HAWAII SPECIAL  
EDUCATION ADVISORY  
COUNCIL (SEAC)



ANNUAL REPORT  
2005-2006



## Contact Information

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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).

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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.

## **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.
2. To comment publicly on the rules or regulations proposed by the State regarding the education of children with disabilities.
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.
4. To advise the Department of Education in developing corrective action plans to address findings identified in the Federal monitoring reports.
5. To advise the Department of Education in developing and implementing policies relating to the coordination of services for children with disabilities.
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.



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## **RECOMMENDATIONS TO THE SUPERINTENDENT**

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

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

- Continue to include the Council and other community representatives in the development and review of the Annual Performance Report.
- Allow adequate time for the Council to review the APR draft document prior to submission to the Office of Special Education Programs.

### **DUE PROCESS**

- Expand the current effort to determine the direct costs to the Department associated with due process hearing requests to include the costs of appeals, settlement agreements and hours expended by Department personnel (administrators, teachers, related service personnel, district staff) preparing for hearings, participating in mediation and resolution sessions and testifying at hearings
- Assess the costs associated with due process hearing requests in terms of the time spent by non-Departmental personnel, including attorneys from the Attorney General's Office, hearing officers and expert witnesses
- Assess the direct costs to families associated with due process hearing requests (lost work time, transportation costs, child care expenses and payment of attorney fees when they do not prevail)
- Assess the indirect costs associated with due process hearing requests in terms of the impact on relationships between schools, families and communities
- Reconsider the decision to redact information from Hawaii's publicly posted due process hearing decisions (i.e. child's age, child's disability, child's school, child's district, child's sex) that is considered acceptable under the Family Educational Rights Protection Act for the majority of states
- Establish a web-based log (comparable to Oregon) that allows the Council and the public to track the status of all hearing requests
- Provide the Council with information on appeals, i.e. the numbers of decisions appealed, the party initiating the appeal, and the results



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## **RECOMMENDATIONS TO THE SUPERINTENDENT (cont.)**

### **PARENT SURVEY**

- Develop and disseminate future copies of the Parent Survey to parents of special education students in alternate formats and different languages, so that the responses received are inclusive of all families

### **REVISION OF CHAPTER 56**

- Include the Council and other key stakeholder groups such as the Community Children's Councils in drafting language to amend Chapter 56 to comply with the anticipated final regulations to the Individuals with Disabilities Education Act

### **SUPPORT OF DEPARTMENTAL BUDGET**

- Provide early briefings to the Council on the key components of the Department's budget proposals to the Governor and to the Legislature and provide justifications for the positions/materials requested, so that the Council can garner support from legislators.

### **TRANSFER OF RIGHTS TO THE STUDENT AT AGE OF MAJORITY**

- Provide an alternative mechanism to legal guardianship for appointing the parent as an educational decision maker when their child reaches the age of majority and his/her disability makes him/her unable to make informed decisions regarding his/her education.

### **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 attached to this report.

During the 05-06 School Year, the Council added parent representatives from a private school, the military, and Hawaii Families As Allies.



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## ACTIVITIES OF THE 05-06 SCHOOL YEAR

### IDEA 2004

A major emphasis for the Council for the past several years has been the reauthorization of the Individuals with Disabilities Education Act or IDEA 2004. Prior to the start of classes for the 05-06 school year, Council members joined teams from the Special Education Section to take information out to the community about new IDEA policies and procedures that took effect July 1, 2005. Seventeen IDEA Awareness Sessions were co-presented by SEAC and the Department to Community Children's Council audiences across the state.

Concurrently during July and August the Council carefully reviewed the proposed IDEA regulations put out by the Office of Special Education and Rehabilitation Services and submitted comments to Secretary John Hager in September 2005. A Council member was chosen in October to serve on a group within the Special Education Section reviewing eligibility criteria for specific learning disabilities in light of flexibility in IDEA 2004 to utilize other methodologies than the discrepancy model. SEAC was also active in a coalition of parent and advocacy organizations that begin drafting suggestions for amending Chapter 56.

### Legislative Action

After meeting with Attorney General Mark Bennett in June, 2005 to explain the Council's position that the Department of Education should continue to bear the burden of proof in administrative due process hearings concerning special education, the Council monitored the Supreme Court's action in *Schaffer v. Weast*. Subsequent to the Court's decision in December 2005, the Council wrote supportive testimony for SB 2733, and its companion bill, HB 2101, which would have amended state law to require the Department to bear the burden of proof. These bills died in committee, due in part to the attachment of a separate issue to the bills — the repeal of the 90 day timeline for the filing of due process hearing requests for private school tuition reimbursement.

At the same time, the Council actively supported the Department's budget at House and Senate budget hearings, emphasizing special education budget items, as well as the broader needs for funding for electricity and transportation. Although not in the budget, the Council also supported State funding for educational interpreting positions for students who are Deaf.

### Due Process Review

Continuing its commitment to provide the Department with meaningful recommendations regarding how to improve conflict resolution and educational outcomes for students with disabilities and their families, the Due Process Committee carefully reviewed hearing decisions from the 04-05 school year, and submitted a report to the Superintendent and the Board of Education in March 2006.



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## **ACTIVITIES OF THE 05-06 SCHOOL YEAR (cont.)**

### **Due Process Review (cont.)**

In preparing this comprehensive report, Council members consulted with national experts and researched historical trends in order to provide comparison data that show Hawaii's experience in the larger context of states' response to conflict resolution. The 2006 report chronicled changes to due process procedures resulting from the Council's 2004 due process hearings report and made a number of current recommendations aimed at improving the process and gathering more information about the costs of due process (emotionally, interpersonally and financially) for families and the education system (see page 2).

After the release of the report, the Council invited key stakeholders, including the Senior Hearings Officer for the Administrative Hearings Office of the Department of Commerce and Consumer Affairs, a plaintiff attorney, and the Attorney General's Office, to respond to the report and offer ideas on how the Council could work proactively to improve conflict resolution in Hawaii. While the Attorney General's Office declined the invitation, the resulting discussion with additional input from an audience of parents, attorneys and surrogate parents, offered insight into both roadblocks and potential solutions to reducing the number of hearings and improving relationships between home and school.

### **ADDITIONAL ACTIVITIES**

- Provided input in the development of the Special Education Section's 6 Year State Performance Plan and attended a Wrap-Up meeting with the OSEP Monitors
- Edited "A Parent's Guide to Partnership in Special Education" to incorporate changes brought about by IDEA 2004
- Received informational briefings from special education and behavioral health specialists on important topics, including: the BASC-2 behavioral assessment tool, alternate assessments, new procedures in the provision of related services, and standards of practice
- Formed ad hoc committees on teacher certification and graduation ceremonies for students who are receiving certificates in lieu of diplomas
- Joined the Community of Practice on Mental Health to advance school behavioral health services
- Served on the Committee on Weights and provided recommendations regarding the weighting of students with disabilities
- Met with Randy Moore to discuss the current status of Chapter 51 reforms





## **FUTURE DIRECTIONS**

### **Chapter 56 Revisions**

The Council is hopeful that the Office of Special Education Programs will release its final regulations to IDEA 2004 in August or September of 2006. Our Vice-Chair is slated to attend a national meeting on the federal regulations in September, and the Council has asked the Director of the Special Education Services Branch to be included in the drafting and dissemination of corresponding revisions to Chapter 56.

### **Reauthorization of the No Child Left Behind Act**

The first bill to amend the No Child Left Behind Act of 2002 (H.R. 5709) was introduced in the House of Representatives on June 28, 2006. The Council intends to track this legislation and similar bills and to submit testimony to Congress in support of changes to current law that would result in greater benefit to students with disabilities.

### **Due Process Review**

The Due Process Committee will complete its review of hearing decisions from the 05-06 School Year and issue a report in the Spring of 2007. The Council will also be following up on recommendations made to the Department in its 2006 report and continuing its efforts to access key information through a parent survey and other means to shed additional light on formal conflict resolution in Hawaii.

### **Other Directions**

During the 2006-2007 School Year, the Council also intends to:

- ☆ Support the Department's legislative initiatives and budget, especially as they impact students with disabilities
- ☆ Attend meetings of the Special Programs Committee of the Board of Education and comment on Board policy recommendations, as appropriate
- ☆ Seek out opportunities to partner in training efforts with the Department
- ☆ Revisit the Council's committee structure.



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## APPENDICES

### A. MEMBER ROSTER

### B. BROCHURE

### C. CORRESPONDENCE

1. Letter to the Superintendent dated July 12, 2005 presenting the 2004-05 Annual Report and the Superintendent's reply dated August 12, 2005
2. Letter to John Hager, OSERS, dated September 6, 2005 regarding the Council's recommendations on the IDEA Proposed Regulations
3. Letter Paul Ban and Debra Farmer dated January 11, 2006 regarding SEAC Feedback on IDEA Awareness Sessions
4. Testimony to the Senate Committee on Education & Military Affairs dated February 3, 2006 regarding support of SB 2833 (Electricity)
5. Testimony to the Senate Committee on Education & Military Affairs dated February 3, 2006 regarding support of SB 2834 (Transportation Services)
6. Testimony to the Board of Education dated February 9, 2006 regarding Burden of Proof legislation (HB 2101 and SB 2080)
7. Testimony to the Senate Committee on Education & Military Affairs dated February 15, 2006 regarding SB 2733
8. Testimony to the Senate Committee on Judiciary & Hawaiian Affairs dated February 23, 2006 regarding SB 2733, SD1
9. Testimony to the House Committee on Finance dated February 27, 2006 regarding support of HB 2346 (Electricity)
10. Testimony to the House Committee on Finance dated February 27 2006 regarding support of HB 2347 (Transportation Services)
11. Letter to Mr. Abraham Key, PONY Baseball, dated March 10, 2006 regarding sign language interpreters for students involved in youth sports programs



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## APPENDICES

### C. CORRESPONDENCE (continued)

12. Testimony to the Senate Committee on Ways and Means dated March 30, 2006 regarding HB 1900, HD1 (Budget)
13. Response from Rod Maile dated April 12, 2006 to the Council Report on Review of 2004-05 Due Process Hearings
14. Letter to Mark Bennett, Attorney General, dated June 21, 2006 regarding the Council's Report on Review of 2004-2005 Due Process Hearings and response from Holly Shikada dated July 14, 2006
15. Sample Letter to Plaintiff Attorneys dated June 26, 2006 regarding the Council's Parent Survey on Due Process



## APPENDIX A

### 2005-06 MEMBER ROSTER

Ms. Ivalee Sinclair, Chair	Grandparent and CCCO Representative
Ms. Casey Fish, Vice Chair	Parent – Hawaii District
Dr. Alfred Arensdorf	Grandparent and CAMHD Representative
Ms. Janet Bamford	Individual with a Disability
Dr. Paul Ban	Special Education Services Branch
Ms. Sue Brown	Early Intervention Section, DOH
Ms. Deborah Cheeseman	Special Education Teacher – Honolulu District
Mr. Pat Chu	Division of Vocational Rehabilitation, DHS
Ms. Susan Cooper	Parent – Honolulu District
Mr. Lee Dean	Foster Children Representative
Mr. Colin Denney	Variety School Representative
Ms. Mary Ellis	Parent - Central District
Ms. Debra Farmer	Special Education Section
Mr. Henry Hashimoto	Community Representative
Ms. Laura Henderson	Parent – Leeward District
Ms. Tami Ho	Parent – Windward District
Ms. Barbara Ioli	Parent - Leeward District
Dr. Jean Johnson	Center on Disability Studies, UH
Ms. Suzanne Kashiwaeda	Parent - Kauai District
Ms. Gail Kono	General Education Teacher - HSTA
Mr. Steve Laracuate	Individual with a Disability/SPED Teacher
Mr. Ray Makkonen	Department of Public Safety
Ms. Rachel Matsunobu	Parent- Maui District
Ms. Barbara Pretty	Windward District Resource Teacher
Ms. Susan Rocco	Parent- Central District (Ex officio)
Dr. Patricia Sheehey	University of Hawaii Representative
Ms. Jill Shinno	Parent - Maui District
Ms. Sissy Sosner	Parent – Hawaii District
Mr. August Suehiro	Principal - Olomana School
Mr. Mike Tamanaha	Developmental Disabilities Division
Ms. Jan Tateishi	Parent – Honolulu District (Ex officio)
Ms. Judy Tonda	Homeless Children Representative
Dr. John Viesselman	CAMHD Representative
Ms. Jasmine Williams	Parent Training and Information Center

## Share Your Concerns

SEAC invites the public to participate. We want to hear your success stories and the issues that concern you. Feel free to write, call or visit. Our meetings are held year round on the second Friday of each month at the Library of the Hawaii Center for the Deaf and the Blind (3440 Leahi Avenue in Honolulu). These meetings are open to the public, and we welcome visitors. The June meeting is generally held off site. Please call for the specific location.

Meetings are held from 9:00 a.m. to noon.

You may receive an agenda and minutes of our meetings by contacting us, or you may view them electronically on the SPIN website: [www.spinhawaii.org](http://www.spinhawaii.org).



### 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](mailto:spin@doh.hawaii.gov)

#### Other Resources:

**Assistive Technology Resource Center**  
(808) 532-7110 (V)(T) [www.atrc.org](http://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](http://www.hiddc.org)

**Division of Vocational Rehabilitation (Oahu)**  
(808) 586-5167 (V)(T) [www.hawaii.gov/dhs](http://www.hawaii.gov/dhs)

**Hawaii Disability Rights Center**  
(808) 949-2922 (V)(T) [www.hawaidisabilityrights.org](http://www.hawaidisabilityrights.org)

**Hawaii Families as Allies**  
(808) 487-8785 (V) [www.hfaa.net](http://www.hfaa.net)

**Hawaii Services on Deafness**  
(808) 926-4763 (V)(T) [www.hsod.org](http://www.hsod.org)

**Learning Disabilities Association of Hawaii**  
(808) 536-9684, (800) 533-9684 (V) [www.ldahawaii.org](http://www.ldahawaii.org)

**Mediation Center of the Pacific**  
(808) 521-6767 (V) [www.mediatehawaii.org](http://www.mediatehawaii.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](http://www.spinhawaii.org)

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## SPECIAL EDUCATION ADVISORY COUNCIL (SEAC)



*Hawaii's Advisory Body on  
Special Education Issues*

*Revised March 2006*

## 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**.

## 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

## 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

## 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.

- 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.

