

Special Education Advisory Council ANNUAL REPORT



**Relating to SEAC Activities
July 1, 2012 to June 30, 2013**

Message from the Chair

What a busy year! We enthusiastically provide you with a copy of our Annual Report for School Year (SY) 2012-13. Thanks to our hard-working volunteer members, the Special Education Advisory Council (SEAC) has made several recommendations for the Superintendent's consideration and participated in a number of activities with the Department. These include the Annual Performance Report to the Office of Special Education Programs and a review of Hawaii's application for a flexibility waiver under the Elementary and Secondary Education Act (ESEA). Fortunately, Hawaii's proposed accountability system was accepted by the U.S. Department of Education in May of this year. Information on other key areas of focus for SEAC is included on pages 5-10.



As in past years, SEAC proactively participated in the legislative session, educating key lawmakers on the needs of students with disabilities and testifying on specific pieces of legislation, including the Department of Education's budget, that impact students with disabilities. We are pleased that two of the early childhood bills that SEAC supported were passed, as well as resolutions relating to dyslexia awareness and family-school partnerships.

Despite a number of positive trends, SEAC is concerned that the numbers of students with disabilities has been declining over the past ten years, and the percentage of students served is below the national average. SEAC has no clear explanation for this decline and will be looking for answers in the coming year.

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 Board of Education, the Legislature and the community at large.

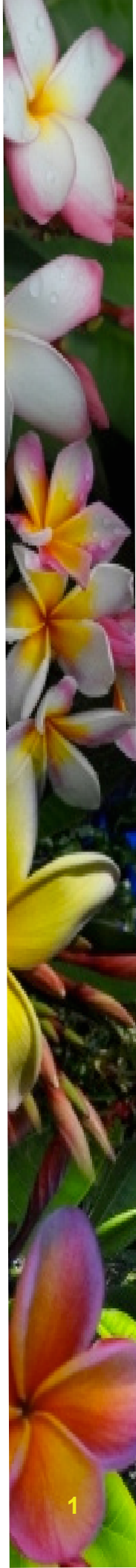
Ivalee Sinclair, Chair

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Agendas, meeting schedules, minutes and other SEAC reports can be found online. Meetings are open to the public and each meeting agenda includes time for input from the public. Individuals may present their input in writing by mail, fax or email or by speaking to members at the meetings..



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Purpose

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

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.

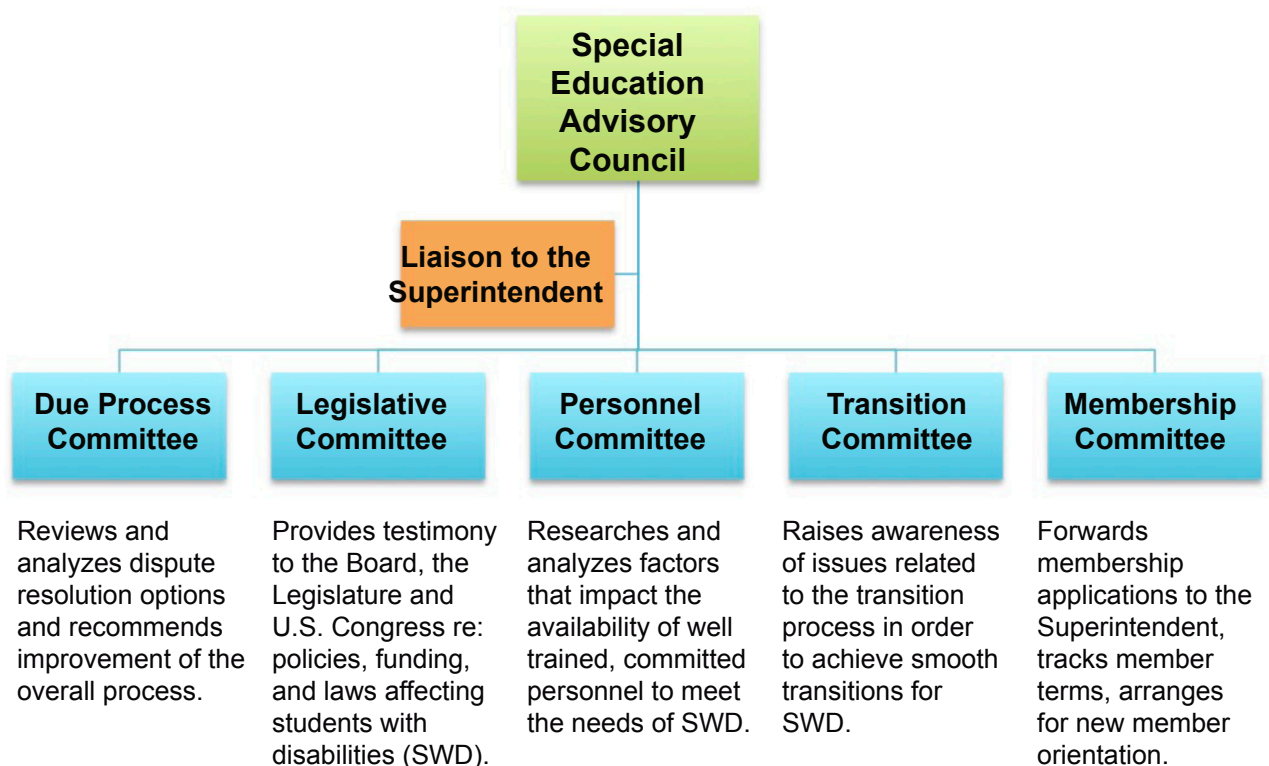
Mission

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. Advise the Department of Education of unmet needs within the State in the education of children with disabilities. CFR 300.169(a)
2. Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities. CFR 300.169(b)
3. 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. CFR 300.169(c)
4. Advise the Department of Education in developing corrective action plans to address findings identified in federal monitoring reports. CFR 300.169(d)
5. 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. Monitor the implementation of activities and timetable pursuant to consent decrees or court orders regarding the education of children with disabilities. (IDEA 90 regulation maintained by SEAC because of the Felix Consent Decree).
7. Advise on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons. (IDEA 97 regulation maintained by SEAC with representation by the Department of Public Safety).

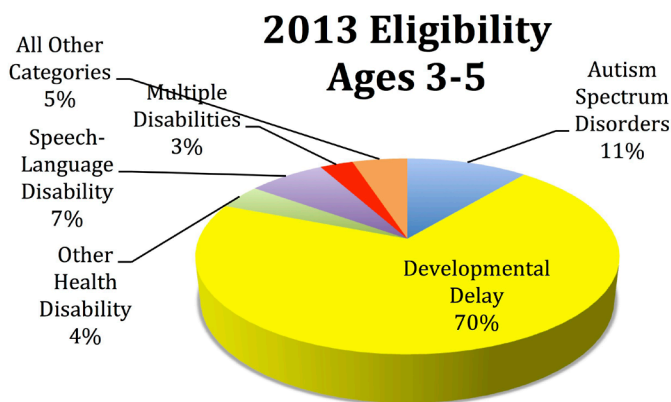
SEAC Committees



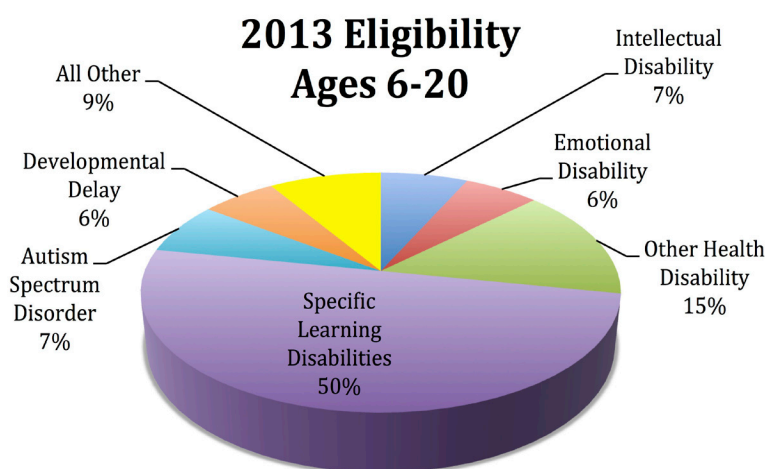
The Students That SEAC Represents

In SY 12-13 there were 19,696 students aged 3 to 20 years old with Individualized Education Programs. This number represents 10.7% of the total public school population. The number and percentage of special education students has been decreasing slowly over the last ten years from a high of 22,711 students (comprising 12.4% of the overall population) in 2005.

Roughly 14% (2,554) of the current special education students are aged 3 to 5 years old. 70% of these students were found eligible for special education and related services under the broad category of developmental delay. The next two largest categorical groups are students with Autism Spectrum Disorder (ASD) and students with other health disabilities.



For students aged 6-20, half were found eligible for an Individualized Education Program under the category of specific learning disabilities. The next largest categorical groups, in order of size, are other health disability, Autism Spectrum Disorder, intellectual disability, emotional disability and developmental delay.



The eligibility category that has shown the most growth for both preschool and school-aged populations is that of Autism Spectrum Disorders. In 2005, the oldest year that categorical data for Hawaii is available, 6% of preschoolers and 4% of students age 6-20 had an ASD eligibility designation, compared to 11% and 7% today.

Archival data was taken from the Data Accountability Center, www.ideadata.org

Recommendations to the Superintendent

Under its responsibility to advise the Department, the Council offers the following recommendations for action:



Kathryn
Matayoshi

PERSONNEL SYSTEM

Provide a comprehensive plan for a personnel system that meets the needs of children with disabilities and includes:

- Clear job descriptions and responsibilities,
- Evidence-based practices,
- In-service training, and
- Careful matching of skill sets with the needs of students.

This plan is needed to ensure appropriate services for students and consistency across complex areas.

LEAST RESTRICTIVE ENVIRONMENT AND INCLUSION

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:

- Equal participation of the regular and special education co-teaching team members in planning, instruction, monitoring and evaluating student progress,
- Provision of adequate time for planning and consultation, 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.

MAINTAINING THE PARENT-SCHOOL PARTNERSHIP

Provide direction to schools to give each member of the IEP Team (including the parent) a copy of the draft IEP with agreed-upon changes at the conclusion of the meeting. This practice maintains the transparency of the process, builds trust, and helps to ensure that there are no significant misunderstandings when the formal copy of the IEP is given to the parent within 10 days of the meeting.

Ensure that schools give families ample notice of changes to the delivery of their child's services, with an explanation of how these changes will benefit the student. Respectful and timely communication will help to avoid parental mistrust and anger and resulting parent-school conflict generated by not informing families in a timely way of changes to their child's program.

Offer training on conflict resolution to parents, teachers and administrators to provide all parties with the knowledge and skills to resolve conflicts early.

Major Areas of Focus for SY 12-13

Annual Performance Report

The Office of Special Education Programs (OSEP) holds states accountable for the implementation of the Individuals with Disabilities Education Act (IDEA) in part through annual reporting on eighteen key indicators* tied to positive educational outcomes for students with disabilities. OSEP requires that states include key stakeholders in the review of data and development of improvement activities to include in the Annual Performance Report (APR).



In Hawaii, the stakeholder meeting for the APR has traditionally been held in December to prepare for plan submittal on February 1st of the following year. In SY 12-13 SEAC proactively participated in the APR process by:

- Reviewing the SY 2010-11 APR and OSEP's response to the report;
- Compiling the targets and results for SY 2010-11 APR and SY 2011-12 APR to look for upward and downward trends;
- Forming a subgroup to study the APR data, focusing on six key indicators where results fell notably below target—graduation rates, drop-out rates, proficiency on statewide assessments, LRE, effective transition planning and post-school outcomes—as well as the low return rate for the parent survey;
- Sending the APR subgroup's discussion on causal factors, data trends, and improvement activity suggestions to the Special Education Section in advance of the APR meeting; and
- Contributing further input, with the majority of members attending the December 14, 2012 APR work session.

Additionally, in June 2013 SEAC responded to a call for comments by OSEP, providing written comments on its proposed revisions to the APR for 2013-2018.

** The key indicators were reduced from twenty to eighteen, when OSEP removed the requirement to report on timely resolution of written complaints (Indicator 16) and adjudication of due process hearing requests (Indicator 17) for school year 2011-2012 forward.*

Board of Education/Department of Education (BOE/DOE) Strategic Plan

Members reviewed the objectives, targets and strategies under Goal 1-- Student Success-- of the BOE/DOE Strategic Plan for 2011-2018. A subgroup from SEAC, as members of the SCR 79 Work Group, provided recommendations to the Department and the Board regarding measuring family-school partnerships, home-school communication and student safety. SEAC also submitted testimony at the January 8th Board of Education's Student Achievement Committee meeting, recommending that the Hawaii version of the Center on Disease Control's Youth Risk Behavior Survey be added to the Plan as a measurement of student safety in middle and high schools.



Major Areas of Focus for SY 12-13 (cont.)

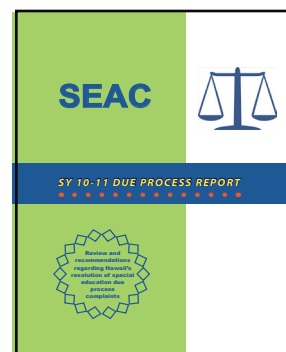
Chapter 60 - Hawaii's Administrative Rules for Special Education

SEAC made a request for the release of the Chapter 60 final guidelines and subsequent statewide training a recurrent topic at monthly meetings from August 2012 to March 2013 due to the many appeals from parents, teachers and administrators for more clarity in implementing the administrative rules released in November 2009. After a brief consideration to keep the guidelines an internal document, the Department posted them on its website in mid-March for review by any interested stakeholder.

SEAC also tracked the progress of amending Chapter 60 rules in order to establish the process for monitoring special education students in private placements at public expense. Testimony by SEAC to the Board of Education in May 2012 contained recommendations regarding these proposed new rules, some of which were adopted by the Board. Subsequently, the rules went to the Attorney General's Office where they are awaiting release for public hearing.

Due Process

IDEA requires that State Advisory Panels be given copies of due process decisions in order to be aware of the issues included in formal dispute resolution. SEAC formed a Due Process Committee in 2002 and has been providing a Due Process Report to the Superintendent and interested stakeholders since 2004. The purpose of these annual reports has been to shed light on the factors contributing to Hawaii's high rates of formal conflicts regarding special education and to promote early resolution of disagreements.



SEAC's 2012 Report, presented and adopted by the Council in September, analyzed disputes from SY 2010-11 and compared the data to previous years, as well as to national data. Significant findings were that Hawaii's rate of hearing requests were **six** times higher than the national average, and Hawaii's rate of hearing decisions was **eleven** times the national norm. Another key finding was that Hawaii had more hearing extensions compared to other states, leading to lengthy conclusions of due process hearing proceedings. This report can be found at: <http://www.spinhawaii.org/SAP/2012DPReport.pdf>.

Eligibility for Early Intervention

In spring of 2013, the Family Health Services Division of the Department of Health released its proposed administrative rules for Early Intervention Services for Infants and Toddlers (Part C of IDEA). SEAC provided testimony in strong opposition to the plan to limit eligibility for infants and toddlers with milder delays, asserting that these children will be harmed by a lack of early intervention services, and the Department of Education will be negatively impacted by a potential 30% increased demand for preschool evaluations and services in a time of budget shortfalls.

Major Areas of Focus for SY 12-13 (cont.)

ESEA Waiver

The Hawaii State Department of Education (HIDOE) welcomed input on its 2012 application to the U.S. DOE for a waiver to replace some key reporting requirements of No Child Left Behind with an alternative, more flexible accountability system aimed at improving student academic achievement and increasing the quality of instruction. SEAC was actively involved in reviewing the initial Elementary and Secondary Education Act (ESEA) Flex draft and submitting recommendations to specifically address the needs of students with disabilities in the new accountability system. The Department incorporated some of SEAC's recommendations into the final draft, including:



- ✪ Adequate training for all teachers on strategies to assist students with disabilities in meeting Common Core Standards;
- ✪ Support for family-school partnerships, based on the PTA's National Standards for Family-School Partnerships;
- ✪ Enhanced strategies for communicating with parents and other stakeholders including the use of multiple languages and formats;
- ✪ Substitution of the term "Recognition Schools" for "Reward Schools" to signify schools that are in the top 5%.

In response to SEAC's concern that including special education students into one large "super" group (with disadvantaged students and students whose second language is English) might dilute accountability for special education outcomes at the school level, the Department built in some reporting safeguards.

Family-School Partnerships

SEAC representation was sought by the Department on two work groups resulting from back-to-back legislative resolutions calling for the Board and the Department to collaborate with parent organizations to develop statewide policies for family engagement for Hawaii's public schools. The SCR 145 Work Group met in SY 11-12, and the subsequent SCR 79 Workgroup met in SY 12-13. Accomplishments of the groups included:

- ✓ Drafting a definition of family-school partnerships (a more proactive term than family engagement),
- ✓ Adapting the National Parent Teacher Association Standards for Family-School Partnerships for use in Hawaii, and
- ✓ Presenting draft revisions to the Board of its *Parent/Family Involvement Policy* (2403).

A third resolution—HCR 57—was passed by the 2013 Legislature to continue the partnership between the Department, the Board and family and community organizations. SEAC provided testimony in support of this resolution.

Major Areas of Focus for SY 12-13 (cont.)

Input from the Public

OSEP encourages all state advisory panels to allow access for the public to express concerns regarding the education of children with disabilities. SEAC sets aside a minimum of fifteen minutes at each full Council meeting for members of the public to speak. Public input is also collected by phone, email, letter and fax and shared with the full Council during the public input portion of the meeting. During SY 12-13, SEAC heard public input on the following issues:

- ★ Difficult access to military base schools by private contract personnel;
- ★ Limited time for IEP meetings and failure to provide the parent with evaluation results or draft IEP goals and objectives prior to the IEP meeting;
- ★ Protocols for notifying parents when an adverse event occurs at school (for example, injuries, harassment, traumatizing events involving classmates, medication errors, etc.);
- ★ Concern over the reduced number of students receiving special education services, possibly reflecting reluctance on the part of schools to refer students for evaluation;
- ★ A parent's request for a mechanism for the Complaints Office to receive certified mail; and
- ★ Abrupt discontinuation of contracted services without adequate notification to the parent.

Legislative Action

SEAC's Legislative Committee met with the Chair of the House Education Committee and the Clerk of the Senate Education Committee to learn of key educational initiatives. The Chair of the Committee also met regularly with the Coalition for Children with Special Needs to ensure broad-based support for bills affecting students with disabilities. Included in the measures that were adopted with SEAC support are:



- ▲ Approval for a State Constitutional amendment to allow state monies to be given to private entities for early childhood education;
- ▲ Funding for preschool slots to help children displaced in 2014 by the discontinuation of Junior Kindergarten;
- ▲ Dyslexia awareness and identification of resources in the Department to improve the literacy skills of struggling readers; and
- ▲ Family-school partnerships legislation.

Legislation supported by SEAC that did not pass included:

- ▼ Early learning wellness guidelines;
- ▼ Insurance coverage for Autism Spectrum Disorders;
- ▼ Training for school health aides;
- ▼ A clearer definition of instructional time; and
- ▼ Employee family leave.

Major Areas of Focus for SY 12-13 (cont.)

Legislative Action (cont.)

The Legislative Committee Chair met with the Department's Budget Branch in November 2012 to get more information on parts of the DOE budget that impact students with disabilities. SEAC then testified in support of positions for children with Autism Spectrum Disorders and of funds for serving special education students in general education classrooms with appropriate supports. Finally, during the legislative session, SEAC worked out a protocol to share its testimonies with the Department prior to a hearing, so that the Department might potentially support SEAC's positions with its own testimony to the Legislature.

Outreach to the Public

To alert the public to SEAC activities, agendas are routinely posted on Hawaii's Egov State Calendar (<http://calendar.ehawaii.gov/calendar/html/event>), as well as SEAC's web page (<http://www.spinhawaii.org/SAP/sap.html>). Minutes of past meetings can also be found online along with SEAC's Annual Reports and Due Process Reports.

SEAC members manned a resource table at the annual SPIN conference to provide information about SEAC to the parents and helping professionals who attend each year. This year's table drew over 100 visitors.



SEAC was also given a unique opportunity to inform other state advisory panels and interagency coordinating councils about its activities when OSEP invited SEAC to co-present a webinar titled "Annual Reports: Who, What, How?" The webinar was hosted on February 15th with 120 people in attendance, and is now archived at <http://stateadvisorypanel.org>.

Personnel Issues

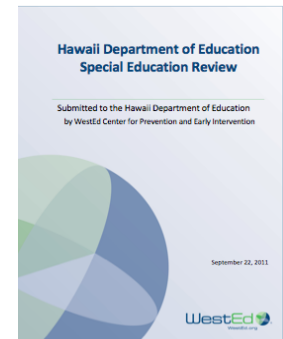
Personnel issues were a frequent topic of discussion at full Council meetings as well as Personnel Committee meetings. Systemic issues regarding the availability, training and supervision of educators and related service personnel—both employee-based and contracted personnel—included the following:

- ☺ Inconsistencies in field supervision for teacher trainees enrolled in special education teacher trainer programs;
- ☺ A lack of preparation of some university education students to teach reading skills;
- ☺ The relation of teacher performance evaluations to general education teachers' reluctance to include students with disabilities in their classrooms;
- ☺ The need to build-in time for teachers to learn new skills as instructional time is increased for the student;
- ☺ The loss of personnel development days due to budget constraints;
- ☺ Mismatching of a teacher's abilities and training with classroom placement;
- ☺ Inconsistent training for paraprofessional school-based employees; and
- ☺ High turnover rates for Para Professional Tutors (PPTs) and a lack of substitutes when a PPT is sick.

Major Areas of Focus for SY 12-13 (cont.)

WestEd Report and Recommendations

In 2010 Superintendent Matayoshi contracted with an educational consulting firm—WestEd—to study Hawaii’s special education system, identify strengths and weaknesses and make recommendations to improve educational outcomes for students with disabilities. SEAC members were among the first to be interviewed regarding their perspective of the issues. After the WestEd Report was released to the public in November 2011, the Department further contracted with WestEd to provide technical assistance in planning out its reform efforts to address key recommendations.



SEAC invited Virginia Reynolds, West Ed Consultant, to the Oct. 12th meeting to dialogue with members on progress made to date and SEAC’s potential role in reform efforts. Although WestEd’s final report was presented to DOE leadership in December 2012, SEAC did not receive a copy of the report until the April 12th meeting. After a brief review, SEAC provided testimony to the Board of Education’s Student Achievement Committee on April 16th in support of the report and the Department’s steps to initiate needed reforms. In its testimony, SEAC asked that the Department and the Board consider hiring a Project Director and involve SEAC and other community stakeholders in reform efforts.

Future Directions for SY 13-14

- ☑ Engage in activities to inform the Board of Education on the needs of students with disabilities and the role and function of parent and community organizations.
- ☑ Revise and print/post the *Parent Guide to Partnership in Special Education* in partnership with the Special Parent Information Network and the Department.
- ☑ Request a briefing from the Department’s Budget Branch regarding special education allocations and the budgeting process.
- ☑ Participate in the work group formed to continue work on family-school partnership policies (HCR 57).
- ☑ Proactively participate in the Annual Performance Report process by requesting data and reporting on improvement activities several months before the annual report meeting.