

# **Special Education Advisory Council ANNUAL REPORT**



**Relating to SEAC Activities  
July 1, 2013 to June 30, 2014**

## Message from the Chair

*As we share this annual report of SEAC activities in the 2013-14 school year with the Department, and with families, community organizations, legislators and the general public, I would like to thank SEAC members for their hard work and dedication. I would also like to acknowledge the excellent staff support SEAC has received from the Special Parent Information Network, enabling the Council to be more informed and proactive in its mission.*



*The report reflects the diverse activities that SEAC has been involved in over the past year. It also lays out key descriptors of the students we represent. We have been very pleased to have the Deputy Superintendent present at two of our meetings to educate Council members about the Department's Strategic Plan and Strive HI Accountability System. We believe SEAC has been able to provide useful feedback to the Department on how current reform initiatives can achieve maximum benefit for students with disabilities.*

*We hope that special education stakeholders 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.*

*Regards,*

*Ivalee Sinclair, Chair*

## Contact Information for SEAC

Special Education Advisory Council  
919 Ala Moana Blvd., Room 101  
Honolulu, HI 96814  
(808) 586-8126 V/TTY  
(808) 586-8129 fax  
Email: [spin@doh.hawaii.gov](mailto:spin@doh.hawaii.gov)  
Website: [www.spinhawaii.org/SAP/sap.html](http://www.spinhawaii.org/SAP/sap.html)



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.

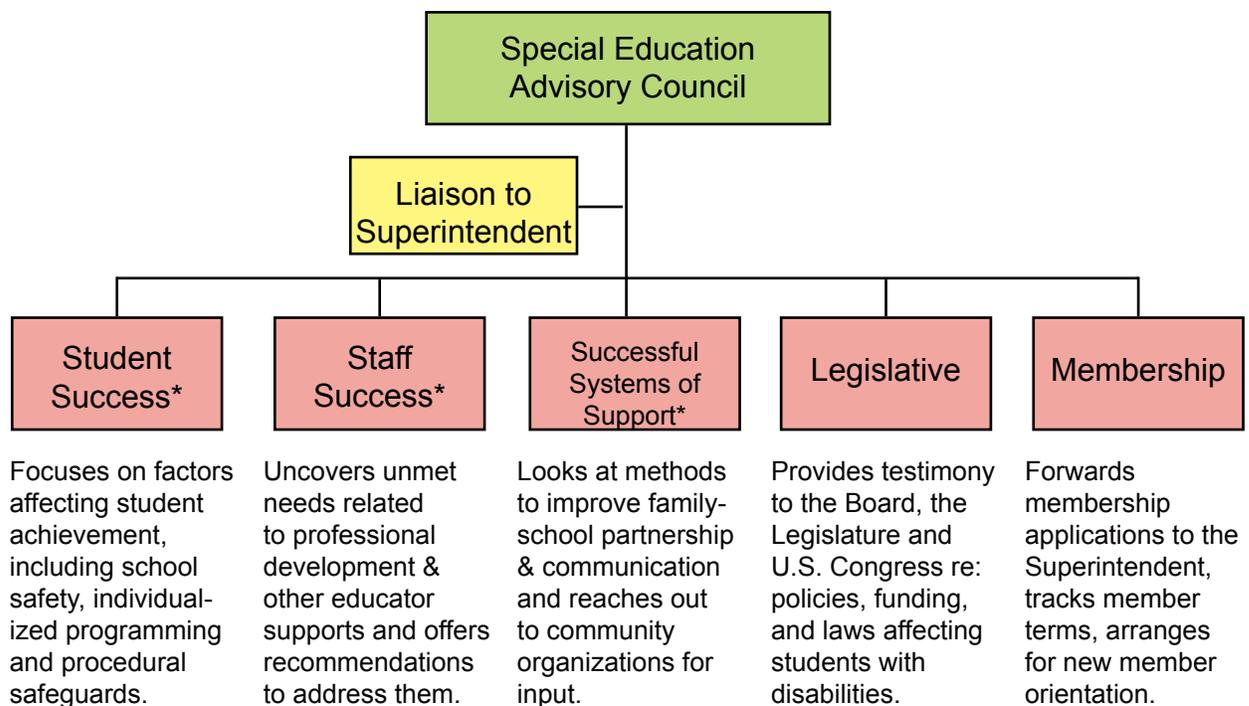


## Functions of the Council

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

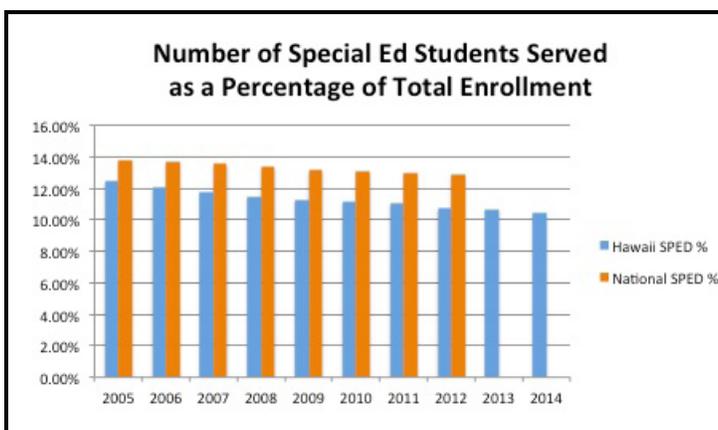
In SY 13-14, SEAC reorganized three\* of its five standing committees to sync with the Board of Education/Department of Education Strategic Plan.



# The Students that SEAC Represents

## Size of the Special Education Population

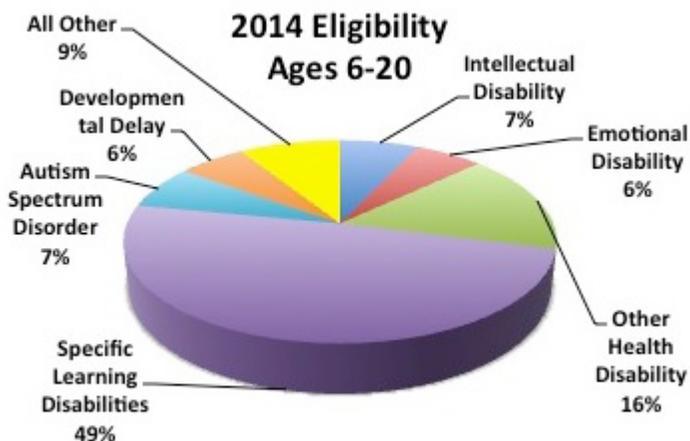
In SY 13-14 there were 19,221 students aged 3 to 20 years old with Individualized Education Programs (IEPs). This number represents 10.4% of the total public school population. The number and percentage of special education students has been decreasing slowly over the last ten years from a high of 22,679 students (comprising 12.5% of the overall population) in 2005. This decrease in special education enrollment reflects a national trend (see table below). However, our percentage of special education students served is about 2% below the national average. In relation to Hawaii's total public school enrollment for 2013-2014, that 2% equates to about 3,700 students who might be unidentified as eligible for special education services.



Archival data was taken from the National Center for Education Statistics, <http://nces.ed.gov>

## Distribution of Students by Eligibility Category

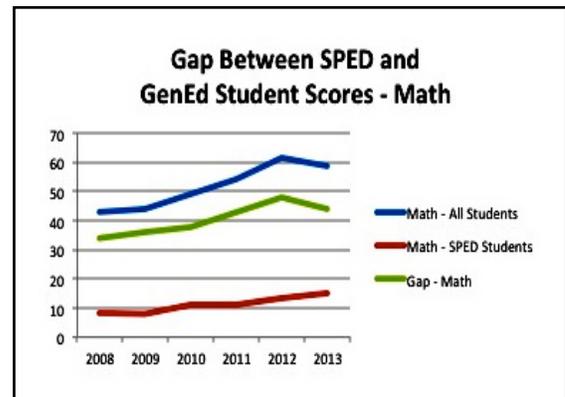
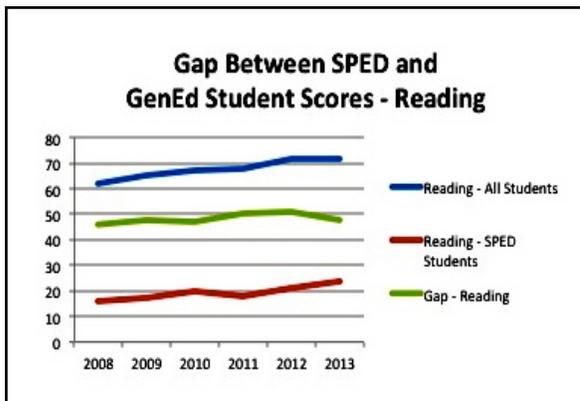
The majority of the 2,402 students served in special education preschools in SY 13-14 fell under the category of Developmental Delay (70%). For the 16,819 students with disabilities in elementary and secondary schools, almost half were found eligible due to Specific Learning Disabilities. The next most populated category was Other Health Disability (16%) which includes students with chronic or acute health conditions such as Attention Deficit Hyperactivity Disorder, Tourette Syndrome, asthma, etc. There were slightly more students on the Autism Spectrum than students with intellectual disabilities (roughly 7% of the special education population each). Students with Developmental Delay make up a sizable percentage of disabled children aged 6-9, and students with emotional and behavioral disabilities account for another 6% of students with IEPs.



## The Students that SEAC Represents (cont.)

### Academic Achievement

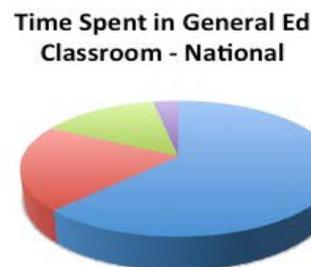
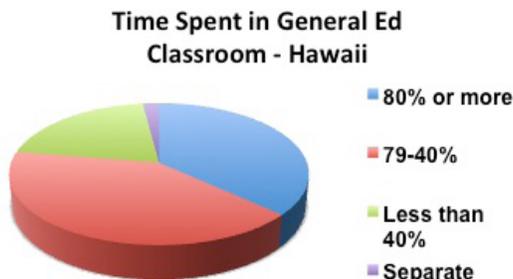
Most students with Individualized Education Programs (IEPs) are performing below grade level in reading and mathematics as measured by statewide assessments. Only 24% were proficient in reading and 15% proficient in math for SY 2012-13 compared to the average scores of all students: 72% proficient in reading and 59% proficient in math. When one compares performance over time, we find that although



the scores for special education students have improved somewhat, the gap between special education performance and general performance (the green line on the charts above) has gotten larger.

### Least Restrictive Environment (LRE)

The emphasis in special education law is on serving students with disabilities in regular classrooms with their non disabled peers to the maximum extent appropriate. Hawaii special education students spend less time than their Mainland counterparts in the general education classroom. Only 36.7% of students with IEPs in SY 13-14 spent 80% or more of the day in the general classroom compared to over 60% of students with IEPs in a national average. More Hawaii students with IEPs (19%) spent time in a self-contained classroom--less than 40% of their day in a general classroom--compared to a national average of 14%. The one area where Hawaii outperforms other states in Least Restrictive Environment is that fewer of our special education students (2% in SY 13-14) are in separate settings outside the public school--specialized schools, hospitals, etc.--compared to the national average (3.3%).



## Recommendations to the Superintendent

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



**Kathryn  
Matayoshi**

### DISPUTE RESOLUTION

Utilize representatives from SEAC, the Community Childrens Councils and other family stakeholder groups as resources to the Department on alternative dispute resolution review and improvement activities.

### FAMILY-SCHOOL PARTNERSHIP

Develop a policy and protocols for notifying families in a timely way of adverse events at school that may negatively impact the student. Examples of adverse events include the following: injury to the student, bullying or harassment not involving injury, drug searches based on anonymous tips, medication administration errors, restraint by school personnel, and traumatizing events involving classmates or school mates which the student may have witnessed.

Reconvene the work group on family-school partnerships chaired by the Deputy Superintendent with representation of SEAC and member agencies of the Coalition for Children with Special Needs.

### RESULTS DRIVEN ACCOUNTABILITY

In measuring disproportionate representation of race and ethnic groups in special education and in specific disability categories, disaggregate the broad ethnic group *Asian/Pacific Islander* into subcategories (i.e. *Chuukese, Hawaiian, Filipino, Japanese, Korean, Marshallese, Chinese, Samoan, Tongan, and Vietnamese*) in order to guarantee accurate data and better target improvement activities.

Include SEAC and other key stakeholder groups in the process of developing, implementing, evaluating and revising the State Systemic Improvement Plan (SSIP), and in setting targets under Indicator 17 of the State Performance Plan/Annual Performance Report.

Integrate the SSIP into other reform efforts such as the Common Core State Standards, Smarter Balanced Assessments, the School Quality Survey and the Strive HI accountability system (with its goal of reducing the number of students who are not proficient on the statewide assessment by one-half in each subgroup, including students with disabilities, within six years).

### SERVICES TO STUDENTS AGED 20 TO 22

In designing special education and related services for older students who may be eligible for IDEA services because of the *E.R.K. Decision*, consider providing these services in age appropriate settings such as higher education, job training sites and other community-based venues.

## Major Areas of Focus for SY 13-14

### Annual Application for IDEA Part B Funding

A SEAC subcommittee reviewed the Department's budget proposal on how to spend state level IDEA monies for fiscal year 2014-15. It made a number of recommendations that were approved by the full Council and forwarded to the Department, including the following:



- ✓ increase monies for monitoring so that Department leaders, including Complex Area Superintendents, are able to make decisions based on information that is current, accurate and valid;
- ✓ increase funding for testing accommodations for students with disabilities in district-wide and statewide assessments;
- ✓ add monies to enhance the use of technology, including assistive technology devices, in the classroom to enhance learning and maximize access to the general education curriculum; and
- ✓ redirect monies currently designated for support and direct services, as these responsibilities lay with the Complexes.

SEAC was notified by Superintendent Kathryn Matayoshi in May 2014 that these recommendations have been incorporated into the Department's proposed budget for state level activities.

### Annual Performance Report

The Office of Special Education Programs (OSEP) is shifting the focus of its monitoring to *Results Driven Accountability*--from mere compliance with the federal special education law to improving educational results and functional outcomes for all students with disabilities.



Beginning in SY 2014-15, all states must begin working on a State Systemic Improvement Plan (SSIP) by identifying key targets for improvement that will have the most impact on improving results. In preparation for this major monitoring shift, OSEP did not require Hawaii and other states to include new targets or improvement activities on existing performance indicators in the plan submitted in February 2014.

Consequently, while SEAC members and a special subcommittee reviewed data from SY 12-13 and noted whether Hawaii met previously set targets for improvement, SEAC's primary contribution to the annual stakeholders' meeting hosted by the Special Education Section in December 2014 was to:

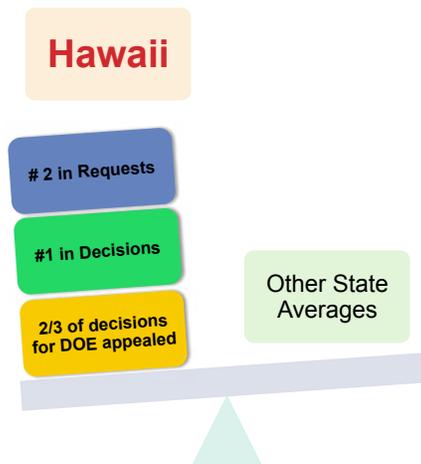
- help analyze reasons for a less than satisfactory performance of special education students in three key areas--graduation rates, student performance on statewide assessments and post-school outcomes; and
- assist in identifying additional data and information to further understand the reasons behind low performance for these key indicators.

## Major Areas of Focus for SY 13-14 (cont.)

### 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 in response to Hawaii's high rates of formal conflict regarding special education. SEAC is one of the few (if not only) state advisory panels to produce an annual due process report in an effort to look for ways to encourage early conflict resolution and avoid costly hearings.

SEAC's 2013 Report, presented and adopted by the Council in October, analyzed disputes from SY 2011-12 and compared the data to previous years, as well as to national data. Significant findings were that Hawaii had the second highest rate of hearing requests per capita and the highest rate of hearing decisions per capita of all 50 states. Other key findings were that 2/3 of all hearing decisions in favor of DOE were appealed to a higher court, and all 36 hearings exceeded the 75-day timeline set by Congress. This report can be found at: <http://www.spinhawaii.org/SAP/2013DPReport.pdf>.



### Family-School Partnerships

SEAC believes strongly in the importance of improving family-school partnerships as a means to enhance academic achievement for students with disabilities. The current Board of Education (BOE) policy (#2203) is entitled Parent/Family Involvement. SEAC has been working with the Department, the Hawaii Legislature, and other organizations for the past three years to update the policy to reflect shared responsibility for student growth and learning and to incorporate the National PTA Standards for Family-School Partnerships.



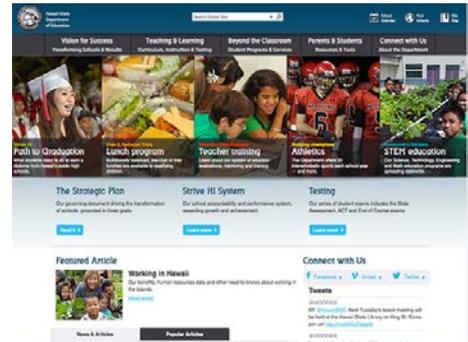
In SY 13-14, SEAC representatives on the HCR 57 Workgroup (the most current legislative directive to DOE and BOE to partner with family and community organizations to improve family-school partnerships) helped to write a draft revision of the Board policy on Comprehensive Student Support Services along with a rationale for the proposed changes. This revised policy helps to support the paradigm shift from parent involvement to family-school partnerships.

SEAC representatives also met regularly with the Deputy Superintendent of Education at his request and members of the Coalition for Children with Special Needs to focus on improving and rethinking the process to build relationships and provide services to students and families. This workgroup created two logic models--one broad and one focused--to identify key components of educator-parent communication and successful IEP planning, as well as training initiatives needed.

# Major Areas of Focus for SY 13-14 (cont.)

## Input on the Department's New Website

In July 2013 the Department of Education launched a new website--[HawaiiPublicSchools.org](http://HawaiiPublicSchools.org)-- as a key component of its communications and community engagement plan to inform families, educators and the general public about Hawaii's public schools. While the initial website had many valuable features, it proved to be less accessible to some information regarding special education than the previous site.



SEAC members engaged in a brainstorming session to come up with suggestions for improving special education data accessibility, and these suggestions were forwarded to the Department's Communication and Community Affairs Office. Most of the following suggestions were incorporated into newer versions of the website: 1) current year statewide assessment results for special education students; 2) due process hearings decisions; 3) IDEA Section 618 data on special education student counts, educational environments (LRE), discipline, personnel, and exiting students; and 4) more direct links to programs and agencies, including SEAC.

## Legislative Action

SEAC's Legislative Committee met with the Chairs of the House and Senate Education Committees to share information about 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:



- ▲ Extension of special education and related services to qualified students up to age twenty-two;
- ▲ Cost studies to identify the potential cost to insurers to cover Autism Spectrum Disorders and orthodontia for children with orofacial anomalies;
- ▲ A ban on the use of seclusion and chemical and mechanical restraints in public schools by August 2016, as well as limited use of physical restraints;
- ▲ Additional monies (\$3.6 million) to cover students aged 20 to 22 who are eligible for special education per the *E.R.K. v. Hawaii Dept. of Education*; and
- ▲ An 'opt out' option for students taking the Youth Risk Behavior Survey.

Legislation supported by SEAC that did not pass included:

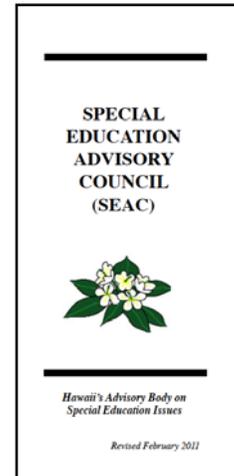
- ▼ Mandated health insurance coverage of autism diagnosis and treatment;
- ▼ Regulations re: administering Epinephrine (Epi-Pens) to students; and
- ▼ Open testimony at BOE meetings (not related to agenda items).

## Major Areas of Focus for SY 13-14 (cont.)

### Public Outreach

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 man 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 150 visitors. SEAC brochures were also disseminated widely throughout the year, inviting public participation at monthly meetings. While there was no "in person" public input at meetings during the SY 13-14, there were a number of individuals, primarily parents, who contacted SEAC by letter, phone call or email, asking for their issue to be presented to the full Council.



### Future Directions for SY 14-15

- ✓ Proactively participate in Phase One of the State Systemic Improvement Plan (SSIP) to include: 1) identifying a focus of improvement, 2) analyzing available performance data, and 3) identifying evidence-based practices to address the identified problem areas.
- ✓ Gather information about the causes behind a significant reduction in due process hearings.
- ✓ Make recommendations regarding how to address bullying of students with disabilities and create a safe environment for learning.
- ✓ Look at the metrics that teacher mentoring programs are using to measure success and offer suggestions to improve outcomes.
- ✓ Research resources available to help struggling teachers.
- ✓ Recommend strategies for gathering broader parent input, including ways to improve the special education parent survey.
- ✓ Put together a complete listing of parent support groups and reach out to these groups regarding their ideas on improving the provision of services.
- ✓ Work with the Department in disseminating information and providing training about the change in the law regarding restraints and seclusion of students in public schools.



## SEAC Member Roster SY 13-14

Ms. Ivalee Sinclair, Chair	Individual with a Disability/CCCO Representative
Ms. Martha Guinan, Vice Chair	Parent - Central District/UH Representative
Ms. Brendelyn Ancheta	Parent - Kauai District
Dr. Tammy Bopp	Early Intervention Section, DOH
Dr. Robert Campbell	Representative of the Military
Ms. Deborah Cheeseman	Special Education Teacher, HSTA Rep
Ms. Annette Cooper	Parent - Central District
Ms. Gabriele Finn	Teacher/Parent - Windward District
Ms. Jenny Gong	Developmental Disabilities Division, DOH
Ms. Tami Ho	Parent – Windward District
Ms. Barbara Ioli	Parent - Leeward District
Ms. Valerie Johnson	Division of Vocational Rehabilitation, DHS
Ms. Deborah Kobayakawa	Parent/Parent Training and Information Center
Ms. Debbi Krekel	Parent/Parent Training and Information Center
Ms. Bernadette Lane	Child Welfare Branch, DHS
Ms. Dale Matsuura	Teacher, HSTA Rep
Ms. Maria Merry	Developmental Disabilities Division, DOH
Ms. Stacey Oshio	Youth Corrections/Principal - Olomana School
Ms. Zaidarene Place	Parent - Maui District (Molokai)
Mr. Ken Powell	Representative of Hawaii Assoc. of Independent Schools
Ms. Barbara Pretty	Resource Teacher - Windward District
Ms. Kau'i Rezentes	Parent - Leeward District
Ms. Melissa Rosen	Charter School Representative
Dr. Patricia Sheehey	Parent/University of Hawaii Representative
Mr. Tom Smith	Community Representative
Ms. Lani Solomona	Representative of Students Who Are Homeless, DOE
Dr. Dan Ulrich	Parent/Child & Adolescent Mental Health Division, DOH
Ms. Amy Wiech	Parent - Central District
Ms. Cari White	Adult Corrections, DPS
Ms. Susan Wood	Parent - Hawaii District
Ms. Shari Dela Cuadra-Larsen	Liaison to the Superintendent
Ms. Cara Tanimura	Liaison to the Superintendent
Ms. Jan Tateishi	Staff
Ms. Susan Rocco	Staff