

# **Special Education Advisory Council ANNUAL REPORT**



**Relating to SEAC Activities  
July 1, 2014 to June 30, 2015**

## Message from the Chair

*As we share this annual report of SEAC activities in the 2014-15 School Year with the Department, and with families, community organizations, legislators and the general public, I would like to thank SEAC members for a really fruitful year.*

*One of our most exciting activities was the Informational Briefing held in April at the State Capitol to discuss progress made on the findings of the 2012 WestEd Report. The report was commissioned by the Department of Education and outlined a path to important special education reforms and redesign which as yet have not been enacted. SEAC provided a compelling presentation on the need for timely and effective actions to help special education students improve their academic achievement and behavioral and post school outcomes.*



*We hope that special education stakeholders find the information in this report of interest and value. SEAC welcomes your feedback as we move into another year of partnering with the Department of Education, the Board of Education, the Legislature and the community at large. As I step down as Chair, I ask you all to extend your aloha to our SEAC Chair for the 2015-16 School Year--Martha Guinan.*

*Regards,*

*Ivalee Sinclair, Chair*

## Contact Information for SEAC

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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

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

## Vision

SEAC 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 SEAC 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 SEAC 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 SEAC

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).
8. Review Hawaii special education due process hearing decisions and findings. (CFR 300.513).
9. Review and comment with regards to the Department's federal and state budgets for special education.

## SEAC Membership



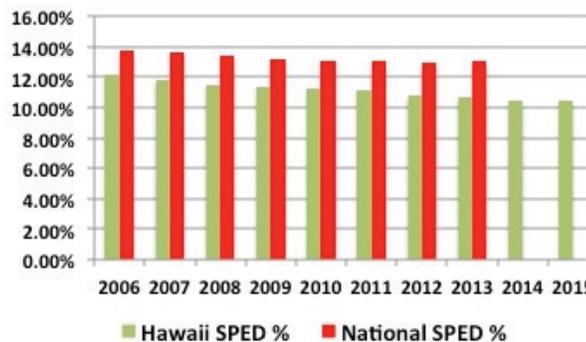
SEAC is made up of a diverse group of individuals with expertise in all aspects affecting special education and related issues. Persons with disabilities and parents of children with disabilities comprise a majority of the membership. Members are appointed by the Superintendent and serve without compensation for three-year terms. For the roster of SEAC members for SY 2014-15, go to: <http://www.seac-hawaii.org/members-2/>.

# The Students that SEAC Represents

## Size of the Special Education Population.

In SY 14-15 there were 19,018 students aged 3 to 22 years old with Individualized Education Programs (IEPs). This number represents 10.46% 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 21,935 students (comprising 12.1% of the overall population) in SY 05-06. This decrease in special education enrollment reflects a national trend (see table above). 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 SY 14-15, that 2% equates to about 3,650 students who might be unidentified as eligible for special education services.

# OF SPED STUDENTS AS A % OF TOTAL SCHOOL POPULATION



To further explore the significance of Hawaii's special education enrollment, SEAC compared the SY 14-15 percentage of special education students served in relation to the total student population for three states with similarly sized special education student enrollments. Of the four states, Hawaii had the lowest percentage of students receiving special education and related services.

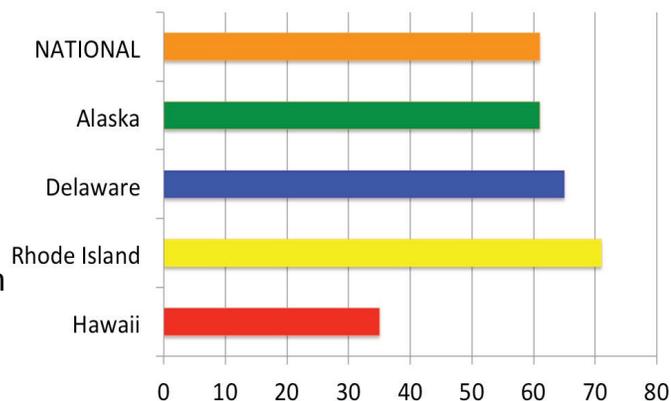
## COMPARISON OF PERCENTAGE OF SPED STUDENTS SERVED

State	# SPED Students	Total # of Students	% with IEPs
Alaska	18,023	131,882	13.6
Delaware	19,011	115,921	16.4
Hawaii	19,081	182,384	<b>10.5</b>
Rhode Island	21,308	141,959	15.0

## 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. Most of Hawaii's special education students spend significantly less time than their Mainland counterparts in the general education classroom. 35.5% of Hawaii students with IEPs in SY 14-15 spent 80% or more of the day in the general classroom, falling well behind the three comparison states and the national average of 61.5%.

% of Special Education Students Spending 80%+ in Regular Classroom



## The Students that SEAC Represents (cont.)

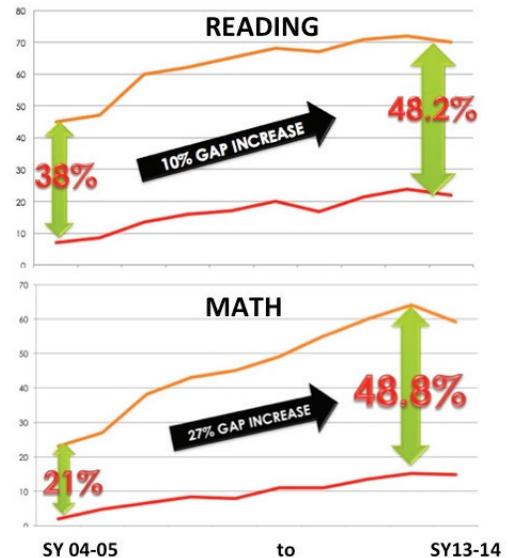
### Academic Achievement

Most students with Individualized Education Programs (IEPs) in Hawaii public schools are performing below grade level in reading and mathematics as measured by statewide assessments. Only 22% were proficient in reading and 15% proficient in math for SY 13-14 (the latest year assessment data is available) compared to the average scores of all students: 70% proficiency in reading and 59% proficiency in math. When one compares performance over a ten year period, we find that although the scores for special education students have improved somewhat, the gap between special education performance and general performance has actually gotten larger. So rather than catching up to their non-disabled peers, students with disabilities are falling more and more behind. True progress will require an accelerated growth rate that closes the performance gap.

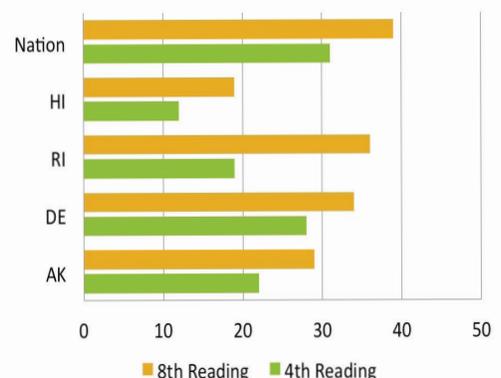
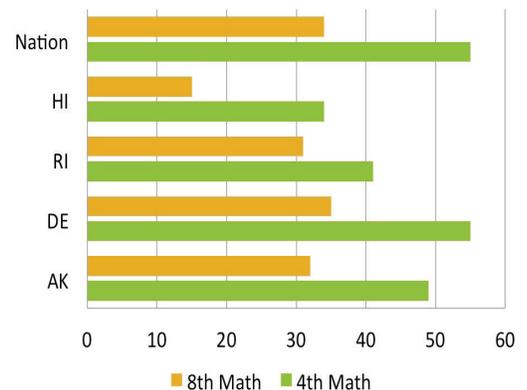
Currently, the only measure that is available to compare Hawaii's special education reading and math proficiency to that of other states is the National Assessment of Educational Progress. In the most recent published NAEP results (2013) Hawaii students with disabilities significantly underperformed the three comparison states and the national mean scores for achieving a basic level of reading and math.

A 2014 post on the Department's website proudly reported that "Hawaii's fourth- and eighth-graders continue to progress in mathematics and reading; and for the first time, the state's fourth graders have scored above the national average in math." 88% of fourth graders without disabilities scored at or above the basic level in math and 50% scored at the proficient level or above. This compares to only 34% of 4th grade students with disabilities meeting basic levels in math and only 7% achieving proficiency. The NAEP achievement gaps between Hawaii's students with disabilities and those without disabilities are some of the highest in the nation.

### GROWING PERFORMANCE GAPS



### 2013 NAEP Results Students with Disabilities Basic or Above



## Recommendations to the Superintendent

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



Kathryn  
Matayoshi

### CONFLICT RESOLUTION

*Issue: Families and schools under-utilize mediation as a low cost, relationship-preserving method of special education conflict resolution.*

**Recommendation:** Initiate a media campaign with support from SEAC, the Community Childrens' Councils and other family stakeholder groups to highlight the benefits of mediation and other early conflict resolution activities.

### FAMILY-SCHOOL COMMUNICATION

*Issue: SEAC has been told that there are no clear and consistent policies or protocols for uniformly informing parents in a timely way of adverse events at school. 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.*

**Recommendation:** Develop clear policies and protocols for notifying families in a timely way of adverse events at school that may negatively impact the student.

### LEAST RESTRICTIVE ENVIRONMENT/INCLUSION

*Issue: Only 35.5% of students with IEPs spend 80% or more of their day in the general education classroom (as opposed to the national average of 61.5%), and many of these "included" students do not have the necessary supports to meet their unique needs.*

**Recommendations:** Provide greater clarity/training to the field regarding what is meant by the term "inclusion" and the evidence-based strategies to support inclusive education for students with disabilities. Give teachers adequate time to prepare and plan together to coordinate instructional supports to students with diverse learning needs.

### PROFESSIONAL DEVELOPMENT

*Issue: Community and departmental stakeholder groups involved in the infrastructure analysis for the State Systemic Improvement Plan Phase I submission have identified professional development and technical assistance for quality instruction as a high priority need for ALL school staff (general and special education teachers, educational assistants, part-time teachers, etc.).*

**Recommendations:** Apply for a State Improvement Grant to generate resources for personnel development. Assign a singular lead at the state level for special education professional development. Include special education personnel in decision-making regarding school-wide training initiatives.

## Recommendations to the Superintendent (cont.)

### RECRUITMENT AND RETENTION OF SPECIAL EDUCATION PERSONNEL

*Issue: At the beginning of the school year the Department set aside \$5.4 million in special education funds to help meet the Governor's required budget restriction. These funds were identified as "salary savings" from unfilled special education positions sorely needed in the field.*

**Recommendations:** Provide an accounting to the special education community of the specific positions that are chronically unfilled. Develop new and effective strategies for filling these positions on a priority basis. Utilize a portion of the funds given by the 2015 Legislature for recruitment and retention incentives to special education teachers in hard-to-fill positions.

### STATE SYSTEMIC IMPROVEMENT PLAN (SSIP)

*Issue: The initial target for the SSIP focuses on a subset of kindergarten through third graders with disabilities for improvements in reading achievement with modest expectations for growth. To address the immediate needs of students from other disability categories and grades, the Department has placed emphasis on the work of the Complex Area Support Teams (CAST) who have little special education expertise.*

**Recommendations:** Further revise the State-identified Measurable Result (SiMR) to reflect an accelerated trajectory of growth in reading achievement (greater than that for general education students) in order for special education students to reduce the huge achievement gap. Bring in outside expertise to assist the CAST in improving outcomes for students with IEPs.

### TIME LINE FOR IMPLEMENTATION OF WEST ED RECOMMENDATIONS

*Issue: Many of the recommendations for reforming the delivery of special education services to students with disabilities contained in the 2011 and 2012 WestEd Reports have not been implemented, despite agreement from the Department that they are both valid and likely to substantially improve outcomes for students with disabilities.*

**Recommendations:** Convene a special education task force to study and make recommendations to the Legislature on: (1) the progress of implementing the WestEd report recommendations; and (2) ways to improve the delivery of special education services and supports in order to improve outcomes for students with disabilities. Provide comprehensive training to administrators on the rights and needs of students with disabilities and on family-school partnerships in order for them to be able to lead reform efforts.



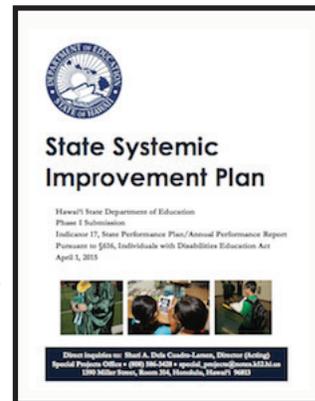
## Major Areas of Focus for SY 14-15

### Annual Performance Report/State Systemic Improvement Plan

A major activity of SEAC is assisting the Department of Education in reporting annually to the Office of Special Education Programs (OSEP) on Hawaii's compliance with the Individuals with Disabilities Education Act, as well as on student performance. This year's focus was on Phase 1 of the State Systemic Improvement Plan (SSIP) process. Key activities of the SSIP included:

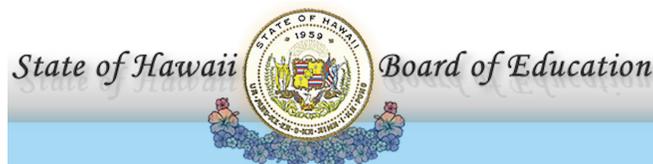
- ◆ looking at strengths and weaknesses of the infrastructure needed to support special education students and staff (for example, funding, training, technical assistance, use of data, etc.);
- ◆ selecting **reading proficiency** as a target for improvement;
- ◆ analyzing data related to student performance in reading; and
- ◆ developing a theory of action (for example, "if we do \_\_\_\_, then student achievement in reading will improve").

SEAC advocated for mixing educators and community representatives together in the planning process, raising the targets for growth in reading performance, and developing a parallel plan to step up support to students with disabilities in grades and disability categories not targeted by the SSIP. For a copy of the SSIP submitted on April 1, 2015, go to [http://www.hawaiipublicschools.org/DOE%20Forms/Special%20Education/Hawaii\\_S SIP.pdf](http://www.hawaiipublicschools.org/DOE%20Forms/Special%20Education/Hawaii_S SIP.pdf).



### Board of Education Policy Review and Fiscal Oversight

Early in the school year, SEAC learned that the Department was planning to use \$9.1 million in special education funds to help meet the Governor's budget restrictions. Our



testimony pointed out a disproportional burden on special education resulting in roughly \$4 million being restored to the EDN 150 budget. SEAC encouraged the Department to examine its recruitment activities and step up efforts to fill positions.

Later in the school year, SEAC testified at meetings of the Student Achievement Committee and Finance and Infrastructure Committee regarding efforts to align existing policies to the Strategic Plan and eliminate duplicative or outdated policies. SEAC recommendations were reflected in the following policy updates:

- ◆ Family and Community Engagement/Partnership (101.14)
- ◆ High School Graduation Requirements and Commencement (104.1)
- ◆ Summer School Programs (500.18).

For copies of SEAC testimonies, go to <http://seac-hawaii.org/board-of-education-testimony>.

## Major Areas of Focus for SY 14-15 (cont.)

### Due Process

Since 2004, SEAC has been conducting an annual review of due process activity--mediation, written complaints and due process hearing requests and decisions--to determine how well Hawaii schools are resolving conflicts between special education parents and school personnel and to look for opportunities to promote early dispute resolution. This year's report (found at <http://www.seac-hawaii.org/reports/#process>) examined activity for the SY 12-13. Findings included a higher than average number of written complaints, consistently low use of mediation as a tool to resolve conflict, and a steep decline in hearing requests and decisions.

### E.R.K. Decision

The 2013 E.R.K. Decision by the 9th Circuit Court of Appeals required the Department to extend eligibility for special education and related services to age 22 and to work with plaintiff attorneys to provide compensatory education services to members of the class action suit who had left DOE before age 22 without a high school diploma. SEAC (as a member of the Coalition for Children with Special Needs) was asked by Alston Hunt Floyd & Ing, the law firm serving as lead plaintiff attorney, to compile a grid containing transition skills needed by students moving to post-school settings paired with local agencies offering support and training to obtain these skills.

SEAC also wrote to the Superintendent on behalf of two E.R.K. class members--one of whom was not receiving appropriate programming in school, and a second who had waited eleven months to hear about the availability of compensatory services. The Superintendent's response said that the Department is considering establishing a central processing unit to respond to parent inquiries in a timely way.

### ESEA Waiver Renewal

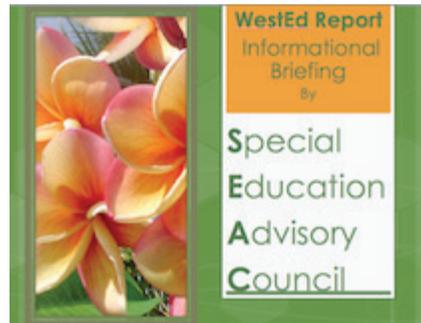
SEAC requested an opportunity to give input on the Department's application to renew its original Elementary and Secondary Education Act (ESEA) Flex Waiver that substituted the Strive HI Accountability System for the old NCLB accountability requirements. Stephanie Shipton, Director of the Policy, Innovation, Planning and Evaluation Office, presented an overview of the Department's submission that has received tentative approval by the U.S. DOE.

SEAC members shared their concerns about the current waiver--a lack of transparency in reporting progress of students with disabilities, a high "cell size" for reporting data that tends to exclude special education data, and a potential masking of special education performance in the High Needs Group (ELL students, disadvantaged students and students with disabilities). Ms. Shipton committed to being more inclusive and transparent with future waiver applications.



## Legislative Action

SEAC met regularly with the Coalition for Children with Special Needs to ensure broad-based support for bills affecting students with disabilities. SEAC also met with the Chairs of the Education Committees-- Representative Roy Takumi and Senator Michelle Kidani to educate them on current priorities of the special education community. Both Representative Takumi and Senator Kidani acted at SEAC's urging to schedule a legislative briefing to discuss the status of special education reforms outlined in the second WestEd Report dated December 27, 2012. The report and notes from the briefing can be found at: <http://www.seac-hawaii.org/west-ed-report/>.



At the briefing SEAC expressed concern over the delay in implementing the reform recommendations, and presented data on the poor academic performance of Hawaii's special education students compared to students in similarly-sized states and districts. Deputy Superintendent Ronn Nozoe acknowledged that more needs to be done but stopped short of agreeing to convene a working group as suggested by SEAC.

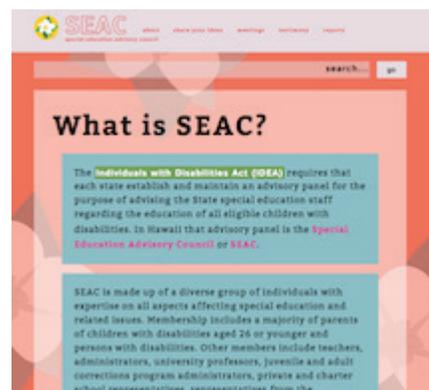
In addition to the briefing, SEAC testified in support of a number of bills affecting special education students. Included in bills that passed were the following:

- ◆ insurance coverage for autism diagnosis and treatment,
- ◆ epi-pen administration in school,
- ◆ licensing of behavioral analysts,
- ◆ the creation of an early childhood pre-Kindergarten program, and
- ◆ the establishment of a Hawaii ABLE Act savings program.

## Public Outreach

A new SEAC website was unveiled in December to enhance public awareness and participation with SEAC (<http://www.seac-hawaii.org>). SEAC members also provided a resource table at the annual SPIN Conference in May to provide information about SEAC to the parents and helping professionals who attend each year. This year's table drew over 150 visitors.

SEAC rack cards and brochures were also disseminated widely throughout the year, inviting public participation at monthly meetings. At least fifteen minutes are set aside in each meeting agenda to allow for public input. Two family members--a father of a high school student and a grandmother of a preschool student--took the opportunity to present their concerns in person. Members also discussed a number of issues that have been forwarded to SEAC or individual members by parents and other special education stakeholders.



## Future Directions for SY 15-16

- ✓ Proactively participate in the State Systemic Improvement Plan (SSIP) process.
- ✓ Gather information about the causes behind a significant reduction in due process hearings.
- ✓ Work with the Department and Chairs of the Education Committees at the State Legislature to implement special education reforms and secure adequate funding.
- ✓ 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.
- ✓ Follow the progress of the Hawaii Teacher Standards Board work group to look into matters concerning teacher performance assessments.
- ✓ 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.

