

# Special Education Advisory Council **ANNUAL REPORT**



**Relating to SEAC Activities**  
July 1, 2011 to June 30, 2012

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## SEAC's 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)

## SEAC's 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.

## SEAC's 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.

## Message from the Chair



*It is a delight and our pleasure to provide you with the Special Education Advisory Council (SEAC) Annual Report for School Year 2011-2012. I would like to thank our Council members who serve as volunteers for their commitment to addressing the unmet needs of students with disabilities, and to assisting the Department of Education in drafting rules, implementation plans and reports regarding their efforts to improve the academic and functional performance of IDEA eligible students.*



*In addition to our committee focus on personnel issues, due process, legislation and transition services for secondary students, SEAC proactively engaged in a number of reform activities. They included deliberations over a new special education staffing formula, infusing family-school-community partnerships into the Department's new Comprehensive Proactive Student Support (CPSS) framework and preliminary discussions with WestEd consultants on their recommendations to improve the overall delivery of special education services.*

*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*

## 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 and parents and grandparents of children with disabilities. The islands of Hawaii, Kauai, Maui and Oahu are represented. Members are appointed by the Superintendent and serve a three-year term. During the 11-12 School Year, new members were welcomed representing the Child and Adolescent Mental Health Division, the Developmental Disabilities Division, private schools, and the Division of Vocational Rehabilitation. See member roster in Appendix A.

## Recommendations to the Superintendent

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



Kathryn Matayoshi



### ANNUAL PERFORMANCE REPORT (APR) PLANNING

- Provide an orientation for new members of the APR Work Groups and ongoing opportunities for members to develop greater understanding of indicator data collection and analysis.
- Provide data to Indicator Work Group participants one month prior to the group meetings, if possible, to support the study of the data in more depth in order to make stakeholder contributions more useful to the APR process.
- Disaggregate data down to the school level for ALL indicators to provide a greater awareness of trends within and between complex areas and/or age groups.
- Disaggregate ethnicity data from the broad Office of Special Education Programs (OSEP) categories of “Asian” and “Pacific Islander” into the ten largest ethnicities comprising these categories in Hawaii in order to ensure effective improvement activities.
- Share data with SEAC that substantiates the effectiveness of improvement activities and identifies potential areas needing more attention.
- Allow adequate time for SEAC to review and comment on the APR draft document prior to submission to OSEP.

### ASSESSMENT/EVALUATION

- Ensure that assessment tools adopted for the common core standards offer adequate accommodations to students with disabilities.
- Under the eligibility category of emotional disability add criteria that requires a consideration of whether a student’s behavior is outside of his or her cultural norms.

### CHAPTER 60 TRAINING

- Include SEAC, parents, and other stakeholders in Departmental trainings on Chapter 60 as both trainers and audience members in order to model partnership and ensure that all stakeholders hear the same information.

### DUE PROCESS/DISPUTE RESOLUTION

- Conduct a survey of stakeholder groups to understand the reasons behind the low utilization of informal dispute resolution options.

## Recommendations to the Superintendent (cont.)



### **DUE PROCESS/DISPUTE RESOLUTION (cont.)**

- Include SEAC and other key stakeholders in improvement activities, including training to mixed audiences that focuses on special education dispute prevention and early resolution.
- Increase utilization of early dispute resolution, such as facilitated IEPs and mediation, through enhanced awareness activities aimed at parents and schools.
- Offer technical assistance and support to schools and families as soon as possible after a due process hearing decision to facilitate rebuilding of the family-school relationship.
- Ensure the adequacy of available hearing officers and legal counsel to meet the demand in order to improve the timeliness and effectiveness of hearings.
- Encourage more IEP recommended placements to acknowledged private school programs when public schools are unable to provide an appropriate program for a student with unique needs.
- Enlist the support of SEAC in conducting a thorough review of settlement agreements--issues, outcomes, costs, student characteristics and geographic locale. Utilize this information to gain a more comprehensive picture of Hawaii's due process efforts and identify prevention and early intervention strategies to 1) preserve the relationship between school and home and 2) avoid legal costs.

### **EXTENDED SCHOOL YEAR SERVICES**

- Provide clearer guidance and training to school personnel regarding the determination of Extended School Year (ESY) services utilizing clarifications that have been provided from OSEP and case law.

### **FAMILY-SCHOOL-COMMUNITY PARTNERSHIPS**

- Adopt the National PTA Standards for Family-School Partnerships to facilitate enhanced learning outcomes for students.
- Provide a copy of the summary of key findings from an initial evaluation or reevaluation for IDEA eligibility to the student's parents 2-3 days prior to the eligibility meeting or reevaluation meeting, so that they have an opportunity to absorb the findings and be better prepared to participate in decision making.
- Ensure that all IEP team members (including parents) be given a copy of the draft IEP with agreed-upon changes at the conclusion of the meeting, thereby maintaining transparency of the process, building trust and helping to ensure that there are no significant misunderstandings.

## Recommendations to the Superintendent (cont.)



### **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:
  - provision of adequate time for planning and consultation,
  - equal participation of the regular and special education co-teaching team members in planning, instruction, monitoring and evaluating student progress, 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.

### **PERSONNEL**

- Provide the field with a job description of the para-professional tutor (PPT) in order to clear up confusion over their duties.
- Provide a procedure for how services will consistently be provided to students when PPTs are sick or on leave.
- Standardize training for the PPTs in order to ensure comparable services statewide.
- Provide training to teachers on optimal strategies for the supervision of paraprofessionals.
- Require school and district requests to the Office of Human Resources for teaching positions to contain enough specificity to ensure a proper match of the teachers' training and skill sets with the needs of the classroom.

### **SECONDARY TRANSITION**

- Ensure consistency across complexes and districts in implementing transition planning activities and services for students with disabilities age 14 and older by establishing transition coordinator positions in each complex with adequate training and understanding of the core competencies required of these positions.
- Identify and implement critical supports for students with disabilities to complete new graduation requirements.
- Identify and implement critical supports for students with disabilities to develop a career track whether they are anticipated to receive a certificate of completion or a regular diploma.

## Recommendations to the Superintendent (cont.)



### SECONDARY TRANSITION (cont.)

- Develop coursework and apprenticeship options for students who are not planning to pursue a 4-year college diploma that are relevant to their career goals and aligned with the standards.
- Add a field on the eCSSS IEP form for the student's name so that the student is automatically invited to an IEP meeting to discuss transition from age 14 to graduation.

### SERVICES TO STUDENTS WITH AUTISM SPECTRUM DISORDERS

- Work with SEAC and parent groups for children with Autism Spectrum Disorders to examine and improve the array of services offered in public school settings to ensure the delivery of evidenced based teaching methodologies.

### STUDENT SUPPORT

- Provide intensive learning programs during the summer and intercession periods to enable all students with proficiency gaps to make additional progress on their academic goals.

## 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. CFR 300.169(a)
2. To comment publicly on the rules or regulations proposed by the State regarding the education of children with disabilities. CFR.300.169(b)
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. 300.169(c)
4. To advise the Department of Education in developing corrective action plans to address findings identified in the Federal monitoring reports. CFR 300.169(d)
5. To 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. 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.

## Committee Reports



### Due Process Committee

The Due Process Committee was formalized in 2002 to monitor the effect of the transition of responsibility for due process hearings from independent hearing officers to the Administrative Hearings Office of the Department of Commerce and Consumer Affairs. The Committee goes beyond mere review of all due process hearing decisions to include analysis of dispute resolution options and recommendations for improvement of the overall process.

**Mission.** The Due Process Committee will review all aspects of dispute resolution in order to make reasonable recommendations to the Department that promote early conflict resolution and, if implemented, may: reduce the number of hearings conducted in Hawaii, improve school and family relationships, and convert the money and attention currently paid to formal and fixed conflict resolution options into improved learning outcomes for students with disabilities.

#### Due Process Committee Activities of the SY 11-12.

- ☑ Briefed members on the findings of the review of dispute resolution activities in SY 10-11 and published these findings as the 2011 Due Process Report; made copies of the report available to DOE Leadership and legislators;
- ☑ Participated in the Annual Performance Report work group addressing complaints, due process hearings, mediations and resolution sessions;
- ☑ Presented WestEd's recommendations related to due process and an overview of due process findings for the SY 10-11 to surrogate parents at Epic;
- ☑ Shared difficulties in obtaining key data with the educational officer responsible for complaints management;
- ☑ Partnered with a local attorney to post on-line summaries on SEAC's web pages of due process decisions, and an appendix listing participating attorneys and hearing officers, and outcomes of due process decision appeals to the 9th Circuit Court of Appeals; and
- ☑ Prepared a list of questions to pose to plaintiff attorneys to gain greater insight into due process trends.

#### Direction for SY 12-13.

- ☛ Review due process hearing decisions for SY 11-12 and relevant data related to dispute resolution options such as mediation and written complaints.
- ☛ Work with the Department and WestEd consultants to set up an ongoing review of alternative dispute resolution and improvement activities.
- ☛ Conduct interviews of plaintiff attorneys to gain greater insights into issues.



## Committee Reports (cont.)



### Legislative Committee



Mission. The mission of the Legislative Committee is twofold: 1) provide information through testimony to the Department, the Legislature, the U.S. Congress and the Hawaii Board of Education regarding legislative issues, policies and administrative rules impacting students with disabilities, and 2) monitor the budget through the legislative process and testify before the Board and the Legislature to support adequate funds and sources of funds to serve the needs of students with disabilities.

#### Legislative Committee Activities of the SY 11-12.

- ☑ Provided testimony to the Board of Education on proposed amendments to Chapter 60 to incorporate state requirements on monitoring of students with disabilities in private schools at public expense;
- ☑ Met with other child and family serving agencies as the Coalition for Children with Special Needs to set joint legislative priorities;
- ☑ Briefed the House and the Senate Chairs of the education committees on SEAC's position on key legislation;
- ☑ Helped to finalize the Private School Placement Task Force recommendations for regulations, procedures and policies to support the implementation of Acts 128 and 129;
- ☑ Assisted the Department in preparing its Report to the Legislature on SCR 145 regarding family engagement;
- ☑ Testified on the DOE budget and a number of legislative bills regarding: health insurance parity for Autism Spectrum Disorders, school health aides, funding for essential services using Rainy Day monies, family-school partnerships, and early childhood learning; and
- ☑ Met with members of the Board of Education to discuss policies on inclusion, restraints and seclusion, family-school partnerships, and Comprehensive Student Support Services.

#### Direction for SY 12-13.

- ☛ Monitor the IDEA Fairness Restoration Act and the reauthorization of the No Child Left Behind Act;
- ☛ Monitor legislation and budgets impacting students with disabilities during the 2013 Legislative session;
- ☛ Provide input to the Board of Education on policy actions impacting students with disabilities;
- ☛ Participate on the DOE Family-School Partnership Working Group to assist in implementing recommendations contained in SCR 79.

## Committee Reports (cont.)



### Personnel Committee

**Mission.** The Personnel Committee will research and analyze factors that both negatively and positively impact the availability of well trained, committed teachers, administrators and support personnel to meet the needs of students with disabilities and make recommendations to maximize support to both educators and students.

#### Personnel Committee Activities of the SY 11-12.

- ☑ Invited a representative from the Office of Human Resources to clarify the Department's position of hiring substitute teachers over emergency hires when certified teachers are not available and shared Committee concerns over potential negative effects of this practice (i.e. lack of capacity to address students' learning needs and student regression due to personnel changes during the school year);
- ☑ Raised concerns over the Hawaii Teachers Standards Board decision to allow General Education teachers to acquire a Special Education Certification after teaching only one year in a special education classroom and passing the PRAXIS exam;
- ☑ Considered drafting a legislative resolution calling for a task force to seek solutions to problems related to teacher certification and placement;
- ☑ Identified inconsistencies in the training of Paraprofessional Tutors and Part-Time Teachers across complex areas;
- ☑ Provided representation on the Dyslexia Working Group to contribute SEAC input on training of parents and families, direct services to students with dyslexia and raising public awareness; and
- ☑ Raised concerns from the field regarding confusion over the implementation of Chapter 60 and the lack of training and guidelines on these new regulations.

#### Direction for SY 12-13

- ☛ Continue to stress the urgent need for Chapter 60 Implementation Guidelines and training for every public school;
- ☛ Continue to participate on the Dyslexia Working Group to provide recommendations to the Department of Education and the 2013 Legislature.
- ☛ Continue to monitor other personnel issues that affect students with disabilities and provide recommendations as appropriate; and
- ☛ Monitor training and implementation of Response to Intervention and other educational initiatives.

## Committee Reports (cont.)



### Transition Committee



Mission. The Transition Committee will strive to raise awareness of issues related to the transition process, for families and the DOE, in order to achieve smooth transitions in a manner that does not duplicate existing resources.

#### Transition Committee Activities of the SY 11-12.

- ☑ Hosted a presentation by the Division on Vocational Rehabilitation on DVR's services to students with disabilities;
- ☑ Considered the feasibility of surveying DOE personnel regarding transition practices;
- ☑ Met with the transition specialist from the Special Education Section to discuss transition issues; and
- ☑ Participated in the transition work groups for the Annual Performance Report.

#### Direction for SY 12-13.

- Partner with the Community Children's Councils and Hilopa'a to create a task force to develop strategies to help the Department implement a consistent curriculum for transition planning for students with disabilities.
- Explore the utilization and adaptability of Hilopa'a's Transition Guide for Youth with Special Health Needs for students with non-health related disabilities.
- Continue to gather student- and family- friendly materials on the transition process as resources for Hawaii's families of students with disabilities.

### Additional Council Activities



- ☑ Met monthly with the Deputy Superintendent and/or the Assistant Superintendent of OCISS as "Meeting of the Minds," a coalition of agencies serving students with disabilities working with the Department to identify unmet needs and opportunities for partnership;
- ☑ Wrote to the Superintendent to urge clarification of criteria to determine eligibility for Extended School Year (ESY) services;
- ☑ Met with WestEd consultants to discuss SEAC's future role in reform activities;
- ☑ Submitted recommendations to the Special Education Section regarding proposed guidelines for Chapter 60;

- - continued

## Additional Council Activities cont.



- ☑ Reviewed data and progress on improvement activities and offered suggestions for further improvement as members of all Indicator Work Groups at an Annual Performance Report meeting held in December; and
- ☑ Proposed adoption of the National PTA Standards of Family School Partnerships and drafted materials on family-school partnerships for inclusion in the Department's new Comprehensive Proactive Student Supports framework.

## Additional Council Directions for SY 12-13



- ☛ Revise and print/post the **Parent Guide to Partnership in Special Education** once Chapter 60 guidelines are finalized;
- ☛ Participate in the preview of the Department's ESEA Flexibility Waiver to ensure the inclusion of strategies to address the needs of students with disabilities;
- ☛ Provide SEAC representation in each Annual Performance Report Work Group for the 11-12 APR;
- ☛ Participate in Chapter 60 guideline training;
- ☛ Track the implementation of Race to the Top reform efforts, including Response to Intervention; and
- ☛ Continue "Meeting of the Minds" discussions with DOE Leadership.

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[www.spinhawaii.org/SAP/sap.html](http://www.spinhawaii.org/SAP/sap.html)

