



S E A C
Special Education Advisory Council

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May 19, 2015

**Special Education
Advisory Council**

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Mr. Brian De Lima, Chair
Finance and Infrastructure Committee
Hawaii State Board of Education
P. O. Box 2360
Honolulu, HI 96804

RE: Agenda Item V. A. Recommendation for Action - Committee
Action on Committee recommendation concerning the following
policies in the Board's proposed 400-900 policy series: Policy 500.18 –
SUMMER SCHOOL PROGRAMS POLICY

Dear Chair De Lima and Members of the Committee,

The Special Education Advisory Council (SEAC) recommends changes
to your policy on summer school programs for the following reasons:

- The second sentence under Regular Summer School Programs refers to District Superintendents.
- The phrase *special education summer school programs* is not referenced in the Individuals with Disabilities Education Act (IDEA), Chapter 60, Section 504 of the Rehabilitation Act or Chapter 61. However, some students with disabilities who require special education and related services beyond the usual school year, or as an extension of the usual school day, in order to receive a free appropriate public education (FAPE) are entitled to *Extended School Year (ESY)* services under these laws. Historically, many parents and teachers have referred informally to ESY services that are school based and delivered during summer break as "special education summer school."
- ESY services are not optional or dependent on a critical mass of students to indicate an interest before receiving these services. While the need for ESY services for an individual student is determined individually by his or her IEP team using specific criteria, it is common practice for schools to offer ESY programming over the summer to groups of students with similar needs.



- The draft policy suggests that special education summer school programs are segregated programs, thereby conflicting with the Board’s Policy on Inclusion (105.13). Both IDEA and Section 504 require that services to qualified students with disabilities be delivered in the least restrictive environment.

SEAC’s recommended revisions to the policy include the following:

- 1) Change the reference in paragraph 1, sentence 2 to “Complex Area Superintendent.”
- 2) Eliminate the two subcategories “Regular Summer School Programs” and “Special Education Summer School Programs;”
- 3) Eliminate the description of Special Education Summer School Programs;
- 4) Add language to the effect that students with disabilities may be entitled to educational services/ extended school year services during the summer break at no cost to the student, when it is determined by an IEP team that these services are required to maintain readiness to begin the next school year.

Thank you for your consideration of our recommendations. If you have any questions or concerns, please feel free to contact us.

Respectfully,

Ivalee Sinclair, Chair