



**S E A C**  
**Special Education Advisory Council**

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Hawaii State Board of Education  
P. O. Box 2360  
Honolulu, HI 96804

RE: VII. B. Board Action on formal comment on Federal Notice of Proposed Rulemaking to amend Federal regulations to implement changes contained in ESSA – accountability and state plans

Dear Chair Mizumoto and Members of the Committee,

The Special Education Advisory Council (SEAC) appreciates the proactive and inclusive stance the Governor, the Board and the Department have taken to work toward meaningful reform of our public education system through the design and implementation of Hawaii's state plan for the Every Student Succeeds Act. We were pleased to participate in the July 9th Education Summit where we gained valuable information and shared ideas with a wide variety of stakeholders.

In light of the Department's intention to submit future detailed comments regarding the proposed regulations for ESSA, SEAC would like to reiterate our position on some of its primary concerns reflected in the June 6th memo entitled "Summary and analysis of ESSA proposed regulations for accountability and state plans."

"Super subgroups" may only supplement use of individual student subgroups.

This flexibility offered to Hawaii through its ESEA Flex Waiver may have included more special education students than NCLB in assessing school performance; however, both SEAC and the drafters of ESSA hold that super subgroups tend to mask the performance of the individual student groups within and thus reduce accountability for traditionally under performing student groups. The use of a super subgroup also suggests that students within the group have equal needs, thus suggesting a single schoolwide approach to improving the individual student performance of those in the subgroup is adequate;



which is not the case. To improve accountability, SEAC strongly supports ESSA's requirement to report the performance of subgroups, including special education students, separately, and to hold schools accountability for reducing the achievement gap between under performing subgroups and the collective performance of the total student population.

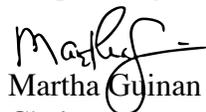
To improve accountability for these subgroups SEAC continues to recommend that Hawaii lower its minimum number of students for accountability purposes (the "n" size) to 10 students. 29 states to date have chosen to utilize "n" sizes between 5 and 25 students, and as a result, more students with disabilities have been identified for targeted interventions. Additionally, the Office of Special Education and Rehabilitative Services recently cited an "n" size of 10 for accountability purposes in determining whether students with disabilities within racial and ethnic groups are disciplined more than the norm.

*SEAs must classify schools for Targeted Support and Improvement if they have one or more subgroups performing at or below the overall performance of the lowest 5% of schools.*

In its comments the Department acknowledges that a large number of schools "have at least one subgroup of students whose performance is below the overall performance of even our most challenged schools", and under the ESSA proposed guidelines would be identified as needing Targeted Support and Improvement (TSI). SEAC acknowledges the challenges facing the Department in simultaneously addressing the needs of a large percentage of schools. However, by identifying schools for TSI under ESSA, they are then eligible to receive the additional supports and evidence based interventions to improve student achievement.

Thank you for this important opportunity to provide testimony. As usual SEAC stands ready to collaborate with the Board and the Department in addressing the needs of students with disabilities and the educators who support them. If you have any questions, please feel free to contact me.

Respectfully,

  
Martha Guinan  
Chair