



S E A C
Special Education Advisory Council

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February 7, 2019

**Special Education
Advisory Council**

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

RE: VI. A. Board Action on approving for public hearing adoption of the draft of new Chapter 89, and
VI. B. Board Action on approving for public hearing draft amendments to Chapter 19

Dear Chair Payne and Members of the Committee,

The Special Education Advisory Council (SEAC) welcomes this opportunity to provide further testimony on the proposed rules for Chapter 19 and Chapter 89. We concur with the proposed updates suggested by school administrators regarding uncoupling the bullying and harassment definition, clarifying the circumstances where cyberbullying would be covered by these rules, and changing the timeline for completing Chapter 19 investigations to five school days, rather than five calendar days.

SEAC is also supportive of limiting the designation of bullying, cyberbullying and harassment as a Class A offense to high school students only. However, if discipline measures imposed for a more serious Class A offense include missing instructional time, then students under suspension will be at greater risk of negative educational and post-school outcomes. SEAC believes that the emphasis should be much more on preventing bullying/harassment and intervening early with positive behavioral supports, rather than imposing harsh punishments.

SEAC continues to have concerns about two recommendations that we believe have not addressed in either the previous or current drafts, and we would therefore like to restate them:

RECOMMENDATION 1

Under §8-19-2 and §8-89-2 Definitions. “Immediate interventions”
State a specific timeline for “immediate” interventions (for example, within 24-48 hours).



SEAC's rationale:

The Department defines the timeline for immediate intervention to be "as soon as possible." This phrase is much too subjective. Specifying a concrete timeline will create uniform expectations between school officials and parents.

RECOMMENDATION 2

Under SUBCHAPTER 8, §8-19-31 Investigation (a)

The draft language reads "Once an investigation is initiated, the principal or designee shall make a good faith effort at the earliest point possible to inform the parent about the investigation." **This sentence should be amended to specify a timeline (for example, on the day of the complaint, within 24 hours of a complaint, etc.) rather than use the vague language "at the earliest point possible."**

SEAC's rationale:

Having vague timelines reduces accountability and leads to misunderstandings between parents and school personnel. SEAC has asked the Department on several occasions to issue instructions to the field to notify parents of incidents at school affecting their child on the same day of the incident. Children with disabilities often lack the ability to clearly express events that happen at school that may have upset or traumatized them. Parents have a right to timely information, so that they can appropriately support and/or advocate for their child

Thank you for the opportunity to provide comments and recommendations on these important regulations. Should you have questions, we will be happy to provide answers or clarification.

Respectfully,


Martha Guinan
SEAC Chair


Ivalee Sinclair
Legislative Committee Chair