



# 2022 SEAC Annual Report

## **Draft Recommendations to the Superintendent**

Discussed at the May 13, 2022 SEAC Meeting

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# 1. PROFESSIONAL DEVELOPMENT: UTILIZING INTEGRATED TEAMS

- **Issue:** The Department has committed to designing fundamental professional development to prepare all stakeholders to support a shared vision of inclusive education. This vision must include his or her family's perspective and insights in order to be truly meaningful. Professional development efforts--especially around the topics of inclusive education and family engagement--will have a greater impact, if they include the student and parent voice, either as co-presenters or receivers of information in inclusive professional development activities.
- **Recommendation: Utilize parents and student leaders** on professional development teams to model the home-school partnership that enhances the academic success of students with disabilities. **Open up training** to a broad range of stakeholders so that they may hear the same message and commit to the same goals for improving student outcomes.

## 2. CONFLICT RESOLUTION: MEDIATION

- **Issue:** The Individuals with Disabilities Education Act (IDEA) offers parents a number of options for resolving conflict, including the formal options of mediation, written complaints, resolution sessions and due process hearing requests. Mediation offers timely results and generally preserves the relationship between school and home. The Center for Appropriate Dispute Resolution in Special Education (CADRE) lists additional benefits of mediation including high rates of compliance with settlements, mutually satisfactory outcomes, a greater degree of control and predictability of outcome, and personal empowerment. Yet SEAC's reviews find that Hawaii families of students with disabilities consistently underutilize mediation. In SY 20-21 only 4 mediations were conducted—a rate per capita that is more than 4 times less than the national average.
- **Recommendation:** Partner with SEAC and other interested stakeholders to launch a **public awareness campaign** on the benefits of mediation for resolving conflicts between schools and parents whose children are eligible for special education.

### 3. CONFLICT RESOLUTION: ENSURING ADEQUATE LEGAL REPRESENTATION

- **Issue:** IDEA mandates that State Advisory Panels like SEAC be given due process hearing decisions to review. In examining the due process hearing decisions resulting from hearing requests filed in SY 20-21, we found that one attorney represented parent plaintiffs in 18 of the 21 decisions. This raises serious concerns about a possible shortage of legal representation for parents wanting to exercise their due process rights. SEAC is aware of a number of plaintiff attorneys who have retired or left the state over the last five years, and we have heard from several families who were unable to secure an attorney to represent them in a due process hearing.
- **Recommendation:** With the assistance of the Office of Dispute Resolution **gather data on the number of plaintiff attorneys** representing parents of children with disabilities in special education complaints, **as well as potential barriers to adequate representation.** Partner with SEAC and other stakeholders to **address these barriers** and level the playing field for parents who have been unable to exercise their right to due process because of the limited availability and/or affordability of competent plaintiff attorneys.

## 4. DISTANCE LEARNING

- **Issue:** During the pandemic, we learned that a percentage of students with disabilities experienced greater academic success while distance learning compared to in-person learning. The benefits of distance learning for these students included 1) the ability to select the most convenient and preferred time of learning, 2) the ability to select the pace of learning, 3) reduced anxiety for students with social and emotional issues related to attending school in-person, 4) the ability to revisit material whenever they forget something and the ability to re-take quizzes and tests, and 5) better attendance for students who face barriers related to health, transportation or the responsibility for caring for other family members at home. However, many schools and complexes have chosen not to provide the option of distance learning with adequate supports and supervision.
- **Recommendation:** In order to ensure FAPE for these students who gain more benefit from quality distance learning opportunities, the state and/or district **work to ensure that teacher-mediated distance learning is available throughout the state, including the delivery of related services where appropriate.**

## 5. CLASSROOM OBSERVATIONS BY PARENTS OF STUDENTS WITH DISABILITIES

- **Issue:** The Every Student Succeeds Act (ESSA) explicitly encourages parent observations in Title I schools as a component of family-school partnerships. Additionally, the Department has system-wide protocols in place for parents of students with disabilities requesting an opportunity to observe a special education classroom as a potential program for their child or to observe their child once he or she is placed in the classroom. However, there is great variability in how schools interpret these protocols. As a consequence, there is inconsistency across schools and complex areas in granting observation requests.
- **Recommendation:** Partner with SEAC and other key stakeholder groups to **educate the field on how to encourage parent participation in the education of their children**, including visiting the classroom when warranted and **maintaining meaningful two-way communication between school and home**.

## 6. ADDRESSING THE SAFETY OF SCHOOL PERSONNEL

- **Issue:** The Department requested that HB 2125 and companion bill SB 3093 – Related to Official School Business -- be introduced during the 2022 legislative session to address serious threats of bodily harm made to school staff by parents of public school students. There was no prior discussion with or input from parents and many were unaware of the bill until it had been heard in both chambers. During the hearings it was revealed that a target of the legislation was the special education parent who interfered with official school business and could then be subject to a harassment misdemeanor charge with the possibility of a significant fine and/or jail time for exercising their due process rights under IDEA. Although the bill was deferred mid-way in the session, its introduction shook the faith of parents of students with disabilities in HIDOE leadership's intent to engage in partnership with families.
- **Recommendation:** Invite SEAC to partner with the Department in **working out a mutually acceptable solution to protecting educators from harassment without unfairly punishing parents** who advocate on behalf of their children with disabilities.

## 7. SUPPORTS FOR EXPELLED PRIVATE SCHOOL STUDENTS WITH DISABILITIES

- **Issue:** SEAC has learned of a number of vulnerable students with disabilities who have been expelled from private schools in the middle of the school year, primarily due to behavior issues related to not having their needs accommodated in the private school setting. As they transition to public school, they are not always identified as being at high risk of self-harm due and/or significant behavior problems due to their distress over being ejected from their private school home and familiar environment. Their parents are often equally ill-prepared to seek the supports needed by their children in the public school setting due to a lack of familiarity with the special education process.
- **Recommendation:** Partner with SEAC to **develop protocols that would identify these high-risk students upon entry into public school** and **provide timely and individualized interim supports** as IEPs are developed and implemented and/or evaluations are conducted.