

**SPECIAL EDUCATION ADVISORY COUNCIL**

**Minutes – March 8, 2024**

**9:00 a.m. – 12:00 p.m.**

**MEMBERS:** Kathie Awaya, Virginia Beringer, Mark Disher, Nancy Gorman (for Paul Meng), Martha Guinan, Mai Hall, Melissa Johnson, Amanda Kaahanui (staff to SEAC), Helen “Kupu” Kaniho (liaison to the Superintendent), Jennifer Leoiki-Drino, Dale Matsuura, Cheryl Matthews, Wendy Nakasone-Kalani, Christopher Pelayo, Susan Rocco (staff to SEAC), Kiele Pennington, Steven Vannatta, Lisa Vegas, Jasmine Williams, Susan Wood

**EXCUSED:** Sara Alimoot, Annette Cooper, Kaili Murbach, Debora Uyeda,

**ABSENT:** Deborah Cheeseman, Shana Cruz, Mai Hall, Tina King, Chris Pelayo, Kau’i Rezentes, Rosie Rowe, Scott Shimabukuro

**GUESTS:** Casey Agena, Marlene Asuncion, Tierney Barcarse, Will Carlson, Heather Chapman, Linda Elento, Rhianna Fry, Angie Graham, Naia Hart, Sandy Jessmon, Felicia Linton, Steve Lopes, Suzanne McFadden, Michael McGushin, Christine Montague-Hicks, Lori Morimoto, Chris Pauole, Maria Robinson, Lynn Romero, Amy Ruhaak, Krysta Salon, Inger Stonehill, Leeann Pule Viernes, Angela Wong, Jacy Yamamoto She asked Amanda Kaahanui to call the roll and have guests introduce themselves.

<b>TOPIC</b>	<b>DISCUSSION/ACTION</b>
<b>Welcome and Introductions</b>	Chair Martha Guinan called the meeting to order at 9:05 a.m. and welcomed participants. She asked Amanda Kaahanui to call the roll and have guests introduce themselves.
<b>Input from the Public</b>	Members received both written and oral testimony from Inger Stonehill, a teacher at Dole Middle who was formerly at Farrington High School. Inger also shared that she has an adult daughter with ADHD for whom she needed to advocate on many occasions. As a result of experiencing severe and egregious harassment, Inger and several teacher colleagues drafted HB 1651 which creates the offense of harassment of an educational worker, directs the Department to conduct thorough investigations, and supports the worker throughout the process, including providing paid leave to pursue legal remedies such as restraining orders. Unlike HB 2125 two years ago that was opposed by SEAC, because it appeared to target parents of special education students, this bill was written very specifically to target threat of physical harm. Ms. Stonehill asked members for any suggestions that would encourage SEAC support for the bill. (See Ms. Stonehill’s testimony in Attachment A).
<b>Announcements</b>	<ul style="list-style-type: none"><li>• Amanda Kaahanui reminded members of the availability of scholarships for SEAC members, as well as parents on the neighbor islands, to attend the SPIN Conference on April 6th. She encouraged those who attend to consider helping to man the SEAC informational table in the resource room.</li><li>• Helen “Kupu” Kaniho announced that the Office of Student Support Services is holding a four-day conference during Spring Break from March 19 – 22nd at the Hawaii Convention Center. She shared a link to more information and invited interested SEAC members to register by March 13th. Julie Weatherly, the attorney who updates Hawaii on the impact of IDEA case law, will be presenting on March 19th and 20th.</li></ul>

<p><b>Announcements</b></p>	<ul style="list-style-type: none"> <li>Lori Morimoto shared an invitation from the department to attend a one-day training for parents, non-attorney advocates and parent training information centers on an overview of special education procedural safeguards and information needed by parents who represent their child in a due process hearing (pro se). It will be held at the Ala Moana Hotel on April 10th from 9:00 a.m. – 3:00 p.m. and will also be available on zoom. Interested individuals were asked to register by Thursday, March 28th at 3:00 p.m.</li> </ul>
<p><b>Discussion on Graduation and Drop Out Rates (APR Indicators 1 &amp; 2)</b></p>	<p>Lori Morimoto from the Monitoring and Compliance Branch and Casey Agena from the Office of Curriculum and Instructional Design led a discussion on <a href="#">new graduation and dropout data for the FFY 2023 State Performance Plan/Annual Performance Report (SPP/APR)</a>.</p> <p><u>Source of data for graduation</u>                  Data comes from the Section 618 Data Table on Exiting Students and is “lag data”—it is collected from the previous school year. The four data categories used to calculate graduation for special education students are: 1) graduated with a regular high school diploma, 2) received a certificate, 3) reached maximum age, and 4) dropped out. This data cannot be compared to graduation data for other student groups that is reported on the Accountability Data Center web page, because the ADC uses a four-year adjusted cohort to measure graduation rather than the yearly exit data. Resource information can be found on the <a href="#">Indicator 1 Fact sheet</a> and the <a href="#">Indicator 1 infographic</a> developed by SPIN and the MAC Branch that is found on the HIDOE website.</p> <p><u>Graduation rate for FFY 2023 (from SY 22-23)</u>                  This rate was 70.51% of all students exiting in the four categories above and did not meet the target set at 75%. When compared to the most recent comparison data for a national graduation rate (SY 20-21), Hawaii’s rate of 70.22% was shy of the national average of 73.9%.</p> <p><u>Graduation rates by disability and race/ethnicity</u>                  When comparing graduation rates of students in various eligibility categories, students with intellectual disabilities had the lowest graduation rate in SY 22-23 (19.42%) while students who were deaf or hard of hearing had the highest rate (85.71%). Looking the various ethnicities, students who identified as two or more races had the lowest rate (66.33%).</p> <p><u>Source of data for the dropout rate</u>                  Data for calculating dropout rates is the same as those categories from the Section 618 exiting table that are used for graduation rates. Dropout have declined since the baseline SY 19-20 rate of 14.93%, and the rate for SY 22-23 is 12.94%, narrowly missing the target set of 12%.</p> <p><u>Dropout rates by disability and race/ethnicity</u>                  Of the four largest disability categories, students who are eligible under emotional disabilities have the</p>

<p><b>Discussion on Graduation and Drop Out Rates (APR Indicators 1 &amp; 2) cont.</b></p>	<p><u>Dropout rates by disability and race/ethnicity (cont.)</u> highest dropout rate with 1 in 3 students dropping out. Native Hawaiian/Pacific Islanders had the highest dropout rate (16.26%) in SY 22-23 while white students had the lowest rate (6.58%).</p> <p><u>Welcoming SEAC input on targets for graduation and dropout rates</u> Lori directed members to a <a href="#">Jam board</a> for members to provide their feedback on whether the current targets for graduation and dropout rates are appropriate, or whether they should be raised or lowered.</p> <p><u>Improvement strategies for raising graduation rates and lowering dropout rates</u> Casey Agena from the Office of Curriculum and Instructional Design provided some specific examples of improvement strategies:</p> <ul style="list-style-type: none"><li>• The Department utilized \$21 million of ESSER funding to cover all costs of summer learning, including transportation, food services, college counseling, credit recovery and enrichment activities.</li><li>• Hazel Health offered short term mental health services to students beyond the school day and provided a bridge to community based mental health services.</li><li>• Smaller learning communities and career pathways are a priority with the Workforce Development Branch looking at how to connect middle and high schoolers with career technology education and internships and externships.</li><li>• The Personal Transition Plan is an improvement strategy, but it is uniquely implemented by each high school making it hard to collect broad metrics.</li></ul> <p><u>A Case Study at Kapaa High School on Kauai</u> On Kauai, the Department noticed that many students were choosing work opportunities over partaking in summer educational programming. Likewise, teachers were choosing to work in the community over the summer rather than teach. One of the locations that drew students and teachers for work was the Waipā Foundation, an aina-based conservation program. Last fall and this summer HIDOE is offering summer learning at Kapaa High School for credit while also offering an opportunity to earn money. Teachers can make more money working through HIDOE holding a sixty-hour class for credit at the Waipā Foundation location. Classes are finished at mid-day and students then work as docents and conservationists in the afternoon. Once the program is established, it will be a PDE3 opportunity for other teachers in Kauai to learn how to partner with community organizations.</p> <p><u>Last thoughts</u> ESSER monies will be sunseting this September. It would have been great if this pilot project had been done sooner to accumulate enough data to sell the program to legislators. Hopefully HIDOE will be able to do this again with other federal program monies.</p>
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<p><b>Discussion on Graduation and Drop Out Rates (APR Indicators 1 &amp; 2) cont.</b></p>	<p><u>Disability-specific summer programming</u> Kupu Kaniho asked DES Tierney Barcarse from the Hilo/Waiakea Complex Area to share a little bit about the summer program she and others have developed on Hawaii around preparing for transition from high school to work. They have partnered with the Arc of Hilo to offer students with disabilities from 7<sup>th</sup> to 11<sup>th</sup> grade a work-based learning program where they can visit several workstations at the Arc to practice work skills while also practicing social skills to interact with the community and each other. Additionally they have created a teen partnership with many of the high school academic and social clubs—Key Club, Science Club, Interact, etc.—where peer mentors are selected to work over the summer with special education participants. Some of the special education graduates have come back to work as paid mentors.</p> <p><u>Questions/comments from members and guests</u> Q. Do the graduation rates from other states include the alternate diploma? A. Yes. Q. Isn't the comparison to the national average somewhat mismatched, because it includes states who have less stringent requirements for a regular diploma, including alternate diplomas for special education students? A. Yes. We could do more research, if you had further questions. Q. Is there a way Hawaii can also calculate special education rates using the 4-year cohort, so that we would be able to compare our special education rate to that of Hawaii students without disabilities? It would be helpful for advocacy purposes. A. I will bring that up as a potential task. C. We have been encouraging families to explore whether their teen with an IEP could be a fifth year student to complete all graduation requirements, so by measuring the graduation rate by students who graduate in four years, we are failing to capture all students who eventually succeed in obtaining a diploma. A. We will keep looking for ways to dig deeper into the data and make those comparisons. Q. Is there further monitoring of students who don't get their needs met and end up as homeschool students? A. Indicator 14 (post-secondary outcomes) requires that we contact students one year after exiting school, so we can get more data on these students after they drop out. Q. What are the reasons you are finding in the feedback surveys that these students are dropping out? A. We might not have that data as the survey is anonymous. We could see if our contractor could aggregate that information for us. C. When presenting the data on dropout rates by race and ethnicity, it would be helpful to see the breakdown of the percentage that race and ethnicity makes up in the special education population to detect any outliers. Q. Regarding the Waipā project, what does the term “advanced income” mean? A. It is advancement for the 10-mo. teacher to learn how to support students to graduate on time while fulfilling their credit requirement during gap times, like summer months. We are also working with Kauai Community College on providing dual credit utilizing these 10-mo. teachers to lead a particular course.</p>
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<p><b>Discussion on Graduation and Drop Out Rates (APR Indicators 1 &amp; 2) cont.</b></p>	<p><u>Questions/comments from members and guests (cont.)</u></p> <p>C. This example at Kapaa High is wonderful. As a body that is really concerned about the gap in graduation and dropout rates for students with disabilities, my concern is that a project this size will take years to scale up to make a difference for most students.</p> <p>Q. Is the Waipā program inclusive of students with disabilities and open to students on the certificate route?</p> <p>A. Of the 10 students picked for summer participation, two are going to need additional support, hopefully paid for through ESSER funds. We have given the teachers the green flag to bring in students that they think are a fit.</p> <p>Q. Can these hours be used as work-student elective credits? If so, will the students be informed of this opportunity? A. We are looking at that now and looking ahead for the possibility of dual credit with the community college.</p> <p>Q. What percentage of children with IEPs/certificate track would benefit from this? A. I have no idea.</p> <p>C. My concern is that certificate track students were included in the population needing service for fund appropriation and those students might not be benefiting from the efforts.</p> <p>Q. Shouldn't at least one of those 10 children in the pilot program represent the special education community? A. Yes, if they are willing to do the course work and the work itself. That's the innate piece that must come from the kid and the family.</p> <p>C. With the dropout rate for students with emotional disabilities being so high, I could really see this program being an out-of-the-box solution to keep these students engaged in school.</p> <p>Q. How is this Kapaa program related to our discussion of the drop-out rates of special education students? Who is this program really for? Is it just for one or two pilot programs? Will every high school have something for our students to keep them from dropping out? A. Ultimately, we want this. Finding different ways that kids can learn and meet graduation requirements in a unique way is a goal for all students. A. (Kupu) The funding for this program on Kauai is for all students. Perhaps we can bring in Heather Chapman to talk about work-based learning for students with disabilities that supplements these efforts.</p> <p>Q. How many special education students participated in the 2023 summer learning programs. A. Here is a <a href="#">link to data on the Summer Learning Dashboard</a>.</p> <p>C. Hawaii doesn't have a lot of trade schools, and I believe all students would benefit from expanding Hawaii's graduation options from the diploma track with its credits supporting higher education to include a work trade option. A. Our Workforce Development Branch is just a year old, and we are really looking at creating those connections with for-profit and nonprofit organizations here in Hawaii where we can pipeline all our students into our workforce economy.</p>
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<b>Updates from Maui</b>	<p><u>King Kamehameha III Elementary</u> Kupu and Michael McGushin, Maui District Educational Specialist, shared information regarding planning for the opening of the new King Kamehameha III campus at Pulelehua on April 1<sup>st</sup>.</p> <p><u>School Emergency Action Plans</u> Kupu reported on House Bill 1837 which, if passed, would require HIDOE to grant public access to emergency action plans that do not pose a security risk. The bill also requires schools to have a comprehensive school evacuation communication plan and to work with the Department of Transportation to determine if there are sufficient evaluation routes. Currently HB 1837 has crossed over to the Senate from the House.</p> <p><u>Related services for Maui students with disabilities</u> SEAC members had previously inquired as to whether students impacted by the fires West Maui were receiving the related services outlined in their IEPs—speech, OT, PT and ABA services, etc. Michael reported that these services are in place for Lahaina schools with the help of some providers flying in from other islands.</p> <p><u>ESSER waiver request</u> HIDOE has applied to the U.S. DOE for a waiver to forgo posting assessment data for Maui schools for one year and is awaiting a response.</p> <p><u>Questions/comments from members and guests</u> Q. The Board of Education took up the issue of instructional hours for Maui, because the expectation is that students impacted by the wildfires may end up missing a third of the hours of instruction required currently under our state statutes. Do you have information whether a waiver is being considered? A. No, not currently.</p>
<b>Feedback on Questions Raised at February Agenda Setting</b>	<p><u>Information sharing procedures when students transfer from one public school to another</u> Schools can and should share information when students move from one school to another. More importantly, our IEP progress reports should contain information that substantiates progress on the goals and objectives from quarter to quarter. Our DESs promote that sharing of information, especially for transition purposes and for non-mandated transitions from one grade to another or one school to another.</p> <p><u>Digital access permissions for confidential student records</u> This issue was brought up in 2022, and Kupu provided a link to the presentation slides that clarified this issue. The Department does not need to keep a record of school officials who access a student’s files, and you do not see a lot of signing out of physical files by a non-school official, because the instance of this is rare.</p> <p><u>Questions/comments from members and guests</u> Q. Can you define electronic access? Are you talking about eCSSS only? A. Yes.</p>

<p><b>Feedback on Questions Raised at February Agenda Setting (cont.)</b></p>	<p><u>Questions/comments from members and guests (cont.)</u>                  Q. Is there a HIDEOE policy on how records are kept and how access is provided in Google drives? A. Usually information in the Google drives is also only shared with school officials. I don't think there is a specific policy regarding Google drives or other electronic platforms.                  C. If members want to access the previous SEAC conversations regarding confidentiality of student records that were referenced, they can go to the SEAC website and look up the <a href="#">minutes</a> for March and April 2022. These include information about encryption of electronic documents and confidentiality requirements under IDEA and FERPA.                  Q. Are contracted providers considered to be school officials? A. Yes.                  C. We have some parents on Maui of charter school students and homeschool students who are being told a lot of different information about what they have access to. I would appreciate help from Kupu to clarify resources for these families.</p>
<p><b>Legislative Update</b></p>	<p>Susan Rocco reported on behalf of the SEAC Legislative Committee and shared a current <a href="#">handout</a> with active links of 10 bills identified by members at the February 9<sup>th</sup> meeting as priorities for SEAC testimony or monitoring. Only HB 2675 regarding dissemination of bullying procedures to students has died after one hearing. <a href="#">HB 1651</a> was highlighted in the testimony of Inger Stonehill earlier today, and Susan asked for member input before voting to determine if SEAC will provide supporting testimony, monitor the bill or oppose the bill as written.  <u>Questions/comments from members and guests</u>                  C. (Ms. Stonehill) The Attorney General requested that the penalty for harassing an educational worker in HB 1651 be reduced from a misdemeanor to a petty misdemeanor, so that is what is in the current version of the bill.                  C. The concern of parents with the previous bill [HB 2125] was that it was a misdemeanor, and parents feared it could be misused to punish advocacy on behalf of their children with disabilities.                  C. I'm not clear why the Department does not have stringent policies on how to keep their staff safe and why we are going to legislators to fix the issue. This is a workplace issue. Where is the policy and the training to ensure staff safety.                  Q. To add to that, why hasn't the teachers' union supported a policy as well?                  C. As a parent I have been upset by incidences where the administrator of my daughter's school has been subjected to harm by unreasonable parents, but I don't believe this bill is the solution.                  C. I believe the Department will face claims of discrimination and potential lawsuits, if this bill becomes law.</p>

<p><b>Legislative Update (cont.)</b></p>	<p><u>Questions/comments from members and guests</u></p> <p>C. I agree there needs to be more consistency across the entire school system. I have seen firsthand the variation in how schools handle these issues.</p> <p>C. My problem [with HB 1651] is that this bill asks for a new criminal statute where there are already criminal statutes that can be applied. I'm also hearing some of the problems might be policy issues within the DOE. I can't speak to the DOE workplace violence policy, but I work for the County of Hawaii, and we have a provision that if there is a threat of violence or actual violence, it must be reported to the police where the investigation and consequences occur. An individual citizen can file a police report no matter where they work for any violation of the law. C. (Ms. Stonehill) I made three police reports, and nothing was done. I had to take my own time off to file a temporary restraining order, and my union only slightly helped me.</p> <p>C. If you made police reports and nothing happened, that's not on the DOE—that's on the police or the prosecutor's office for not accepting charges or pursuing it. You would have the same problem with the proposed law.</p> <p>C. Regardless of the outcome of the bill, I support holding Mr. Hayashi accountable for creating and implementing a safe workplace for teachers.</p> <p>C. (Ms. Stonehill) Schools are in a strange position, because we offer a free and appropriate public education. If I worked at Walmart, that person who threatened me would not be able to come to Walmart, but we can't do that to a parent or a student.</p> <p>C. We all agree that teachers should be safe in the workplace. This is an issue of the DOE administration not doing enough to keep teachers safe which affects teacher retention.</p> <p>C. I oppose this bill. I am concerned that the language in the bill is too abstract, such as "an educator <i>believes</i> it is an unsafe workplace," <i>annoy</i>, and <i>insults, taunts or challenges</i>. These terms are highly subjective. As special education parents we are already subjected to a lot of retaliation for speaking up, and I fear a measure such as this will not be used for its intended purposes but rather to put fear into parents for advocating for their child.</p> <p><b>ACTION: Members present voted on the action SEAC will take regarding HB 1651—support, monitor or oppose. Susan R. will email members not present to solicit their vote for a final tally. If a workable solution to the issue of workplace safety related to serious threats of harm to educational workers by parents or other community members is not resolved by the end of the legislative session, SEAC will consider including a recommendation in its annual report to the Superintendent in support of more comprehensive policies regarding staff safety.</b></p>
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<p><b>Review of Draft Minutes for the February 9, 2024 Meeting</b></p>	<p>Susan Wood offered minor grammatical and spelling corrections to the draft minutes for February’s meeting. The parent who testified in February wants the minutes to reflect that she mentioned both HB 2712 and HB 2217.  <b>ACTION: The minutes were approved as corrected.</b></p>
<p><b>Agenda Setting for the April 12<sup>th</sup> SEAC Meeting</b></p>	<p>Members offered the following items for inclusion in the April meeting agenda:</p> <ul style="list-style-type: none"> <li>○ Pro Se Presentation by Deusdedi Merced, Esq.</li> <li>○ Data on Suspensions</li> <li>○ Membership Issues             <ul style="list-style-type: none"> <li>○ Nominations for vacant positions</li> <li>○ Leadership positions for the new school year</li> </ul> </li> <li>○ Legislative Update</li> <li>○ Infographic Work             <ul style="list-style-type: none"> <li>○ SEAC Video on Positions and Interests</li> <li>○ Vetting of Chapter 19 Reporting infographic</li> <li>○ Revision of the original Chapter 89 Reporting infographic.</li> </ul> </li> </ul>
<p><b>Update on the Positions vs. Interests Video</b></p>	<p>Steven Vannatta reported that the group has been finalizing the script and the characters. Steven offered the option of using available technology to create animated characters for a version of the video rather than using real actors which poses more challenges with scheduling and editing. This animated format would also lend itself to consistency for future videos in a similar vein. Steven suggested that the work group create a draft version using AI animation and see what the reaction of stakeholders are. Melissa Johnson said that her son has an aversion to cartoon characters as do other individuals on the autism spectrum. Susan R. pointed out that the target audience for this video is parents and educators. The next meeting of the planning group is on Monday, March 11<sup>th</sup> at 9:00 a.m. and all are invited to attend.  <b>ACTION: Members approved developing the first draft of the video using AI animation.</b></p>
<p><b>Vetting of Reporting Bullying Under Chapter 19</b></p>	<p>Members reviewed the infographic one last time. Dale Matsuura suggested adding a picture of the Speak Now HIDEOE app.  <b>ACTION: Members voted to approve the infographic with the inclusion of a graphic of the Speak Now HIDEOE app.</b></p>
<p><b>Legislative Question</b></p>	<p>Jennifer Leoiki-Drino noticed that the Dyslexia screening bill—<a href="#">HB 1657</a>—has an effective date of July 1<sup>st</sup>, 3000. She asked members if this signifies that the bill will not be passed this session or be enacted any time soon. Susan R. suggested that SEAC contact Daintry Bartoldus or Che Silvert at the Developmental Disabilities Council for a clarification.</p>

## Attachment A

### Testimony for the March 9, 2024 SEAC Meeting

Inger Stonehill <istonehill@yahoo.com>  
Tue 3/5/2024 8:58 AM

My name is Inger Stonehill, and I've dedicated nearly two decades to serving as a special education teacher. In addition to my professional experience, I am also a parent of a daughter who has ADHD. Throughout her educational journey, I've found myself advocating for her numerous times within the education system.

This firsthand experience has reinforced my belief in the importance of speaking up for our children, especially when they may not have the ability to do so themselves. As both an educator and a parent, I understand the profound impact advocacy can have on ensuring our children receive the support and resources they need to thrive.

I'm reaching out to you today to shed light on a crucial issue affecting our educational community here in Hawai'i, and to urge your support for House Bill 1651. As a co-author of this bill alongside two esteemed colleagues who are deeply affiliated with the educational system. All three of us have personally experienced severe and egregious harassment directly related to our roles within the educational sphere.

As parents, we entrust our children to the care of dedicated educational workers every day. Yet, what happens when these educators face harassment and physical threats in the course of their duties? Shockingly, there has been a glaring gap in our system for over a decade, leaving these workers vulnerable without proper protection or recourse.

HB 1651 has emerged as a beacon of hope, championed by current and former educational workers who have experienced these injustices firsthand. It confronts the grave consequences of the Hawai'i Department of Education's inaction, demanding accountability and tangible safety measures to shield our educators from harm.

During a recent House Committee on Education hearing, it became painfully evident that our educational system lacks a standardized process to address incidents of harassment and threats. Currently, responses hinge solely on the discretion of an educator's immediate supervisor, leading to inconsistencies and inequities in safety measures.

HB 1651 aims to rectify this glaring oversight by mandating formal procedures for the DOE and Public Charter Schools. These include conducting thorough investigations, promptly involving law enforcement when necessary, developing emergency safety plans, and providing legal assistance to affected educators.

As parents, it's imperative that we rally behind HB 1651. Our educators deserve to feel safe and supported in their workplaces, and our children deserve to learn in environments free from fear and intimidation. By lending our voices to this cause, we can ensure that our educational system upholds the values of safety, equity, and justice for all. Let's stand together in support of HB 1651 and make a difference in the lives of those who dedicate themselves to shaping the future of our children.

Thank you for your attention to this critical matter.