



Special Education Advisory Council (SEAC)

Annual Report SY 2023-24



Message from the Chair

Pā kāhea (welcome all),

The Special Education Advisory Council (SEAC) has had another exciting and busy year.

This report represents the information from the buckets/issues we focused on this past year. These included SECONDARY TRANSITION, DISPUTE RESOLUTION, PRESCHOOL INCLUSION and BULLYING/ SAFE SCHOOLS. We learned about these issues, what the Department of Education is doing about them and made recommendations of what to do about them. Also by submitting testimony on related Legislation we helped to fix or clarify these issues.



We also created easy to understand one or two page Infographics to help families understand these issues and how to navigate through them. So many times we need information at the right time. We still hear from many that the DOE website can be hard to navigate or hard to find specific information, so we have tried to make these resources available in many places that families can look.

Thank you to all that we have worked with, learned from, and shared with this past school year. This includes the Special Education Director, Helen Kaniho, Liaison to the Superintendent, and Brikena White, Administrator, IDEA Team who were listening as we shared our insights. Thanks also go out to our legislators and the Board of Education for hearing our testimonies and using them to help guide their way Thank you most to the members of the Special Education Advisory Council for all their hard work. We most appreciate Susan Rocco and Amanda Kaahanui of the Special Parent Information Network (SPIN), who served as staff for SEAC. We couldn't do it without you.

As always, we hope that all special education stakeholders find the information in this report of interest and value. SEAC always welcomes your feedback.

Mahalo nui loa (Thank you),

Martha M Guinan SEAC Chair

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Purpose

SEAC shall provide policy guidance with respect to special education and related services for children with disabilities in the State. (**IDEA**, CFR 300.167)

Vision

SEAC believes in optimizing the educational achievement of every child through a strong public education system that is proactive and supportive of students, families and educators. To that end SEAC will use its strength as a broad based constituency group to play an active and influential role in decisions affecting policies, programs and services.

Mission

The mission of SEAC is to guide and assist the Hawaii Department of Education in fulfilling its responsibility to meet the individual needs of children with disabilities.



Functions of SEAC

- 1. Advise the Department of Education of unmet needs within the State in the education of children with disabilities. CFR 300.169(a)
- 2. Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities. CFR 300.169(b)
- 3. Advise the Department of Education in developing evaluations and reporting on data to the Secretary of Education, U.S. Department of Education, under Section 618 of the Individuals with Disabilities Education Act. CFR 300.169(c)
- 4. Advise the Department of Education in developing corrective action plans to address findings identified in federal monitoring reports. CFR 300.169(d)
- 5. Advise the Department of Education in developing and implementing policies relating to the coordination of services for children with disabilities. CFR 300.169(e)
- 6. Monitor the implementation of activities and timetable pursuant to consent decrees or court orders regarding the education of children with disabilities. (IDEA 90 regulation maintained by SEAC because of the Felix Consent Decree).
- Advise on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons. (IDEA 97 regulation maintained by SEAC with representation by the Department of Public Safety).
- 8. Review Hawaii special education due process hearing decisions and findings. CFR 300.513(d)1
- 9. Review and comment with regards to the Department's federal and state budgets for special education.

SEAC Membership

SEAC is made up of a diverse group of individuals with expertise in a variety of aspects affecting special education and related issues. Persons with disabilities and parents of children with disabilities make up a majority of the membership. Members are appointed by the Superintendent and serve without compensation for three-year terms. A roster of SEAC members for School Year 2023-24 can be found on page 14.



SEAC members met at Kaimuki High School in May 2024 while others participated via Zoom.

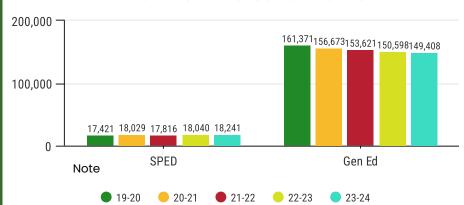


Comparing Hawaii IDEA Student Data to General Education Student Data

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K- 12 general education enrollment has declined each of the past four years since the pandemic began, while K-12 special education enrollment has increased.

K-12 Hawaii SPED vs. Gen Ed Enrollment

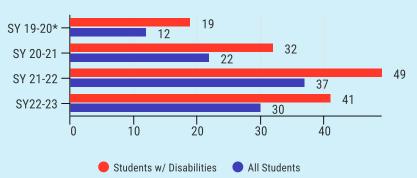


Since SY 19-20, enrollment for general education has dropped by 7.4% overall. By comparison, special education enrollment has remained stable with a slight increase of 4.7% in SY 23-24 numbers of students with IEPs compared to SY 19-20.

Source: 618 Child Count Data Tables (collected 12/19 -12/23) and HIDOE Enrollment Data for SY 19-20 through SY 23-24

Hawaii defines chronic absenteeism as being absent 15 or more days per school year. **Students with IEPs are chronically absent at higher rates** than the total student population rate, resulting in a greater risk of academic failure, dropping out and graduating without a diploma.

% of Students Who Were Chronically Absent



The highest rates of chronic absenteeism occurred in SY 21-22 where one in two students with an IEP missed 15 or more days in the school year. The SY 22-23 rate of 41%, while an improvement, is still far higher than the prepandemic norm of 24%.

* Lower levels of absenteeism in SY 19-20 were likely due to the closure of schools for the 4th Qtr. Source: ARCH Accountability Data Center (ADC): https://adc.hidoe.us/#/chronic-absenteeism



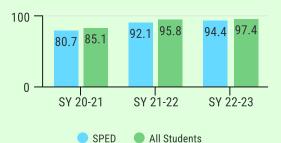
Comparing Hawaii IDEA Student Data to General Education Student Data

Participation in statewide assessments for all student groups has risen since the pandemic, although special education student participation has fallen short of the 95% participation threshold set by the Office of Special Education Programs. One factor is that fewer students in grade 11 are participating. In SY 22-23 the 11th grade participation rates for students with IEPs were 84% for reading and 85% for math.

% of Students Participating in Statewide ELA Assessment



% of Students Participating in Statewide Math Assessment



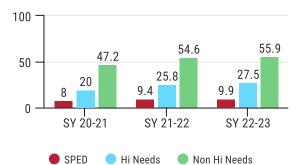
Source: HIDOE ARCH ADC (Accountability Data Center) and 2022 SPP/APR, Indicator 3

Rates of proficiency on the Smarter Balanced Assessments (SBA) are the lowest for students with IEPs who make up part of the Strive HI high needs group (which also includes English Learners and students who are economically disadvantaged). The achievement gap is even more pronounced when compared to students without high needs.





% Testing Proficient on SBA Math



Source: State Performance Plan, HIDOE ARCH ADC (Accountability Data Center)



Class of

2018

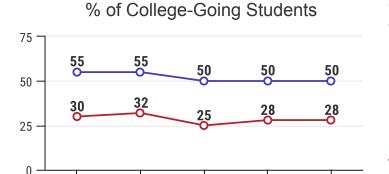
Class of

2019

Comparing Hawaii IDEA Student Data to General Education Student Data

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One measure of accountability in Hawaii's ESSA Plan is the percentage of students who enroll in higher education during the Fall after their graduation. Special education students attend college at significantly lower rates than the graduating student body as a whole.



Class of

2020

The class of 2020--the first year of the pandemic had the lowest college-going rates for students with disabilities. From 2020 to 2022, only about 1 in 4 students with an IEP attended college compared to 1 in 2 students in the graduating student population as a whole.

SPED All Students

Source: ESSA Reports (SY 2018-19 through SY 22-23)

Class of

2022

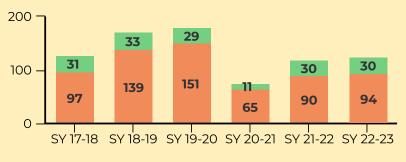
Class of

2021

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While students with IEPs make up only about 11% of the total student body, they make up 75% or more of the students who are lawfully restrained in school. Since 2015 physical restraints are only allowed to prevent a student from causing substantial property damage, self-harm or injury to others in the environment.

Students Restrained: SPED vs. Non SPED



Non SPED

SPED

94 students with IEPs were restrained in SY-22-23, the year with the most recent data available to the public. There were 225 incidences of restraints of students with IEPs in that same year indicating that a number of students were likely restrained more than once.

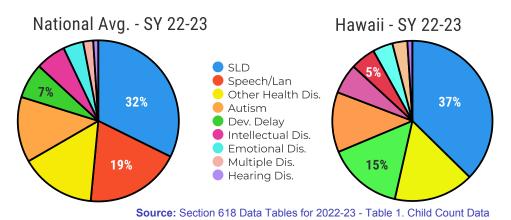
Source: HIDOE Discipline and Restraints Report and the 2017-18 Civil Rights Data Collection



Comparing Hawaii IDEA Student Data to National Norms

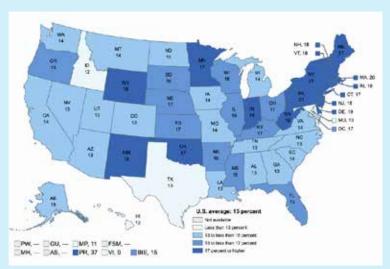


To receive special education services, a student aged 3 through 21 must be found eligible under one of **14 eligibility categories in IDEA**. Students with specific learning disabilities (SLD) make up the largest disability category in all states. Some differences exist in the relative size of disability categories here and on the Mainland. Five disability category populations are so small they are not represented in the charts.



Hawaii serves more students under the categories of SLD and Developmental Delay and fewer students under the eligibility category of Speech or Language Disability compared to the national average.

In SY 2022-23 Hawaii and Idaho served the lowest percentage (12%) among the 50 states of all public school students enrolled who were found eligible for special education and related services.



The national average was 15 percent in SY 22-23, with 16 states serving a percentage of 17 or higher. This trend of Hawaii falling behind the national norm has been evident for more more than a decade. More research is needed to determine if Hawaii may be under-identifying students who are eligible for special education and related services.

Source: https://nces.ed.gov/programs/coe/indicator/cgg/students-with-disabilities

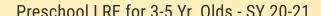


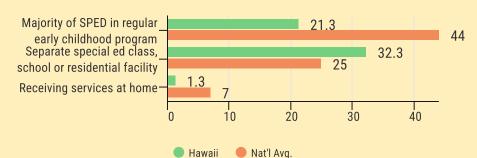
Comparing Hawaii IDEA Student Data to National Norms



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Fewer Hawaii preschool students with disabilities aged 3 through 5 receive the majority of their special education and related services in the regular early childhood program compared to the national norm. The data below are collected as part of the Annual Performance Report which also requires states to report on the percentage of children with IEPs who are receiving services in a separate education class, separate school, residential facility, or at home.





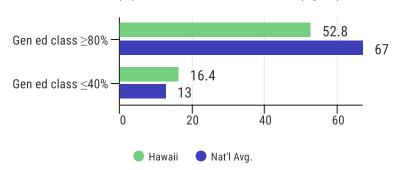
This comparative data is from SY 20-21. Hawaii's most recent data from SY 22-23 finds 17.0% of preschoolers spending the majority of SPED in a regular early childhood program, 41.4% in a separate class, school or facility, and only 1.2% at home.

Source: 2021 PART B FFY 2019 SPP/APR Indicator Analysis Booklet, HIDOE FFY 2019 Annual Performance Report., Indicator 6

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IDEA strongly emphasizes serving students with disabilities in the **least restrictive environment (LRE)**. Most **Mainland states have two-thirds or more of their students with IEPs** spending the majority of the school day in the general education classroom. In Hawaii, despite recent gains, only **slightly more than half of Hawaii students** are receiving the bulk of their instruction alongside non-disabled peers.

LRE for 5(K)-21 Yr. Olds- SY 22-23 (by %)



Hawaii's targets in its State
Performance Plan are to
increase the number of
students who are in the
general education classroom
for most of the day and
decrease the number of
students who spend the
majority of their day in fully
self-contained (FSC)
classrooms.

Source: National Center for Education Statistics Annual Report 2024 and Hawaii 2022 SPP/APR Indicator 5 Fact Sheet



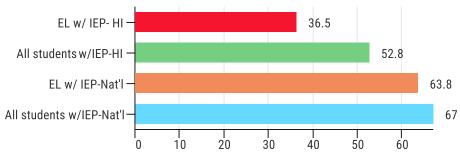
Comparing Hawaii IDEA Student Data to National Norms



<u>11</u>

A percentage of students who are identified as **English Learners (ELs)** entitled to additional educational supports may also have disabilities that qualify them for special education and related services. In SY 22-23, dually identified EL students made up about **9.6% of Hawaii's total special education population**. Like many of their Mainland counterparts, these EL students had a **lower rate of placement in regular classrooms** than students with disabilities who are not ELs.

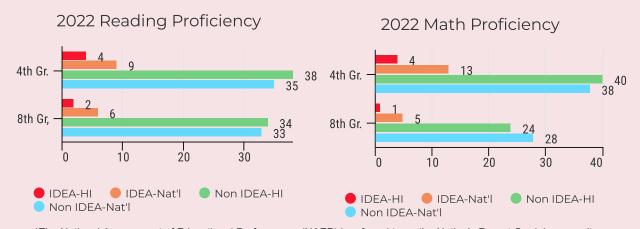
% Included in Gen Ed Classroom ≥80% SY 22-23



Source: USDOE 618 Data Static Table 17, HIDOE IDEA Section 618 Child Count Data SY 22-23

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Hawaii students with IEPs have lower NAEP* math and reading scores than the national average, and the gap between Hawaii's special education and general education students is larger than it is nationally.



*The National Assessment of Educational Performance (NAEP) is referred to as the Nation's Report Card, because it is the only statewide assessment that is taken in all 50 states, thereby allowing for comparisons of academic achievement. NAEP is given once every two years to a randomized sample of students in 4th and 8th grades.

Source: The NAEP Explorer: https://www.nationsreportcard.gov/ndecore/landing

Recommendations to the Superintendent

One of SEAC's most important duties is to advise the Department of the unmet needs of students with disabilities and formulate recommendations to address these needs. Many suggestions were discussed and acted upon during the school year. The following recommendations represent unresolved issues of importance to students and their families:



Keith Hayashi

Data related to the Bullying/Cyberbullying of Students with Disabilities

Issue #1: According to stopbullying.gov and many other sources, children with disabilities—such as physical, developmental, intellectual, emotional, and sensory disabilities—are at an increased risk of being bullied. The 2020-21 Civil Rights Data Collection from the Office for Civil Rights (OCR) reported that "students served under IDEA represented 14% of total K-12 student enrollment but accounted for 45% of students who reported as being harassed or bullied on the basis of disability." SEAC has long called attention to this concerning statistic given that bullying and cyberbullying of students with IEPs and 504 Plans can jeopardize the delivery of a free appropriate public education. This school year, SEAC prioritized information gathering and problem-solving around the issue of bullying of students with disabilities.

SEAC has long called attention to this concerning statistic given that bullying and cyberbullying of students with IEPs and 504 Plans can jeopardize the delivery of a free appropriate public education. This school year, SEAC prioritized information gathering and problem-solving around the issue of bullying of students with disabilities. However, the lack of timeliness and transparency of Hawaii student data related to bullying of our population has hampered SEAC's ability to provide informed recommendations to the Department. For example, SEAC sought data trends on the utilization and substance of complaints made through the Speak Now HIDOE app and was told that there is no public accounting on utilization or trends related to this student reporting. Similarly, there is no transparency or accounting for what actions school administrators take in response to the complaints. SEAC also requested Chapter 19 data on bullying complaints involving students with disabilities (as the victim or the perpetrator) and were told that we must wait for the data to be released by OCR—a delay of at least two years in accessing this data.

Recommendation #1: Provide public access to bullying data available to the Department—Speak Now HIDOE data, data required for OCR reporting, etc.—no more than one year after bullying complaints are received and personally identifiable information is removed.

Issue #2: There appears to be a very large disparity between middle and high school student-reported incidences of bullying/cyberbullying via the Hawaii Youth Risk Behavior Survey (HYRBS) administered every two years, and the Civil Rights Data Collection (CRDC) bullying data collected by all public schools and reported to the Office for Civil Rights. In the 2021 HYRBS 33% of middle schoolers reported being bullied on school property in the past 12 months. That sample population represented 9,800 middle school students. Assuming that a minimum of 10% of those students were students with disabilities— roughly the percentage of students with IEPs in the total school population—that would constitute 980 students with disabilities. By contrast, SEAC



Recommendations to the Superintendent (cont.)

Data related to Bullying/Cyberbullying of Students with Disabilities

was told that the numbers of students reporting bullying based on their disability that went into the CRDC submission was so small that many of the cells contained less than 10 students. Regardless of whether each student's definition of bullying matches up completely with the Chapter 19 definitions, the reality is that many of our vulnerable students are feeling unsafe at school and potentially missing school and/or experiencing academic struggles due to a perceived threat on campus or traveling to and from campus.

Recommendation #2: Publish all reports of bullying via a Chapter 19 complaint whether the complaint was substantiated or not to get a better picture of how many bullying incidences are being reported to school personnel. Place a high priority on investigating the mismatch in HYRBS reported data and CRDC data and work with SEAC and other stakeholder groups to address the barriers to learning that bullying and cyberbullying pose for all children, and especially children with disabilities.

Dispute Resolution: State Written Complaints

Issue: State written complaints are one of the guaranteed procedural safeguards in the Individuals with Disabilities Education Act (IDEA) offered to parents of eligible children with disabilities when a dispute arises over a child's identification, evaluation, program, placement or discipline. State complaints can also be filed by any organization or individual (including those from another state) to report a perceived violation of IDEA. In SY 22-23 seventeen (17) written complaints were filed. SEAC and the general public has no access to information regarding the nature, scope and parties involved in these complaints, because the state is not required to publish written complaints or investigation results. However, Hawaii formerly published redacted state complaints during the period of the Felix Consent Decree, and 18 states currently provide access to this information on their state Department of Education websites. Hawaii's lack of transparency with regard to state written complaints since Felix prevents SEAC and others from identifying key issues and systemic concerns discovered through the complaint process and from evaluating the effectiveness of this dispute resolution option in protecting students with disabilities. **Recommendation:** Publish complaints reports on the HIDOE website after redacting personally identifiable information. Join with SEAC to annually review this information and develop data-driven improvement activities, as warranted.

Dispute Resolution: Mediation

Issue: Families and schools under-utilize mediation as a low cost, relationship-preserving method of special education conflict resolution. 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. In SY 2022-23, only 3 mediations per 10,000 special education students were held in Hawaii-- less than half of the national average (6.6 per 10K). However, 80% of Hawaii's mediations that year reached a settlement agreement—far

Recommendations to the Superintendent (cont.)

Dispute Resolution: Mediation (cont.)

higher than the than the national average of 50% agreement—demonstrating that mediation can be seen as a win-win for both family and school.

Recommendation: Initiate a media campaign with support from SEAC, the Community Children's Councils and other family stakeholder groups to highlight the benefits of mediation and other early conflict resolution activities.

Dispute Resolution: Timeliness of Due Process Decisions

Issue: Chapter 60 and IDEA set a timeline of 75 days for completion of a hearing and delivery of the decision to the parties. This includes 30 days to allow for the resolution process and 45 days from the time the hearing is convened to the rendering of the decision. The clear intent of IDEA is to expedite the hearing process to minimize harm to the student. Hearing officers may grant an extension to this timeline at the request of either party, but only for good cause and no more than 45 days. SEAC is concerned that many of Hawaii's due process complaints are taking much longer than 75 days to deliver the decision to the plaintiffs and the respondents. One factor that may be contributing to the delayed timeline is that hearing officers are taking one month or more on average to file a decision after the final hearing.

Recommendation: Consult with the Monitoring & Compliance Branch to uncover the reasons for high percentage of hearing requests that proceed to hearing and exceed the recommended 75-day timeline set by IDEA. Report those findings to SEAC and other key stakeholders, so that we may work with the Department on designing improvements that ensure the timeliness and integrity of this important procedural safeguard.

Pre-School Least Restrictive Envionment (LRE)

Issue: In November 2023, the U.S. Departments of Education and Health and Human Services, released a joint policy statement that all young children with disabilities should have access to high-quality inclusive early childhood programs that provide individualized and appropriate support so they can fully participate alongside their peers without disabilities, meet high expectations, and achieve their full potential. SEAC has long advocated for HIDOE to do more to partner with private preschools, HeadStart, and the Executive Office on Early Learning Public Pre-Kindergarten Program to offer inclusive placements for preschool children with IEPs as Hawaii has some of the lowest rates of preschool LRE in the nation. In addition, the rate of inclusive preschool enrollments has been declining over the 3-yr. period from SY 20-21 to SY 22-23 where only 17% of children with IEPs received the majority of special education and related services in the regular early childhood program.

Recommendation: Work with the newly formed Interagency Preschool Group to set immediate annual targets to grow the number of Head Start/DOE inclusive preschool programs statewide and place more students with IEPs in the EOEL Public Pre-Kindergarten Program classrooms.

Major Areas of Focus for School Year 23-24

Maui Wildfire Updates re: Special Education Students

SEAC's first meeting of the school year was held just three days after the tragic loss of life caused by the devastating wild fires on Maui which destroyed King Kamehameha III Elementary and much of Lahaina town. Members were kept informed to the extent possible of the evolving needs of West Maui students with disabilities and their families



through regular updates by the Exceptional Support Branch, Maui District Educational Specialists, Maui parent representatives and other testifiers, including the Child and Adolescent Mental Health Division and the Homeless Concerns Office. SEAC testimonies during the Legislative session supported funding initiatives to help rebuild the educational infrastructure in West Maui and a bill to require the sharing of emergency evacuation plans with parents.

State Performance Plan/Annual Performance Report Review

One of SEAC's ongoing duties is to assist the Monitoring and Compliance Branch and the Exceptional Support Branch in reviewing data for the The Annual Performance Report (APR) indicators, including the State Systemic Improvement Plan



(SSIP) and in revising targets for performance indicators. Members began the school year by reviewing the determination by the Office of Special Education Programs that the Annual Performance Review submitted in February of 2023 indicating that Hawaii continues to "need assistance" in implementing the requirements of the Individuals with Disabilities Education Act. In December, SEAC members joined other stakeholders in reviewing data from the 2022-23 school year and providing feedback on improvement activities for 10 key indicators. Members followed up in January with suggestions for enhancing future student outcomes and stakeholder participation.

Parent Survey

One of the APR key indicators tied to the state's appropriate implementation of special education regulations relates to Parent Involvement. In SY 2022-23 a work group including SEAC members was formed to revise the survey used to measure whether schools were facilitating a parent's participation as a means of improving services and outcomes for students with Individualized Education Programs (IEPs). Work group recommendations for improving the survey



were presented to the full Council in October and included reducing the number of questions and simplifying the survey format. Also shared were strategies for achieving a higher response rate and improving the representation of respondents. A copy of the revised parent survey can be viewed at https://www.hiparentsurvey.com.

Bullying/Cyberbullying of Students with Disabilities

Members identified bullying and cyberbullying as a priority issue to coalesce around in SY 2023-24 given its negative impact on student safety, emotional health and school

Major Areas of Focus for School Year 22-23 (cont.)

Bullying/Cyberbullying of Students with Disabilities (cont.) attendance The lack of timely, Hawaii-based data on the incidence of bullying, as well as school-based efforts at prevention and intervention, led to two recommendations to the Superintendent (see pages 9 and 10). Members also produced an infographic aimed at helping parents understand the reporting options available to them and their child when bullying or cyberbullying occurs. For a complete list of SEAC infographics, go to https://seac-hawaii.org/infographics/.



Preschool and School Age Inclusion

SEAC members also prioritized supporting students with disabilities, including preschool students, to spend more time learning alongside their peers without disabilities. Hawaii has lagged behind most states in inclusion, and the issue is



particularly evident in preschool, where there are not always early childhood options that have the resources and expertise to provide specially designed instruction (see Preschool LRE recommendation on page 10). The Department briefed members on their initiative to explore preschool environments for children ages 3 through 5 in natural settings like home and childcare in which special education services may be provided.

Due Process Review

In its annual review of due process options exercised by parents of students with IEPs in the previous school year, members noted that the per capita numbers of due process hearing decisions and written complaints in SY 22-23 were similar to the national norm while mediations lagged significantly behind. Other concerns included the lack of plaintiff attorneys,

Resolution of SY 22-23 Hearing Requests



the timeliness of due process hearings and the lack of information regarding complaints leading to recommendations to the Superintendent on pages 9 and 10.

Positions vs. Interests Video Project

In addition to infographics, members had the opportunity to join a work group to develop a Hawaii video aimed at helping parents and school personnel find agreement on issues where each party holds a contrary position. The decision to choose this focus was based on a video produced by the Center for Appropriate Dispute Resolution in Special Education (CADRE)



that encourages parents and educators to look at the interests underlying the positions taken by both parties to find common ground. After developing a script around an IEP meeting, SEAC was gifted with the wonderful illustration above by artist Roger Wood. Roger's depiction of the main characters helped to solidify a plan to use animation rather than real actors to make video production easier and condusive to similar video products in the future.



SEAC Member Roster - SY 23-24

Ms. Martha Guinan. Chair Ms. Susan Wood, Vice Chair

Person with a Disability Community Representative

Ms. Sara Alimoot Ms. Kathie Awaya Ms. Virginia Beringer

Ms. Deborah Cheeseman

Ms. Annette Cooper Ms. Shana Cruz

Mr. Mark Disher

Dr. Lisa Garcia

Ms. Mai Hall

Ms. Melissa Harper Osai Ms. Melissa Johnson

Ms. Tina King

Ms. Jennifer Leoiki-Drino

Ms. Dale Matsuura

Dr. Paul Meng

Mr. Chris Pelayo

Ms. Kiele Pennington

Ms. Rosie Rowe

Mr. Steven Vannatta

Ms. Lisa Vegas

Ms. Susan Wood

Ms. Helen Kaniho

Ms. Wendy Nakasone-Kalani

Ms. Ivalee Sinclair Ms. Brikena White

Ms. Cheryl Matthews

Ms. Kaili Murbach

Ms. Kau'i Rezentes

Dr. Scott Shimabukuro Ms. Debora Uyeda

Ms. Jasmine Williams

Ms. Amanda Kaahanui Ms. Susan Rocco

DOE Homeless Children Representative

Children in Foster Care Representative, Surrogate Parent Parent. Windward District

Student Services Coordinator/Special Education Teacher

Parent, Central District

Parent, Kauai District

Parent, Hawaii District/Charter School Representative

Parent, Leeward District

Parent, Central District Parent, Leeward District

Parent, Maui District

Parent, Military Family Representative

Parent, Private School Representative

Student Services Coordinator/Special Education Teacher Division of Vocational Rehabilitation Representative

University of Hawaii College of Education Representative Parent, Maui District

Early Intervention Section (DOH) Representative

Parent, Leeward District

Parent, Leeward District

Hawai'i & Pacific Island Parent Training & Information Center Representative

CAMHD Representative (Designee)

Developmental Disabilities Division Representative

Community Representative

Youth Corrections Agency Representative/Olomana School

Person with a Disability

Community Representative

Liaison to the Superintendent Liaison to the Military **SEAC Emeritus Member** State Special Education Director

> Staff Staff

Contact Information for SEAC

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