



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

LATE TESTIMONY

**House Committee on Education**

**HB 2029, Relating to Education**

**Testimony of Chiyome Leinaala Fukino, M.D.**  
**Director of Health**

**January 30, 2008, 2:00 pm**

1 **Department's Position:** The Department of Health respectfully opposes the bill in its current form  
2 as it does not address the full scope of the responsibilities defined in the federal law, and is duplicative  
3 of ongoing efforts.

4 **Fiscal Implications:** Department of Health staff time to participate on two councils. Department of  
5 Health will send representatives from the Child and Adolescent Mental Health Division, Developmental  
6 Disabilities Division and Family Health Services Division-Early Intervention Services to participate.

7 **Purpose and Justification:** This measure proposes to codify a requirement in the federal Individuals  
8 with Disabilities Education Act (IDEA) to establish a special education advisory council. The council  
9 shall consist of twenty-two members that are broadly representative of the state population, and the  
10 majority of members shall be individuals with disabilities or parents of children with disabilities. The  
11 council shall submit an annual report of council activities and suggestions to the department of  
12 education.

13 Currently, there exists a special education advisory council convened by the Department of  
14 Education charged with carrying out specific requirements of IDEA. Department of Health  
15 representatives from the Child and Adolescent Mental Health Division, Developmental Disabilities

1 Division, and Family Health Services Division-Early Intervention Services participate on the council.  
2 This special education advisory council has been working on multiple issues to meet the requirements of  
3 the federal law. Department of Health staff who participate on the existing council report that the  
4 council is inclusive of families of children with special needs, the council is operating smoothly, and that  
5 the Department of Education and Superintendent have been receptive and responsive to the council's  
6 recommendations. This measure would create redundancy with current efforts or jeopardize a  
7 successful partnership.

8 We thank you for the opportunity to testify on this matter.

LATE TESTIMONY



**COMMUNITY CHILDREN'S COUNCIL OFFICE**

1177 Alakea Street · B-100 · Honolulu · HI · 96813

TEL: (808) 586-5363 · TOLL FREE: 1-800-437-8641 · FAX: (808) 586-5366

January 30, 2008

Community Children's Councils of Hawaii  
Community Children's Council Office

To the Honorable Roy M. Takumi  
Chair House Education Committee  
Representative Takumi and members of the Committee

RE: House Bill 2029, Oppose Passage

The Seventeen Community Children's Councils (CCCs) of Hawaii are a volunteering community based entities across the State organized around school complexes, chaired by a parent and professional Co-chairs who are elected by the broad stakeholder groups, community members, private providers and state child serving agencies.

The Seventeen Community Children's Councils (CCCs) of Hawaii oppose the intent of HB 2029 for the following reasons:

- 1) IDEA 2004 does not require the Governor to appoint the Special Education Advisory Council
- 2) House Bill 2029 is not in keeping with IDEA 2004
- 3) SEAC has a long standing advisory role to the Superintendent of Education for over 30 years
- 4) This relationship has proven positive on behalf of students with disabilities, families and the Department of Education

If there are any questions please contact the Community Children's Council Office,

On behalf of,

Tom Smith, Co-Chair

Charlotte Kamauoha, Co-Chair

Signatures available upon request

LATE TESTIMONY

January 30, 2008

From: Linda Elento, Member of The Hawaii Down Syndrome Congress  
(808) 235-7610, threestars@hawaii.rr.com

To: Committee on Education  
Representative Roy Takumi, Chair  
Representative Lyla Berg, Ph.D., Vice Chair

Re: January 30, 2008, 2:00pm, 5 copies

**HB2029** Relating to Education  
[HRS §302A- Special Education Advisory Council]

Unlike all other states, in Hawaii the Department of Education is both State Educational Agency and Local Educational Agency (as defined in federal Special Education laws). The Hawaii DOE watches itself.

**The Individuals with Disabilities Education Act – Reauth. 2004**

This federal law (IDEA 2004, Part B) requires the State to establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

***WE STRONGLY SUPPORT THIS BILL to include—***

- Require: The Governor to appoint State Advisory Panel members;
- Appropriate: Compensating State Advisory Panel members;
- Annual Reports to Legislature (if not already in existence): Review of all federally-required reports the Hawaii DOE has submitted, or will submit, to the United States Department of Education, including State performance plans, IDEA, Sec. 616.

Why? To align with the IDEA 2004; to include specific requirements for organization, members, and responsibilities. To bring attention and funds to this federally-mandated council and its critical position of improving and sustaining services of the Early Intervention programs pursuant to the mandates of IDEA Part C. To encourage new membership, appointments, and to fulfill all responsibilities according to Federal Law.

**The IDEA Part B State Advisory Panel, along with IDEA Part C Interagency Coordinating Council [§321-353] will contribute to the vision of Act 259 (2006), (Report 12/2006):**

***“An early learning system provides quality early learning experiences, parental choice, access, affordability, sustainability, and a foundation for school success.”***

Attached is a comparison of the federal requirements for the State Advisory Panel Membership and Duties are compared with information from Hawaii’s existing Special Education Advisory Council’s By-Laws. Thank you for the opportunity to share this information.

**Attachment:**

<p><b>Federal IDEA Requirements</b> IDEA ``SEC. 612. &lt;&lt;NOTE: 20 USC 1412.&gt;&gt; STATE ELIGIBILITY. `` (a) In General.--A State is eligible for assistance under this part for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the following conditions: [<a href="http://idea.ed.gov">idea.ed.gov</a> for links to Statute and Regulations]</p>	<p>Hawaii's Special Education Advisory Panel (SEAC) is named as this panel as follows, taken from the SEAC By-Laws [<a href="http://www.spinhawaii.org">www.spinhawaii.org</a>]:</p>
<p>`` (21) State advisory panel.-- `` (A) In general.--The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State. `` (B) Membership.--Such advisory panel shall consist of <b><u>members appointed by the Governor, or any other official authorized under State law</u></b> to make such appointments, be representative of the State population, and be composed of individuals involved in, or concerned with, the education of children with disabilities, including-- `` (i) parents of children with disabilities (<b><u>ages birth through 26</u></b>); `` (ii) individuals with disabilities; `` (iii) teachers; `` (iv) representatives of institutions of higher education that prepare special education and related services personnel; `` (v) State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.); `` (vi) administrators of programs for children with disabilities; `` (vii) representatives of other State agencies involved in the financing or delivery of related services to children with disabilities; `` (viii) representatives of private schools and public charter schools; `` (ix) not less than 1 representative</p>	<p><b><u>Membership shall be by appointment of the Superintendent.</u></b> There shall be at least 22 members which shall be broadly representative of the State population and composed of individuals involved in or concerned with the education of children with disabilities. The majority of members shall be individuals with disabilities or parents of children with disabilities. The membership must include persons representing each of the following groups and at least one member of the Council shall be from each administrative school district:</p> <ol style="list-style-type: none"><li>1. Individuals with disabilities</li><li>2. Teachers (regular and special education) of children with disabilities</li><li>3. Parents of children with disabilities</li><li>4. Representatives of other state agencies involved in the financing or delivery of related services to children with disabilities<ol style="list-style-type: none"><li>a. Department of Health Child and Adolescent Mental Health Division</li><li>Developmental Disabilities Division</li><li>Family Health Services Division</li></ol></li><li>b. Department of Human Services</li><li>Division of Vocational Rehabilitation</li><li>Child Protective Services</li></ol> <li>5. Special Education Section, Department of Education</li> <li>6. University of Hawaii and other representatives of other institutions of higher education that prepare special education and related services personnel</li> <li>7. State and local education officials</li> <li>8. Students with disabilities</li> <li>9. Administrators of programs for children with disabilities</li> <li>10. Representatives of private school and public</li>

of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;

``(x) a representative from the State child welfare agency responsible for foster care; and

``(xi) representatives from the State juvenile and adult corrections agencies.

``(C) Special rule.--A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities (ages birth through 26).

``(D) **Duties.**--The advisory panel shall--

``(i) advise the State educational agency of unmet needs within the State in the education of children with disabilities;

``(ii) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

``(iii) advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618;

``(iv) advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this part; and

``(v) advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.

charter schools

11. Representative of a vocational, community or business organization concerned with provision of transition services to children with disabilities

12. Representatives from the State juvenile and adult corrections agencies

**Council members shall serve without compensation, but the State must reimburse members for reasonable and necessary expenses for attending meetings and performing duties. No federal or state law seems to restrict paying a member. Compensating would ensure the State Advisory Panel's critical purpose is fulfilled. \*\***

The mission of the Council is to guide and assist the Hawaii Department of Education in fulfilling its responsibility to meet the individual needs of children with disabilities in accordance with the state and federal laws.

#### **Functions of the Council**

1. To advise the Department of Education of unmet needs and any other issues or concerns within the state in the education of students with disabilities.

2. To comment publicly on the rules or regulations proposed for issuance by the State regarding the education of children with disabilities.

3. To advise the Department of Education in developing evaluations and reporting on data to the Secretary of Education, U.S. Department of Education, in the performance of his/her responsibilities under Section 618 of the Individuals with Disabilities Education Act.

4. To advise the Department of Education in developing corrective action plans to address findings identified in the Federal monitoring reports.

5. To advise the Department of Education in developing and implementing policies relating to the coordination of services for children with disabilities.

6. To monitor the implementation of activities and timetable pursuant to consent decrees or court orders regarding the education of children with disabilities.