

To: House Committee on Education
From: Ann Holloway Van Natta
Re: Senate Bill 2004, SD 2
Relating to Education

LATE TESTIMONY

Hearing: Wednesday, March 12, 2008 2 PM
Conference Room 309 , State Capitol

Members of the Committee on Education:

Thank you for the opportunity to provide testimony supporting Senate Bill 2004, SD2 Relating to Education.

I am the mother of a profoundly Deaf student with Asperger's Syndrome (high-functioning Autism). I am also a Special Education Teacher for the State of Hawaii Department of Education.

SB 2004 in its original version would expand the deadline within which to file a request for due process hearing from ninety (90) days to two (2) years when the request is for reimbursement of costs of a child's placement. It would also require the Department of Education to adopt rules that would provide for the reimbursement of expert witnesses and other fees and expenses associated with a hearing. Parents are at a disadvantage at the IEP meetings because they do not always understand the process or the terms used. Placing yet another requirement upon the parents of having to request a due process hearing within 90 days is extremely burdensome. It is also unfair to require Hawaii's families to be limited by the 90-day limitation when other states apply up to a two (2) year statute of limitations.

I prefer the original approach of two years. This bill would confirm our state law to the applicable federal law.

This would also give parents at least a fair shot at catching up with the special education law knowledge-base of the DOE attorneys and school administrators with whom they are dealing.

As with HB 2186 HD2, an amendment requiring the Department of Education to adopt rules that would provide for the reimbursement of expert witnesses and other fees and expenses associated with a hearing is strongly supported. Parents also are not initially aware that the DOE contracted persons providing the 'assessments' to determine eligibility are not always competent or qualified to be making some of the decisions being made regarding their child's eligibility, diagnosis and educational needs. Parents, especially new parents, still trust school administrators as people who are only there to help their children. It takes more than 90 days to find out that this is, unfortunately, not always the case.

Having to maintain a household, job and other obligations while they are caring for a student with a disability 24/7 and for the rest of the family as well is a daunting task,

especially for a single parent. Parents should NOT have the added burden of being forced to pay for expert witnesses who are actually qualified to make accurate judgments and correct diagnoses concerning their child's condition and educational needs. To place such a burden on the parent when he or she is simply seeking appropriate education and accurate diagnosis for a special needs child is unreasonable and unnecessary. As a special education teacher I have seen how parents are at a disadvantage at the IEP meetings because they do not always understand the process or the terms used, and how teachers who are too helpful in helping the parents understand their rights can be reprimanded by DOE superiors who use phrases like "Conflict of Interest". The question always burning on my lips at that point is: "How can there be a "Conflict of Interest"?" Isn't the only "Interest" here the education and well-being of this child for whom this meeting is being held? But I don't ask. Maybe we need to think about that, though. If we had, perhaps my son would have not been denied desperately needed and available services in Hawaii for 5 years, would have received an accurate diagnosis by a competent specialist, would not have been all but tortured at his school until he permanently lost 20 IQ points, deteriorated until he had to be placed in an East Coast mainland placement (to which the State of Hawaii has had to fly me quarterly for 3 years), all because DOE administrators denied him access to proper mental health care and services.

Therefore, I strongly urge you to pass SB 2004 with the amendments that passed through the House Committee on Education that extends the statute of limitations to 2-years and which includes HB 2186 language of expert witness fees to the prevailing party. Thank you for your attention on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Holloway Van Natta". The signature is fluid and cursive, with a large initial "A" and a long horizontal stroke at the end.

Ann Holloway Van Natta

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Thank you for the opportunity to provide testimony in support of this bill.