



1200 Ala Kapuna Street • Honolulu, Hawaii 96819
Tel: (808) 833-2711 • Fax: (808) 839-7106 • Web: www.hsta.org

Roger K. Takabayashi
President

Wil Okabe
Vice President

Carolyn Mossman
Secretary/Treasurer

Mike McCartney
Executive Director

LATE TESTIMONY

TESTIMONY BEFORE THE SENATE COMMITTEES ON EDUCATION AND HUMAN SERVICES AND PUBLIC HOUSING

RE: SB 2466 – RELATING TO EARLY CHILDHOOD EDUCATION

January 28, 2008

ROGER TAKABAYASHI, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Sakamoto, Chair Oakland and Members of the Committees:

The Hawaii State Teachers Association supports SB 2466. We believe all students, including preschool students with special needs, have the right to free quality public education.

Currently, inclusion classes at all levels of education exist in which students with special needs are given the opportunity to learn and interact with non-special needs students in a regular education classroom. These special needs students may not be with their non-special needs peers for the entire day. However, this arrangement has benefited both special needs and non-special needs students. The special needs students develop a higher level of socialization and developmental gains in language, motor and cognitive skills, along with improved play skills. At the same time, the non-special needs students' developmental gains can be seen as well, as they become more accepting and are more responsive to assist others.

There are in existence, preschools for special needs students on public school campuses. However, the children attending them are not given the same opportunity as the special needs students aforementioned. We believe these special need preschoolers should have the opportunity to be included in a preschool with non-special needs preschoolers in order to obtain the benefits mentioned. This is especially important since education at the preschool level is becoming more widely recognized as important for the betterment of a child's educational development in elementary school and beyond. This bill will give these special needs preschoolers the highly desirable opportunity to interact with non-special needs students and benefit from that experience.

We urge the committee to pass this bill.

Thank you for the opportunity to testify.

LATE

January 28, 2008

To:

Senate Education Committee
Senator Norman Sakamoto, Chair
Senator Jill Tokuda, Vice Chair

Re:

SB2466 Relating to Early Childhood Education, Preschoolers with Disabilities, Inclusion

This legislative session, we ask the Legislature to make policies flexible enough to consider the needs of each child, the existing programs Hawaii already has, and putting our money where those needs will be met.

The Individuals with Disabilities Education Act – Reauth. 2004

Definition of Least Restrictive Environment (Sec. 612, 20 USC 1412)

In general.--To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

✓ Adopt PA's definition of Least Restrictive Environment, to include "that for a preschool aged child, home may be the least restrictive environment." [Delaware County Intermediate Unit v. Jonathan S., 809 A.2d 1051 (Pa. Cmwlth. 2002).]

✓ Adopt OK's Continuum of Alternative Placements for Preschool Children (ages 3 through 5): Home, Early Childhood Setting, Early Childhood Special Education, Part-time Early Childhood/Part-time Early Childhood Special Education, Itinerant Services Outside the Home, Reverse Mainstreaming, Separate School, Residential Facility (Oklahoma Policies and Procedures for Special Education, 2000, p. 117-118]

✓ Adopt The Pennsylvania Code 12.16 definition of PreKindergarten—"A program operated by a school district or by a community agency under contract from a school district that is open to children who are at least 3 years of age and completed prior to the school district's entry age for kindergarten, **unless individual exception to the age requirements are made by the school district.**" (emphasis added)

Complying with the Felix Consent Decree is not the same as implementing and complying with the IDEA 2004.

The IDEA federal law does not require all children with disabilities, including Down syndrome, to be included only with chronological age matched peers. A quote in the SCR17 Report to the Legislature added "same age" to the original quote and deleted the last two sentences. The report accurately reflects a definition of inclusion for children with Down syndrome as well as the need and benefits of using sign language and speech simultaneously.

ORIGINAL QUOTE: "Guidelines to Support the Early Intervention Process: Inclusion" Page 5:
"Belonging is a basic need of every person . In order for children to belong, they need to be able to participate in every day activities with their peers . They need to have access to the same social and learning opportunities that they would have if they did not have a disability . Successful implementation requires appropriate supports and services to be in place . Many individuals, agencies and fiscal entities must collaborate to ensure that successful inclusive opportunities are available . A true commitment from all entities is vital . All children are our children."

QUOTE FROM SCR 17 REPORT: Page 10 (of 42): "Belonging is a basic need of every person . In order for children to belong they need to be able to participate in every day activities with their same age peers . They need to have access to the same social and learning opportunities that they would have if they did not have a disability . Successful implementation requires appropriate supports and services to be in place . Many individuals, agencies and fiscal entities must collaborate to ensure that successful inclusive opportunities are available . ~~A true commitment from all entities is vital . All children are our children.~~"

✓ Time to update §321-353 **Hawaii early intervention coordinating council; establishment**, with no limit on number of members, and rename to Hawaii Early Intervention Interagency Coordinating Council to emphasize "interagency," and to advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children from birth through age 5. The council may advise appropriate agencies in the State with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the State. Appropriate money for this council. [20 USC Sec. 1441 , IDEA Sec. 641]

Why? To align with the Individuals with Disabilities Education Improvement Act of 2004; to include specific requirements for organization, members, and responsibilities. To bring attention 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, interagency agreements, and to fulfill all responsibilities according to the Federal Law 20 USC Sec. 1441 [Title 20 – Education; Chapter 33 - Education of Individuals With Disabilities; Subchapter III - Infants And Toddlers With Disabilities].

Require the Department of Education to work with other state agencies, parents, school districts and early childhood providers to assure that the barriers to activities and locations of typically developing children for preschoolers with disabilities are eliminated. Hawaii parents of children with disabilities ages 3 to 5 do not have any choice but to have their services dictated by the DOE; yet Congress gave the new "Part C" option to allow families to

continue in the Early Intervention program (which focuses on the family as the child's first teacher and does not allow for disruption in the families services) *in lieu of* changing to the Part B preschool program offered by the DOE. Other states have flexibility already built in their Part C and Part B transitions; whereas, Hawaii does not. Allowing for these optional policies for Hawaii families and keiki is the purpose we seek in the HB531 task force.

✓Specify that Special Ed Preschool continuum for placements include HOME. Mandated federal reporting specifically names HOME as a setting for preschool (PA, GA, OK and other states).

✓Include a deadline for a complete review of IDEA program Eligibility Requirements and Definitions, to be reported to the Legislature (not only to the US DOE).

✓Require the BOE members/staff to work with the DOE, DOH, DHS to organize funding options for services for children with disabilities, and consider block grants, TANF, Title I, etc., with new possibilities to better meet the needs of our children.

✓Include in HRS: Related services to specifically include and authorize funds for **Unique Communication Mode** such as the simultaneous usage of speech and sign language and **Music Therapy**.

Written Testimony presented to the Legislature regarding HR231 (2006) :

"Kapi'olani CC is proud of its service to the deaf community and if that service can be extended to others who might benefit, even better." John Morton, Interim Vice-President for Community Colleges University of Hawai'i, 808-956-7038, Apr. 18, 2006.

"My son called me "mommee" for the first time at 4 ½ years old, yet he signed "mother" since he was 2 years old." Our 7-year-old son does not have autism and is not deaf. He has Down syndrome and uses sign language to be understood and to learn, while taking the required time needed to develop intelligible speech due to his disability. Linda Elento

✓Revise HRS 302A-1143 **Attend school in what school district.**

(1) "*Geographic exception*" means permission to attend a school other than the pupil's home school as determined by the pupil's legal residence. (2) The department shall not deny a geographic exception on the basis of a pupil being eligible, or previously eligible, or suspected eligible, for special education and/or related services. (3) The department shall not require a geographical exception for a pupil to attend a Hawaiian language medium education program, receive a special education placement (as defined by federal law), receive a gifted and talented placement by the department [consider charter schools and foster children].

Reference: §302A-444 Programs for gifted and talented children. §302H Hawaiian language medium education.

Reference: HB3322 Special Education in Public Charter Schools.

HRS §302B-15 **Responsibilities of department of education; special education services** with the purpose of specifying a public charter school's choice to request special education staff,

funds, or both, per IDEA 2004 (not the DOE “may offer” staff, funds or both to the charter school). Public charter schools cannot serve children with disabilities based on the foundation and definition of public charter school: “...that have the flexibility and independent authority to implement alternative frameworks with regard to curriculum, facilities management, instructional approach, virtual education, length of the school day, week, or year, and personnel management.” [34 CFR §300.241]

The DOE’s practice is to have the public charter school’s DOE district office provide staff for special ed services (not to give the charter school the funds to provide the special ed services in their own manner).

In Hawaii, many children no longer receive early intervention services when they turn three years old because they do not meet the requirements for special education preschool services through the Department of Education. The Governor allowed a bill to become law to establish a task force to study the idea of extending the early intervention services beyond a child’s third birthday.

Unfortunately, the Act 289 (2007) “3-5” Transition Task Force did not specifically address recommendations for children who qualify for the federal law’s IDEA Part C extended early intervention services *in lieu of* Part B special education preschool services when they turn three year olds. Children in particular who need this option include children who were born with very low birth weight, fetal alcohol syndrome, Down syndrome and autism.

✓ Three components would contribute to the feasibility of this option: (1) the federal money that would be spent for the special education preschool child would follow that child to be spent on the continued early intervention services; (2) the Legislature could assure that state general funds that are being spent on special education preschool services would also “follow the child” to be spent on early intervention services instead; (3) the Department of Health could replicate the state-funded positions and programs (such as the Inclusion Project and Keiki Care Project) that currently serve preschoolers with disabilities and the community programs who enroll them.

✓ Adopt New York’s law which allows children receiving early intervention services (Part C) who turn three after August 31, to delay entering Part B program until the following January. In addition, the law allows children receiving early intervention services (Part C) who turn three on/before August 31, to delay entering Part B program until Sept. 1. If a child continues early intervention services, the child is not eligible for Part B at the same time. [New York Public Health Law Section 2541].

✓ In another state allows children who turn three do not necessarily have to change services and providers. The only that changes is the funding source (Lead educational agency vs. the Lead early intervention services agency).

✓ Real inclusion means these preschool age children being included at Keiki O Ka Aina, Families for REAL, home, HIPPIY, private preschools, MOPS (Mothers of Preschoolers), grandma’s house, and home childcare programs – not a full-day in a small classroom with only a handful of other children with disabilities.

IDEA sec 614 IEP Teams must consider the academic, developmental, and functional needs of the child.

Federal Regulations discuss the definition of Native Language and also clarifies that for individuals with deafness or blindness, or for individuals with no written language, the native language is the mode of communication that is normally used by the individual (such as sign language, Braille, or oral communication). 20 U.S.C. 1401(20))

✓ Review and compare with the requirements of the IDEA 2004:
[§302A-436] **Departmental duty toward exceptional children.**

Reference: IDEA 2004, Sec. 602

“(3) Child with a disability.--

“(A) In general.--The term ‘child with a disability’ means a child--

“(i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (referred to in this title as ‘emotional disturbance’), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

“(ii) who, by reason thereof, needs special education and related services.

“(B) Child aged 3 through 9.--The term ‘child with a disability’ for a child aged 3 through 9 (or any subset of that age range, including ages 3 through 5), may, at the discretion of the State and the local educational agency, include a child--

“(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in 1 or more of the following areas: physical development; cognitive development; communication development; social or emotional development; or adaptive development; and

“(ii) who, by reason thereof, needs special education and related services.

Thank you for the opportunity to share this information.

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

LATE TESTIMONY

To: Senator Norman Sakamoto, Chair
Senator Jill Tokuda, Vice-Chair
Committee on Education

From: Phyllis Ida, M.Ed., Special Education Teacher
45-284 Pahikaua Street
Kaneohe, HI 96744, 235-6577

Monday, January 28, 2008

RE: Support of **SB2466**, "Relating to Early Childhood Education"

My name is Phyllis Ida and I am in support of this bill. I am a special education teacher with more than 30 years of service to the children of Hawaii in which 5 years were in a private preschool and 26 years in the Department of Education. I have taught preschoolers, special needs preschoolers, kindergarten to 2nd grade and special education students' kindergarten to 6th grade.

Currently, I work with many families, teachers and children assisting in finding appropriate preschool placements for special needs preschoolers. I am a strong advocate for ensuring that each special needs child is provided an appropriate program that meets their individual needs. This means being able to offer a variety of program placement options in our special needs preschool programs including therapy at home, small class size settings, inclusion programs with Head Start and private preschool students.

Therefore, I am in support of **Senate Bill 2466** for the following reasons:

- The federal law that governs special education, the IDEA, requires the D.O.E. to provide education in the least restrictive environment. This means that to the maximum extent appropriate, children with disabilities are educated with children who are non-disabled. The revised IDEA in 2004, requires even our special education preschool programs to comply with this requirement of the law.
- The Division for Early Childhood of the Council for Exceptional Children (DEC) and the National Association for the Education of Young Children (NAEYC) positions on natural environments state that "Inclusion, as a value, supports the rights of all children, regardless of their diverse abilities, to participate actively in natural settings within their communities."
- Research has shown that inclusion of the child with disabilities helps to develop a higher level of socialization, developmental gains in language, motor and cognition and improved play skills.
- For the child without disabilities, an inclusive setting ensures that their developmental gain continues, they become more accepting, and become more responsive to assist others.
- For the inclusive classroom, the classroom has a well defined vision, teamwork and team planning occur regularly, developmentally appropriate curriculum is used, adequate space, equipment & materials are available, a system for training & staff development is provided, there is active parent involvement, resources &

technical assistance is provided, interagency collaboration is developed and low child staff ratios are available.

- For the parent, the inclusive program provides more positive feelings about inclusion settings and they can identify benefits for their children.
- The D.O.E. currently does not have regular education preschool programs that could adequately provide opportunities for inclusion. The D.O.E. is limited to partnerships with Head Start and private preschools to provide opportunities for interaction with non-disabled peers. These opportunities are not sufficient to meet the needs of all our preschoolers who could benefit from inclusive settings.
- Currently, Hawaii ranks 56th in the nation in % of children served in early childhood settings (9.9%; national average = 33.9%). Many states use Title I monies to support preschoolers who come from low income families and those who speak English as a second language. These classrooms provide access and least restrictive environment opportunities for their preschoolers with disabilities.
- Private preschool programs in the state cannot meet the needs of all families who have preschoolers. Most private preschools in the state have waiting lists.
- Head Start programs in the state also have waiting lists in some areas and are unable to provide a program for all preschoolers in need.
- The State is currently looking for empty classroom space in DOE schools to provide room for more preschool programs.
- Many of our special needs preschool programs in our classrooms on DOE campuses have 6-8 children and can accommodate 10-14 more preschoolers.

Therefore, I support this bill to create a variety of options enabling children with disabilities to have access to inclusive settings. This will also create more public partnerships with private community preschools that can increase the number of 4-year-olds currently being served in Hawaii and provide quality early learning opportunities to children with diverse needs. SB2466 will also provide a smooth transition for these preschoolers into kindergarten.

Thank you for the opportunity to testify.

To: Senator Norman Sakamoto, Chair
Senator Jill Tokuda, Vice Chair
SENATE COMMITTEE ON EDUCATION

Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
SENATE COMMITTEE ON HUMAN SERVICES AND PUBLIC HOUSING

From: Liz Chun
Executive Director, Good Beginnings Alliance

Date: Monday, January 28, 2008
1:15 p.m., Room 225

Subject: SB2466, Relating to Early Childhood Education

The Good Beginnings Alliance strongly supports the intent of this bill to increase opportunities for special needs preschoolers to interact with their non-disabled peers.

Thank you for the opportunity to submit testimony regarding SB2466. I am Liz Chun, Executive Director of the Good Beginnings Alliance. I have been working in the field of early childhood education over 30 years. My Masters Degree is in Special Education and my years in the classroom were spent with preschool children who had special needs.

Since 1974 when Head Start first mandated a 10% inclusion component in their preschool settings and when I began my career as a teacher of young children - the importance of inclusion settings for young children with disabilities has been at the center of my professional beliefs.

I spent many years working with preschool teachers and designing training materials to assist teachers learn the strategies to best support inclusion in their classrooms. Children with special needs are much more like other children than unlike. Good early childhood practices pertain and are relevant for all children regardless of their disability. Children with disabilities show marked improvement when they learn side-by-side other children. And, other children who learn along side their peers with disabilities show tolerance and empathy much beyond most adults' expectations.

We must find a way to make this work. Hawaii needs to increase the inclusion classrooms available to our young children. It is the right thing to do for the children – as well as the federally mandated strategy.

Thank you for this opportunity to testify.



University of Hawai'i at Mānoa

Department of Special Education • College of Education
Wist Hall • Room 126 • 1776 University Avenue
Honolulu, Hawai'i 96822
808-956-5599 • Fax: 808-956-4345 • noonan@hawaii.edu

January 28, 2008

The Honorable Norman Sakamoto, Chair
Senate Committee on Education and
The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services and Public Housing
And All Committee Members

RE: Support for SB 2466, Relating to Early Childhood Education

I humbly urge the committee chairs and members to support SB 2466, Relating to Early Childhood Education. This bill would provide much needed funding for including young children with disabilities in private early childhood programs. The federal special education law (Individuals with Disabilities Education Act, IDEA) requires that children with disabilities be served in *natural environments* and general education settings to the maximum extent appropriate (the least restrictive environment [LRE] requirement). The special monies requested in this bill are needed to meet the LRE requirement because, unlike school-age children with disabilities, there are almost no opportunities on our public school campuses for preschool children with disabilities to receive their special education in inclusive programs (public education is not provided to preschoolers who do not have disabilities).

This is important legislation because inclusive education programs provide children with disabilities full access to the general early childhood curriculum and critically needed opportunities to interact with and learn from their peers who do not have disabilities. There is a solid research base supporting the effectiveness of early childhood inclusion that dates back to the early 1970s. On behalf of the University of Hawaii College of Education and Department of Special Education I commend the authors of this bill for pursuing strategies to assist Hawaii in meeting federal guidelines for providing special education for young children with disabilities. Know that we train our general and special education early childhood teachers to promote and support young children with diverse learning needs. I look forward to helping our pre-service and in-service teachers in furthering early childhood inclusion opportunities in our state.

I urge you to support this legislation.

Sincerely,

/s/ Mary Jo Noonan

Mary Jo Noonan, Ph.D.