



S E A C
Special Education Advisory Council

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March 24, 2008

TESTIMONY TO THE SENATE COMMITTEES ON
EDUCATION and HUMAN SERVICES AND PUBLIC HOUSING

**Special Education
Advisory Council**

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SCR 92 - Urging the Department of Education to ensure recognition of certain rights of parents of children who have been referred for special education services.

The Special Education Advisory Council (SEAC), Hawaii's State Advisory Panel under the Individuals with Disabilities Education Act (IDEA), is confused by the necessity of this resolution. We wish to inform your committees that SEAC, in partnership with the Department of Education and the Special Parent Information Network (SPIN), developed and regularly updates *A Parent's Guide to Partnership in Special Education* (referred to hereafter as the *Guide*).

The *Guide* was designed as a parent-friendly explanation of the special education process, as well as student and parental rights. It compliments the *Procedural Safeguards Notice for Parents and Students under The Individuals With Disabilities Education Act of 2004 and Hawaii Law and Regulations* given to parents of eligible or prospective special education students by the Department at the time of referral and at least once a year thereafter. This *Procedural Safeguards Notice* has been adapted from a model form offered by the Office of Special Education Programs and based on the 2004 IDEA Amendments.

SEAC intends to update its most recent version of the *Guide* (found at <http://www.spinhawaii.org/12.06GUIDE.pdf>) as soon as Chapter 60--the newest set of Hawaii administrative rules regarding IDEA--is adopted and Chapter 56 is repealed.

Thank you for the opportunity to present testimony on this issue. Should you have any questions regarding our position, you are welcome to contact me by phone or email.

Sincerely,

Ivalee Sinclair, Chair

Date of Hearing: March 24, 2008

Committee: Senate Education/Human Services
and Public Housing

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent

Title: S.C.R. No. 92, Urging the Department of Education to ensure recognition of certain rights of parents of children who have been referred for special education services.

Purpose: To urge the Department of Education to ensure recognition of certain rights of parents of children who have been referred for special education services.

Department's Position: The Department of Education (Department) does not support S.C.R. No. 92. This resolution is unnecessary as the Department fully recognizes not only the rights of parents and students who have been referred for special education services, but also of parents and students who are receiving special education services.

The Individuals with Disabilities Education Act (IDEA) requires all states receiving funds under Part B of the Act to provide parents of a student with a disability with a notice containing a full explanation of the procedural safeguards available. This notice is contained in a booklet entitled, "Procedural Safeguards Notice for Parents and Students under the Individuals with Disabilities Education Act of 2004 and Hawaii Law and Regulations." This booklet provides a full

explanation of state and federal requirements regarding unilateral placements at a private school at public expense, state complaint procedures, consent, procedural safeguards, procedures when disciplining students with disabilities, and confidentiality of information. A copy of this booklet is currently given to parents at the following times: 1) upon initial referral or their request for evaluation; 2) upon receipt of a state complaint and/or a due process complaint; 3) upon taking a disciplinary action that results in a change in the student's educational placement; 4) upon each notification of an individualized education program (IEP) meeting; 5) upon giving parents a prior written notice of proposal or refusal to initiate or change the identification, evaluation, educational placement of their child or provision of a free appropriate public education (FAPE) to their child; and 6) upon their request. It has also been translated into 13 languages and includes sources for parents to contact for assistance in understanding the provisions described in the booklet.

Therefore, this resolution is not necessary, and the Department does not support S.C.R. No. 92.