

written only

Kalma K. Wong
46-220 Alaloa Place
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(808) 393-5218

VIA FACSIMILE

December 3, 2007

Senator Norman Sakamoto
Hawaii State Capitol, Room 230
410 South Beretania Street
Honolulu, HI 96813

RE: DOE Budget Informational Briefing, Monday, December 3, 2007
2 p.m., Room 309

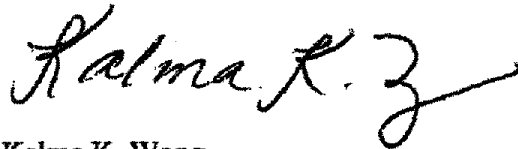
Dear Senator Sakamoto,

Please find attached my testimony for HCR43, the audit request of the Department of Education Special Education Program. My testimony is relevant in light of the subject of today's informational briefing.

Please also find attached the copies of the signatures collected of people who would like to see the DOE held accountable for their spending of the Special Education monies.

If you have questions regarding my testimony or of the signatures of the concerned citizens, please feel free to contact me at 393-5218 or flute866@gmail.com.

Sincerely,



Kalma K. Wong
Hawaii Chapter President, Autism Speaks
Vice President, Beautiful Son Foundation

Cure Autism Now

**WALK
NOW**

Kalma K. Wong
46-220 Alaloa Place
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(808) 235-4411

March 29, 2007

Representative Roy M. Takumi
Chair, House Education Committee
Hawaii State Capitol, Room 444
415 South Beretania Street
Honolulu, HI 96813

Representative Lyla B. Berg, Ph.D.
Vice-Chair, House Education Committee
Hawaii State Capitol, Room 324
415 South Beretania Street
Honolulu, HI 96813

Re: Testimony in STRONG SUPPORT of HCR43, Audit Request of DOE
Special Education Program
House Education Committee, March 30, 2007, Room 309, 2 p.m.
35 copies

Dear Chair Takumi and Vice-Chair Berg:

I am writing to express my strong support for House Concurrent Resolution 43 (HCR43). This resolution requests that the state auditor conduct a fiscal and management audit of the Hawaii Department of Education's Special Education Program.

The Hawaii Department of Education is appropriated millions of dollars each year for Special Education. In the fiscal year 2005-06, \$108 million was appropriated for what was labeled "Special Education in Regular Schools" alone. This money did not include appropriations for extended school year, Felix expenditures, diagnostic services, evaluation and IEP services, speech pathologists, occupational therapists, psychologists, educational assistants, etc. With the amount of money being earmarked for special education, why then are so many students with special needs being denied services because of "lack of funds"?

In my capacity as the President and Walk Chair of the Hawaii Chapter of the Cure Autism Now Foundation, I have come across many people touched by autism and other developmental disabilities. The people have included family

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members, teachers, administrators, therapists, and physicians, among others. Over the past few years, allegations of fiscal misconduct by DOE employees with regard to special education funds have been brought to my attention. I have become increasingly concerned that those occurrences were not isolated incidences.

The findings of the Kailua High School audit show the necessity of a watchdog or two within the Department of Education. One watchdog should be the State Auditor. The only way to know if the money being appropriated for Special Education is actually being spent on the education of children with special needs is to have a full and detailed audit of the spending. How is the money truly being spent? Where is the money going? Most importantly, is the money being used to provide an appropriate education for the children with special needs in Hawaii? These are a few questions that an audit can answer.

A fiscal and management audit of the Hawaii Department of Education's Special Education Program by the State Auditor will help to ensure that the children with disabilities in Hawaii receive appropriate services. Please pass HCR43.

If you have any questions, please feel free to contact me at 235-4411/393-5218 or flute866@gmail.com.

Sincerely,

Kalma K. Wong
Hawaii Chapter President
Cure Autism Now and Autism Speaks



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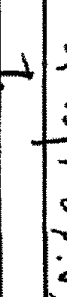
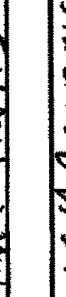







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10	Danielle K Pratt <i>Danielle K Pratt</i>	94-172 Kaiiao Pl Waypahe	671-7974		
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9	Serena Kuj-Yim	1636 Cotton St	-	-	Honolulu
10	Erin Sanchez	9-725A Palakoi	4799975		
11	Chris Kavusi	97-725A Palakoi	630 9226	-	

DATE	NAME Print Name Signature	ADDRESS	PHONE #	EMAIL (optional)	DISTRICT (Optional)
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2	Drew Brown <i>Drew Brown</i>	11	526-7277		
3	Thomas Warren <i>Thomas Warren</i>	1441 Humuhu St.	262-2286		
4	Quincy <i>Quincy</i>	Keele, HI 96734			
5	Michaela Beckett <i>Michaela Beckett</i>	1535 Puaaolo #45	526-8808		
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11	Magnil I. Kingery <i>Magnil I. Kingery</i>	92-915 Hale Pl 202d	Kapolei, HI 450-2448	nathandobry1@hotmail.com	

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5	<i>Michelle Halemano</i>	91503 Pahiko St.	681-6917		
	<i>Michelle Kuhn</i>	ewa HI 96706			
6	<i>Laura Lee Taraka</i>	3276 Wilani Pl Hon 96816	291-4768		
	<i>John Morgan</i>	1576 Kupaia St Kailua	261-9647		
7	<i>Cindy Jarkus</i>	PO Box 16214 Hon 96816			
8	<i>David Carter</i>	114 Elderwood Place	(905)450-5067	magentis925@aol.com	
	<i>Dani Carter</i>	Brampton, Ontario L6V3N2			
9	<i>Alecks Renee</i>	743 Maluniv Ave	808 282 9047	alenkal@mac.com	
	<i>Chris Nakamoto</i>	1281 Maleko St	261-9591	chocak@Hawaii.rr.com	
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	<i>Tiffany Kawasuchi</i>	45-70 Kaula Rd	235-8472		
11	<i>Ronica Lee</i>	1449 Ma Iolani St.	222-1297		
	<i>Lisa Heh</i>	PO Box 5346	582-4514	lisah@pearl.hawaii.k.net	

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4	MOKEMURA	45722 Hualili St	68362713		
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10	Sennisey Zeketa 	94-470 Mulehu Mahaia HI 96781	623-4650		
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4	Lynda Lopez	Honolulu HI 96816			
5	Christine W. Tuleku	1231 Mottlock Ave #3	224-2265		Honolulu
6	Cecilia Vargas	3325 Sierra Dr Hon HI 96816	724-8008		Hon
7	Blanche Vargas	1255 Niuanu Ave #E2014	524-0968		
8	Tasato Kodama				
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10					
11					

(26) 99

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	Mary Marasovich	Honolulu, HI 96814			
	2 Brett Smith	PO Box 473	742-6019	UlgaLanikaikua	Kailua/Windward
	Matt Smith	Kauai HI 96744		lanikaikua.com	
	3 Alyshia Bustoy	1812 Porter Ave	604-5746	alysbiadion@hotmail.com	MO Mokuiaele/Central
	Alyshia Bustoy	Honolulu, HI 96818			
	4 Sharon Wong	634 Kaupahu Pl.	346-2450	shwong@yahoo.com	Honolulu
	Sharon Wong	Hon HI 96828			
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1	Rhoda Favelle <i>Rhoda Favelle</i>	91-1254 Kuama St. Ewa Beach HI 96706	685-3159		
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3	Keri Hanger <i>Keri Hanger</i>	91013 Kaikila St	689 5189		
4	Donovan Hanson <i>Donovan Hanson</i>	PO Box 2441 Ewa Beach HI 96704	712-3267		
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6	Randall Lynn <i>Randall Lynn</i>	47224 Hale Manala Kailua, HI 96734	4840552		
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8	SHAWN SENTER <i>Shawn Senter</i>	245 Puu Loa Heaheua Honolulu, HI 96825	323 5284003		HNL
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5	JULIE CHERRY	44-467 Opaka St. Waipahu, HI 96797	" "	" "	
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9	Michaela <i>Michaela</i>	969 LUELMST A-I	836-9175	michaela@legation.com	
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11	Lessa Tinkah <i>Lessa Tinkah</i>		757-9008		

Handwritten notes and signatures at the top of the page, including "Official" and "Official" written vertically.

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Written only

Senator Norman Sakamoto
15th Senatorial District
Hawaii State Capitol, Room 203
415 South Beretania Street
Honolulu, HI 96813

RE: Testimony regarding the DOE Special Education Programs and WHY an AUDIT is Necessary.

December 3, 2007

Dear Senator Sakamoto:

For the 2005-2006 school year, the state legislature allocated \$2.187 billion dollars to the Department of Education. As a taxpayer, I must ask, "Why does the legislature continue to approve budgetary increases every year when the DOE's ability to be fiscally responsible is questionable?"

Ironically, at the termination of the Felix Consent Decree on May 31, 2005, many parents with Special Needs children, like myself, immediately began facing difficult obstacles in acquiring special needs services. Many children have had sudden elimination or limitations placed on their related services with unexplained reasons and worse yet, many children in the Early Intervention Program initially entering the DOE system have had their eligibility denied outright despite their early identification through this DOIH program. By limiting special needs services to children who are entitled to them under IDEA, the DOE is being neither socially nor fiscally responsible. A lack of funds to pay for these services is NOT A PLAUSIBLE excuse given the enormity of the \$2.187 billion dollar budget. It is imperative that the Special Education Program be audited immediately before the present and future special needs children of Hawaii eventually lose ALL of their services.

The DOE claims that they spent approximately \$400 million on our children this year to comply with the Felix Consent Decree yet, how do we know for certain that the DOE actually spent \$400 million on Special Education? Where is the proof? Since expenditures for Special Education programs and services are unclearly identified and are perhaps deeply buried in DOE financial reports and documents, how would the taxpayer be able to verify this information? The departmental program with EDN 150 as the identifier for the overall SPED program includes numerous allocations. Many of these programs could possibly be combined, eliminated or reallocated within the SPED program given the duplicity and irrelevance to the Felix class children. Only an audit can clarify these issues and possibly result in offering our children greater resources.

The DOE budget is very complex and hardly straightforward, both of which compound my confusion. Expenses on the balance sheet such as "School Level Instruction," "Comprehensive Student Support," "Instructional Support," and "School Support" sound almost the same. ARE there ANY differences? Is there an all inclusive list of services that are separated under each category? Why can't "Special Education services" be listed as a separate line item in the budget as \$400 million dollars along with an itemization of these SPED funds allocated to each program? Wouldn't this provide better clarity and understanding of the budget and financial reports? Or perhaps, there is something the DOE wants to hide?

According to the March 16, 2007 article in the Honolulu Advertiser, approximately \$400 million was spent on approximately 19,000 children or 11 percent who are eligible for "Special Education under the Felix Consent Decree. However, in a legislative report presented in January 2007, Ms. Hamamoto also showed that in 2006, 51 percent of the public school children are "Special Needs." This 51 percent "Special Needs" group included the following subsets of "Special Education" (5%), Economically Disadvantaged (30%), Section 504 (1%), English as a Second Language Learners (3%) and Multiple Needs (13%). This leaves 49 percent of children without special needs.

Despite what we are led to believe, it seems highly improbable that ALL \$400 million went to ONLY 11 percent of the public school population given that 51 percent of all public school children are identified as Special Needs. If \$400 million did indeed go towards the 11 percent of the Special Education children, then how much money directly impacted our children's education? Recognizing the DOE's thick layers of "supports," isn't it possible that the MAJORITY of these resources went to pay, for example, the administrative and personnel salaries including the Student Service Coordinators, CSSS Resource Teachers, Educational Assistants, in addition to ISPED support and Recruitment and Retention Incentives, all of which incidentally are listed under EDN 150?

On the other hand, if ONLY \$400 million dollars went towards ALL of the 51% Special Needs children, how can our children's educational needs can be sufficiently met given that this is only 18.3% of the overall budget?

The DOE uses the terms "Special Education" and "Special Needs" interchangeably; however, do they actually represent the same groups of children? Are the services of Special Needs children different from those of Special Education children? What is the difference between the 11% of children eligible for Special Education services under the Felix Consent Decree as described compared to the 5% subset of Special Education children under the category of "Special Needs" described in the legislative report? Are the differences related to the services these children receive, the funds from which they are served or the resources they receive? Does the funding come from different sources? Why is there a need for everything to be so complicated?

In a past Honolulu Advertiser article dated June 1, 2005, Ms. Hamamoto is quoted as saying that "the state had approximately 11,000 Felix-class public school students, and continuing to provide the special services they are entitled to will cost about \$350 million per year."

The statistics in this article are confusing. First, according to the DOE, the official total enrollment for Special Education students for the 2004-2005 school year was 20,173, and not 11,000 as stated by Ms. Hamamoto. Again, a similar question comes to mind. Did \$350 million really go to ONLY the 11,000 children Ms. Hamamoto spoke of or the 20,173 children as published in the Hawaii Public Schools Official Enrollment for 2004-2005? If the DOE is confused, then how can a taxpayer like myself not be confused? Which group of children is Ms. Hamamoto referring to when speaking of the Felix eligible children and the Special Education children? Again, what is the difference?

Additionally, if 11,000 is the correct count as quoted in the June 1, 2005 Advertiser article, then the difference in the Felix class children from June 1, 2005 compared to the 19,000 special education children as reported in a March 16, 2007 Advertiser article and the DOE's 2007 Legislative Report is 8,000 children or an increase of 72 percent. However, the difference between monies spent during the approximate 2 year time frame, \$350 million versus \$400 million, is a mere increase of only 14.2 percent for related services and special education.

Realistically, HOW did the DOE manage to pay for ALL of the special needs services for an additional 72 percent special needs children with only a 14.2 percent increase in funds over the approximate 2 year period? If Ms. Hamamoto was correct in stating that there were 11,000 Felix class children in 2005, it seems highly possible that between June 2005 and March 2007, many of the 8,000 children went WITHOUT the services that they were entitled given that only an additional \$50 million was allocated for their needs during this time period. Wouldn't an audit be an easier method of determining the reasons for a lack of funding rather than bringing on another Felix Consent Decree?

According to the DOE's Official Enrollment and Annual Financial Reports listed on their website, the appropriated funds to the DOE are listed below for the various years.

	'01-'02	'02-'03	'03-'04	'04-'05	'05-'06	'06-'07
SPED Students	20,320	20,808	20,469	20,173	19,714	19,030
REG Students	163,309	161,990	161,965	161,724	161,641	160,204
Budget (BIL)	1.673B	1.814B	1.876B	1.980B	2.187B	???

Notice the yearly DECREASE in the Special Education population beginning the 2002-2003 school year, the yearly DECREASE in Regular Education population since the 2001-2002 school year and a CONSTATNLY INCREASING school budget every year since the 2001-2002 school year. **With the general population shrinking and the SPED population shrinking, where does all of the extra funds go and to whom?** How much of these funds really go towards educating our special needs children? Is this an example of fiscal responsibility?

A December 15, 2006 article in the Pacific Business News stated that "state (DOE) officials didn't know the total spent on special education programs for the past 10 years under Felix, though estimates have ranged from \$300 million to more than \$1 billion." In this same article another high DOE administrator was quoted as saying "In those early years we were just scrambling."

If the DOE spent \$350 million in 2005, \$400 million in 2006 and an estimated \$400 million in 2007, then this easily totals over \$1.15 billion for ONLY 3 out of the 10 years under the Felix Decree. The DOE's estimated "\$300 million to more than \$1 billion" range is farther from the truth. Despite the excuse that they were "scrambling" for 10 years, isn't it obviously clear that the DOE does not know the first thing about being fiscally responsible?

On March 15, 2007, the "Superintendent's Update," #07-06 includes a chart called "Where Does Your Education Dollar Go?" **It shows that 65 cents out of every dollar goes towards personnel costs including the state and district administration.** Included within this 65 cents is a mere 2.975 cents out of every dollar which goes towards the costs of related services personnel for special education children including psychologists and behavioral specialists among others. If the DOE's budget for 2006 was \$2.187 billion dollars, then an estimated \$64.5 million dollars were spent on special education contracts and related services personnel. How does this equate to the \$400 Million as claimed was spent for Felix related educational services? Again, the question is the same. **How many OTHER programs did the \$400 million apply to in the overall SPED budget that we do not know about?** We should be concerned that the majority of the \$400 million is not going towards the education of our special needs children but perhaps towards the extraneous programs that hinder the operations of an already top heavy and duplicative state agency where fiscal accountability is neither required nor expected by anyone.

Based on the figures above, if 2.975 cents are deducted from the 65 cents, then is it possible that 62.025 percent or \$1.356 billion of the \$2.187 billion budget went towards paying the majority of all other personnel unrelated to special needs children? Are taxpayers actually paying for the high administrative salaries that fall under the HSTA contracts rather than for services that address both the special needs and regular education populations? How am I as a parent and taxpayer assured otherwise?

Since the DOE cannot place "rate caps" on the salaries of their OWN personnel, the next best alternative, at the expense of our children, is to place rate caps via the RFP's on non-DOE employees such as the contracted providers. That's why the DOE recently attempted to place rate caps on the Doctorate level Intensive Instructional Service Consultants or IISC's. Regardless of community concerns, the NEED for these mental health services and the DOE's current lack of capacity to serve these children, the DOE IGNORED all protests and testimonies and went forward with this RFP. Thankfully, due to parent, community and professional persistence along with the assistance of select state legislators, HCR 124 was developed and passed. Still, the outcome is uncertain. Why must the education of our special needs children come to this? How can parents trust the DOE? As in this example, the DOE did not place the needs of our children first despite claiming fiscal responsibility. With an enormous \$2.187 billion dollar budget, I am loery of having the DOE as the sole guardian whose priorities do not lie with our children.

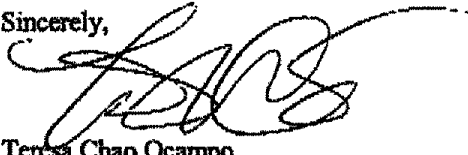
State legislators and taxpayers need a better understanding of the DOE's complex budget, specifically that of the SPED program. If the legislature or the public continue to allow the DOE to make unsupported and unchallenged financial decisions, then it is certain that these decisions will have an adverse impact on the provision of educational, psychological and mental health services for our children now and in the future. This will not bode well for the children of Hawaii or for the future of the Department of Education.

Lastly, to compound the challenges of fiscal responsibility, the DOE has recently begun its Medicaid School-Based Claiming Program. In a letter dated September 18, 2006 from Ms. Hamamoto to Parents of Special Needs children, it specifically stated that "federal monies reimbursed to the DOE will be used to support Regular and Special Education initiatives." Why will these Special Needs monies be used to support Regular Education initiatives when Act 244 specifically created a federal maximization revolving fund for supporting special education services only? How much of these reimbursements will actually reach our Special Needs children after excessive administrative costs? Has this even been determined? Since it is expected that millions of federal dollars will eventually come to the DOE to help pay for services for the Special Needs children, it would be wise for state legislators to conduct an initial audit that thoroughly examines the status of the current SPED program, the appropriateness of funding, allocations and expenditures. Guidelines should be developed and clearly outlined to ensure that these federal dollars are appropriately used ONLY for our Special Needs Children. If we do not expect fiscal responsibility BEFORE this program is fully operational, then this situation has the potential to become a financial disaster.

Conducting an audit is a sound business decision for our State. It is the ONLY way of determining "where the money really goes." The Department of Education is a public agency whose primary purpose is to serve the needs of our children, not the needs of itself.

Thank you for your consideration in this very important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Chao', with a long, sweeping horizontal line extending to the right.

Teresa Chao Ocampo
215 N. King Street, Apt. 207
Honolulu, HI 96817
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