



**LEGISLATIVE COMMITTEE OF THE
COMMUNITY CHILDREN'S COUNCILS OF HAWAII**

c/o 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

February 23, 2009

The Honorable Norman Sakamoto, chair
Senate Education and Housing Committee
The Honorable Suzanne Chun-Oakland, Chair
Human services Committee
RE: SB 183: special Education Advisory Council

Senator Sakamoto and Senator Chum-Oakland
Members of the Committees

The Seventeen Community Children's Councils (CCCs) in Hawaii stand in opposition to SB 183. We note a similar bill was defeated last year.

The CCCs are local community based organizations situated state wide in both rural and urban communities focused on children with special needs. Under the leadership of an elected parent and professional co-chair, CCCs provide local resources, workshops, participate in quality assurance activities and strive to provide a community voice.

The CCCs are opposed to SB 183 for the following reasons:

1. Placing the Special Education Advisory Council under the Governor's office does not provide a direct line of authority or accountability under Hawaii's structures. This is counter to the intent of IDEA.

2. Hawaii is a single statewide educational system unlike its counterparts across the nation. This structure has been in place since the initial implementation of the 1077 regulations.
3. The current arrangement has proven very effective.
4. SEAC has a larger membership than the bill requires reflective of broad stakeholder viewpoints and perceptions rather than that of a single individual member.
5. SEAC 's committee meets regularly to address issues and concerns in order to advise the Superintendent of Education of relevant matters needing attention and/or support.
6. SEAC meetings and reports are open to the public. The agenda reflects time for public comment monthly. Public input is also accepted by e-mail, fax or in writing.

The CCCs have worked collaboratively with SEAC and the Special Education Section on the State Performance Plan, changes to state rules and their implementing guidelines.

For all these reasons, we respectfully urge that SB 193 be defeated.

Sincerely,

Tom smith, Chair, CCC Legislative Committee

(Signature on file with the CCCO)

Attention: Senator Norman Sakamoto, Chair, and Senator Michelle Kidani, Vice Chair
Members of the Committee on Education

Testimony of: Linda Elento, Board director of the Hawaii Down Syndrome Congress

Hearing: Monday, February 23, 2009, 1:30 pm

SB183 Special Education: State Advisory Panel In Support

As a board member of the Hawaii Down Syndrome Congress and a parent of a boy born with Down syndrome, I have learned the educational and developmental needs of many children with disabilities have not been met. Relating to this bill and its description of the duties of the State Advisory Panel, I do not believe the Special Education Advisory Council (SEAC) has reached its full potential and acceptance, as well as influence on our state's education system serving our children with disabilities. For example, my son Jason has extreme difficulties with speech clarity and eating and swallowing and the dire need for instruction and usage of simultaneous communication of speech and sign language, yet for five years we have struggled to gain acknowledgment and special services from the Department of Education that our son is entitled to based on these developmental and educational needs due to his disabilities.

Hawaii's Special Advisory Panel, as mandated by the Individuals with Disabilities Education Improvement Act of 2004, will be legislatively established by the passage of this bill and will strengthen SEAC's power to influence decisions, and provide public awareness, legislative involvement, legitimacy, credibility, and leadership. Members appointed by the Governor would ensure membership unlimited by the closed nature of the Department of Education in the governance of the education of our children with disabilities.

The IDEA also mandates a similar requirement for the state to establish a state interagency coordinating council for Part C/Early Intervention Services, which has been established through state statute §321-353 as the Hawaii Early Intervention Coordinating Council with members appointed by the Governor for three-year terms.

Although HRS §302A-1111 describes the duties of the superintendent of education, I do not believe that the state advisory panel would be considered a program of education and public instruction as stated in this statute, nor is SEAC a program established by law. The Board of Education does not have a policy for SEAC nor does Chapter 56 of the Hawaii Administrative Rules describe the critical duties of SEAC which furthers the potential for public awareness and influence and for our children with disabilities to have their unique educational needs met.

For these reasons, I ask the Committee on Education and Housing to establish by law the State Advisory Panel as described in this bill and to strongly consider the importance of integrity and selection of the members with a limit on terms so that more public participation and meaningful influence will better give the State Advisory Panel the ability to weigh in on the decisions that are made for the services and education provided to our keiki with disabilities.

Thank you for the opportunity to share these reasons for supporting **SB759**.

Janet Takushi
1380 Aupula Place
Kailua, Hawaii 96734

Testimony in strong support of: SB 183 Special Education; State Advisory Panel
SB 759 Education: Children with Disabilities (EDH)
Monday Feb 20, 2009 @ 1:30pm

Dear Senator Kidani,

SB 183 and SB 759 addresses a sorely needed improvement in the way Special Education is provided in the State of Hawaii.

As a parent of a 14 year old student with Down Syndrome, I have experienced many difficulties in finding appropriate placement for my son. He has been denied several placements in appropriate programs either because of arbitrary geographic boundaries or unconstitutional DOE policies. We live in Kailua; were referred to a program in another school in Kailua by our home school; and were denied entrance to that appropriate program because we were not "in the district." Two years later we were admitted on a technical exception. I own a rental home closer to the school where we were applying; and so we were finally admitted. The whole system based on very arbitrary rules.

Geographical exception is very necessary when students with disabilities are involved. I would like to speak of a wonderful program that used to be at Kainalu Elementary School in the 80's and early 90's. It serviced the most severely disabled students. It had the latest in all the equipment at that time. The well trained staff had developed a successful program. Because the DOE did not refer students, who were out of district, to this program it was closed. All the equipment was parceled out to other schools. There has not been a program like it available on Windward Oahu since then. At the same time students in Kaneohe were not given the opportunity to attend this program. Some were sent to the mainland, with great expense to the State, because there was not an appropriate program for them. The only way to develop good programs in SPED is to have a commitment and then support them for the long run by referring students. Even from out of district.

The DOE has a ONE SIZE FITS ALL policy. The DOE has mandated that every school must service every special need. That is not practical or possible. Many other states have magnet programs for certain areas of need.

The benefits of having a choice for students with special needs are many.

The DOE has a policy which basically puts SPED students in a box.

Students, who qualify for SPED services from the DOE, are disqualified for all other state programs. For example: The Scottish Rite Speech Therapy Pre-School; DDD services during school hours; Speech, Occupational Therapy & Physical Therapy unless enrolled in a DOE school; Charter Schools are denied funds for SPED students. This policy needs to be changed. It is not only discriminatory but totally illegal. Each student has his or her own unique needs and strengths. Each teacher, program and school, has its strengths also.

These bills address flexibility of learning environments. They will also allow for some appropriate programs that are at present not provided by the DOE.

I strongly favor these bills.

Thank you,

Janet Takushi