

SCR150

Date of Hearing: March 27, 2009

Committee: Senate Education and Housing

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent

Title: S.C.R. 150, Establish Special Education Private School Task Force.

Purpose: Urging the Superintendent of Education to Establish and Facilitate a Special Education Private School Task Force to Advise the Department of Education on Policies or Procedures for Oversight and Monitoring of Private School or Facility Placements.

Department's Position: The Department of Education (Department) supports S.C.R. 150. Students with disabilities are placed in private schools or facilities as a result of an Individualized Education Program (IEP) team decision, a due process hearing decision, or a settlement agreement. Pursuant to Individuals with Disabilities Education Improvement Act of 2004 (IDEA), the Department is required to provide a free appropriate public education (FAPE) to all students with disabilities, including students placed in a private school or facility at public expense. To fulfill this federal mandate, the Department must monitor every student's progress to ensure the delivery of FAPE. In the past, the Department has been denied timely access to monitor these students and their educational records because

they are not educated on a public school campus. By creating a task force, the Department will be able to study the barriers and strengths of the current monitoring system. Because the task force is a temporary entity, it may be more effective if the resolution included a sunset date of June 30, 2011.

The Department supports S.C.R. 150.



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
919 ALA MOANA BOULEVARD, ROOM 113  
HONOLULU, HAWAII 96814  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
March 27, 2009

The Honorable Norman Sakamoto, Chair  
Senate Committee on Education and Housing  
Twenty-Fifth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Senator Sakamoto and Members of the Committee:

**SUBJECT: SCR 150 – URGING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH AND FACILITATE A SPECIAL EDUCATION PRIVATE SCHOOL TASK FORCE TO ADVISE THE DEPARTMENT OF EDUCATION ON POLICIES OR PROCEDURES FOR OVERSIGHT AND MONITORING OF PRIVATE SCHOOL OR FACILITY PLACEMENTS**

The position and views expressed in this testimony do not represent nor reflect the position and views of the Department of Education (DOE).

The State Council on Developmental Disabilities (DD) **SUPPORTS SCR 150**. SCR 150 urges the Superintendent of Education to establish and facilitate a Special Education Private School Task Force to advise DOE on policies or procedures for oversight and monitoring of private school or facility placements.

Act 179, Session Laws of Hawaii 2008, amended Section 302A-443 to include the following provision, "The department shall exercise oversight and monitoring of any child who has undergone unilateral special education placement as soon as practical after placement." This provision addresses the Individuals with Disabilities Education Improvement Act of 2004 requirement that DOE provide a free appropriate education to all students with disabilities, including students placed in a private school or public facility at public expense.

The Special Education Private School Task Force would assist DOE in developing policies and procedures to address its responsibility to provide oversight and monitoring of private school or public facility placements. Policies and procedures

The Honorable Norman Sakamoto  
Page 2  
March 27, 2009

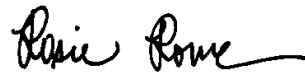
would include, but not be limited to, routine and timely access to monitor students in private school or public facility placements. Routine and timely access of monitoring, and access to a student's records has been an issue between DOE and the private school placement. Having policies and procedures in place will provide clear guidelines to assure that DOE meets their obligation to monitor a student's progress without hardship on the private school or facility placement in allowing access to records and for DOE to be on site.

Thank you for the opportunity to present testimony in support of SCR 150.

Sincerely,



Waynette K.Y. Cabral  
Executive Administrator



Rosie Rowe  
Chair



**S E A C**  
**Special Education Advisory Council**  
919 Ala Moana Blvd., Room 101  
Honolulu, HI 96814  
Phone: 586-8126 Fax: 586-8129  
email: spin@doh.hawaii.gov

March 27, 2009

**Special Education  
Advisory Council**

Ms. Ivalee Sinclair, *Chair*  
Mr. Steve Laracuente, *Vice  
Chair*

Ms. Brendelyn Ancheta  
Dr. Paul Ban, *Liaison  
to the Superintendent*  
Ms. Sue Brown  
Ms. Deborah Cheeseman  
Ms. Phyllis DeKok  
Ms. Mary Ellis  
Ms. Debra Farmer  
Ms. Gabriele Finn  
Ms. Martha Guinan  
Mr. Henry Hashimoto  
Mr. John Hinkle  
Ms. Tami Ho  
Ms. Barbara Ioli  
Ms. Shanelle Lum  
Ms. Rachel Matsunobu  
Ms. June Motokawa  
Ms. Kristy Nishimura  
Ms. Connie Perry  
Ms. Barbara Pretty  
Ms. Kau'i Rezentes  
Dr. Patricia Sheehey  
Mr. August Suehiro  
Ms. Judy Tonda  
Ms. Cari White  
Ms. Jasmine Williams  
Mr. Duane Yee  
Mr. Shawn Yoshimoto

Jan Tateishi, Staff  
Susan Rocco, Staff

Senator Norman Sakamoto, Chair  
Senate Committee on Education and Housing  
State Capitol  
Honolulu, HI 96813

RE: SCR 150– URGING THE SUPERINTENDENT OF EDUCATION  
TO ESTABLISH AND FACILITATE A SPECIAL EDUCATION  
PRIVATE SCHOOL TASK FORCE TO ADVISE THE DEPARTMENT  
OF EDUCATION ON POLICIES OR PROCEDURES FOR  
OVERSIGHT AND MONITORING OF PRIVATE SCHOOL OR  
FACILITY PLACEMENT

Dear Chair Sakamoto and Members of the Committee,

The Special Education Advisory Council (SEAC), Hawaii's State  
Advisory Panel under the Individuals with Disabilities Education Act  
(IDEA), **supports** SCR 150.

Through the work of our Due Process Committee SEAC is  
aware of some of the issues regarding access to students with disabilities  
whose tuition and related services in private schools or facilities are  
paid for by the Department. We agree that a special education private  
school task force can be effective in shedding light on barriers to access  
and recommending solutions to improve and streamline oversight and  
monitoring. We welcome the opportunity to participate.

SEAC contends that one such solution would be the development  
of clear criteria which private schools and facilities must meet in order to  
be eligible for receipt of public funds under IDEA. These criteria could  
include the right of the Department to reasonable access to the student  
and his/her records. Through our research, we learned that most other  
states are using some form of established standards for selecting and  
paying for private school placements at public expense.

Thank you for the opportunity to provide testimony on this issue.

Sincerely,

Ivalee Sinclair, Chair



## **HAWAII DISABILITY RIGHTS CENTER**

900 Fort Street Mall, Suite 1040, Honolulu, Hawaii 96813

Phone/TTY: (808) 949-2922 Toll Free: 1-800-882-1057 Fax: (808) 949-2928

E-mail: [info@hawaiidisabilityrights.org](mailto:info@hawaiidisabilityrights.org) Website: [www.hawaiidisabilityrights.org](http://www.hawaiidisabilityrights.org)

### ***TESTIMONY TO THE TWENTY-FIFTH STATE LEGISLATURE, 2009 SESSION***

**To:** Senate Committee on Education and Housing

**From:** Hawaii Disability Rights Center

**Re:** Senate Concurrent Resolution 150

**Hearing:** Friday, March 27, 2009, 1:15 PM  
Conference Room 225 , State Capitol

Members of the Committee on Education and Housing:

Thank you for the opportunity to provide testimony supporting SCR 150.

The Hawaii Disability Rights Center, formerly known as the Protection and Advocacy Agency of Hawaii (P&A) is the agency mandated by federal law and designated by Executive Order to protect and advocate for the human, civil and legal rights of Hawaii's estimated 180,000 people with disabilities.

We support this Concurrent Resolution and thank the Chair of the Senate Committee on Education and Housing for proposing this as a means to address the issues originally raised by House Bill 87. We believe that this collaborative approach is better suited to achieving a resolution in which all affected stakeholders can share. We continue to acknowledge the right of the DOE to exercise appropriate monitoring and believe that a broad cross section of interested parties can best help them achieve a methodology which will prove to be productive for them and yet will protect the educational and privacy rights of the students and their families.

In fact, we are so supportive of this approach that we would like to respectfully request that our agency be included as a participant. As the state designated protection and advocacy system we represent a very large number of children in this state with special educational needs. We have a lot of experience with the placement of students in private schools and the monitoring issues which arise. We believe that our experience would lend a valued perspective to the Task Force.

While we certainly leave it to the good judgment of the Legislature, we might suggest that the inclusion on the Task Force of the Senior Hearing Officer of the DCCA runs a risk of presenting sufficient legal problems that it may outweigh whatever benefit is to be gained by the presence of that individual. There is great potential risk of a conflict of interest for the Hearing Officer as well as the receipt of improper ex parte contact and communication with DOE officials. Inasmuch as the Hearing Officer performs an adjudicatory function, it may be best not to mix that with a policy committee such as this.

We also would like to see a broader cross- section represented n the Task Force. Along those lines, we suggest the inclusion of organizations such as the Autism Society of Hawaii and a parent or family member of a child who has been placed in a private setting.

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



**HAWAII'S PROTECTION AND ADVOCACY SYSTEM FOR PEOPLE WITH DISABILITIES**  
**HAWAII'S CLIENT ASSISTANCE PROGRAM**





**AUTISM SOCIETY OF HAWAI'I**

**P.O. BOX 2559**

**HONOLULU, HAWAI'I 96802**

**808 228-0122**

**THE SENATE**

**COMMITTEE ON EDUCATION AND HOUSING**

**SCR 150**

**TESTIMONY IN SUPPORT**

March 25, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Naomi Grossman, and I am the president of the Autism Society of Hawai'i. The Autism Society of Hawai'i is an affiliate chapter of the Autism Society of American. Its members are composed of families who deal with living with the effects of autism and the professionals and paraprofessionals who serve them.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force. The Autism Society of Hawaii supports HCR 150 as we believe the DOE may benefit from such a task force.

However, it is noted that HCR 150 names the DOE as the agency which would establish and facilitate the task force. We respectfully suggest that an agency independent of the DOE would be the more appropriate organization to take on the work of establishing and facilitating the task force. Hawaii Disability Rights Center or a similar entity with the legal background and knowledge of the IDEA may be such an organization.

In addition, it appears the majority of individuals on the task force are from the DOE and other state or quasi-state agencies. This limited group of individuals is not representative of others who have a legitimate interest in the DOE's oversight and monitoring of private school or facility placements and who are stakeholders in the matter.

Therefore, we respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawai'i who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that provides educational and related services to children which is not a member of HAIS, as not all of the private schools are members of HAIS. These private schools are faced with unique issues which can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides educational and related services to children;

A representative from a hospital with an educational component;

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the DOE and private schools in the area of special education; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

The additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt our recommendations.

Thank you for the opportunity to testify on this matter.

Sincerely,

Naomi Grossman

Autism Society of Hawai'i, president



March 27, 2009  
1:15 p.m.  
Conference Room 225

TESTIMONY TO  
THE SENATE COMMITTEE ON EDUCATION AND HOUSING

RE: SCR 150 - Urging the Superintendent of Education  
to Establish and Facilitate a Special Education Private School Task Force  
to Advise the Department of Education on Policies or Procedures for Oversight and  
Monitoring of Private School or Facility Placements

Dear Chair Sakamoto, Vice Chair Kidani, and Members of the Committee:

My name is Robert Witt, and I am executive director of the Hawaii Association of Independent Schools (HAIS), which represents 97 private and independent schools across the state that educate over 30,000 elementary and secondary students with a wide range of abilities and learning styles.

The Association is in strong support of Senate Concurrent Resolution 150, which urges the establishment of a task force to advise the Department of Education (DOE) on policies and procedures for the monitoring of private school or facility placements.

HAIS acknowledges that the landscape of private educational institutions in Hawaii is varied and respects the DOE's concerns regarding the oversight of special education students who are placed in private schools or facilities at public expense. We would be pleased to have a representative of our organization serve on the proposed Special Education Private School Task Force and would welcome the opportunity to assist in advising the DOE on ways to both improve its current policies and procedures for private school placements and streamline its oversight and monitoring of placed students to ensure that they receive a high-quality and appropriate education.

While it is our hope that the Committee will pass this resolution, we would like to suggest that an amendment be made. We respectfully submit for the Committee's consideration a recommendation to insert language that would discontinue the task force at the end of the Regular Session of 2011, after it has completed its report on private school placements made or overseen during the 2009-10 school year and has reported to the Legislature on its findings and recommendations.

Mahalo for the opportunity to testify on this important matter.



*A non-profit organization run by and for persons with disabilities*

Hawaii Centers for Independent Living  
414 Kuwili Street, Suite 102  
Honolulu, Hawaii 96817

Phone: (808) 522-5400  
Fax: (808) 522-5427  
TTY/TDD: (808) 536-3739  
Website: <http://www.hawaii-cil.org>

Senator Norman Sakamoto, Chair  
Senator Michelle Kidani, Vice Chair  
Committee on Education and Housing

Hawaii Centers for Independent Living  
Friday, March 27, 2009, 1:15 PM, Conference Room 225

**Supporting the intent of SCR150, Urging the Superintendent of Education to Establish and Facilitate a Special Education Private School Task Force to Advise the Department of Education on Policies or Procedures for Oversight and Monitoring of Private School or Facility Placements, and offering amendments**

Hawaii Centers for Independent Living is a non-profit organization operated by and for people with disabilities to ensure their rights to live independently and fully integrated in the community of their choice, outside of institutional care settings. As a non-profit, statewide resource, HCIL serves people of any age with any type of disability. HCIL was founded on the historical constitutional beliefs of civil rights and the empowerment of people with disabilities to have equal access, opportunities, and choices in life, no matter how severe their disability.

We support the intent of SCR150, Urging the Superintendent of Education to Establish and Facilitate a Special Education Private School Task Force to Advise the Department of Education on Policies or Procedures for Oversight and Monitoring of Private School or Facility Placements, but wish to offer an amendment.

We feel that the composition of the task force as specified in the resolution does not include the point of view of parents of special needs students. Therefore, we request that you add an eighth member, a parent of a student who is placed in a private school or other facility. If you wish to preserve the odd number of members, you could always add a second parent.

We urge the committee to pass SCR150 with the amendment specified. Thank you for this opportunity to testify.

Sincerely,

Mark F. Romoser  
Policy and Program Analyst

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

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

Hearing: Friday, March 27, 2009, 1:15 pm

**SCR150 DOE; Special Education Private School Task Force; Establish**

Thank you for the opportunity to provide comments for your consideration to improve upon the purpose of SCR150.

According to the IDEA, private schools as providers for special education students must be included in developing procedures and standards. The goal of this resolution might instead be to require the DOE, according to federal law, to develop and to provide such standards and requirements and knowledge to the BOE within a reasonable amount of time, while considering the duties and direct involvement of all SEAC members through their monthly meetings.

If this resolution passes with a request for a task force, please consider the following options:

- To not include a DCCA administrative hearings officer (a conflict of interest);
- To include only representatives who do not already serve on any education-related council or board;
- To include representatives from all private schools, not just HAIS members;
- To involve as many parents as want to be included, such as parents of students parentally-placed in private schools;
- To include at least one representative of each state agency related to the development, education and protection of children in order to consider agreements with agencies to provide special education and related services, and the monitoring of such agreements;
- To expand the data collected and purpose of this task force.

Similar to the intent of another resolution SCR151 (special education caucus), this resolution would also provide further, meaningful information to the legislature by not being limited to the issue of private placements at public expense for special education students which are made not only as a result of a due process hearing/court decision, but are held as viable and necessary options, such as inclusive preschool placements. Other state monitoring activities that should be considered in this resolution include state complaints, where substantive issues, not procedural violations alone, must be reviewed and decided upon by the state complaints office.

Considering this resolution revolves around location for a student to receive an appropriate special education, it is suggested that solutions in this bill would not only be for monitoring purposes but also for equalizing public school choice for children with disabilities, through traditional public schools, charter schools, alternative programs, private schools and home schools, given that public school choice is a key strategy in current federal legislation meant to improve educational outcomes.

**THE SENATE  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2009**

**Committee on Education and Housing**

**Comments on S.C.R. No. 150, Urging the Superintendent of Education  
To Establish and Facilitate a Special Education Private School Task Force  
To Advise the Department of Education on Policies or Procedures for  
Oversight and Monitoring of Private School or Facility Placements**

**Friday, March 27, 2009, 1:15 p.m.  
Conference Room 225**

Chair Sakamoto and Members of the Committee:

My name is John P. Deller. I have helped to care for a boy with autism for the past thirteen years, and as an attorney for the States of New York and Hawaii, I have had substantial experience in the field of special education. I will retire from State employment on March 31, 2009 to assume the position of executive director of the Hawaii Disability Rights Center on April 1, 2009. I am testifying as a private citizen to offer two comments on this resolution.

The resolution would urge the Superintendent of Education to establish a task force to oversee the Department of Education's monitoring of private schools that provide special education services to residents of Hawaii. The task force would include the senior hearings officer appointed by the director of the Department of Commerce and Consumer Affairs ("DCCA"), among others.

First, I respectfully submit that it may not be appropriate for a DCCA hearings officer or designee to participate in the work of the task force because of potential conflicts of interest or improper *ex parte* contacts with the DOE as a party to litigation. Hearings officers serve as **impartial** deciding officials in due process hearings, and they

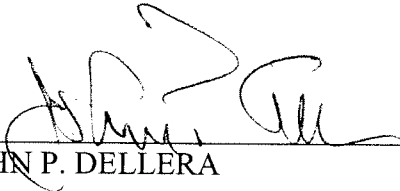
should not, therefore, advise the Department of Education (“DOE”) on issues that are likely to come before them as hearings officers. The task force would assist the DOE in designing policies and procedures for monitoring private schools, which could be relevant in deciding whether a particular school is a proper placement. If the hearings officer contributed to monitoring procedures, a conflict of interest would arise in due process hearings that involve a challenge to those procedures. Furthermore, by participating on the task force, the hearings officer could receive improper *ex parte* communications from the DOE about pending litigation that could disqualify the hearings officer.

Second, it would seem that a representative of the Hawaii Disability Rights Center (“HDRC”) should be included on the task force. HDRC and its predecessors have been designated since 1977 to provide advocacy services to persons with developmental disabilities and mental illness pursuant to Section 333F-8.5 of the Hawaii Revised Statutes. As Hawaii’s protection and advocacy agency, HDRC is obligated “to protect the legal and human rights of individuals with developmental disabilities,” 42 U.S.C. § 15041, and to investigate incidents of abuse or neglect of such individuals. 42 U.S.C. § 15043(a)(2)(B). The agency is, therefore, well positioned to advise DOE with respect to its monitoring of private schools in order to ensure that disabled students receive proper services.

At the same time, HDRC could ensure that monitoring does not interfere with educational services. The DOE is an adversary where students are placed in private schools without its agreement, and it could be biased in its monitoring. As an advocate for the disabled, HDRC could assist in developing procedures that reduce the risk of bias.

I also request that the Autism Society of Hawaii and representatives of private schools – both nonprofit and for-profit – be included as members of the task force. As consumers and providers of private education for disabled students, they would bring a perspective that is likely to differ from the DOE’s but that should be considered in the work of the task force.

Thank you for your consideration of this important measure.



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JOHN P. DELLERA



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

March 26, 2009

The Senate  
Committee on Education and Housing  
SCR 150

**Testimony in SUPPORT for SCR 150 with amendments.**

Dear Chair Sakamoto, Vice-Chair Kidani and Members of this Committee:

As a parent, I am writing to support the INTENT of SCR 150. I agree that the provision of special education services as well as the implementation of the IEP require monitoring and supervision when a special needs child is placed into a private placement whether it is a private school or educational facility.

In order for the findings from a such a Task Force as proposed in SCR 150 be representative of the TRUE issues that may currently affect the DOE's ability for oversight and monitoring in the provision of special education in private placements, the findings from such a Task Force must be made by a variety of parties. These parties should be representative of ALL types of individuals INVOLVED in the placement process including those with a legal background. Understanding the legal rights of the child, parents and private placement is the key in avoiding potentially costly and unnecessary litigation against the Department of Education in the future.

With this in mind, I recommend the following amendments to SCR 150 as follows:

1. Instead of requesting the Superintendent establish a Task Force for this resolution, I recommend that a neutral party be asked to take on this role. HB 87 was subsequently amended as per testimony submitted by the Department of Education and therefore, a conflict of interest would exist if the Superintendent assumed this role.

The Hawaii Disability Rights Center has had a great deal of interaction with BOTH the Department of Education and several private schools in which children have been privately placed. This organization has worked extensively in the area of special

education and therefore the Executive Director or his designee is capable of contributing valuable insight and comment for the purposes of SCR 150. This representative would better serve both the DOE and the special needs child in the establishment of the proposed Task Force.

2. Out of the seven proposed Task Force members, five are potentially from the Department of Education or have some affiliation to the Department. These include a) a representative from the Department of Education, b) a representative from the Special Education Advisory Council; c) a representative from the University of Hawaii, College of Education; d) a representative administrator from a public school with experience with private school placements; and e) a representative from a public charter school.

With this type of composition, it would be very difficult for the findings from this Task Force to be truly reflective of the challenges and difficulties the private placements encounter as well as those of the special needs student. It would also permit unintended, yet, undue bias from that of the Department of Education.

I recommend the deletion of a), d) and/or e) above because they are all DOE representatives. In addition, there is no one public school administrator who has extensive experience in private school placements because HRS 302A-443 was signed only last year. Prior to July 2008, public school administrators were not required to supervise or monitor any privately placed students to any substantial extent.

The same argument applies to charter schools. In addition, most charter schools do not have the funding to support special needs children and in reality, these children are usually forced back to the public school. Therefore the experiences of charter schools with privately placed students are practically non-existent and extremely limited at best.

Reconsideration should be given to a representative from the University of Hawaii, College of Education, Special Education. This individual's contribution would be debatable since the input would be, for the most part academic. This representative should at minimum have some working knowledge of the placement process and this member's inclusion on the Task Force should be further clarified.

Furthermore, SCR 150 requires that the election of the chairperson be someone other than a DOE employee. With the proposed members of the Task Force, the chairperson will most likely be the Senior Hearings Officer or the representative from HAIS and possibly the representative from the University of Hawaii. I believe it is unwise to permit this type of predetermination to be made which could lead to potentially undesired outcomes for all parties involved.

3. In order to accurately represent the needs and issues of the private placements, the special needs children as well as the parents, there must be a greater representation of OTHER individuals who are involved in the placement process.

I believe the Task Force should also include the following representatives:

- a. A parent who has experienced more than one year of having a special needs child in any type of private school, facility, day treatment facility or hospital;
- b. A representative from any private day treatment facility in Hawaii that provides educational and related services to special needs children;
- c. A representative from any hospital in Hawaii with an educational component which is or has been considered a private placement;
- d. A representative from any for-profit special school in Hawaii that provides special education and related services that is NOT a member of HAIS. Not all private placements are members of HAIS;
- e. A representative from the Autism Society who will be able to address issues related to children with autism as well as other disabilities.

The intent of SCR 150 is to provide a TRUE understanding of the difficulties and challenges that both the DOE and private placements experience in the enforcement of 302A-443 of the Hawaii Revised Statutes. Due to the vagueness of this statute, the formation of this Task Force is appropriate.

The findings of SCR 150 will most likely be used in the development of future policies and procedures that will allow the DOE to legally supervise and monitor privately placed special education students. In order to minimize potential litigation in the future, it is of utmost importance that the groundwork performed by this Task Force including investigations, review of information and interpretation of such information are

conducted by a logical balance of all individuals involved in the placement process.

I urge this Committee to seriously consider these recommendations and adopt them into SCR 150.

Thank you for this opportunity to testify in this very important matter.

Sincerely,

Teresa Chao  
(Signature on file)

Vera Marie Asato  
94-1023 Mawaho Street

THE SENATE  
COMMITTEE ON EDUCATION AND HOUSING  
SCR 150  
TESTIMONY IN SUPPORT

March 26, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Vera Marie Asato, and I am parent, of a child who is diagnose with Asperger's. Who deserves to access educational success with options and alternatives that reaches to their specific style of learning due to a different set of abilities.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force. I support HCR 150 as I believe the DOE may benefit from such a task force.

However, it is noted that HCR 150 names the DOE as the agency which would establish and facilitate the task force. We respectfully suggest that an agency independent of the DOE would be the more appropriate organization to take on the work of establishing and facilitating the task force. Hawaii Disability Rights Center or a similar entity with the legal background and knowledge of the IDEA may be such an organization.

In addition, it appears the majority of individuals on the task force are from the DOE and other state or quasi-state agencies. This limited group of individuals is not representative of others who have a legitimate interest in the DOE's oversight and monitoring of private school or facility placements and who are stakeholders in the matter.

Therefore, we respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawai'i who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that provides educational and related

services to children which is not a member of HAIS, as not all of the private schools are members of HAIS. These private schools are faced with unique issues which can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides educational and related services to children;

A representative from a hospital with an educational component;

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the DOE and private schools in the area of special education; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

The additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt our recommendations.

Thank you for the opportunity to testify on this matter.

Sincerely,

Vera Marie Asato

JEFFREY NEWMAN  
3607 DIAMOND HEAD CIRCLE  
HONOLULU, HAWAII 96815

THE SENATE  
COMMITTEE ON EDUCATION AND HOUSING  
SCR 150  
TESTIMONY IN SUPPORT

March 26, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Jeffrey Newman, and I am parent of a child with Autism, my son deserves to be able have educational success with options and alternatives that reaches to their specific style of learning due to a different set of abilities.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force. I support HCR 150 as I believe the DOE may benefit from such a task force.

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In addition, it appears the majority of individuals on the task force are from the DOE and other state or quasi-state agencies. This limited group of individuals is not representative of others who have a legitimate interest in the DOE's oversight and monitoring of private school or facility placements and who are stakeholders in the matter.

Therefore, we respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawai'i who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that provides educational and related services to children which is not a member of HAIS, as not all of the private schools are members of HAIS. These private schools are faced with unique issues which

can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides educational and related services to children;

A representative from a hospital with an educational component;

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the DOE and private schools in the area of special education; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

The additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt our recommendations.

Thank you for the opportunity to testify on this matter.

Sincerely,

Jeffrey Newman



Erica Loveland  
1929 Wilder Ave.  
Honolulu, HI  
96822

THE SENATE  
COMMITTEE ON EDUCATION AND HOUSING  
SCR 150  
TESTIMONY IN SUPPORT

March 26, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Erica Loveland, and I am a skills trainer working with children diagnosed with autism and other cognitive delays.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force. The Autism Society of Hawaii supports HCR 150 as we believe the DOE may benefit from such a task force.

However, it is noted that HCR 150 names the DOE as the agency which would establish and facilitate the task force. We respectfully suggest that an agency independent of the DOE would be the more appropriate organization to take on the work of establishing and facilitating the task force. Hawaii Disability Rights Center or a similar entity with the legal background and knowledge of the IDEA may be such an organization.

In addition, it appears the majority of individuals on the task force are from the DOE and other state or quasi-state agencies. This limited group of individuals is not representative of others who have a legitimate interest in the DOE's oversight and monitoring of private school or facility placements and who are stakeholders in the matter.

Therefore, we respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawai'i who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that

provides educational and related services to children which is not a member of HAIS, as not all of the private schools are members of HAIS. These private schools are faced with unique issues which can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides educational and related services to children;

A representative from a hospital with an educational component;

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the DOE and private schools in the area of special education; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

The additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt our recommendations.

Thank you for the opportunity to testify on this matter.

Sincerely,

Erica Duval Loveland

Nichole Rowles  
1308 A Center Street  
Honolulu, Hawai'i. 96816

THE SENATE  
COMMITTEE ON EDUCATION AND HOUSING  
SCR 150  
TESTIMONY IN SUPPORT

March 26, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Nichole Rowles, and I am a Mental Health Provider for children on the Autism spectrum and Special needs.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force. The Autism Society of Hawaii supports HCR 150 as we believe the DOE may benefit from such a task force.

However, it is noted that HCR 150 names the DOE as the agency which would establish and facilitate the task force. We respectfully suggest that an agency independent of the DOE would be the more appropriate organization to take on the work of establishing and facilitating the task force. Hawaii Disability Rights Center or a similar entity with the legal background and knowledge of the IDEA may be such an organization.

In addition, it appears the majority of individuals on the task force are from the DOE and other state or quasi-state agencies. This limited group of individuals is not representative of others who have a legitimate interest in the DOE's oversight and monitoring of private school or facility placements and who are stakeholders in the matter.

Therefore, we respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawai'i who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that provides educational and related services to children which is not a member of HAIS, as not all of the private schools are members of HAIS. These private schools are faced with unique issues which can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides educational and related services to children;

A representative from a hospital with an educational component;

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the DOE and private schools in the area of special education; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

The additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt our recommendations.

Thank you for the opportunity to testify on this matter.

Sincerely,

Nichole Rowles

Elena M. Hamm  
1550 Pohaku Street #309  
Honolulu, HI 96817

THE SENATE  
COMMITTEE ON EDUCATION AND HOUSING  
SCR 150  
TESTIMONY IN SUPPORT

March 26, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Elena Hamm, and I am parent of a child with Aspergers, (a disability under the autism spectrum) who deserves to access educational success with options and alternatives that reaches to their specific style of learning due to a different set of abilities.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force. I support HCR 150 as I believe the DOE may benefit from such a task force.

However, it is noted that HCR 150 names the DOE as the agency which would establish and facilitate the task force. I respectfully suggest that an agency independent of the DOE would be the more appropriate organization to take on the work of establishing and facilitating the task force. Hawaii Disability Rights Center or a similar entity with the legal background and knowledge of the IDEA may be such an organization.

In addition, it appears the majority of individuals on the task force are from the DOE and other state or quasi-state agencies. This limited group of individuals is not equally representative of others who have a legitimate interest in the DOE's oversight and monitoring of private school or facility placements and who are stakeholders in the matter.

Therefore, I respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawai'i who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that provides educational

and related services to children which is not a member of H AIS, as not all of the private schools are members of H AIS. These private schools are faced with unique issues which can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides educational and related services to children;

A representative from a hospital with an educational component;

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the DOE and private schools in the area of special education; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

The additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt our recommendations.

Thank you for the opportunity to testify on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Elena M. Hamm". The signature is written in black ink and is positioned below the word "Sincerely,".

Elena M. Hamm

Lynette Sheppard  
350 Aoloa Street B125  
Kailua, Hawaii 96734

THE SENATE  
COMMITTEE ON EDUCATION AND HOUSING  
SCR 150  
TESTIMONY IN SUPPORT

March 26, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Lynette Sheppard. I have been a speech therapy assistant for over six years at a private school on Oahu.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force. The Autism Society of Hawaii supports HCR 150 as we believe the DOE may benefit from such a task force.

However, it is noted that HCR 150 names the DOE as the agency which would establish and facilitate the task force. We respectfully suggest that an agency independent of the DOE would be the more appropriate organization to take on the work of establishing and facilitating the task force. Hawaii Disability Rights Center or a similar entity with the legal background and knowledge of the IDEA may be such an organization.

In addition, it appears the majority of individuals on the task force are from the DOE and other state or quasi-state agencies. This limited group of individuals is not representative of others who have a legitimate interest in the DOE's oversight and monitoring of private school or facility placements and who are stakeholders in the matter.

Therefore, we respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawai'i who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that provides educational and related services to children which is not a member of HAIS, as not all of the private

schools are members of HAIS. These private schools are faced with unique issues which can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides educational and related services to children;

A representative from a hospital with an educational component;

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the DOE and private schools in the area of special education; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

From my many years directly servicing children with special needs, I strongly believe the additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt our recommendations.

Thank you for the opportunity to testify on this matter.

Sincerely,

Lynette Sheppard



Linda A.M. Castro  
1450 Young Street #2309  
Honolulu, HI 96814  
808-258-1387

THE SENATE  
COMMITTEE ON EDUCATION AND HOUSING  
SCR 150  
TESTIMONY IN SUPPORT

March 26, 2009  
Conference Room 225 at 2:00pm

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Linda Castro and I am the parent of a child with Autism. Many of these children like my son deserves to access educational success with options and alternatives which reach their specific style of learning due to their unique set of abilities.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force. I support HCR 150 as I believe the Department of Education may benefit from such a task force.

However, HCR 150 names the Department of Education as the agency which would establish and facilitate the task force. I respectfully suggest that an agency independent of the Department of Education would be a more appropriate organization to take on the work of establishing and facilitating the task force. The Hawaii Disability Rights Center or a similar entity with legal background and knowledge of the IDEA in an example of such an organization.

In addition, it appears that the majority of individuals on the task force are from the Department of Education and other state or quasi-state agencies. This limited group of individuals is not representative of others who have a legitimate interest in the Department of Education's oversight and monitoring of private school or facility placements and who are stakeholders in the matter.

Therefore, I respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawaii who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that provides educational and related services to children which is not a member of HAIS, as not all the private schools are members of HAIS. These private schools are faced with unique issues which can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides education and related services to children;

A representative from a hospital with an educational component;

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the Department of Education and private schools in the area of special education; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

The additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt these recommendations.

Thank you for the opportunity to testify on this matter.

Sincerely,  
Linda A.M. Castro  
1450 Young Street #2309  
Honolulu, HI 96814

Joe D'Alessandro  
Colleen Pegg  
656 Meakanu Ln., 1601,  
Wailuku, HI 96793  
808-242-1100

March 27, 2009

THE SENATE  
COMMITTEE ON EDUCATION AND HOUSING  
SCR 150  
TESTIMONY IN SUPPORT

March 26, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Joe D'Alessandro, and I am parent of a child with MR, PDD-NOS who is about to attend a private school for children with disabilities as the local public school is unable to meet his needs since this school reaches to their specific style of learning due to a different set of abilities.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force. I supports HCR 150 as I believe the DOE may benefit from such a task force.

However, it is noted that HCR 150 names the DOE as the agency which would establish and facilitate the task force. We respectfully suggest that an agency independent of the DOE would be the more appropriate organization to take on the work of establishing and facilitating the task force. Hawaii Disability Rights Center or a similar entity with the legal background and knowledge of the IDEA may be such an organization.

In addition, it appears the majority of individuals on the task force are from the DOE and other state or quasi-state agencies. This limited group of individuals is not representative of others who have a legitimate interest in the DOE's oversight

and monitoring of private school or facility placements and who are stakeholders in the matter.

Therefore, we respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawai'i who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that provides educational and related services to children which is not a member of HAIS, as not all of the private schools are members of HAIS. These private schools are faced with unique issues which can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides educational and related services to children;

A representative from a hospital with an educational component;

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the DOE and private schools in the area of special education; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

The additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt our recommendations.

Thank you for the opportunity to testify on this matter.

Sincerely,

Joe D'Alessandro  
Colleen Pegg

Rio Ke'alii Martell  
1739 Huli Street  
Honolulu, HI 96817

THE SENATE- Committee on Education and Housing  
SCR 150  
Testimony in Support

March 26, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Rio Martell, and I am the concerned Parent of a son with Aspergers, ADHD, hearing impairment, dyslexia, dysgraphia, dyscalcula, and auditory processing disorder. He deserves an equal opportunity to access educational success with optimum alternatives that addresses his specific style(s) of learning even if it is due to a unique set of abilities.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on appropriate policies and/or procedures in doing oversight and monitoring of private schools or facility placements. The resolution also lists agencies from which representatives are to be selected to be members of this Task Force. I do see merits to supporting HCR 150 as it is clear that DOE (and hopefully the children) would benefit from the data gathered and *publicly shared* from this Task Force.

It is noted that HCR 150 establishes the DOE as the responsible government agency to facilitate such a Task Force. I respectfully urge this Committee to consider members and agencies in the 'greater community' at large rather than burdening the DOE with yet another directive. Please consider the 'Hawaii Disability Rights Center' or a similar entity with the legal background, knowledge and experience(s) with the IDEA.

In addition, it does appear to me that the majority of individuals suggested to be members on this Task Force are from the DOE personnel pool and other quasi-state agencies. I think that this Task Force, made up of only these individuals, would not be representative of our 'greater community' and might possibly reflect an unbalanced perspective. Which would be my greatest concerned- citizen angst.

Therefore, I respectfully ask that the Committee expand the Task Force membership to also include the following;

- The Executive Director of the Hawaii Disability Rights Center or the designee, as this community organization has had a great deal of experience working with the DOE and private schools in the area of special education
- A number of selected involved Parents of special needs children who are currently attending private schools, day-treatment or hospitals at DOE expense

con't.

- A number of representatives from for-profit/ private schools in Hawaii which are Providing educational and related-services to our special needs children; Note that these entities are not members of the HAIS. Not all private schools are members of HAIS and these private schools are constantly addressing unique issues that need to be taken into consideration
- A representative from a hospital that provides an educational component to our children
- A representative from a private day-treatment facility in Hawaii which provides Educational environment and related services to our children
- A representative from the Autism Society of Hawaii who can address the unique issues of children with Autism, as well as other disabilities

Thank you for the opportunity to testify on this matter.

Best Regards,

Rio K. Martell, Mother of a Special Needs Child

THE SENATE  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2009  
COMMITTEE ON EDUCATION AND HOUSING  
HB 87, HD2  
TESTIMONY IN OPPOSITION

Monday, March 23, 2009  
Conference Room 225 at 2:00 p.m.

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

Thank you for receiving my testimony on HB 87, HD 2.

My name is Bonnie Kiyabu, and I am the parent of a child with Autism.

HB 87, HD 2 proposes to authorize and obligate the DOE to oversee and monitor students eligible for special education who are placed in private schools. The measure also contains the provision that should the private school or facility not allow the DOE routine and timely access to monitor the delivery of special education and related services, the placement of the student shall be deemed an inappropriate placement for the student.

HB 87, HD 2 is both unnecessary and violates the due process rights as well as civil rights of children who need special education.

HB 87, HD 2 is unnecessary because Act 179 which was passed by the Legislature last year already requires the DOE to monitor any child who has undergone a unilateral placement in a private school. HB 87, HD 2 is therefore duplicitous. Secondly, there are many compelling reasons why a private school would not permit DOE personnel to access to observe a child or to the child's records. In some cases, the DOE has failed to make payment to the private school or facility despite the fact that the Individualized Education Program (IEP) team agreed to placement of the child at the private school, or the fact that the child was placed at the private school as a result of a due process hearing decision or decision by the federal court. In other instances the individuals seeking to have access to the child are not part of the IEP team and the child's parents have no knowledge of that individual's relationship to their child's educational needs. Under such circumstances, the private school is obligated to protect the civil rights of the special needs child.

Additionally, under the IDEA, whether or not a private school or facility is an appropriate placement is a question of fact that must be decided through a due process hearing. The child's unique and individual needs must be considered in rendering a decision as to the appropriateness of a private placement. Mandating that a private school be automatically deemed inappropriate because the DOE is not permitted access to a child violates the child's due process rights. Passage of such a law would only

lead to unnecessary litigation.

Through the IDEA, Congress has acted to improve the lives of children and their families through education provided to children with disabilities and to ensure that they receive the needed services. Therefore, I respectfully ask that this measure be held.

Thank you for receiving my testimony on HB 87, HD 2.

Sincerely,

Bonnie Kiyabu

45 553C Kuuipo Pl.  
Kaneohe, HI 96744



Donnie E. Rincon  
2752-D Pali Hwy  
Honolulu, HI 96817

THE SENATE  
COMMITTEE ON EDUCATION AND HOUSING  
SCR 150  
TESTIMONY IN SUPPORT

March 26, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Donnie Rincon, and I am a parent of two children with learning disabilities. It is imperative they have access to educational success with options and alternatives that reaches to their specific style of learning due to a different set of abilities. They both are in a private school with other children with learning disabilities. Because of this school's small, nurturing environment, my children are steadily finding academic success as they are learning to have self confidence and taking various leadership roles in their school. This was contrary to their public school they attended previously where they felt very badly about themselves and EVERY morning it was such a struggle to get them to school. They now love going to their school and every morning tell me to hurry up as they don't want to be a minute late (we live quite far away, but I don't mind driving in heavy traffic as I know I am leaving them in a place (school) where they are safe and happy. It has become their second home. You see, the greatest thing for a parent with a child/children with disabilities is to see their child safe and happy. A child can not have academic success unless they feel good about themselves and feel safe and secure in their environment. You can not truly understand this unless you have a child with disabilities. However, as law makers you can help by making the right decisions and passing the proper bills/laws that empower PARENTS and give THEM the rights to make the right decisions for their children (especially in the area of school placing). By doing this you are truly making this land the land for our keikies who are the future of Hawaii.

We urge the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force. I supports HCR 150 as I believe the DOE may benefit from such a task force.

However, it is noted that HCR 150 names the DOE as the agency which would establish and facilitate the task force. We respectfully suggest that an agency independent of the DOE would be the more appropriate organization to take on the work of establishing and facilitating the task force. Hawaii Disability Rights Center or a similar entity with the legal background and knowledge of the IDEA may be such an organization.

In addition, it appears the majority of individuals on the task force are from the DOE and other state or quasi-state agencies. This limited group of individuals is not representative of others who have a legitimate interest in the DOE's oversight and monitoring of private school or facility placements and who are stakeholders in the matter.

Therefore, we respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawai'i who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that provides educational and related services to children which is not a member of HAIS, as not all of the private schools are members of HAIS. These private schools are faced with unique issues which can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides educational and related services to children;

A representative from a hospital with an educational component;

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the DOE and private schools in the area of special education; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

The additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt our recommendations.

Thank you for the opportunity to testify on this matter.

Sincerely,

Donnie E. Rincon

# Raymond & Laura Cook

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THE SENATE

COMMITTEE ON EDUCATION AND HOUSING

SCR 150

TESTIMONY IN SUPPORT

March 26, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Raymond Cook, and I am a parent of children with autism, cerebral palsy, and dyslexia, who deserve to access educational success with options and alternatives that reaches to their specific style of learning due to a different set of abilities.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force. I support HCR 150 as I believe the DOE may benefit from such a task force.

However, it is noted that HCR 150 names the DOE as the agency which would establish and facilitate the task force. I respectfully suggest that an agency independent of the DOE would be the more appropriate organization to take on the work of establishing and facilitating the task force. Hawaii Disability Rights Center or a similar entity with the legal background and knowledge of the IDEA may be such an organization.

In addition, it appears the majority of individuals on the task force are from the DOE and other state or quasi-state agencies. This limited group of individuals is not representative of others who have a legitimate interest in the DOE's oversight and monitoring of private school or facility placements and who are stakeholders in the matter.

Therefore, I respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawai'i who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that provides educational and related services to children which is not a member of HAIS, as not all of the private schools are members of HAIS. These private schools are faced with unique issues which can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides educational and related services to children;

# Raymond & Laura Cook

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A representative from a hospital with an educational component;

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the DOE and private schools in the area of special education; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

The additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt our recommendations.

Thank you for the opportunity to testify on this matter.

Sincerely,

Raymond Cook

Lucille Morelli  
3253 kalua pl.  
Hono. Hi. 96816

THE SENATE  
COMMITTEE ON EDUCATION AND HOUSING  
SCR 150  
TESTIMONY IN SUPPORT

March 26, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Lucille Morelli, and I am a teacher of ceramics to autistic children.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force. The Autism Society of Hawaii supports HCR 150 as we believe the DOE may benefit from such a task force.

However, it is noted that HCR 150 names the DOE as the agency which would establish and facilitate the task force. We respectfully suggest that an agency independent of the DOE would be the more appropriate organization to take on the work of establishing and facilitating the task force. Hawaii Disability Rights Center or a similar entity with the legal background and knowledge of the IDEA may be such an organization.

In addition, it appears the majority of individuals on the task force are from the DOE and other state or quasi-state agencies. This limited group of individuals is not representative of others who have a legitimate interest in the DOE's oversight and monitoring of private school or facility placements and who are stakeholders in the matter.

Therefore, we respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawai'i who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that provides educational and related services to children which is not a member of HAIS, as not all of the private schools are members of HAIS. These private schools are faced with unique issues which can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides educational and related services to children;

A representative from a hospital with an educational component;

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the DOE and private schools in the area of special education; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

The additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt our recommendations.

Thank you for the opportunity to testify on this matter.

Sincerely,

Lucille Morelli

THE SENATE  
COMMITTEE ON EDUCATION AND HOUSING  
SCR 150  
TESTIMONY IN SUPPORT

March 26, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Deborah, and I am a parent of a child with Autism who is capable of learning from the general educational environment. However, alternative options and support are needed at this time to address my child's unique learning needs.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force. I support HCR 150 as I believe the DOE may benefit from such a task force.

However, it is noted that HCR 150 names the DOE as the agency which would establish and facilitate the task force. We respectfully suggest that an agency independent of the DOE would be the more appropriate organization to take on the work of establishing and facilitating the task force. Hawaii Disability Rights Center or a similar entity with the legal background and knowledge of the IDEA may be such an organization.

In addition, it appears the majority of individuals on the task force are from the DOE and other state or quasi-state agencies. This limited group of individuals is not representative of others who have a legitimate interest in the DOE's oversight and monitoring of private school or facility placements and who are stakeholders in the matter.

Therefore, we respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawai'i who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that provides educational and related services to children which is not a member of HAIS, as not all of the private schools are members of HAIS. These private schools are faced with unique issues which can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides educational and related services to children;

A representative from a hospital with an educational component;

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the DOE and private schools in the area of special education; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

The additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt our recommendations.

Thank you for the opportunity to testify on this matter.

Sincerely,



Deborah Tasato-Kodama

Vanessa Andriotti

44-302 Olina Street #3

Kaneohe Hi 96744

THE SENATE

COMMITTEE ON EDUCATION AND HOUSING

SCR 150

TESTIMONY IN SUPPORT

March 26, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Vanessa Andriotti, and I am a Legal Liaison for a private school for special needs children.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force. The Autism Society of Hawaii supports HCR 150 as we believe the DOE may benefit from such a task force.

However, it is noted that HCR 150 names the DOE as the agency which would establish and facilitate the task force. We respectfully suggest that an agency independent of the DOE would be the more appropriate organization to take on the work of establishing and facilitating the task force. Hawaii Disability Rights Center or a similar entity with the legal background and knowledge of the IDEA may be such an organization.



In addition, it appears the majority of individuals on the task force are from the DOE and other state or quasi-state agencies. This limited group of individuals is not representative of others who have a legitimate interest in the DOE's oversight and monitoring of private school or facility placements and who are stakeholders in the matter.

Therefore, we respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawai'i who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that provides educational and related services to children which is not a member of HAIS, as not all of the private schools are members of HAIS. These private schools are faced with unique issues which can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides educational and related services to children;

A representative from a hospital with an educational component;

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the DOE and private schools in the area of special education; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

The additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt our recommendations.

Thank you for the opportunity to testify on this matter.

Sincerely,

Vanessa Andriotti

Susan Callahan  
1510 Ohialoke Street  
Honolulu, Hawaii  
96821

THE SENATE  
COMMITTEE ON EDUCATION AND HOUSING  
SCR 150  
TESTIMONY IN SUPPORT

March 26, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Susan Callahan and I am a parent of a child with multiple disabilities who deserves to access educational success with options and alternatives that reaches to their specific style of learning due to a different set of abilities.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force.

However, it is noted that HCR 150 names the DOE as the agency which would establish and facilitate the task force. **We respectfully suggest that an agency independent of the DOE would be the more appropriate organization to take on the work of establishing and facilitating the task force.** Hawaii Disability Rights Center or a similar entity with the legal background and knowledge of the IDEA may be such an organization.

In addition, it appears the majority of individuals on the task force are from the DOE and other state or quasi-state agencies. **This limited group of individuals is not representative of others who have a legitimate interest in the DOE's oversight and monitoring of private school or facility placements and who are stakeholders in the matter.**

Therefore, we respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawai'i who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that provides educational and related services to children which is not a member of HAIS, as not all of the private schools are members of HAIS. These private schools are faced with unique issues which can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides educational and related services to children;

A representative from a hospital with an educational component.( My child is presently in one of these hospitals );

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the DOE and private schools in the area of special education; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

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**The additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt our recommendations.**

Thank you for the opportunity to testify on this matter.

Sincerely,

Susan Callahan 808 295-1333

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27 March, 2009

Ryan I.Sueyoshi  
1117 Hoolai Street, Apt #9  
Honolulu, HI 96814

THE SENATE  
COMMITTEE ON EDUCATION AND HOUSING  
SCR 150  
TESTIMONY IN SUPPORT

March 26, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Ryan Sueyoshi, and I am parent of a child with Autism/Pervasive Developmental Disorder, Not Otherwise Specified which is on the Autism spectrum of disorders. Like any other parent, I feel that my daughter deserves to access educational success with options and alternatives that reaches to their specific style of learning due to a different set of abilities.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force. I support HCR 150 as I believe the DOE may benefit from such a task force.

However, it is noted that HCR 150 names the DOE as the agency which would establish and facilitate the task force. We respectfully suggest that an agency independent of the DOE would be the more appropriate organization to take on the work of establishing and facilitating the task force. Hawaii Disability Rights Center or a similar entity with the legal background and knowledge of the IDEA may be such an organization.

In addition, it appears the majority of individuals on the task force are from the DOE and other state or quasi-state agencies. This limited group of individuals is not representative of others who have a legitimate interest in the DOE's oversight and monitoring of private school or facility placements and who are stakeholders in the matter.

Therefore, we respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawai'i who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that provides educational and related services to children which is not a member of HAIS, as not all of the private schools are

members of HAIS. These private schools are faced with unique issues which can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides educational and related services to children;

A representative from a hospital with an educational component;

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the DOE and private schools in the area of special education;

An independent mental health practitioner, specializing in the treatment of Autism Spectrum disorders who can clarify and explain the impacts of these recommendations from the task force on the affected children; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

The additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt our recommendations.

Thank you for the opportunity to testify on this matter.

Sincerely,

RYAN SUEYOSHI

Concerned Parent

THE SENATE  
COMMITTEE ON EDUCATION AND HOUSING  
SCR 150  
TESTIMONY IN SUPPORT

March 26, 2009

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

My name is Deborah, and I am a parent of a child with Autism who is capable of learning from the general educational environment. However, alternative options and support are needed at this time to address my child's unique learning needs.

SCR 150 urges the Superintendent of Education to establish and facilitate a special education private school task force to advise the Department of Education (DOE) on policies or procedures for oversight and monitoring of private school or facility placements. The resolution also lists agencies from which representatives are to be selected for the task force. I supports HCR 150 as I believe the DOE may benefit from such a task force.

However, it is noted that HCR 150 names the DOE as the agency which would establish and facilitate the task force. We respectfully suggest that an agency independent of the DOE would be the more appropriate organization to take on the work of establishing and facilitating the task force. Hawaii Disability Rights Center or a similar entity with the legal background and knowledge of the IDEA may be such an organization.

In addition, it appears the majority of individuals on the task force are from the DOE and other state or quasi-state agencies. This limited group of individuals is not representative of others who have a legitimate interest in the DOE's oversight and monitoring of private school or facility placements and who are stakeholders in the matter.

Therefore, we respectfully ask that the Committee expand the task force to include the following members:

A representative from the Autism Society of Hawai'i who will be able to address issues related to children with autism as well as other disabilities;

A representative from a for-profit special school in Hawaii that provides educational and related services to children which is not a member of HAIS, as not all of the private schools are members of HAIS. These private schools are faced with unique issues which can be brought to the task force;

A representative from a private day treatment facility in Hawaii that provides educational and related services to children;

A representative from a hospital with an educational component;

The executive director of the Hawaii Disability Rights Center or his designee, as the Hawaii Disability Rights Center has had a great deal of interaction with both the DOE and private schools in the area of special education; and

A parent with a child who has special needs and was placed in a private school or facility, day treatment facility or hospital.

The additional representatives will bring balance to and greatly assist the task force in fulfilling the mandates of SCR 150. We urge this Committee to adopt our recommendations.

Thank you for the opportunity to testify on this matter.

Sincerely,

Deborah Tasato-Kodama



Irene Newhouse

The Dept. of Education just never gives up, do they? HD87 has been deferred, so they're trying to sneak through SCR 150. If the DoE spent as much time & energy on helping kids as they do trying to get the legislature to pass free-pass legislation along the lines of the Superferry getting an unconstitutional exemption from environmental impact assessment, education in Hawaii would be ever so much better off.

As I said in my previous 3 testimonies on the subject of DoE oversight of private schools at which special needs students have been placed at public expense, these placements invariably

occur because hearing officers determine that DoE is not meeting its legal obligations under IDEA. Yes, these placements occur because a third party determines that the DoE has been breaking federal law! If DoE whines that they've been out-lawyered because they're 'forced' to depend on the Attorney General's Office, and those attorneys are sub-standard, remind them forcibly that any mud they throw at state officials can only stick to THEM -- if the AG's office is incompetent, how can they claim special dispensation? They're state employees, too.

Given that fact, how on earth can you even consider for 5 seconds putting these people on a task force to 'oversee' these placements???? Do people with driving under the influence convictions get to be on a task force to oversee police enforcement of traffic laws?

Does that even make sense? What are you thinking???

Trash SCR 150!

Irene Newhouse  
129 Waiua Place  
Kihei I 96753