

**AUTISM SOCIETY OF HAWAII
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SENATE COMMITTEE ON EDUCATION

Comments on H.B. 2077, H.D.1, Relating to Education

Wednesday, February 24, 2010 at 1:15 p.m.

Conference Room #225

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

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

The Autism Society of Hawai'i provides leadership in the field of autism dedicated to supporting families who advocate on behalf of their children and are committed to reducing the consequences of autism through education, research, and advocacy.

The Autism Society of Hawai'i appreciates the opportunity to comment on the proposed HB 2077, H.D.1 and would like to amend Section 302A-1134(c) of the Hawai'i Revised Statutes to provide that no person 21 years of age or older on the first day of a school year shall be eligible to attend a public school. The statute currently provides that no child 17 or over or 18 or over shall be admitted to the ninth or tenth grades, respectively. There are no limits on admission to the eleventh and twelfth grades. The bill would also repeal the authority of the superintendent to waive age limits in individual cases.

As Judge Ezra wrote:

The Court commends the State of Hawai'i...for recognizing there are instances where it is necessary to allow a student age 20 or above the opportunity to complete his or her public education. Under I.D.E.A., the State is obligated to do as much for special education students.

B.T. v. Department of Education, 2009 WL 4884447 at *((D. Haw., Ezra J., 12/17/2009)

We appreciate the extension of special education to age 21 that House Draft 1 to H.B. 2077 provides. The most likely beneficiaries will be 20 year-olds who are severely affected by developmental disabilities. An additional year of education (funded by the federal government under I.D.E.A.) can make a substantial difference, increasing independent living changes and teaching vocational and post secondary education programming that can improve the functioning

ability to negotiate throughout the community and community-at-large. Doing so can improved access to quality of life and reduce the need for a lifetime of Medicaid waiver and reduce the need for lifetime of Medicaid waiver and vocational rehabilitation services funded by the State.

Under the I.D.E.A., States are required to provide special education and related services to students with disabilities between the ages of 18 and 22, UNLESS they have, by law or practice, reduced eligibility for public education for all students in that age range.

In the *B.T.* case, the plaintiff proved that non-disabled students in Hawai'i over 20 may continue their high school education.

The plaintiff proved that the DOE had never rejected the application of a non-disabled student over 20 to continue in high school, but HALF of the disabled students that age were denied admission and had to sue the DOE to continue their education. Principals admitted students without disabilities but denied admission to disabled students.

The numbers seeking admission to regular high school are small. Since 1999, a total of 52 regular education and 59 special education students over 20 have been allowed to continue in high school. The DOE steers a much larger number of "regular education" students over 20 to high school equivalency classes in adult education so they can be with their own age group. The special education students, however, in this bill, ends special education when they reach 21.

This bill would continue to deny educational services to disabled students who are between 21 and 22 years of age while allowing non-disabled students that age to pursue high school equivalency diplomas in the adult education program. As a result, we believe a court would likely find that the federal age limit of 22 still applies in Hawai'i because extending a free appropriate public education to disabled students between 21 and 22 would be consistent with the State's provision of a public education to non-disabled students of the same age.

As parents and friends of children with autism and other related disorders, we know that our children have the potential and hunger to learn. Research shows that parents' involvement in their children's individualized educational program promotes positive outcomes and produces contributing members of society.

We respectfully submit that this bill should be amended to replace "twenty-one" with "twenty-two" in both places it appears.

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. Thank you for the opportunity to comment on H.B. 2077, H.D 1.

Sincerely,

Naomi Grossman

Autism Society of Hawai'i, vice president

sakamoto2 - Erin

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2010 2:40 PM
To: EDH Testimony
Cc: threestars@hawaii.rr.com
Subject: Testimony for HB2077 on 2/24/2010 1:15:00 PM

Testimony for EDH 2/24/2010 1:15:00 PM HB2077

Conference room: 225
Testifier position: comments only
Testifier will be present: No
Submitted by: Linda Elento
Organization: Individual
Address:
Phone:
E-mail: threestars@hawaii.rr.com
Submitted on: 2/24/2010

Comments:

I oppose the age limit be set as described in HB2077 HD1.

The necessity of a student to receive an education beyond the age of 19 is based on the student's need for an education to access the general curriculum as is afforded "regular students." This need is not merely a "parent's wishes" or a baby-sitting service. Not every special education student will be ready for DVR services, if needed at all during that time in his/her life.

However, there is a need for the Legislature to make the law clear to the Dept. of Education that children who need special education to access the general curriculum be given the extra time they need on an individual basis. A student with Down syndrome will continue learning the general curriculum at a later age, such as 25. This individual should be given that access with special education services if needed to access that general curriculum. The Community School for Adults, which I taught at over 15 years ago, would not be able to meet some of those adult educational needs and would not be an alternative or option.

Please consider the needs of the students, where the state would also consider providing adult vocational or developmental disability services, instead, should use that money to continue the students' opportunity to finish their education first.

Thank you for the opportunity to speak up for the students who were told they could not continue high school when they turned 19, or even told they had to file "due process" if they sought another year to reach educational goals, despite "regular" students being give that opportunity without hassles. If an age limit is necessary to define in Hawaii statutes, that age should be no less than 21 at the beginning of a school year, as provided by the federal law. And to provide the opportunity for a complete education for students with Down syndrome, please consider the age of 26 as does another state.