

**SB183**

Date of Hearing: February 23, 2009

Committee: Senate Education and  
Housing/Human Services

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent

Title: S.B. 183, Relating to Education

Purpose: Establish in statues the state advisory panel, as required by the reauthorized Individuals with disabilities Education Act, by designating the existing special education advisory council as the state advisory panel, with new members to be appointed by the governor; requires annual report.

Department's Position: The Department of Education (Department) **does not support S.B. 183.** The federal regulations clearly delineates in 34 C.F.R §300.168, that the members of the state advisory panel not only are representative of the state population and be composed of individuals involved in, or concerned with the education of children with disabilities but also must include:

- (1) Parents of children with disabilities (ages birth through 26);
- (2) Individuals with disabilities;
- (3) Teachers;
- (4) Representatives of institutions of higher education that prepare special education and related services personnel;

- (5) State and local education officials, including officials who carry out activities under Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act, (42 U.S.C. 11431 et seq.);
- (6) Administrators of programs for children with disabilities;
- (7) Representatives of other state agencies involved in the financing or delivery of related services to children with disabilities;
- 8) Representatives of private schools and public charter schools;
- (9) Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
- (10) A representative from the state child welfare agency responsible for foster care; and
- (11) Representatives from the state juvenile and adult corrections agencies.

The appointment of the members to the council by the Governor is inconsistent to Section 302A-1111 that provides that the superintendent shall sign all commissions and appointments of the department.

The Individuals with Disabilities Education Act (IDEA), as reflected in 34 C.F.R. 300.167 through 300.169 are requirements that the Department must implement. This bill is unnecessary as the Special

Education Advisory Council is established and operational as mandated by the IDEA 1997 and 2004.

The Department does not support S.B. 183.



**STATE OF HAWAII**  
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February 23, 2009

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

Dear Senators Sakamoto and Chun Oakland and Members of the Committees:

**SUBJECT: SB 183 – RELATING TO EDUCATION**

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) appreciates the Legislature's intent of SB 183, however, **DOES NOT SUPPORT the bill**. The purpose of SB 183 is to establish in Chapter 302A, Hawaii Revised Statutes, the State Advisory Panel as required by the Reauthorized Individuals with Disabilities Education Act (IDEA) by designating the existing Special Education Advisory Council (SEAC) as the State Advisory Panel with new members to be appointed by the Governor.

The Council believes this bill is unnecessary for the following reasons:

1. The bill would duplicate ongoing efforts of the existing SEAC.
2. SEAC is currently operating as the State Advisory Panel described in the bill and meets the requirements under IDEA.
3. Although IDEA does not require a specific number of members, but requires a representation from key stakeholders, membership on SEAC (29) exceeds the number of members required in the bill (21).
4. SEAC's representation of stakeholders reflects a statewide educational council.
5. SEAC serves as an advisory to the Superintendent of DOE, and there has been a positive and productive working relationship between the two parties with members appointed by the Superintendent, not the Governor.

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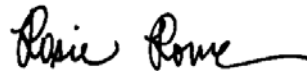
The Council would prefer that staff and fiscal resources required to implement this bill go to direct services for children with disabilities.

Thank you for the opportunity to present testimony on SB 183.

Sincerely,



Waynette K.Y. Cabral  
Executive Administrator



Rosie Rowe  
Chair



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February 23, 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  
Committee on Education and Housing and  
Senator Suzanne Chun Oakland, Chair  
Committee on Human Services  
State Capitol  
Honolulu, HI 96813

RE: SB 183 – Relating to Education

Dear Senators Sakamoto and Chun Oakland and Members of the  
Committees.

The Special Education Advisory Council, Hawaii's State Advisory  
Panel under the Individuals with Disabilities Education Act (IDEA), is  
**firmly opposed to SB 183.** A very similar bill was introduced during  
the regular session of 2008, and SEAC, the Department of Education  
and other community organizations opposed that bill, as well, for the  
following reasons:

- \* SEAC is mandated under IDEA, and therefore statutory  
language is not necessary;

- \* SEAC is advisory to the Superintendent and wishes to maintain  
that relationship, including the Superintendent's ability to appoint  
members to the Council; and

- \* SB 183, as written, is not inclusive of the purposes, functions  
and requirements under IDEA.

Since its inception in 1977 the membership of the Special Education  
Advisory Council has been appointed by the Superintendent, not the  
Governor. SEAC has a good working relationship with the Department  
of Education that involves quarterly meetings with the Superintendent  
and active participation in the development of the Annual Performance  
Report to the Office of Special Education Programs. SEAC endeavors  
to accommodate the Department's priorities while maintaining our  
independence, and the Superintendent looks to SEAC for valid and  
reliable stakeholder information.



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SEAC updated its by-laws in 2008 to be in accordance with the 2004 Amendments to IDEA, including specific representation on the Council. SB 183 restricts the Council to twenty-one members while IDEA does not govern the size of the Council but rather requires representation from key stakeholder groups. SEAC has a larger membership than some states because of a commitment to representation from every district, as well as the stakeholders outlined in IDEA. Our current membership reflects these key stakeholder groups, and we are in the process of recruiting a member to represent public charter schools that emphasize Hawaiian culture.

Hawaii is the only state with a single statewide educational system, and therefore SEAC is a statewide educational council, unlike most states who have both local and state advisory panels. We hold elections each June and bring new members on in July followed by an orientation program.

SEAC appreciates the opportunity to weigh in on this proposed legislation. I would be happy to answer any questions regarding SEAC or this testimony.

Sincerely,

A handwritten signature in cursive script, reading "Ivalee Sinclair", enclosed in a light gray rectangular box.

Ivalee Sinclair, Chair