

Date: 04/01/2011

Committee: House Health

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Resolution: HCR 266 (HR 228) Recognizing October of Each Year as "Down Syndrome Education Awareness Month" in Hawaii

Purpose of Resolution: Recognizes October of each year as "Down Syndrome Education Awareness Month" in Hawaii.

Department's Position: The Department of Education (Department) does not support HCR 266 (HR 228). One item in the proposed resolution is inconsistent with the Individuals with Disabilities Education Act (IDEA) of 2004 and proposes specific instructional strategies be mandated.

The Department is opposed to the section of HCR 266 (HR 228) requesting that the Department develop "guidelines for a lifelong learning approach for individuals with Down syndrome and to extend sign language instruction with speech to students with Down syndrome who can hear." Much information regarding disabilities and instructional strategies is available to Department personnel working with students with disabilities, including students with Down syndrome. It is neither necessary nor feasible for the Department to develop specific instructional guidelines for each disability type. Additionally, providing sign language instruction to students with Down syndrome who can hear is already available, if it is an appropriate instructional strategy, for an individual student. It would be inappropriate to mandate one strategy for all students with Down syndrome. In a report to the 24th Legislature, 2007, entitled "Educational Implications of the Special Needs of Preschool Age Children with

Developmental Disabilities," the author, from the National Early Childhood Technical Assistance Center of the Frank Porter Graham Child Development Institute, reviewed current research on children with Down syndrome. The report states, "The research suggests that ...it would be critical to study an individual child's learning style, interests and strengths before designing teaching and intervention methods to help each young child to reach optimal development. All the above information reminds us there is no one teaching method, no one health plan, no one behavior plan or no one IEP designed for all children of a certain age with Down syndrome. Each child is a unique individual who happens to have some degree of the conditions associated with Down syndrome."

IDEA requires the development of an Individualized Education Program (IEP) that meets the unique educational needs of each child. IDEA does not require the inclusion of educational or instructional methodology in IEPs, recognizing that teachers must have the flexibility to alter instructional strategies in order to meet their students' needs. IDEA regulations require IEP teams to consider revisions to the IEP if students are not making expected progress. Congress did not legislate instructional methodologies in IDEA, nor should Hawaii do so through statute or resolution.

Existing IDEA regulations and the availability of current published information to address the educational needs of students with Down syndrome negate the purpose of this resolution addressing the development of "guidelines for a lifelong learning approach for individuals with Down syndrome and to extend sign language instruction with speech to students with Down syndrome who can hear."