

SB1284

Date: 02/07/2011

Committee: Senate Education
Senate Human Services

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 1284 Relating to Education

Purpose of Bill: Amends section 302A-443, Hawaii Revised Statutes, to allow the Department of Education (1) access to monitor students with disabilities who are placed, at the Department's expense, at private special education schools or placements; and (2) the mechanism to set reasonable rates for the placement of students at private special education schools and placements.

Department's Position: The Department of Education (Department) supports this Bill providing Department the authority to monitor students with disabilities who are placed in private special education schools or placements. Hawaii Revised Statute section 302A-443, as currently written, does not give this authority. The Department is mandated by both federal and state regulations to ensure that a student with a disability, who is placed in or referred by the Department, to a private special education school or placement, is provided special education and related services in conformance with the student's Individualized Education Program (IEP) and has access to and progresses in the general curriculum (common core state standards). To accomplish this mandate, the Department must have full cooperation and assistance from each private special education school or placement serving students with disabilities at the Department's expense. Currently, the Department educates over 181,000 students. Of

that total population, students with disabilities served in a private special education school or placement is approximately .03% (less than 2% of all students with disabilities). Tuition costs for the Department for these students is astronomically high. For school years 2008-2009 and 2009-2010, the Department paid approximately \$8,477,394 and 9,044,525 respectively. The Department recognizes that providing special education and related services can be costly, this Bill provides a means to regulate equitable and reasonable tuition fees. Finally, the Department is committed to education reform through the Race to the Top initiative and ensure that all students, including those placed in private special education schools and placements are college and/or career ready. This Bill provides the mechanism for the Department to monitor the performance and progress in the general education curriculum, on the common core state standards, as well as the students' IEPs.

Date: February 7, 2011

Committee: Senate Education/Human Services

Department: Education

Person Testifying: Lea E. Albert, Complex Area Superintendent, Castle-Kāhuku Complex

Title of Bill: SB 1284, Relating to Education

Purpose of Bill: Amends section 302A-443, Hawaii Revised Statutes, to allow the Department of Education (1) access to monitor students with disabilities who are placed, at the Department's expense, at private special education schools or placements; and (2) the mechanism to set reasonable rates for the placement of students at private special education schools and placements.

Department's Position: The Department of Education (Department) supports this Bill in its ability to help the Department monitor students who are placed in private special education "schools" or placements at the Department's expense, either through a decision made by a hearing officer or a court decision. As it is written, the current statute does not allow the department to monitor students. Furthermore, the law in current form, does not regulate the conduct of the private special education "schools" or placements. As a result, private special education "schools" and placements: (1) are not in compliance with state and federal laws and regulations pertaining to health and safety; and (2) obstruct the attempts by Department's personnel to monitor students with disabilities who are placed at these facilities at the expense of the Department. Hawaii is the only state in the country that does not have a rule or statute which regulates private special education "schools" and placements. This statute would allow the DOE to create administrative rules regarding these schools and placements that accept funds from the DOE, either directly or through parental reimbursement. Many of these private

special education "schools" and placements are not accredited by either the Western Association of Schools and Colleges (WASC) or the Hawaii Association of Independent Schools (HAIS). In a recent case, the Honorable David Ezra stated that a student's placement in a private special education facility was a "step backwards" for the student because the facility was too restrictive "with a less than vital academic curriculum..." This statute would resolve quality concerns by allowing the Department to create rules requiring private special education "schools" and placements to be accredited by either WASC or HAIS. This would better ensure that specialized education is delivered so that students with disabilities are afforded rigorous curriculum and instruction. Moreover, this statute would mean that private special education "schools" would be accountable for private school placements at the Department's expense. That is these "schools" or placements would have to provide those related services as required by Individualized Education Programs. At this time, the Department is charged exorbitant fees and tuition for the attendance of students with disabilities at these facilities without real knowledge of progress or services. The Windward District spent approximately \$6.2 million in the last five years for payment for 19 students in two private special education placements without knowing what services are being paid for and provided to students. With this statute, the Department would create a rate schedule for payment of tuition and fees associated with each student's identified needs and program. I want to be very clear that under the Individuals with Disabilities Education Improvement Act, money is not the issue when it comes to providing educational services to students with special needs. What is at issue and what is the reason for the support of this legislation is the stewardship of federal and state taxpayers' dollars and ensuring

that those dollars are spent effectively, efficiently on quality services and education for students in the least restrictive environment . Again, the Department is prevented in many cases by private special education "schools" and placements from monitoring whether or not quality education and services, which result in true progress, are being provided. This is at the expense of taxpayers but most of all it is at the expense of children. This constitutes what I believe to be a violation of the public's trust. Please consider and pass this bill to become law so that Hawaii can join in the common sense displayed by our 49 sister states when it comes to educating and caring properly for our most *vulnerable* keiki.

Date February 7, 2011

Committee: Senate Education/Human Services

Department: Education

Person Testifying: Rebecca Rosenberg, Acting Windward District Educational Specialist

Title of Bill: SB 1284, Relating to Education

Purpose of Bill: Amends section 302A-443, Hawaii Revised Statutes, to allow the Department of Education (1) access to monitor students with disabilities who are placed, at the Department's expense, at private special education schools or placements; and (2) the mechanism to set reasonable rates for the placement of students at private special education schools and placements.

Department's Position: The Department of Education (Department) supports SB 1284 and its potential to help the Department monitor students who are placed in private special education schools or placements at public expense. There are a wide variety of private special education schools and facilities that provide services to special education eligible students. During the 2009- 2010 school year, 27 Windward District students attended seven different private special education schools or placements at Department's expense. The total cost to the Windward District for these 27 students was approximately \$2.1 million dollars for this one school year. Not all of these schools or placements are alike. Some are non-profit schools that are fully accredited. Other placements are for-profit and not accredited. Regardless of the type of placement, the Department has an obligation under federal and state regulations to monitor students and ensure that these placements meet students' unique needs. To meet this obligation, the Department must conduct observations at the private special education school or placement, review student evaluations, review student progress reports, and speak

to service providers at the private special education school or placement.

This Bill will allow the DOE to fulfill its obligations to students and taxpayers alike, and hold private special education schools and placements accountable. In this time of accountability, it is imperative that SB 1284 becomes law.

Date: February 7, 2011

Committee Senate Education/Human Services

Department: Education

Person Testifying: Lauren Moriguchi, Honolulu District Educational Specialist

Title of Bill: SB 1284, Relating to Education

Purpose of Bill: Amends section 302A-443, Hawaii Revised Statutes, to allow the Department of Education (1) access to monitor students with disabilities who are placed, at the Department's expense, at private special education schools or placements; and (2) the mechanism to set reasonable rates for the placement of students at private special education schools and placements.

Department's Position: The Department of Education (Department) supports this Bill in its capacity to provide us with a mechanism to monitor students placed in private special education schools at the Department's expense. The Department is required to monitor the progress of all students to ensure that these placements meet each student's unique needs. As it is written, the current statute places responsibility on the part of the Department but fails to regulate the actions of special education private schools. As a result:

- 1) one school is not in compliance with state and federal laws with respect to the health and safety of students;
- 2) prohibit the Department from fully accessing students and/or student records for the purpose of progress monitoring; and
- 3) obstruct the Department's attempts to obtain information on students in order to develop an appropriate Individualized Education Program aligned with State Standards;
- 4) and ask the Department to pay higher rates for services than the rates that private special education schools and placements required parents to pay for

the same services. This Bill would allow the Department to fully access students in these placements so that we can ensure that each student is afforded the same opportunity to receive rigorous, standards based education and curriculum in accordance with their Individualized Education Program. During the 2007 - 2008 school year, twenty-one Honolulu District students attended various special education private schools in Hawaii at Department expense. The total cost for Honolulu District's in-state placements was approximately \$570,854. During this same school year, three Honolulu District students attended out-of-state placements which cost the DOE approximately \$677,535. During the 2008 – 2009 school year, forty-one Honolulu District students attended various special education private schools in Hawaii and the cost to the Department was approximately \$3,773,475. During this school year, two students attended out-of-state placements and the cost to the Department was approximately \$473,963. During the 2009 – 2010 school year, thirty-four Honolulu District students attended various special education private schools in Hawaii and the cost to the Department was approximately \$2,327,472. During this school year, one student attended an out-of-state private placement at approximately \$285,878. While these private special education schools in Hawaii tax the Department with higher rates for services than that required of parents, many of these schools are not accredited by the Western Association of Schools and Colleges (WASC) or the Hawaii Association of Independent Schools (HAIS). In August of 2010 a Honolulu District case was heard by the Honorable David A. Ezra who

stated that the private special education school is “a restrictive placement with a less than vital academic curriculum...” This case is an example of how one placement may not be fully qualified to provide services to a student. This Bill will ensure that all students are afforded the opportunity to receive a meaningful education and enable students to meet the expectations contained in the Hawaii Department’s Vision of a High School Graduate.



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

February 7, 2011

The Honorable Jill N. Tokuda, Chair
Senate Committee on Education
and

The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services
Twenty-Sixth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

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

SUBJECT: SB 1284 – RELATING EDUCATION

The State Council on Developmental Disabilities (DD) **SUPPORTS SB 1284.** The purpose of the bill is to allow the Department of Education (DOE): 1) access to monitor students with disabilities who are placed at the Department's expense, at private special education schools or placements; and 2) the mechanism to set reasonable rates for the placement of students at private special education schools and placements.

The Council believes that it is important to allow DOE access to monitor students with DD placed at the expense of the DOE as is currently required per Chapter 302A-443, Hawaii Revised Statutes. SB 1284 provides greater detail as to the extent to which DOE would be able to monitor the private school placement of a student.

The Council supports the recommendations proposed by the Special Education Advisory Council provided with their testimony regarding:

- 1) compliance with the requirements for private special education schools or placements in the Individuals with Disabilities Education Act (IDEA) 2004; Hawaii DOE Administrative Rules, Chapter 60, relating to the provision of a free appropriate public education for a student with a disability; and Board of Education(BOE) policies and procedures;
- 2) the frequency of and procedures used by the DOE in scheduling monitoring visits; and

- 3) need for sanctions should the private school fail to comply with federal and state requirements, and BOE policies and procedures.

Thank you for your consideration and the opportunity to submit testimony in support of SB 1284.

Sincerely,



Liz Ann Salvador
Chair



Waynette K.Y. Cabral, MSW
Executive Administrator



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

February 7, 2011

**Special Education
Advisory Council**

Ms. Ivalee Sinclair, *Chair*
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Vice Chair

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Ms. Deborah Cheeseman
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Ms. Jasmine Williams
Mr. Duane Yee
Ms. Carol Young

Jan Tateishi, Staff

Senator Jill Tokuda, Chair
Senate Committee on Education
Senator Suzanne Chun Oakland, Chair
Senate Committee on Human Services
State Capitol
Honolulu, HI 96813

RE: SB 1284 - RELATING TO EDUCATION

Dear Chairs Tokuda and Chun Oakland and Committee Members,

The Special Education Advisory Council (SEAC), Hawaii's State Advisory Panel under the Individuals with Disabilities Education Act (IDEA), **supports** SB 1284 which proposes amendments to Hawaii Revised Statutes, Section 302A-443, regarding the monitoring of students with disabilities placed at private schools or facilities at public expense.

As Chair of SEAC, I was selected to serve on the Task Force on Private School Placements established by resolution in the 2008 Legislative Session. Other members of the Task Force include representatives from the Hawaii Association of Independent Schools, the Administrative Hearings Office of the Department of Commerce and Consumer Affairs and the Department of Education.

Our charge has been to come up with recommendations to the Department for policies and procedures related to the private placement of students with disabilities at state expense. The Task Force has reviewed testimony previously submitted, as well as laws, policies and procedures from other states related to the Department of Education's fiscal and legal responsibility for students placed in private schools and facilities as a result of hearing officer's decisions, court orders or programmatic placement. With the exception of Hawaii, all states have created standards of certification for private schools and facilities to ensure the appropriateness and benefit of services provided to students at public expense.



Testimony on SB 1284
February 7, 2011
Page 2

In light of our efforts we are submitting the attached recommendations to clarify terminology and further delineate the responsibilities of private schools and the Department. We respectfully ask for your consideration of these recommendations.

Thank you for the opportunity to provide testimony on this issue. Should you have any questions, I would be happy to answer them.

Respectfully,

Ivalee Sinclair, Chair, Special Education Advisory Council
Chair, Task Force on Private School Placements

Recommendations for amendments to SB 1284 and HB 1057
“A BILL FOR AN ACT RELATING TO EDUCATION”

Definitions:

“Accredited Private special education school or program”: means a private day school or program, that has earned accreditation according to the requirements and procedures specified by the Hawaii Association of Independent Schools (HAIS), Western Association of Schools & Colleges (WASC), or Hawaii WASC affiliates.

“Certified/Licensed private residential facility”: means a private residential school or program that has earned licensure, certification, and/or accreditation according to requirements and procedures specified by the state licensure board and/or other governing boards.

“Nonpublic special education school or program”: means a privately owned or operated preschool, school, educational organization, or program, that maintains or conducts classes for the purpose of offering instruction, for a consideration, profit, or tuition to students with disabilities.

“Residential special education and related services”: means an educational program of special education and related services that is provided by a teacher and other staff to students’ whose IEPs require that student be provided with 24-hour days in a structured set of services and activities designed to achieve objectives related to the needs of the children served.

Compliance

- All licensed/certification nonpublic special education schools or programs are required to comply with IDEA federal laws governing children with disabilities in private schools that are placed or referred by public agencies (34 CFR 300.145), Hawaii Revised Statutes, Chapter 60, and Hawaii Department of Education and Hawaii Board of Education policies and procedures.
- Pursuant to 34 CFR 300.325(c), compliance with the requirements of the IDEA for students served by nonpublic special education private schools or programs remains the responsibility of HIDOE.

Placement and funding of a student with disabilities in a nonpublic special education school or program or residential facility.

The Hawaii Department of Education (HIDOE) shall be responsible for the placement and funding of a student with a disability in a non-public special education school/program or residential facility when:

- The nonpublic special education private school or program to which the student has been referred or placed is currently accredited or licensed by the procedures set forth by the Hawaii Association of Independent Schools (HAIS), WASC or WASC

affiliates to determine the level of quality of private schools as providers of special education and related services; can implement the student's IEP; and represents the least restrictive environment for the student.

- Any school defined within this Bill as a nonpublic special education school or program shall not accept any referral or placement of a HIDOE student with a disability funded by the HIDOE unless it receives and maintains accreditation issued by the HAIS, WASC or WASC affiliate.
 - A nonpublic special education school with a current accreditation or licensure issued by the HAIS, WASC or WASC affiliate, shall adhere to the provisions of this Bill unless otherwise exempted by HIDOE regulations, state or federal laws or regulations.
 - A nonpublic special education school without accreditation issued by the HAIS, WASC or WASC affiliate, must apply for accreditation within ninety (90) days from the date of accepting that child that is placed by a court of law, a due process hearing officer decision, or a settlement agreement.
- The private residential facility to which the student has been referred has demonstrated proof of licensure/accreditation/certification for operation as an educational facility.
 - An approved nonpublic special education school/program or residential facility shall invoice the HIDOE according to the HIDOE's policies and procedures for payment of nonpublic special education school or program providers.
 - An approved nonpublic special education school/program or private residential facility shall not use any bundled or packed rate methodology when invoicing the HIDOE for use of public funds.

Monitoring

- Pursuant to IDEA 2004 and Hawaii Revised Statutes, Chapter 60, the HIDOE shall schedule period monitoring visits to each nonpublic special education school or program at least once during the validity of each licensure or certification, to verify compliance with federal and state law, HIDOE and Hawaii Board of Education (HIBOE) policies and procedures. An approved nonpublic special education school or program shall inform all parents of enrolled HIDOE students that a scheduled monitoring visit shall occur, prior to the monitoring visit.

Sanctions:

- Sanctions should be included in subsequent policies and procedures following the enactment of this Act should the nonpublic special education school or program or residential facility fail to:
 - Comply with IDEA 2004, Chapter 60, HIDOE and HIBOE policies and procedures.
 - Adhere to accreditation/certification/licensure procedures.
 - Comply with HIDOE billing procedures.



February 7, 2011
1:15 p.m.
Conference Room 225

TESTIMONY TO
THE SENATE COMMITTEES ON EDUCATION AND HUMAN SERVICES

RE: SB 1284 – Relating to Education

Dear Chairs Tokuda and Oakland, Vice Chairs Kidani and Ihara, and Members of the Senate Committees on Education and Human Services.

My name is Robert Witt and I am executive director of the Hawaii Association of Independent Schools (HAIS), which represents 99 private and independent schools in Hawaii and educates over 33,000 students statewide.

The Association opposes SB 1284 – Relating to Education as it is currently written and respectfully requests that the measure be amended to exclude those schools that are full and accredited members in good standing of the Hawaii Association of Independent Schools (HAIS) and the Hawaii Catholic Schools (HCS).

HAIS respects and understands the intent of this bill, which would authorize and obligate the Department of Education (DOE) to oversee and monitor the instruction of special education students who are placed in private schools or facilities at public expense; we believe there is an urgent need for this measure, but only applied to some, not all non-public schools.

We submit for consideration our view of the varied landscape of private educational institutions in our state. There are a number of non-public entities in Hawaii who provide students from DOE schools with special education services and we recognize that some of these institutions lack affiliation with other non-public schools and professional associations, while also lacking an accreditation designed to evaluate an academic institution's health and reliability.

However, those who are full members in good standing of our association and/or Hawaii Catholic Schools have the means and mechanisms in place, via regionally and nationally recognized accreditation protocols, to ensure that they provide each of their students with a high-quality education in safe environments.

We strongly urge the members of the Committee to distinguish between these schools from those without such assurances and supports – to which the oversight measures outlined by this bill are more directly applicable – by amending all references to private special education schools or placements in SB 1284 to read **“private special education school or placement, except those that are full and accredited members in good standing of the Hawaii Association of Independent Schools or the Hawaii Catholic Schools.”**

The full and accredited members of HAIS and HCS possess the values, standards and protocols necessary to deliver an excellent education to all of their students and these same schools also have a history of positively and effectively collaborating with one another and with educators at the DOE to meet the requirements of FAPE for those DOE students being educated on their campuses. With the inclusion of the abovementioned amendments, HAIS takes no position on the remaining sections of the bill, while assuming that its members are exempt from all of these.

Mahalo for the opportunity to testify on this important matter.

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 Website: www.hawaiidisabilityrights.org

THE SENATE THE TWENTY-SIXTH LEGISLATURE REGULAR SESSION OF 2011

Committee on Education Committee on Human Services Testimony in Opposition to S.B. 1284 Relating to Education

**Monday, February 7, 2011, 1:15 P.M.
Conference Room 225**

Chair Tokuda, Chair Chun-Oakland and Members of the Committees:

I am Louis Erteschik, Staff Attorney at the Hawaii Disability Rights Center, and am testifying in opposition to this bill.

The purpose of the bill is to give the DOE the ability to monitor students placed in private facilities under the IDEA and to set the rates the schools can receive for the education of the child. While at first the language of the bill seems relatively benign, it actually is little more than another attempt by the DOE to shirk its responsibility to properly educate children with disabilities under the IDEA.

School districts are required to provide a FAPE – a free and appropriate education to children who qualify for special education services under the IDEA. If they fail to do so, placement at a private facility is an option which the law allows. While school districts might resist paying for these private placements as they are indeed expensive, since it requires teachers and staff who are properly trained to educate a very difficult population, the DOE has created that situation by its unwillingness to do what it takes to provide the required education themselves.

Despite their desire to save money, we believe this bill violates federal law (IDEA) and the court opinions that have interpreted it. As announced by the US Supreme Court in *Florence County School District v. Carter*, 510 U.S. 7, 114 S. Ct. 361(1993) a school district's authority to control the cost of a private placement is limited to situations where the school district on its own decided to provide the child a FAPE by placing the child in the private setting. In the context of a unilateral placement, however, where the parent places the child in a school and then files a due process request for reimbursement, it is up to the Court to decide if the placement and the cost were reasonable. Inasmuch as many due process hearings involve unilateral placements, this

bill would not only violate federal law under the IDEA, which says that the Courts are the arbiter of that issue, but also violate the separation of powers clause of the US Constitution because it is up to the Court, not the legislature or the Executive to decide if the cost of the private placement is reasonable. With all due respect, the state legislature does not have the constitutional authority to delegate that power to the Department of Education.

We would strongly recommend that the bill be held and that the DOE, if it truly seeks to save expenditures under the IDEA, develop the capacity and the will to comply with the IDEA, so that fewer private placements will be necessary.

Thank you for the opportunity to testify in opposition to this matter.

Erin Conner

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 02, 2011 1:19 PM
To: EDU Testimony
Cc: c_pomponio@yahoo.com
Subject: Testimony for SB1284 on 2/7/2011 1:15:00 PM

Testimony for EDU/HMS 2/7/2011 1:15:00 PM SB1284

Conference room: 225
Testifier position: oppose
Testifier will be present: No
Submitted by: Cathleen Pomponio
Organization: Individual
Address: Honolulu, HI
Phone: 808 457 2914
E-mail: c_pomponio@yahoo.com
Submitted on: 2/2/2011

Comments:

Testimony as follows:

Educators are not qualified to monitor special needs students. The word 'monitor' needs to be clarified. The exact method of monitoring needs to be written so that the educator does not become overzealous in the performance of their duties. Ideally, mainstreaming should be the answer for the educator and since the educator has been trained in working with a variety of students, they should be in the position of educating the remainder of the students in what special needs consist of. It provides a good opportunity for educators to show students how to work and conduct themselves when they encounter a person with special needs in the public arena. The present atmosphere of intolerance only lends itself to a furthering of intolerance through monitoring.

Erin Conner

From: Barbara Ward [barbara4@hawaii.edu]
Sent: Thursday, February 03, 2011 7:44 PM
To: EDU Testimony
Subject: Testimony SB1284

Measure: SB1284 Date and Time: Feb. 7, 2011 at 1:15pm Room: 225

From: Barbara J. Ward Testimony: Individual Position: In Support
Address: PO Box 26409 Honolulu, HI Phone: 396-0648 Email: barbara4@hawaii.edu

I am a speech-language pathologist specializing in autism. Though I work for the Hawaii Dept. of Education and am Adjunct Instructor at the John A. Burns School of Medicine, Dept. of Communication Sciences and Disorders at the University of Hawaii, the testimony I present here is as a private citizen and advocate for children with special needs.

Ethics and evidence-based practice in education are only possible in an environment of transparency and accountability. The federal law of IDEA and the state's Chapter 60 are very clear regarding the DOE's obligation to monitor and ensure safety, quality services, and appropriate fees for students with disabilities in private programs. Unfortunately, some private programs deny any ethical or legal responsibility for transparency and accountability. For that reason, I am in support of SB 1284 to protect some of our most vulnerable citizens, children with special needs.

In order to present the issues involved with some private programs, I cite the following findings from the Sept. 27, 2010 Special Education Due Process Hearing Decision by Hearings Officer Haunani Alm, of the Dept. of Commerce and Consumer Affairs. The entire hearing decision is available to the public on the DOE website.

- “The SLP and other DOE speech language pathologist were not allowed sufficient time to complete language testing due to a one hour time limit.”
- “On October 14, 2009, in a third attempt to complete Student's language testing, the SLP went to School to observe Student. Due to time restraints place on the SLP b School, the SLP was only able to observe and obtain a brief language sample; the language assessment was not completed.”

- “Student had very little minimal interaction and very minimal direction for the 1:1 PP (Private Placement) therapist.”
- “The ABA strategies so important to children with ___, such as reinforcement, the use of visuals, using routines, anticipating, etc. were not observed by the SLP.”
- “Therefore, any communication between PP (Private Placement) Personnel who are familiar with Student’s program and/or behavior plan is a separate service and must be paid for by Parents or the DOE. This includes IEP meeting and other meetings beyond what is in the Parents’ PP package. (Emphasis added).”
- “Parent testified that Parent asked the Private Placement for Student’s updated Language Assessment information, but was not provided it.”
- “DOE requests from the DES to Parent and the PP for updated information about Student were unsuccessful.”
- “The child’s safety and health are at issue. Without proper information and a functional analysis of the food refusal issue, the feeding plan could be highly ineffective or even harmful to the child.”
- “DOE pays PP \$16,000 a month for the Student’s program. The policy that requires parents or the DOE to pay more money on top of the \$16,000 a month for basic information for the child’s educational program cuts negatively against the purpose for the January 2, 2010 IEP – to provide Student with an appropriate educational program that meets Student’s unique needs and provides Student with educational opportunities and benefit.”

It should be clear from Mrs. Alm’s hearing decision why she found in favor of the Dept. of Education. But since the parents have appealed this decision, the DOE continues to pay \$16,000 per month for an inappropriate private program with minimal opportunity for monitoring, transparency, and accountability.

Children with special needs deserve our support and protection. Please join me in supporting SB 1284.

Erin Conner

From: Dorothy Craven [tookie@pixi.com]
Sent: Saturday, February 05, 2011 12:57 PM
To: EDU Testimony
Subject: SB Bill1284

RE: Senate Bill1284 to be heard Mon. Feb 7.2011 at 1:15 pm in Conference Room 225

I am writing in Strong support of this measure which will ALLOW Dept. of Education personnel to monitor the treatment and progress of Special Education children treated in private schools. This is long overdue. Many of us are aware of abuses of the funds collected by some of these centers. In some cases they advertise or promise that trained licensed personnel will provide therapy services when in fact they do not use such personnel but utilize minimally experienced and poorly trained "Aides "or "assistants." . Children are entertained, but appropriate treatment is not provided.

Also there should be oversight of the charges and a stated schedule of appropriate fees. Some times the fear of possible law suits are enough to allow approval for excessive costs. Costly equipment is prescribed which may already be available at the Child's home school thus duplicating costs. Iam certain the DOE personnel can expand on these situations.

Parents are at times given false information about the relative quality of the services provided by DOE personnel who are well educated, experienced and trained in favor of more expensive services thought to be better only because they are private.

Certainly in this time of harsh cutbacks in services and funds, Proving these safeguards are ESSENTIAL. !

For your information I am a Retired Speech Language Pathologist who has worked in Hawaii since 1970. I write as an informed Citizen / Thank you for your attention.

Dorothy D. CRAVEN
4921 Waa Street
Honolulu ,Hawaii
96821