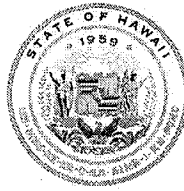


**SB 1503**

**SD 1**



**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 1, 2011

The Honorable David Y. Ige, Chair  
The Honorable Michelle Kidani, Vice Chair  
Senate Committee on Ways and Means  
Twenty-Sixth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Senators Ige and Kidani and Members of the Committee:

**SUBJECT: SB 1503 SD 1 – RELATING TO SPECIAL EDUCATION**

The State Council on Developmental Disabilities (DD) **SUPPORTS SB 1503 SD1**. The purpose of the bill is to provide definitions of various private special education schools and programs and requirements for those schools and programs to accept students with disabilities at the Department of Education's (DOE) expense.


SB 1503 SD1 provides definitions for "accredited private special education school or program", "certified or licensed private residential facility", and "nonpublic special education school or program". It requires these types of private special education schools and programs that provide services to students with disabilities who receive state funding to comply with federal and state laws, rules, and regulations. It requires a nonpublic special education school or program not accredited to apply for accreditation within 90 days from the date of accepting a student with disabilities placed there per a hearing officer's decision, court order, settlement agreement, or decision by DOE.

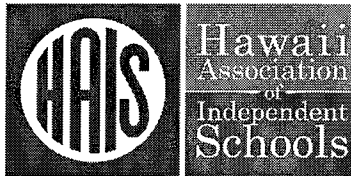
We understand that the bill reflects the work of the Private School Placement Task Force that included representatives from DOE and the community. The passage of the bill would provide DOE and various private schools who serve students with disabilities clearer guidelines and conditions that comply with federal and state laws, rules, and regulations when providing special education and related services for students with disabilities.

Thank you for the opportunity to submit comments supporting SB 1503 SD1.

Sincerely,

  
Liz Ann Salvador  
Chair

  
Waynette K.Y. Cabral, MSW  
Executive Administrator



Tuesday, March 1, 2011  
9:20 a.m.  
Conference Room 211

TESTIMONY TO  
THE SENATE COMMITTEE ON WAYS AND MEANS

RE: SB 1503 SD 1 – Relating to Special Education

Dear Chair Ige, 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 99 private and independent schools in Hawaii and educates over 33,000 students statewide. My testimony today is on behalf of our member schools, along with the member schools of Hawaii Catholic Schools, with permission from Superintendent Carmen Himenes.

The Association **supports** SB 1503 SD1 – Relating to Special Education, which requires certain private special education schools and programs that provide services to students with disabilities, and thereby receive state funding to do so, to comply with all applicable federal and state laws, along with all applicable rules and regulations.

HAIS also hereby agrees with the Department of Education that to assure high quality, transparent, and reliable services to these students in schools, which are dedicated to their own continuous self-reflection and improvement, that **formal accreditation** via the Western Association of Schools and Colleges, the Hawaii Association of Independent Schools, or any WASC affiliate in Hawaii should and must be the State standard.

HAIS also stipulates that Hawaii Catholic Schools is a WASC affiliate and that the accreditation program it provides meets this new standard.

HAIS wishes to engage with DOE in any and all ongoing efforts, following adoption of this measure, to create administrative rules in alignment with the spirit of this proposed measure. In particular, HAIS will wish to define “access” for the purposes of “monitoring” in ways that are true to the independence of its member schools, while simultaneously allowing DOE to meet its obligations to federal authorities.

Thank you for the opportunity to testify in support of this measure.

d

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 27, 2011 11:03 PM  
**To:** WAM Testimony  
**Cc:** threestars@hawaii.rr.com  
**Subject:** Testimony for SB1503 on 3/1/2011 9:20:00 AM

Testimony for WAM 3/1/2011 9:20:00 AM SB1503

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Linda Elento  
Organization: Individual  
Address:  
Phone:  
E-mail: [threestars@hawaii.rr.com](mailto:threestars@hawaii.rr.com)  
Submitted on: 2/27/2011

Comments:

I support the original SB1503 provision for revised definitions for "exceptional children" who are referred to as "students with disabilities" in Hawaii Administrative Rules 8-60 and specifying the right for a child with a disability to receive sign language instruction with speech, not based on severe hearing loss as the criteria for sign language.

However, I OPPOSE SB1503 SD1 as this addition to the Hawaii Revised Statutes will continue to separate preschool-aged children who qualify and need special education (full time or part time) from typically developing preschoolers whom you may find at daycare centers (religious or non-religious affiliated), grandma's house, afterschool programs, home-based child care programs, as these are types of programs are paid for by the the Department of Human Services "Open Doors" tuition reimbursement program for income eligible parents. Are these programs - reimbursable by the state - subject to this proposed law?

Charter schools are also a source for children's education, both preschool and K-12.

Homeschooling and alternative education programs as specified in the Hawaii Administrative Rules regarding Compulsory Education both allow for a child to have an Individualized Education Program (IEP). How will this proposed law affect these appropriate educational alternatives? Consider that some states consider homeschool as a private school.

AND, a child whose parent places their child in a private school is otherwise eligible to receive a Service Plan with certain special education services being provided by the Department of Education pursuant to the requirements of the Individuals with Disabilities Education Improvement Act (IDEA).

Choices for the education of children who are "typically-developing" children are endless. Our children with disabilities must be given the fair opportunity to receive an education where they otherwise would be if were not for being "special education-eligible."

Thank you for your consideration of this testimony.