

Mrs. Dolly La Touf  
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Honolulu, Hawaii 96814

LATE TESTIMONY

Wednesday, March 16, 2011

Conference Room 309 at 2 p.m.

The House Committee on Education

To: Representative Roy M. Takumi, Chair

Representative Della Au Belatti, Vice Chair

From: Dolly LaTouf, VGAL

Re: SB 1503 SD2 RELATING TO SPECIAL EDUCATION  
Testimony in Opposition

My name is Dolly La Touf, and I am a volunteer guardian ad litem and I work with individuals with disabilities under the Individuals with Disabilities Education Act (I.D.E.A.) and Section 504. I have front line knowledge and experience working with what children and their families deal with in the education system and throughout the life domains.

First of all, I agree that it is fundamental to know that what you are buying is evidenced by the criteria, and, if, that criteria has been met, or not. However, in SB 1503 SD2 you are measuring the status and membership of a private school, and not the fulfillment of F.A.P.E. as required under the I.D.E.A.

The flaws inherent in this bill will cause more costs to the state of Hawai'i if it becomes enacted into law. An IEP team or a hearing officer's decision determines the particular *program and related service* location and whether the legal requirements and measure under the Individuals with Disabilities Education Act (I.D.E.A.) has or has not been met. SB 1503 SD2 changes the terrain of the current federal I.D.E.A. law and does not ensure consistency. For this reason, I cannot support SB 1503 SD2.

In closing, I want to thank the House Committee on Education for thinking about Hawai'i's keikis when you think of restoring Congress' original intent of the Individual's with Disabilities Education Act (I.D.E.A.) that parents who prevail in I.D.E.A. impartial administrative due process deserve to access educational success. Sens. Kennedy, Simon and Kerry argued the importance of children accessing education with the support of procedural safeguards. Senator Edward Kennedy stated,

*“The basic purpose of this legislation and its primary intent states that handicapped children and their parents or legal guardians should be able to participate in the due process system and have access to the full range of remedies to protect their educational rights on an equal par with the school districts and I strongly support this purpose,” argued Senator Edward Kennedy on “protecting all handicapped children” which later became I.D.E.A. (Senate Congressional*

*Record - July 30, 1985 pp. 21391 - 2)*

In the interest of the public good, the I.D.E.A. procedural safeguards already refers, determines and identifies what is measurably appropriate in order to meet the appropriate mix/match/fit of service programming and related services for the individual special education student. In order to fulfill the legal requirements under I.D.E.A., and, in order for a particular student to access FAPE, special education is defined in the program and related services, and not the place.

For the reasons stated, I oppose SB 1503 SD2. Thank you for the opportunity to testimony. I respectfully ask the House Committee on Education to not pass the measure.

Sincerely,

Dolly La Touf  
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## belatti4-Joal

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**From:** Naomi Grossman [naomi\_grossman@yahoo.com]  
**Sent:** Wednesday, March 16, 2011 1:54 PM  
**To:** EDNtestimony  
**Cc:** einew137 Newhouse  
**Subject:** SB 1284 SD2 and SB 1503 SD2 House Committee on Education - March 16 at 2 pm in Conf Rm 309

--- On Wed, 3/16/11, Irene Newhouse <einew@hotmail.com> wrote:

From: Irene Newhouse <einew@hotmail.com>  
Subject: once more testimony on monitoring private placements  
To: naomi\_grossman@yahoo.com  
Date: Wednesday, March 16, 2011, 6:13 AM

Here I am, once more, Naomi! Please submit my testimony for both SB 1284 and SB 1503 for today's testimony. Since I am in Kihei, Maui, I will not be able to testify in person.

Irene

No one is more committed to the concept of public education than I am. All my education, including graduate school, has been at public institutions. This is also true for my husband. Consequently, we planned on a public education for our daughter. Well, that got us huge slaps in the face! Our daughter, adopted from Romania at age 4, has many neurological challenges due to having spent all those years in orphanages. Our home elementary school was completely unable & unwilling to cope with her issues. We were even told that no progress is still FAPE, & if we didn't believe that, we could waste a lot of money on an attorney and lose at due process. Funny thing - we WON placement at Horizons Academy at public expense for our daughter, as her case was a repeat of a Supreme Court case from the 1980s, the Shannon Carter case. At Horizons Academy, our daughter entered 4th grade not being able to read even at 1st grade level, and left after 8th grade reading at 7th grade level. Yes, an average of 1.5 grade levels per year progress. During that time, staff from Kamali'i and Lokelani repeatedly came to 'monitor' our daughter's progress. They had NOTHING positive to contribute to her education, because they'd messed it up royally in the first place! In fact, our daughter found Kamali'i observations stressful & disruptive. She KNEW they were there to try to pull her back into a place she viewed with horror [she was also bullied & assaulted there] because the hearing officer only made his judgement valid for 1 semester. Our attorney had to file for DP & stay put twice a year! Every time we either won, or the DAG told Kamali'i to settle, as they had no case. Right - the DoE's own attorneys told them they had no case. Our daughter's IEPs were SO BAD her case was open & shut!! After our first IEP meeting, I bought an "IEP 100" book from amazon.com. I was astonished - every single thing that book said was bad practice or outright illegal was in our daughter's IEP. Simple googling indicated that this book was not the only source of similar information - there were 100s such sources. I was once even in the amusing position of watching a Columbus teacher warn IEP staff that our daughter's IEP was illegal & nobody, from the principal on down, listened to her. Although she was recruited at great expense from out of state, she went back the next year, because she couldn't in good conscience work for DoE. How on EARTH can you expect an organization that dysfunctional to 'monitor' private placement in any meaningful way??? How on EARTH does it make sense to pay a private school only for IEP items when the reason a child has been placed at that school is that DoE staff refused to come up with an appropriate IEP in the first place???? Remember - hearing officers are state employees who have determined that DoE has consistently not educated a child in ways that contravene federal law.

Our daughter is almost 18 now. Public high school didn't work for her, so I home schooled her. She got her GED a year early, with scores high enough to qualify for a diploma. I am not an educator. I have never had a single education course. Yet I was able to build on the foundation she got at Horizons Academy to that extent, and the so-called experts at DoE couldn't even make it out of the starting gate. She's now at UH Maui College part time & taking English 100. She's the youngest student in her class, yet the instructor used her first writing exercise as a model for the other members of her class. [By the way - she is classmates with another ex-Horizons student, several years older than she is. He went to DoE high school. She was at first jealous of his far greater fluency of ideas, but has watched as his writing has been down-graded for major grammar and punctuation problems, while her work is consistently praised for its correct grammar & punctuation. I was not an English major, either. I am a scientist, yet I managed to teach her far more grammar than her fellow students have gotten]. DoE staff at Kamali'i told me that she was uneducable & that I was in denial at the extent of her debilitating learning disorders, and that I should listen to the experts -them. Who was more correct? And that's what's so tragic - I've since met 3 other young adults who had similar experiences with DoE elementary schools. Their parents also refused to believe the 'experts' & their children ended up at Horizons. One student was able to pass Seabury Hall's entrance tests & graduate - SH is the Punahou of Maui. One student is graduating this year from Kihei Charter High School. And the last is still at Horizons. He can read, too, something Kamali'i staff told his mother would never happen. I am not particularly well-connected in the community, so the fact that I know so many people with similar experiences is alarming. And what is more alarming - how many other young people are there, whose parents didn't know enough to disbelieve DoE staff, so their children never have a chance? Dyslexia, one of our daughter's challenges, occurs in up to 20% of students, and DoE can't do a thing with it. DD has a former friend her age, whose dyslexia was far milder than hers. This young woman actually graduated from special education reading at Kamali'i, went to Waldorf through 8th grade & is now at Baldwin. She was retained a year. She is struggling in her subjects. At this point, our daughter reads FAR better than she does. And this young lady is one of the most striking successes of DoE special education, but Horizons & home school have resulted in our daughter, with far greater challenges, out-performing her academically. Not a ringing endorsement for DoE, is it?

The whole premise these bills are based on -- that the Department of Education acts professionally and has professional standards & capabilities -- is completely wrong. I cannot put it more clearly than that. Furthermore, if these bills are passed, parents will be forced to sue DoE for limiting their child's access to FAPE, and DoE will lose. If the legislature's goal is to make more work for the AG's office, wasting valuable taxpayer dollars in the process, by all means go ahead & pass these bills. Parents whose children are placed privately at public expense are sufficiently savvy to monitor their child's educational progress w/out DoE hindrance, and to know when it's time to sue again. Contrary to what DoE tells you, parents of children who go to DP are not snobs looking for a free private education. We just want our children to be able to grow up, get a job & move out, and we realize if our kids can't even read, that's not going to happen. Yet DoE pretends we want the moon.

Though when you consider an average high school graduate reads at 6th grade level, I guess demanding that your child be able to read at grade level looks like the moon, No Child Left Behind notwithstanding. Note: our daughter started taking classes at UHMC at age 16. At that age, she placed, on the nationally-normed reading comprehension assessment all students registering at UHMC must take, because they don't even trust the DoE, 1 point below college-level reading comprehension. Yep, in 2 years of home school I'd taken her from 1 year behind grade level to 2 years ahead of grade level. I fully admit, I could not have taught her to read. But once she got that, it didn't take rocket science or teacher certification to hone her skills.

Irene Newhouse  
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