

**SB 1503**

**Proposed SD1**

Date of Hearing: February 14, 2011

Committee: Senate Education

Department: Education

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

Title: S.B. No. 1503, Relating to Education

Purpose: To provide definitions of various private special education schools and programs and the requirements for those schools and programs to accept students with disabilities at the department's expense.

Department's Position: As a Department of Education (DOE) Complex Area Superintendent for the Castle-Kahuku Complex in the Windward District, I fully support this Bill in its ability to help the DOE with the providing appropriate placements for our students who are eligible to receive special education and related services pursuant to the IDEA. Although there are times when a private school can provide an appropriate educational environment for our students, accreditation of private schools is vital because it allows the department to be assured that the accredited school or placement has a rigorous process of self assessment and can and will provide the highest quality of education. Accreditation also allows the department to be able to uphold its duty of stewardship of public funds because there is an assurance of quality. Not all accreditation organizations are the same. The Western Association of Schools and Colleges (WASC), the Hawaii Association of

Independent Schools (HAIS), Hawaii affiliates of WASC, the National Association for the Education of Young Children (NAEYC), and the National Early Childhood Program for Accreditation (NECPA) are the “gold standard” in the accreditation of schools. All public secondary schools in Hawaii are required to be accredited by WASC. When the department expends public funds for a student placed at a private school or program, the public funds should be going to educational programs that have the same levels of accreditation that the public schools are able to offer. If a private special education school or program that accepts students at the expense of the department using state or federal funds, that program should be required to (1) be in compliance with all federal and state laws, and (2) apply for and be accredited with either WASC, a Hawaii WASC affiliate, or HAIS to assure the quality of education provided to our students at the department’s expense. I therefore urge you to pass this bill because it is the right thing to do for children.



**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 14, 2011

The Honorable Jill N. Tokuda, Chair  
The Honorable Michelle Kidani, Vice Chair  
Senate Committee on Education  
Twenty-Sixth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Senator Tokuda and Members of the Committee:

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

The State Council on Developmental Disabilities (DD) **supports the intent of SB 1503 Proposed 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.


The proposed 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 proposed SD1 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 testimony supporting the intent of the Proposed SD1 for SB 1503.

Sincerely,

  
Liz Ann Salvador  
Chair

  
Waynette K. Y. Cabral, MSW  
Executive Administrator

Date of Hearing: February 14, 2011

Committee: Senate Education

Department: Education

Written Testimony: Jennifer Luke-Payne Principal Kaaawa Elementary School

Title: S.B. No. 1503, Relating to Education

Purpose: To provide definitions of various private special education schools and programs and the requirements for those schools and programs to accept students with disabilities at the department's expense.

Department's Position: As the Principal of Kaaawa Elementary School, Department of Education (DOE), and former District Educational Specialist (DES) Specializing in Special Education, I fully support this Bill in its ability to help the DOE provide appropriate placements for students who are eligible for special education and related services under Chapter 60 and IDEA. As a DES, I worked with schools in the Castle-Kahuku Complex to place students in the Least Restrictive Environment. There are times when the DOE needs to consider placement of a student at a private school to provide services or for one reason or another. In these cases it would behoove us to make ascertain that these schools that are receiving public funding provide rigorous instruction and have the proper accreditation so that our students have the opportunity to graduate with a diploma. It is our duty to ensure that our students the individualized education and instruction that will prepare them for

post high school opportunities. Currently, some private special education schools and programs are not properly accredited by the Western Association of Schools and Colleges (WASC) or the Hawaii Association of Independent Schools (HAIS). WASC and HAIS are the “gold standard” in accreditation. I believe this bill will allow the Department to be true stewards of the public resources provided by taxpayers for the children of Hawaii. In passing this bill the private schools will need to follow Federal and State laws and regulations and be accredited by a legitimate accreditation association (as not all accreditation associations have a high standard). Failure to pass this bill will be equivalent to failing the children with special needs in Hawaii. I respectfully urge you to make the right choice and pass this bill.



**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 14, 2011

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Advisory Council**

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Ms. Barbara Pretty, Acting  
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Senator Jill Tokuda, Chair  
Senate Committee on Education  
State Capitol  
Honolulu, HI 96813

RE: SB 1503 SD1 - RELATING TO SPECIAL EDUCATION

Dear Chair Tokuda and Committee Members,

The Special Education Advisory Council (SEAC), Hawaii's State Advisory Panel under the Individuals with Disabilities Education Act (IDEA), **supports** the proposed SB 1503 SD1 that aims to provide definitions of various private special education schools and programs and the requirements for those schools and programs to accept students with disabilities at the Department of Education's expense.

This bill is an important companion to SB 1284, heard in this Committee last week, which allows the Department to have access to monitor students with disabilities who are placed, at public expense, at private special education schools and programs. The Department has an obligation under Chapter 60 and IDEA to ensure that these students are provided with an appropriate education that is reasonably calculated to enable the student to receive educational benefits.

SEAC believes that accreditation, certification and/or licensure by the entities named in this proposed legislation is an important step in ensuring appropriate services. Hawaii is the only state that does not currently have standards of certification for private schools and facilities to ensure the appropriateness and benefit of services provided to students at public expense.

Most of Hawaii's private schools have already received accreditation. For those that are not accredited, this bill allows for student placement as long as the nonpublic special education school or program applies for accreditation within ninety days of placement.



There are a number of reasons for students being placed in a private special education school or program at public expense. The IEP team may have determined that the private school or facility is the appropriate placement for the student. Other students are unilaterally placed by their parents and then awarded reimbursement through a due process hearing decision or settlement agreement. Still other students are Court ordered to a private setting.

In our seven-year examination of special education dispute resolution in Hawaii SEAC has found that a parent's filing of a due process hearing request precipitates the majority of private placements at public expense. We are hopeful that this bill will result in a more comprehensive listing of appropriate placement options that IEP teams may use in determining where the student's unique needs can be met, thus reducing costly litigation and parent/school conflict.

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

Respectfully,

A handwritten signature in cursive script, appearing to read "Ivalee Sinclair", written over a light gray rectangular background.

Ivalee Sinclair, Chair





COMMUNITY CHILDREN'S COUNCIL OF HAWAII  
1177 Alakea Street • B-100 • Honolulu • HI • 96813  
TEL: (808) 586-5363 • TOLL FREE: 1-800-437-8641 • FAX: (808) 586-5366

February 13, 2011

Senator Jill Tokuda  
Chair Senate Education Committee  
Senator Suzy Chun-Oakland  
Chair Human Services Committee

Madam Chairs Tokuda and Chun-Oakland, Members of the Committee

RE: SB1503 with amendments

The 17 Community Children's Councils (CCCs) of Hawaii strongly support the passage of SB 1503 as purposed by the Special Education Advisory Council.

We have reviewed this purposed amendment and urge their conclusion so there are clear standards for both the Department of Education and private schools/facilities. The provisions of these amendments ensure the appropriateness of services being provided to services with disabilities as well as providing the necessary steps for the Department of Education to provide their monitoring responsibilities.

CCCs are community based bodies comprised of parents, professionals in both public and private agencies and other interested persons. CCCs are in rural and urban communities organized around the Complexes in the Department of Education. Membership is voluntary and advisory in nature. CCCs are concerned with specialized services provided to Hawaii's students.

We respectfully request your consideration of SB 1284 with the amendments purposed. Parents of children in our public schools have first hand information essential to the Board of Education. Community members provide a diverse viewpoint and can generate a broader base of support for our schools.

Should you have any questions or need additional information, please contact the Community Children's Council Office (CCCO) @ 586-5363 or email us at the address above.

Thank you for considering our testimony

Tom Smith, Co-Chair

Jessica Wong-Sumida, Co-Chair

(Original signatures are on file with the CCCO).

**Erin Conner**

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**From:** Barbara Ward [barbara4@hawaii.edu]  
**Sent:** Friday, February 11, 2011 1:42 PM  
**To:** EDU Testimony  
**Subject:** SB 1503 S.D. 1

MEASURE: SB 1503 S.D. 1 "Relating to Special Education"  
HEARING DATE: 2-14-11 TIME: 1:15 ROOM: 225  
COMMITTEE: EDU  
POSITION: In Support of

From: Barbara J. Ward Testimony: Individual  
Address: PO Box 26409 Honolulu, HI Phone: 396-0648  
Email: [barbara4@hawaii.edu](mailto:barbara4@hawaii.edu)

I am in support of this measure to address the quality of services provided to children with special needs in education.

**Erin Conner**

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**From:** eroosmarr@aol.com  
**Sent:** Friday, February 11, 2011 5:21 PM  
**To:** EDU Testimony  
**Subject:** MEASURE: SB 1503 S.D. 1 "Relating to Special Education"

MEASURE: SB 1503 S.D. 1 "Relating to Special Education"

HEARING DATE: 2-14-11 TIME: 1:15 ROOM: 225

COMMITTEE: EDU

POSITION: In Support of

From: Ellen Roos-Marr

Testimony: Individual

Address:

42 Laiki Place

Kailua, HI 96734

Email: [eroosmarr@aol.com](mailto:eroosmarr@aol.com)

**Say something like:**

I support this measure because I'm very concerned about quality of services for children with special needs in education. I have worked as a speech-language pathologist for over 20 years, and to my knowledge these private businesses have no certified SLPs on staff to provide appropriate service for their students.

Appropriate oversight and review of services is important to ensure that children are receiving an optimal educational experience.

Aloha,

Ellen

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 11, 2011 7:02 PM  
**To:** EDU Testimony  
**Cc:** becky\_rosenberg@notes.k12.hi.us  
**Subject:** Testimony for SB1503 on 2/14/2011 1:15:00 PM

Testimony for EDU 2/14/2011 1:15:00 PM SB1503

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Rebecca Rosenberg  
Organization: Department of Education  
Address:  
Phone:  
E-mail: [becky\\_rosenberg@notes.k12.hi.us](mailto:becky_rosenberg@notes.k12.hi.us)  
Submitted on: 2/11/2011

Comments:

## Erin Conner

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**From:** Dorothy Craven [tookie@pixi.com]  
**Sent:** Sunday, February 13, 2011 2:03 PM  
**To:** EDU Testimony  
**Subject:** SB1503

I am writing in strong support for Senate Bill 1503. I was in support of the House Bill which has been amended. The Senate Bill is a strong statement that the State is going to be sure that children in all areas of Special Education will be educated by Licensed and QUALIFIED personnel.

I am aware that there are private schools who advertise that they provide services such as Speech and hearing services and then provide them by minimal or even untrained persons. In meantime parents are told that personnel at the public school are less than qualified when the Doe is legally expected to hire licensed personnel and provide supervision .

If parents choose to send their children to an inferior program I guess they have the right to do so. WHEN THE taxpayers are paying the Bill we have the right to expect monitoring of the child's progress and treatment as well as educational plan by the DOE.

An additional area that should be under investigation is the potential conflict of interest by parents who are given special deals because they advocate for certain Schools, centers or academies with which they have personal financial or personal ties.

I hope that you will approve this bill so that these dishonorable practices can be controlled.

Dorothy D. Craven ( Informed and concerned citizen)  
Retired Speech Language Pathologist.  
4921 Waa STREET ,Honolulu 96821  
tel: 808 373 9369  
email: [tookie@pixi.com](mailto:tookie@pixi.com)

## Erin Conner

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**From:** Grant Okimoto [braddahg98@yahoo.com]  
**Sent:** Sunday, February 13, 2011 11:56 PM  
**To:** EDU Testimony  
**Subject:** Special education

From: Grant Okimoto  
Testimony: Individual  
Address: 1255 Nuuanu Ave E1003 Honolulu HI 96817  
Email: [braddahg98@yahoo.com](mailto:braddahg98@yahoo.com)

I am in support of this bill that gives each student with disabilities the right to a quality education.

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