



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/13/2020

Time: 11:00 AM

Location: 211

Committee: Senate Ways and Means

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: SB 2293, SD1 RELATING TO EDUCATION.

Purpose of Bill: Requires the Auditor to conduct an audit to determine whether the Department of Education is meeting requirements under the federal Individuals with Disabilities Act and the Rehabilitation Act of 1973 and the Americans with Disabilities Act as it pertains to individuals with the type of disability covered by the Individuals with Disabilities Act. (SD1)

Department's Position:

The Hawaii Department of Education (Department) respectfully provides comments on SB 2293. The Department is committed to providing its students with disabilities a free appropriate public education (FAPE) that meets each students' individual needs as required federally by the Individuals with Disabilities Education Act (IDEA), Public Law No. 101-476, as amended, and Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law No. 93-112, as amended.

Current federal regulations (34 CFR §§300.600 through 300.609) require all states to be evaluated on educational outcomes of all students with disabilities. The United States Department of Education's Office of Special Education Programs (OSEP) evaluates the Department through the Results Driven Accountability (RDA) system. The RDA evaluates all states and territories through three components: the State Performance Plan (SPP)/Annual Performance Reports (APRs), Determinations, and the Differentiated Monitoring and Support.

The Department must develop a 6-year plan through the SPP that sets targets for compliance and performance indicators identified by the OSEP. The Department must also submit an APR demonstrating progress toward each indicator. These indicators measure both student outcomes and the Department's overall compliance and implementation of IDEA. The SPP/APRs are publicly reported through the Department's and OSEP's websites and discussed at the Special Education Advisory Council's monthly meetings.

Please note that although the definitions of FAPE are similar, FAPE under IDEA and Section 504 have different standards. FAPE under IDEA is access to education through specially designed instruction and supports in an Individualized Education Program, while Section 504 provides access to education through accommodations.

To determine if our students with disabilities and impairments received FAPE, an assessment of the design and delivery of instruction, accommodations and other supports provided by classroom teachers would be required. A fiscal audit alone would not address whether the Department is providing its students with a free appropriate public education that meets each student's unique educational needs.

In closing, the Department remains committed to the education of all students, especially students with disabilities, and provides transparency through comprehensive federally-mandated accountability requirements.

Thank you for this opportunity to provide testimony on SB 2293.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.



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Corey Rosenlee
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TESTIMONY BEFORE THE SENATE COMMITTEE ON
WAYS & MEANS

RE: SB 2293, SD1 - RELATING TO EDUCATION

THURSDAY, FEBRUARY 13, 2020

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Dela Cruz and Members of the Committee:

The Hawaii State Teachers Association **supports SB 2293, SD1**, relating to education, that requires the Auditor to conduct an audit to determine whether the Department of Education is meeting the requirements under the federal individuals with Disabilities Act and the Rehabilitation Act of 1973.

Hawai'i struggles to meet the needs of special education students. Based on statewide assessments, most students with special needs are performing below grade level in reading and mathematics. Each school year, the statewide achievement gap between high needs students—which includes special education children, English language learners, and economically disadvantaged students—and students without high needs is far too wide and part of the reason is that teachers need specialized supplies and instructional materials for the specific learning needs of their students and these students also need licensed special education teachers from day one. Not only do we not have enough licensed special education teachers, but these teachers also do not get enough of a budget to purchase all the supplies and instructional materials they need to adequately differentiate their instruction for their students.

Department of Education officials, including State Superintendent Christina Kishimoto, have stated that closing the achievement gap between special needs students and their general education peers is a top priority. Doing so, however, requires ensuring that all the supports, including licensed special education teachers and needed specialists such as School Psychologists, Occupational Therapists, Licensed Behavior Analysts, Registered Behavior Technicians, Speech Pathologists, etc. and additional instructional resources are provided for special education teachers and their students.



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In 2011, the ten-year-long HIDEO ended the special education classroom supply fund, after American Recovery and Reinvestment Act revenue that had been used to subsidize the fund expired. The loss left schools scrambling for alternatives and SPED teachers unable to provide essential supplies for their students, including curricular materials, high-interest low Lexile books, hands-on materials to support mathematics learning, adaptive programs and supplies, community and life skills developmental materials, and even paper for printing of individualized education plan forms, modified lessons, and related items. Funding cuts have also resulted in a teacher shortage crisis especially with our licensed special education teachers. An audit of special education would show what supports are in place and what more is needed so we can be more specific with meeting the needs of our students in special education programs.

Special education teachers need additional instructional resources, including other specialists, for the unique needs for their students. No teacher should have to pay out of pocket for the needed instructional materials and equipment for their classroom, and we should fund the supports required, including enough licensed individuals, for our students with special needs.

We must provide a quality education to our students with special needs and invest in the professional necessities of their instructors. To assess the supports in place and those needed for our most vulnerable keiki, the Hawaii State Teachers Association asks your committee to **support** this bill.

LATE

SB-2293-SD-1

Submitted on: 2/12/2020 6:35:01 PM

Testimony for WAM on 2/13/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Support	No

Comments:

If there was ever any state agency or department or program that was in need of an audit it is the DOE's provision of special education under the IDEA. I have been with the HDRC for over 16 years and I can tell you that we have more difficulty with the DOE than we do with all other state departments combined. The nature of being an advocacy agency is that we may find ourselves on the other side of an issue from the State of Hawaii. At times, that is to be expected. Yet we enjoy a good working relationship with the Department of Health, the Department of Human Services, the Department of Public Safety and the Department of Labor and Industrial and Relations, just to name a few. On the other hand, the DOE administration has been incredibly resistant and contentious and shown an antipathy towards the students who are supposed to receive special education. Our advocates spend an inordinate amount of time fighting with the DOE to obtain services for these children, when it should be obvious what the needs are.

For those reasons, we cannot imagine a clearer example of something that should be audited and subject to more legislative scrutiny.

SB-2293-SD-1

Submitted on: 2/11/2020 1:53:38 PM

Testimony for WAM on 2/13/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristen Koba-Burd	Individual	Support	No

Comments: