



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

**Date:** 02/03/2020

**Time:** 03:20 PM

**Location:** 229

**Committee:** Senate Government Operations  
Senate Education

**Department:** Education

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

**Title of Bill:** SB 2293 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.

**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 that meets each students' individual needs as required federally by the Individuals with Disabilities Education Act (IDEA).

Current federal regulations (34 CFR §§300.600 through 300.609) requires all states to be evaluated on educational outcomes for 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.

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](http://www.hawaiipublicschools.org).

**SB-2293**

Submitted on: 1/31/2020 12:26:30 PM

Testimony for GVO on 2/3/2020 3:20:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carmie Spellman	Individual	Support	No

Comments:

**SB-2293**

Submitted on: 1/31/2020 5:17:54 PM

Testimony for GVO on 2/3/2020 3:20:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Support	Yes

Comments:

We don't mean to sound flippant but 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**

Submitted on: 2/1/2020 3:54:52 PM

Testimony for GVO on 2/3/2020 3:20:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cheryl	Individual	Support	No

Comments:

AUDIT>> YES< YES< and YES! Lots of places to double check. Personally, I'd like to see an accounting of the grants from the astronomy folks. I am sure there are many other places that we can double check as well.

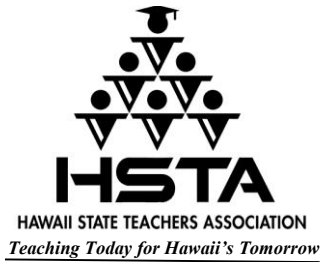
**SB-2293**

Submitted on: 2/2/2020 10:57:34 AM

Testimony for GVO on 2/3/2020 3:20:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kristen Koba-Burd	Individual	Support	No

Comments:



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TESTIMONY BEFORE THE SENATE COMMITTEE ON  
GOVERNMENT OPERATIONS AND THE COMMITTEE ON EDUCATION

RE: SB 2293 - RELATING TO EDUCATION

MONDAY, FEBRUARY 3, 2020

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Thielen, Chair Kidani, and Members of the Committees:

The Hawaii State Teachers Association **supports SB 2293**, 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 teacher 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.



**SB-2293**

Submitted on: 2/2/2020 1:27:04 PM

Testimony for GVO on 2/3/2020 3:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Amanda N. Kelly	Individual	Support	Yes

Comments:

Aloha Chairs, Vice Chairs, Members of the Committee,

Thank you for the opportunity to testify on this measure. I stand in strong support of SB2293, which seeks to audit the DOE on IDEA/Special Education practices in our state.

The Hawai'i Department of Education (HIDOE) has requested a large budget for special education services in our state (> \$350 million). There is no doubt in my mind these funds could be more efficiently allocated. I believe the costs of educating our students is quite high, however I know we can offset some of these costs with federal dollars (<https://www.usnews.com/news/best-states/hawaii/articles/2018-08-20/analysis-hawaii-missed-out-on-federal-reimbursements>) when we use appropriately licensed and credentialed professionals. Additionally, with this kind of budget being spent, we should see parents and our keiki thriving, instead of pleading and begging for support and assistance. In my experience, much of the \$350 million budget is being wasted in unnecessary meetings, legislative briefings, and due process hearings, as well as in long, drawn out federal civil rights lawsuits ([http://blogs.edweek.org/edweek/speced/2018/06/hawaii\\_settles\\_special\\_education\\_age\\_lawsuit.html](http://blogs.edweek.org/edweek/speced/2018/06/hawaii_settles_special_education_age_lawsuit.html); <https://www.civilbeat.org/2018/11/lawsuit-claims-state-denies-critical-therapy-for-kids-with-autism/?fbclid=IwAR3Ws1GwyrZtWpKtdu81k1LDmefl6HzEPE1kyA-7s0ln88t2K4plbM6N4I>).

Again, thank you for the opportunity to testify on this measure.

Mahalo,

Amanda N Kelly, PhD, BCBA-D, LBA

**SB-2293**

Submitted on: 2/2/2020 1:31:20 PM

Testimony for GVO on 2/3/2020 3:20:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lara Bollinger	Individual	Support	No

Comments:

I support auditing the Department of Education's implementation of IDEA and Section 504 of the Rehabilitation Act.

**SB-2293**

Submitted on: 2/2/2020 1:32:28 PM

Testimony for GVO on 2/3/2020 3:20:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Deborah Krekel	Testifying for Hawaii Association for Behavior Analysis (HABA)	Support	No

Comments:

**SB-2293**

Submitted on: 2/2/2020 1:47:34 PM

Testimony for GVO on 2/3/2020 3:20:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
maile rogers	Individual	Support	No

Comments:

**SB-2293**

Submitted on: 2/3/2020 7:01:08 AM

Testimony for GVO on 2/3/2020 3:20:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mr and Mrs John McComas	Individual	Support	No

Comments:

Aloha Chair, Vice Chairs and Committee Members,

We strongly support the Audtors conducting a thorough examination of the Hawaii Department of Education Special Education Department. As parents of two students who are eligible for special education, we have several reasons for supporting this audit:

9-16-19 DOE Memo regarding provision of 1:1 instructional support- pre-determines which students can receive what type if any of 1:1 support.

12-31-18 DOE Memo regarding Applied Behavior Analysis in the school setting including Functional Behavior Assessments and other Behavior interventions- appears to pre-determine supports that should be individualized as to the students needs

11-2019 SEAC Minutes: DOE is using unkown funds to provide "monetary incentives to scvhools to update IEP's prior to anniversary dates"- this is federally mandated- why are we paying schools to follow the law and where are these funds coming from?

11-2019 SEAC minutes: Schools are cutting crucial teacher positions to save money and replacing licensed special education teachers with educational assistants

Despite going to Due Process, one of our childrens "current IEP" is dated May 2016- we have requested the school numerous times to update the IEP following their reevaluation process (which took 2 years to complete) which has been concluded for months, and still the school refuses to schedule a meeting to do so.

Please support our students within the special education programming by conducting this necessary audit.

Respectfully yours,

Mr and Mrs John McComas

Honolulu, HI

