

# LATE

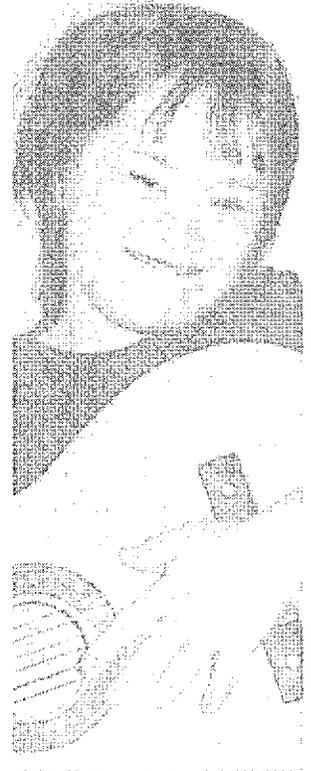
From: Linda Elento, Member of The Hawaii Down Syndrome Congress

To: Senate Education Committee  
Senator Norman Sakamoto, Chair, Senate Education  
Senator Jill Tokuda, Vice Chair, Senate Education

Tourism and Government Operations Committee  
Senator Clarence K. Nishihara, Chair  
Senator Donna Mercado Kim, Vice Chair

Re: EDU/TSG February 8, 2008, 1:15pm

**SB2664** Support intent with comments



Thank you for this opportunity to testify in support of SB2664 with the amendment to place the position of ombudsman within the Board of Education with the appropriate authority to be effective.

For four years, the position of Board of Education Ombudsman was successfully placed in the Board of Education, positioned as a neutral third party to review school issues. The positions this bill proposes would not be considered a neutral third party being under the Department of Education's payroll and supervision.

**The former Board Ombudsman had told me from the beginning (2004) that what she wanted to know from me was if I believed the DOE was breaking Board policies. That's what she could investigate for me.**

The substance of the complaints, procedures, and responsible parties must be looked at as well, such as civil rights protections, special education rights.

For example, most recently I asked the BOE ombudsman for assistance which has not yet been resolved. After contacting several offices within the DOE, I requested if DOE policies regarding Geographical Exceptions when requested by a child who is eligible for special education (due to disability) was considered a "program" in regards to BOE Policy 2000, or if there was another Board policy that would apply to fairness in the GE process.

The BOE Policy 2000: PHILOSOPHY OF EDUCATION, HAWAII'S PUBLIC SCHOOLS POLICY states, "Equal Educational Opportunity. Students shall have an equal educational opportunity to enroll in programs regardless of race, color, religion, sex, sexual orientation, disabilities, or national origin."