



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

OFFICE OF THE SUPERINTENDENT

May 3, 2016

TO: The Honorable Patricia Halagao
Chairperson, Committee on Student Achievement

FROM: Kathryn S. Matayoshi
Superintendent

SUBJECT: **Committee Action on Board of Education ("Board") Policy: 105.12,
Special Education and Related Services**

1. RECOMMENDATION

The Department of Education (Department) is recommending revisions to policy 105.12 (originally policy 2160).

Original Policy Number	New Policy Number	Original Policy Title	Summary of Proposed Revision(s)
2160	105.12	Special Education and Related Services	<ul style="list-style-type: none">• The Department proposes minor revisions for consistency in formatting.• In response to the proposed edits from the Permitted Interaction Group (PIG), the Department proposes revisions to add reference to extended school year, remove reference to Centers for Excellence, and remove reference to broader whole school parental engagement.• To be consistent with Section 302D-30(b), Hawaii Revised Statutes, the Department included explicit reference to this policy applying to public charter schools.

2. RECOMMENDED EFFECTIVE DATE

The Department recommends that the committee approve and adopt the policy as described in section 1.0, with immediate effective and compliance dates.

3. RECOMMENDED COMPLIANCE DATE (if different from the effective date)

See section 2.0.

4. DISCUSSION (if different from the effective date)

a. Conditions leading to the recommendation

The Department used a cross-office strategy to review and, where applicable, provide proposed revisions to the policy listed above. The proposed revisions are intended to provide additional clarity, bring the policies up to date with current implementation status, and/or to incorporate feedback from principals and other stakeholders.

The proposed revisions from the PIG move a portion of the introductory paragraph to a new rationale section at the end of the policy, in alignment with formatting conventions. The remainder of the introductory paragraph is recommended for deletion.

In addition to the proposed revisions from the PIG, the Department proposes the following:

- Add a goal to provide extended school year services to students whose IEP deems them necessary as an explicit item on the list of Department responsibilities. This proposed revision is in response to discussions during the passage of policy 500.18 (Summer School Programs) and is based on recommendations from the Special Education Advisory Council of Hawaii (SEAC).
- Remove the provision of services that “increase and support positive relationships between the school and parents” from the list of Department responsibilities. Removing this responsibility from the policy allows the language to focus on specific needs and responsibilities for serving and supporting special education students. Family and community engagement is a broader responsibility that is governed by the language in policy 101.14 (Family and Community Engagement/Partnership) which the Board adopted at the June 16, 2015 General Business Meeting.
- Remove the development of Centers for Excellence from the list of Department responsibilities.

b. Previous action of the Board on the same or similar matter

- November 19, 2014: Administratively referred to the Student Achievement Committee (SAC).
- April 7, 2015: SAC voted to defer the policy for further revision with no testimony received on the policy.

c. Other policies affected

No other policies are affected by this policy. However, the proposed revision dealing with the provision of extended school year services is based on feedback provided by SEAC during the adoption of policy 500.18 (Summer School Programs).

d. Arguments in support of the recommendation

Changes are responsive to feedback from testimony as well as complex area superintendents and principals.

e. Arguments against the recommendation

Opponents of the proposed revisions may be interested in more explicit implementation requirements around specific programs or packages and accountability measures.

f. Other agencies or departments of the State of Hawaii involved in the action

No other agencies or departments were involved in the action.

g. Possible reaction of the public, professional organizations, unions, DOE staff and/or others to the recommendation

See section 2.e.

h. Educational implications

There are no changes to educational impacts at this time, based on approval of the proposed revisions.

j. Facilities implications

There are no changes to facilities impacts at this time, based on approval of the proposed revisions.

k. Financial implications

There are no changes to financial impacts at this time, based on approval of the proposed revisions.

5. OTHER SUPPLEMENTARY RECOMMENDATIONS

None

TOC:SS:kp

Attachments: Exhibit A: Policy 105.12 – Recommended changes (mark up)
Exhibit B: Policy 105.12 – “Clean” version of recommended changes

c: Office of Strategy, Innovation, and Performance
Office of Curriculum, Instruction, and Student Support

POLICY 105.12

SPECIAL EDUCATION AND RELATED SERVICES [POLICY]

~~[The Board of Education recognizes that students with disabilities are entitled to a Free Appropriate Public Education (FAPE). The Board also recognizes that every child benefits from the provisions of an education as defined by federal and state law.]~~

The Department shall be responsible for the provision of Free and Appropriate Education for all public school students, including students enrolled in public charter schools.

The Department [~~of Education~~] shall provide special education and related services to eligible students and be responsible for developing rules, guidelines, and/or procedures to implement the goals set forth below:

1. Provide access to educational opportunities and a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) for each eligible student through the development of an Individualized Education Program (IEP), and ensure that all professionals and/or paraprofessionals providing services possess a level of proficiency to meet the unique needs of the student;

2. Provide extended school year services to students whose IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE;

~~3~~[2]. Work collaboratively with other state government agencies and private agencies to address the special education and related service needs of eligible students;

~~4~~[3]. Provide staff development and teacher training. The Department shall also provide technical assistance statewide;

~~[4. Provide services that increase and support positive relationships between the school and parents;]~~

5. Ensure that all schools provide an inclusive and accommodating environment to meet the individual needs of students;

6. Provide programs and services in all schools for students with disabilities to learn [~~and play~~] alongside their peers without disabilities;

Exhibit A

[7. Develop Centers for Excellence that service students with disabilities alongside their peers without disabilities. Centers for Excellence shall be programs that train teachers and faculty on recognized best practices in scientifically-based research on inclusive education.

The Department of Education is encouraged to develop multiple Centers for Excellence serving students statewide provided that the Centers for Excellence are located in schools that have students with and without disabilities;] and

Z[8]. Ensure that all service(s) determined appropriate by the IEP team and the resources necessary to deliver those services meet the individualized needs of students.

Rationale: Students with disabilities are entitled to a Free Appropriate Public Education (FAPE), *as described in Chapter 60, Hawaii Administrative Rules to implement the Individuals with Disabilities Education Act (20 U.S. Code §1400) and federal laws and regulations relating to the provision of a free and appropriate public education to a student with a disability.*

Approved: 04/82; Amended: 03/88; 11/20/03; 02/16/06; 11/01/07; 11/4/10

Key

Bold and Blue: edits made by the permitted interaction group.

Italics and black: edits proposed by the Department.

Underlines: additional proposed text, beyond what was in the original policy.

~~Strikethrough:~~ proposed deletions, limited to the text that is struck-through and bracketed.

Exhibit B

POLICY 105.12

SPECIAL EDUCATION AND RELATED SERVICES

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The Department shall provide special education and related services to eligible students and be responsible for developing rules, guidelines, and/or procedures to implement the goals set forth below:

1. Provide access to educational opportunities and a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) for each eligible student through the development of an Individualized Education Program (IEP), and ensure that all professionals and/or paraprofessionals providing services possess a level of proficiency to meet the unique needs of the student;
2. Provide extended school year services to students whose IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE;
3. Work collaboratively with other state government agencies and private agencies to address the special education and related service needs of eligible students;
4. Provide staff development and teacher training. The Department shall also provide technical assistance statewide;
5. Ensure that all schools provide an inclusive and accommodating environment to meet the individual needs of students;
6. Provide programs and services in all schools for students with disabilities to learn alongside their peers without disabilities; and
7. Ensure that all service(s) determined appropriate by the IEP team and the resources necessary to deliver those services meet the individualized needs of students.

Rationale: Students with disabilities are entitled to a Free Appropriate Public Education (FAPE), as described in Chapter 60, Hawaii Administrative Rules to implement the Individuals with Disabilities Education Act (20 U.S. Code §1400) and federal laws and regulations relating to the provision of a free and appropriate public education to a student with a disability.

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