

## LEGISLATIVE REPORT

**SUBJECT:** Senate Concurrent Resolution 150, S.D. 1 “Urging the Superintendent of Education to Establish and Facilitate a Special Education Private School Task Force to Advise the Department of Education on Policies or Procedures for Oversight and Monitoring of Private School or Facility Placements”

### REFERENCE:

**ACTION REQUESTED:** That the Superintendent of Education is urged to establish and facilitate a Special Education Task force.

### DOE REPORT:

**Introduction:** In accordance with Senate Concurrent Resolution 150, S.D. 1, the Superintendent of Education established a special education private school task force to advise the Department of Education on policies or procedures for oversight and monitoring of private school or facility placements. The Superintendent of the Department of Education has appointed Kristy Nishimura, State Director of Special Education, as the lead for the task force. Ivalee Sinclair has been nominated and voted as Chair of the task force.

Special Education task force members:

- DOE representative – Kristy Nishimura, State Director of Special Education
- Special Education Advisory Council (SEAC) representative – Ivalee Sinclair (Chair of SEAC)
- Senior Hearings Officer from Department of Commerce and Consumer Affairs, Office of Administrative Hearings – Sheryl Nagata
- Hawaii Association of Independent Schools – Jyo Burg
- University of Hawaii, College of Education, Special Education – pending designation of representative
- Administrator from a public school with experience with private school placements – Lauren Moriguchi, DES Honolulu District (currently on maternity leave)
- Administrator from a public charter school – pending designation of representative

### FINDINGS:

- Initial meeting: Ivalee Sinclair has been nominated and elected as Chair of task force committee.
- Data collected from all districts included the number of private school or facility placements statewide, the names of the private school or facilities involved; the number of attempts and types of attempts made to monitor students in private school or facility placements and the barriers that hinder fulfilling the department’s responsibilities to monitor students in private school or facility placements. The data was reviewed by the committee and it was found that the cooperation and collaboration between private schools and the DOE varied. Most private schools seem to share student information and provide opportunities for the DOE to collect information and observe students placed in the private schools. From the attempts made and the barriers encountered by DOE personnel to monitor students placed in private schools, that there are a few private

schools that challenge the DOE's ability to monitor students placed in the private schools. From the data, the task force believes that the DOE could benefit from an established process and procedures that would clarify for the private schools and department personnel, the requirements of state and federal laws, the roles, responsibilities and expectations for department personnel and private school personnel when a student is placed in a private school setting, and provide consistency in the practice of monitoring students while placed in a private school setting.

- Review of the data also indicated that the majority of the private school placements resulted from due process hearings decisions or settlement agreements. Further investigation of the discrete data would provide a clearer picture for the committee and DOE to consider for private school placed students.
- Committee members questioned the need for UH, College of Education, Special Education and Charter School representatives. Since response is still pending from the UH College of Ed and Charter School Administrative Office, the committee decided to move forward and request for representation at a later time if necessary.
- The task force will be reviewing documents (i.e. exemplary state policies and procedures for approving private school placements and monitoring, state/federal laws and regulations that guide the placement and monitoring of students in private schools, and statewide data of the issues and concerns schools and districts have with private school placements). Review of the data and documents will be discussed at the January 11, 2011 meeting.
- The task force plans to have a draft document by the end of January 2011, which will include recommendations for the DOE, as well as a draft proposed procedure and process for placement of special education students in a private school setting. Following the draft procedure and process with recommendations, the task force will detail suggested training and professional development needs for those impacted by the procedures (i.e. DCCA hearings officers, DOE State leadership/state offices/district special education personnel, DOE AGs office, Private School Administrators, etc.).

Activity	Date	Follow-up
Review documents (i.e. exemplary state policies and procedures for approving private school placements and monitoring, state/federal laws & regs, data re: private school placements, etc.)	By January 11, 2011	If additional data/information is needed or could contribute to the body of information being reviewed, then seek it out disseminate amongst committee members.
Develop, review and revise draft process and procedures	By January 31, 2011	Committee to continue circulate, review and revise draft document
Recommendations for professional development and training	By February 15, 2011	Committee to continue circulate, review and revise draft document
Draft process and procedures and training recommendations.	By February 26, 2011	

**RECOMMENDATIONS:**

- Continue to review the current school year's data collected by the DOE re: oversight and monitoring of private school placed special education students. A consistent data monitoring and collection system may benefit the department to aid in oversight and monitoring of students placed in private schools.
- Advise the Department on policies or procedures for oversight and monitoring of private school or facility placements. Also provide the DOE a draft proposed procedure for oversight and monitoring of private school or facility placements.
- Advise the Department on efforts to improve and streamline oversight and monitoring of private school or facility placements.