



S E A C
Special Education Advisory Council

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October 18, 2018

**Special Education
Advisory Council**

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Kenneth Uemura, Chair
Finance and Infrastructure Committee
Hawaii State Board of Education
P. O. Box 2360
Honolulu, HI 96804

RE: Recommendation for Action B. Committee Action on the
Department of Education's proposed operating budget for 2019-
2021 fiscal biennium

Dear Chair Uemura and Members of the Committee,

The Special Education Advisory Council (SEAC) welcomes this opportunity to support the Department's proposed operating budget for 2019-2021, particularly in the area of programs and services that address the needs of students with disabilities.

Over the past four decades SEAC has taken a proactive role each legislative session to educate key legislators and policy-makers on resources needed to ensure that Hawaii public school students with IEPs are provided with a free and appropriate education under the Individuals with Disabilities Education Act. We are often asked to provide additional information and justification for budget items (EDN 150 items and others). So while we understand the purpose of today's discussion is to talk broadly about the overall budget, SEAC would appreciate more specificity for the following program descriptions in order to adequately advocate for their optimal funding:

- Applied Behavioral Analysis Staffing
- Education Specialists for Special Education
- Federal Revenue Maximization Revolving Fund (Medicaid Claiming).

Thank you for the opportunity to provide our input. Should you have questions, we will be happy to provide answers or clarification.

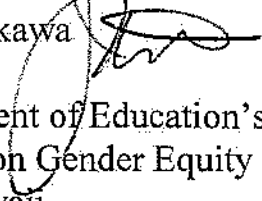
Respectfully,


Martha Guinan
SEAC Chair


Ivalee Sinclair
Legislative Committee Chair

October 18, 2018

TO: Board of Education
State of Hawaii

FROM: Jill L. Nunokawa 
Vice-Chair
Superintendent of Education's
Committee on Gender Equity
State of Hawaii

RE: Title IX Updates

In 1999, legislation was introduced to establish a commission on gender equity to set forth bench mark indicators, monitor implementation and compliance standards, and make recommendations to the legislature regarding Title IX compliance. Governor Cayetano vetoed that legislation because DOE Superintendent Paul LeMehieu told the Governor that DOE was in compliance. This couldn't be further from the truth. One year later, a similar legislation was introduced, which was signed by Governor Cayetano at a public signing I attended in June, 2000. The Gender Equity commission began its work and set forth specific requirements for each public high school to meet the mandates of Title IX. The commission was then converted by DOE Superintendent Patricia Hamamoto into the Superintendent's committee on gender equity. I have served continuously since 2000 as the vice-chair of both the commission and the committee with Mike Victorino being the chair. We were making great strides towards compliance with the federal law until 2013 when DOE Superintendent Matayoshi mandated the ending of data collection over our objections and discontinued our regular meetings.

Since the end of our regular meetings five (5) years ago, the Department of Education has struggled and reverted back to its prior non-compliant ways.

There is no real oversight, accountability, institutional knowledge, authentic commitment, and legal competency.

In 2016, I received numerous phone calls from reporters regarding the Hawaii High School Athletic Association (HHSAA)'s plan to increase the state football format, which meant increasing the boys' participation numbers by hundreds. I responded publicly and was promised by Chris Chun, HHSAA Executive Director, that Title IX compliance would be addressed. I called the DOE Civil Rights Compliance Office several times in 2016 and spoke with a woman who insured me that someone would return my calls. It's been over two years and I have not received any calls even when I asked the person NOT to ignore my calls and inquiries. Unfortunately, it appears to be the standard for the civil rights compliance office.

Hence, we as a state find ourselves in a precarious and unnecessarily difficult position. The DOE and HHSAA are on the cusp of a federal lawsuit because of the ongoing violations of Title IX. All the while having the expertise, commitment and longevity of a resource at its calling. Our dedicated committee wanted to continue to assist and ensure committed efforts towards compliance with Title IX but instead we have watched and responded to irate parents who are angered over the discrimination condoned and allowed by the DOE.

I had no idea of today's presentation until today, which is the reason for my late testimony. It's like what former DOE Superintendent Dr. Donnis Thompson stated in the film, Rise of the Wahine, I can no longer tolerate the blatant violations of Title IX. The powerpoint slides are misleading and cause for deep concern. We developed a strategic plan almost two decades ago so this is nothing new. The sad truth: the DOE, through its Civil Rights Compliance Office, fails to properly monitor and fails to ensure compliance.

For instance, softball fields had a priority list for construction and improvements since the early 2000s. Priority lists for locker rooms were also developed and the legislature appropriated funding accordingly.

The Gender Equity Committee received annual updates, which included photos on the progress of each one of the projects. We worked with the Civil Rights Office to meet with the experts in DOE facilities. There were some site visits. I am concerned whether personnel from the DOE compliance

office make site visits to each of the projects, whether they have any expertise on what they are looking at, whether they go on site visits with the experts and so on? This is the type of oversight and assistance our committee provided.

The State needs legitimate Title IX experts to be involved and not just rely on athletic directors and administration who lack the necessary expertise.

Additionally, there is a proposed "compliance" bucket in the DOE budget but there is no specifics for this appropriation. We pushed that monies appropriated for Title IX compliance were actually used for Title IX compliance. Without proper oversight and commitment within the DOE, appropriated monies tend to be used for other priorities.

As far as the alleged outreach this Spring, the feedback from numerous veteran Title IX athletic directors was poor and they questioned its accuracy and were frustrated with the compliance office.

There are other problems with the presentation and facts including the rotational use of locker rooms, equity in facilities, specifics in the DOE wording, access and what program requirements will assist the actualization of gender equity in athletics.

Most of Title IX compliance begins at the school level with the monitoring of accurate student participation numbers and moves from there. These numbers are no longer being collected and many other factors of Title IX are being ignored.

In conclusion, I urge the BOE and the Superintendent to re-convene the gender equity committee to assist the struggling DOE towards full compliance with Title IX, the future is worth it!