



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

**Date:** 02/04/2019  
**Time:** 02:55 PM  
**Location:** 229  
**Committee:** Senate Education

**Department:** Education

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

**Title of Bill:** SB 0388 RELATING TO EDUCATION.

**Purpose of Bill:** Authorizes parents and guardians of vulnerable students and students exhibiting behavioral issues to request a clinical or psychoeducational evaluation. Requires the Department of Education after expelling a student, to provide an assessment to receive special education services.

**Department's Position:**

The Department of Education (Department) is unable to support SB 388 as the Department is legally obligated to follow the requirements of the federal Individuals with Disabilities Education Act (IDEA) and Hawaii Administrative Rules (HAR), Title 8, Chapter 60, *Provision of a Free Appropriate Public Education for a Student with a Disability*.

Under IDEA and Chapter 60, the Department is required to identify, locate and evaluate all children with disabilities including children who attend private schools and public schools, highly mobile children, migrant children, homeless children, and children who are wards of the state. This includes all children who are suspected of having a disability, including children who receive passing grades and are "advancing from grade to grade." *Child Find*, 34 CFR 300.111(c); HAR §8-60-10.

Additionally, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if a child is a child with a disability. *Request for Initial Evaluation*, 34 CFR. 300.301(b) and HAR §8-60-33.

SB 388 implies all students suspended from school are immediately suspected of experiencing a disability which conflicts with existing federal and state regulations. Determination of eligibility of a child with a disability is made by a group of qualified professionals and the parent of the child. *Determination of Eligibility*, 34 CFR §300.306; HAR §8-60-38 (1).

This bill would also require the Department to change its practices, which could be in violation of IDEA. Thank you for this opportunity to provide testimony on this measure.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. 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).

CHAIR OF SENATE COMMITTEE ON EDUCATION  
MICHELLE N. KIDANI

**LATE**

SENATE BILL 388

Monday, February 4, 2019

2:55 PM in Conference Room 229

My name is Sharie Mae Quibilan and I am a second year MSW student at the Myron B. Thompson School of Social Work at UH Mānoa. I am testifying in support of S.B. 388.

Chronic stress has enduring effects on a vulnerable child's immediate and future well-being. It affects brain development and coping mechanisms, which in turn impacts physical, social, emotional, and mental well-being in the present and future. Research has shown that such vulnerable students end up dropping out of school and have a diminished ability to advocate for their needs, which further compromises their well-being. Furthermore, these students are more likely to become incarcerated or live in poverty. This issue would not only impact on an individual level, but on a community and societal level as well.

As outlined in the Strategic Plan, the mission of the Hawai'i Department of Education is to ensure equal opportunity to high-quality education and success based on the unique needs of each student. This bill would: (1) help to reach a student who may not have been identified initially for special education services by involving parents and/or guardians (a necessary component of a child's healthy growth and development), and (2) provide more support for suspended students who may need more intensive services. It is possible for students who are in need being overlooked; however, this bill would encourage parents and/or guardians to be aware of a student's concerning behavior, and the right to receive school support and resources to assist a child. Involving parents and/or guardians in this way would also potentially help to identify and address significant needs sooner rather than later, which is better for a student. This bill would also provide more support for suspended students by identifying potentially overlooked issues and offering supportive interventions and alternative educational paths to success based on individual needs.

Overall, I support S.B. 388. This bill works to provide more support for vulnerable students who may be overlooked in the public education system. Identifying and addressing their educational needs promotes the success and well-being of students, their families, and our state, now and in the future.

Sharie Mae Quibilan

(808) 392-9986

**LATE**

**SB-388**

Submitted on: 2/3/2019 4:31:46 PM

Testimony for EDU on 2/4/2019 2:55:00 PM

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

Comments: