

# SEAC



## *SY 10-11 DUE PROCESS REPORT*





**The Special Education Advisory Council (SEAC)** is mandated under the Individuals with Disabilities Education Act to advise the Department of Education on the unmet needs of students with disabilities. SEAC meetings are held monthly and open to the public. We welcome input from all special education stakeholders. Please feel free to contact us with your concerns or ideas for improving services to students with disabilities.



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## Purpose

SEAC has been conducting an annual review of Hawaii’s formal conflict resolution process for special education since 2004. The initial review studied the effect of the shifting of responsibility for conducting due process hearings from independent hearing officers to a state agency--the Department of Commerce and Consumer Affairs. SEAC was concerned that this transition might favor the Department over families in due process hearing decisions; however, no bias was found.

As SEAC became more knowledgeable about special education due process and began to compare local trends to what was happening in other states, it became apparent that Hawaii was experiencing far more formal conflict resolution than the national norm. SEAC repurposed its annual reviews to:

-  shed light on the factors contributing to Hawaii’s conflict resolution processes;
-  promote early conflict resolution that preserves the relationship between families and schools; and
-  reduce the number of hearings conducted in Hawaii in order to convert the time and money spent on due process into better learning outcomes for students.



## CADRE Continuum

To gain perspective on Hawaii’s system of dispute resolution, SEAC has utilized a number of resources from The Center on Appropriate Dispute Resolution in Special Education. CADRE is a national technical assistance project working to help families and educators learn to problem-solve together without becoming adversaries.

The **CADRE Continuum: Stages of Conflict Resolution** (shown below) describes a range of possible dispute resolution options.<sup>1</sup>

Stages of Conflict	Stage I			Stage II			Stage III			Stage IV			Stage V					
Levels of Intervention	Prevention			Disagreement			Conflict			Procedural Safeguards			Legal Review					
Assistance/ Intervention Options	Participant & Stakeholder Training	Stakeholder Council	Collaborative Rule Making	Parent-to-Parent Assistance	Case Manager	Telephone Intermediary	Facilitation	Mediation Hybrid Models	Ombuds person	Third-Party Opinion/Consultation	Resolution Session	Mediation Under IDEA	Complaints	Due Process Hearing	Hearing Review (Tier II)	Litigation	Legislation	
Dimensions that help clarify placement of the options along the Continuum	Third-Party Assistance									Third-Party Intervention								
	Decision Making by Parties									Decision Making by Third Party								
	Interest-Based									Rights-Based								
	Informal & Flexible									Formal & Fixed								



The key to resolving disagreements between families and educators in a manner that maintains trust is to address issues early, or better still, to put in place mechanisms that reduce the likelihood that conflict will arise in the first place. Hawaii has few prevention programs, although the Department of Education has included community stakeholders in the revisions to Hawaii special education regulations -- Chapter 60 and its preceding rule, Chapter 56.

## HAWAII'S CONTINUUM OF CONFLICT RESOLUTION

Stage I	Stage II	Stage III	Stage IV	Stage V
Prevention	Disagreement	Conflict	Procedural Safeguards	Legal Review
Collaborative Rule-making	Conciliation  Parent-to-parent assistance (LDAH, SPIN, CCCs, HFAA)	Facilitated IEPs  Mediation prior to Hearing Request	Mediation after a Hearing Request  Written Consent  Resolution Session  Due Process Hearing	State Civil Court Review  9th Circuit Court Review  Class Action Suits

Over the eight years that SEAC has reported on due process, there have been many more instances of formal than informal dispute resolution. The State has had a high incidence of due process hearings, many of which are appealed to State Civil Court or the 9th Circuit Court of Appeals. Among the class action suits involving students with disabilities was the decade long Felix Consent Degree that arose over the State's failure to meet the mental health and behavioral needs of students eligible for special education and Section 504 protections. <sup>2</sup>

## Analysis of SY 10-11 Disputes



The current report focuses specifically on the outcomes of due process hearing requests filed between July 1, 2010 and June 30, 2011. Given the frequency and length of hearing extensions granted by Hawaii's hearing officers on behalf of either party, SEAC has found it necessary to wait at least a full year from the last hearing request to make its report, in order to give a more complete picture of the resolution of these requests. The data for this report was gathered by SEAC's Due Process Committee in August 2012 and presented to the full Council in September 2012.<sup>3</sup>

The Individuals with Disabilities Education Act (IDEA) also offers two alternate formal dispute resolution options--written complaints and mediation. Once a hearing request has been filed, IDEA also requires that a resolution session be held within fifteen days to give parties one last chance to settle their disagreement prior to the due process hearing.

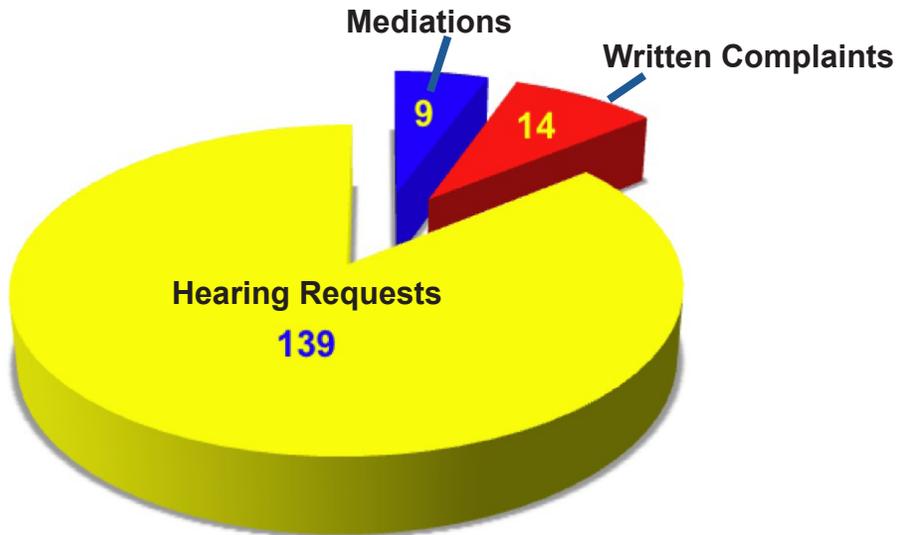
Although access to public information about written complaints, mediations and resolution sessions is very limited, this report utilizes available data to provide a more complete picture of dispute activities and an opportunity for comparison to national data.

## Analysis of SY 10-11 Disputes (cont.)

### Utilization of dispute options.

During SY 10-11 families opted to file a request for due process by an almost 6:1 margin over mediation or written complaints. A very small number of families utilize more than one option within a school year and/or file more than one hearing request.

**Chart 1. Usage of IDEA Dispute Options - SY 10-11**

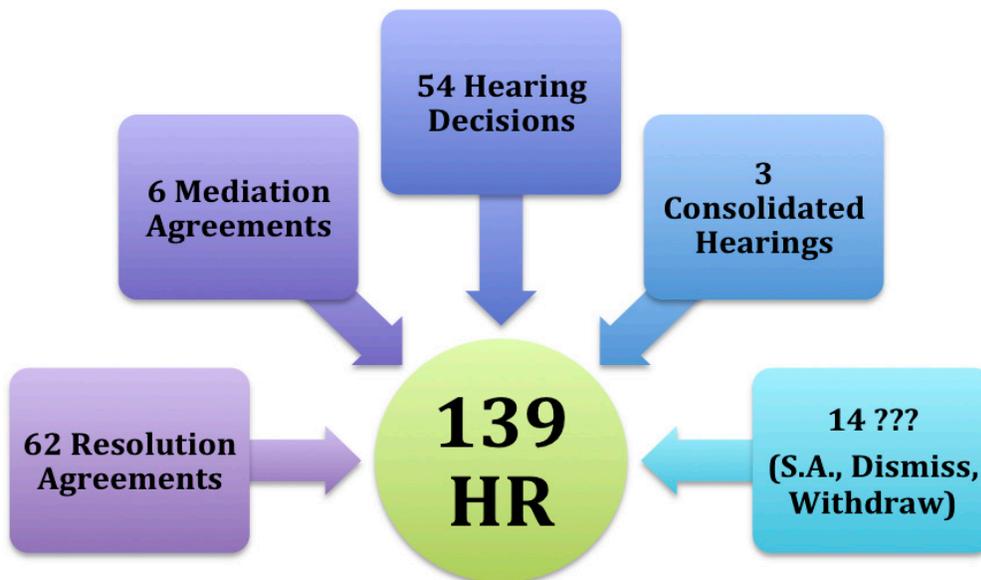


### Categorical Breakdown of hearing requests.

The Complaints Management Office of the Department of Education is no longer posting a Quarterly Report, so information about the range of issues, ages of the students involved and the students' disability is unavailable. However, the Annual Performance Plan for SY 10-11 lists two important facts:

- 92 of the 139 requests involved **reimbursement for private school**, and
- 44 were filed by parents whose child has **Autism Spectrum Disorder**.<sup>4</sup>

**Chart 2. Resolution of Hearing Requests - SY 10-11**



## Analysis of SY 10-11 Disputes (cont.)

### Resolution of hearing requests.

As seen in Chart 2 on the preceding page, about one-half of the disagreements embedded in the hearing requests were resolved either through the resolution session (62) or through mediation (6). Fifty-six requests from the SY 10-11 proceeded to a hearing and fifty-four hearing decisions were rendered. (Two decisions involved consolidated hearing requests from SY 10-11, and one involved a hearing request from SY 09-10 consolidated with a request from SY 10-11). The resolution of the fourteen or fifteen remaining requests is presumed to fall into one of three other categories--settlement agreements prior to a resolution session or mediation, withdrawal of the request by the parents, and dismissal of the request prior to a formal hearing. The latter possibility can occur when families submit requests containing insufficient information.

### Prevailing party.

**Chart 3. Prevailing Party - SY 10-11**



PARTY	TOTAL	AFTER APPEALS*
DOE	34 (63%)	30 (56%)
PARENTS	20 (37%)	24 (44%)

Parents were found the prevailing party in only one out of about every three decisions. However, the gap narrowed after four hearing decisions were either reversed by a higher court or remanded back to a hearing officer who then decided in favor of the parents/student.

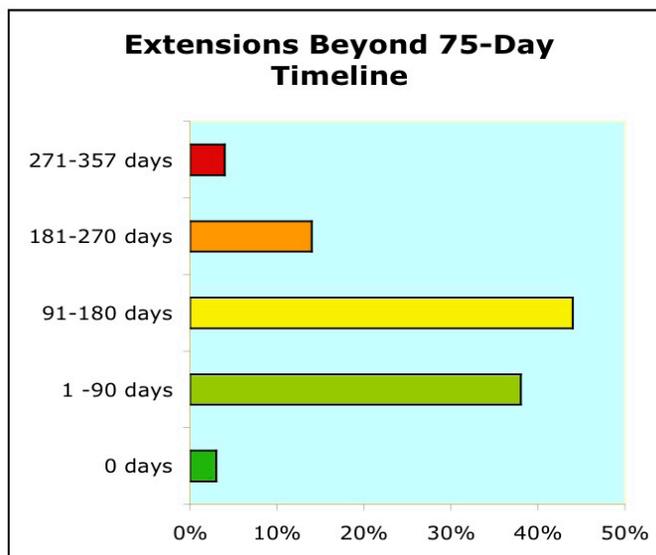
\* Since appeals can take up to a year after a local decision is rendered, the numbers in this column may change over time.

### Hearing extensions.

**Chart 4. Due Process Hearing Extensions - SY 10-11**

The Individuals with Disabilities Education Act sets a timeline for resolution of a hearing request of 75 days -- 30 days for the resolution period and 45 days for the hearing process and delivery of a written decision. Hearing officers are allowed to extend that timeline "for good cause" at the request of either party.

In SY 10-11 only two hearing decisions were rendered within 75 days. Almost one-fifth of the hearings took more than six additional months to complete. Several hearing decisions were delayed for almost an entire year and involved multiple extensions. <sup>5</sup>



## Analysis of SY 10-11 Disputes (cont.)

### Appeals of due process decisions.

Hawaii had a total of at least **22** appeals of Hearing Officer decisions relating to hearing requests filed in SY 10-11:

- **18** parent plaintiffs who failed to meet the burden of proof in their hearing appealed to Hawaii Civil Court, resulting in **four** reversals of decisions;
- **One** parent plaintiff who was named a prevailing party in the hearing appealed to Hawaii Civil Court on those parts of the complaint that were not agreed upon by the hearing officer; and
- The Department of Education filed **three** appeals of decisions where parents prevailed in the hearing.

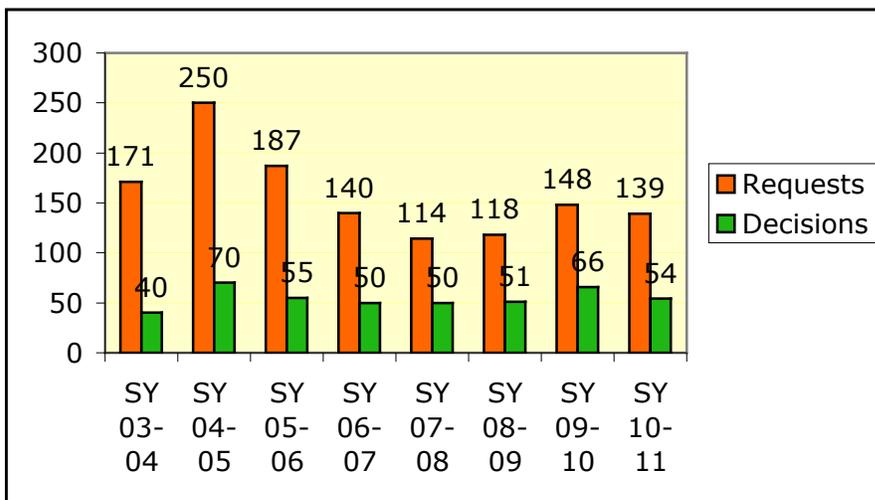
Additionally, **three** parent plaintiffs further appealed Hawaii Civil Court decisions to the federal 9th Circuit Court of Appeals. All three cases are pending and involve private school placement issues.<sup>6</sup> Under IDEA's *stay put* provision the Department of Education is required to pay to maintain these students in the private school setting (the student's "current placement") until the cases are resolved.



## Trends in Hawaii Data

### Numbers of hearing requests and hearing decisions.

**Chart 5. Hearing Requests and Decisions from SY 03-04 to SY 10-11**



By studying the numbers of hearing requests and hearing decisions from the last eight years, SEAC has noted the following trends:

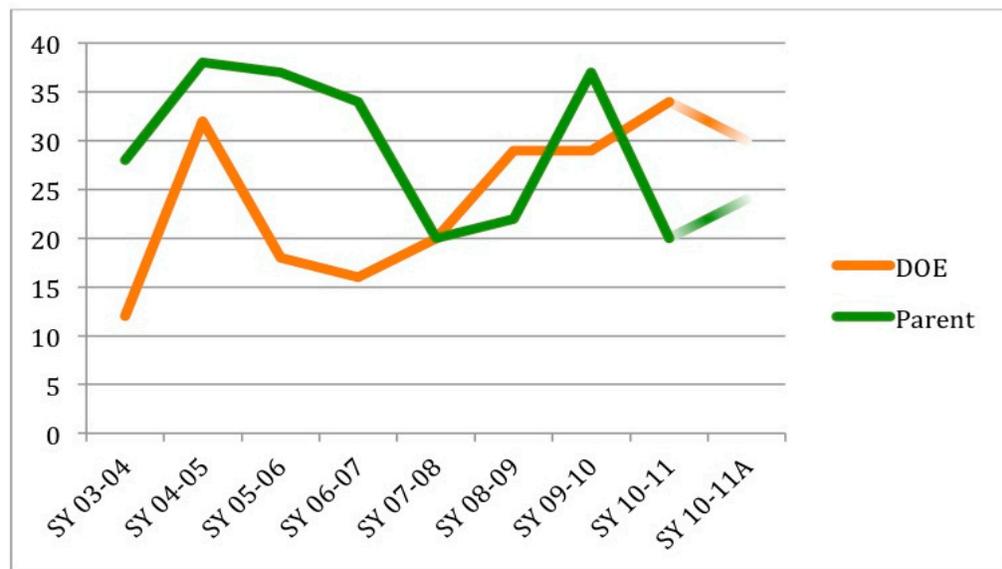
- ✓ While the number of hearing requests each year has fluctuated, the number of due process decisions has remained relatively stable,
- ✓ Despite a 15% reduction in the special education population over the years, there has not been a corresponding reduction in hearings;<sup>7</sup>
- ✓ The percentage of requests that result in hearings has increased from 23% in SY 03-04 to 44 % in SY 09-10 and 39% in SY 10-11.

## Trends in Hawaii Data (cont.)

### Prevailing Parties.

The chart below shows data that includes the adjusted prevailing party rate for SY 10-11 after reversals on appeals were factored in. In SY 10-11 the Department of Education won a majority of due process hearing decisions for only the second time in the eight-year period. Since SY 06-07, however, DOE has steadily increased its rate of success overall. One possible explanation is the Supreme Court decision of 2005, *Schaffer v. Weast*, that placed the burden of proof in a due process hearing on the party initiating the request.<sup>8</sup> The vast majority of hearing requests are filed by parents who may not have as much access to information or expert witnesses as DOE due to a second Supreme Court decision in 2006, *Arlington v. Murphy*, denying reimbursement of expert witness fees to parents who prevail in hearings.<sup>9</sup>

**Chart 6. Prevailing Parties from SY 03-04 to SY 10-11**



### Resolution Session Agreements.

**Chart 7. Resolution Session Agreements from SY 05-06 to SY 10-11**

SCHOOL YEAR	# OF RESOLUTION SESSIONS	# OF AGREEMENTS	% OF AGREEMENTS
2005-06	160	26	16%
2006-07	128	8	6%
2007-08	105	42	40%
2008-09	114	41	36%
2009-10	139	50	36%
2010-11	131	62	47%

The trend toward reaching a settlement agreement through the resolution session has been positive over the last six years that DOE has conducted these sessions required by the IDEA Amendments of 2004. Settlement agreements typically remove the need for a due process hearing unless some issues of the original complaint have not been resolved by the agreement. Despite the positive trend line, however, due process hearings have not shown a corresponding decrease in numbers.



## Comparisons to National Data

SEAC views the comparison of Hawaii's data to data from other states and to national averages as an important tool in understanding the significance of our dispute resolution utilization. CADRE is the preferred source of SEAC's comparison data because it offers per capita calculations--per 10,000 special education students. This allows us to compare Hawaii's data with large and small states alike. In calculating the national average for various complaint methods, SEAC looked only at state data; we recalculated CADRE's national average after deleting data from the District of Columbia and U.S. Territories which tend to have abnormally high rates of due process that skew the national average upward.

### Use of Written Complaints, Hearing Requests and Due Process Hearings.

When states report their annual due process activity to the Office of Special Education Programs, they have a finite number for hearing requests filed in the school year, but often there are pending outcomes for these requests at the time the report is filed. For example, Hawaii reported only 27 hearings with decisions for SY 10-11, with 44 due process hearing requests pending at the time the data was reported.<sup>10</sup>

SEAC's reporting of due process hearing decisions for SY 10-11 in Chart 8 below, reflects both data from the IDEA Part B Data Reports as well as the data calculated after most, if not all, requests were resolved. The National Average data is from SY 09-10--the latest year comparison data is available.<sup>11</sup>

By all measurements, Hawaii has an abnormally high number of both due process hearing requests and hearing decisions compared to the national average. The rate of Hawaii **hearing requests in SY 10-11 is almost six times the norm**, and the **rate of hearing decisions is eleven times the national average**.

**Chart 8. Hawaii Rate for Complaints compared to National Average  
(per 10,000 students)**

Method of Complaint	National Average	Hawaii SY 06-07	Hawaii SY 07-08	Hawaii SY 08-09	Hawaii SY 09-10	Hawaii SY 10-11
Written Complaints	7.6	10.9	11.3	6.5	7.0	7.1
Hearing Requests	12.3	61.0	54.3	58.6	74.2	71.0
Due Process Hearings	1.3	21.7**	22.9**	19.4* 23.2**	21.1* 33.2**	14.4* 28.9**

\* Taken from Hawaii's IDEA Part B Data Reports (with cases pending). This number provides comparable data to that reported for other states through their IDEA data reports.

\*\* The true rate calculated by SEAC (with hopefully no cases pending).

CADRE has also provided an analysis of due process indicators across states and across time as measured in the Annual Performance Report. In its 2012 analysis, CADRE notes that while the rate of due process hearing requests filed over a six-year period ending in SY 10-11 has remained relatively constant across states, the number of hearings held has decreased each year.<sup>12</sup> In Hawaii over the last five years, both **hearing requests and hearing decisions seem to be increasing** on a per capita basis.

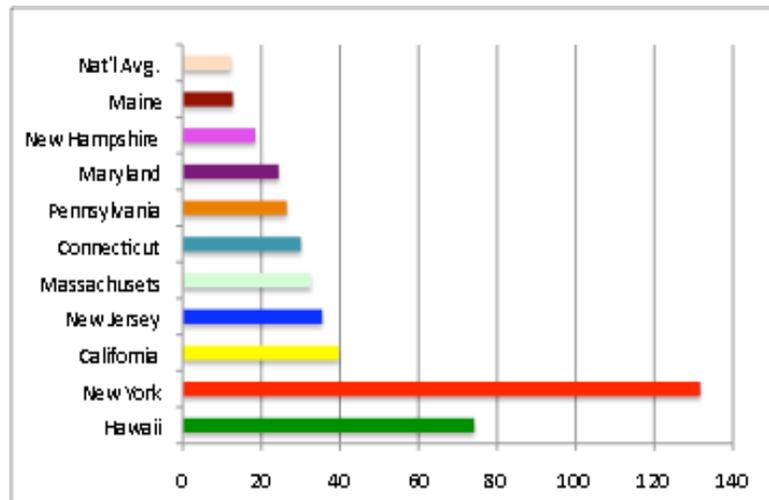
A closer look at national data tables reveals that much of the due process activity is concentrated in a relatively small number of states. Conversely, twenty-one states in SY 10-11 had no due process hearings.

## Comparisons to National Data (cont.)

### Hearing Requests and Decisions in Top 10 States for Due Process Activity.

Given that the greatest volume of due process activity (per capita) is clustered in ten states, SEAC looked to see how Hawaii stacked up against its nine due process sister states. Again, the most recent comparison data is for SY 09-10, so SEAC used Hawaii's data from that year as well.

**Chart 10. Hearing Requests in 'Top Ten' States (per 10K students) - SY 09-10**



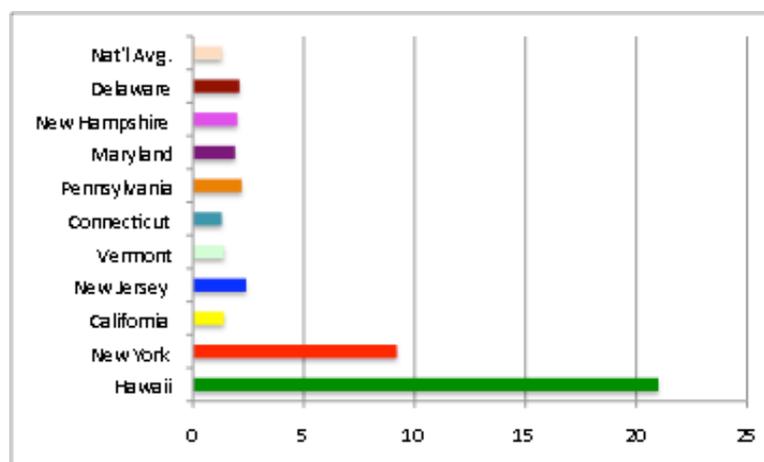
New York leads the Top Ten in the amount of due process hearing requests that are filed each year. In SY 09-10, that number was 132 requests per 10,000 special education students.

By comparison, Hawaii's rate was 74 requests per 10,000 students. **This trend of New York and**

**Hawaii in first and second place has been consistent over the last five or six years of data.**

The state with a smaller population of special education students overall that comes closest to Hawaii's rate is Connecticut with 30 requests per 10,000 students.

**Chart 11. Hearings Held in 'Top Ten' States (per 10K students) - SY 09-10**



Delaware and Vermont displaced Maine and Massachusetts in the top ten states for the number of due process hearings per 10,000 special education students. While New York lead the nation in the amount of due process requests per capita, it was able to resolve all but 7% of these requests without

a hearing (9.2 decisions divided by 131.7 requests = 7%).

By contrast, Hawaii resolved all but 28% of its hearing requests prior to hearing in SY 09-10 (21 decisions divided by 74.2 requests = 28%). It lead the nation significantly in the number of hearing decisions per 10,000 special education students, leading one to conclude that Hawaii has less effective mechanisms for resolving the disputes outlined in hearing requests prior to hearing. In SY 10-11, the focus of this report, the percentage of hearing requests not resolved prior to hearing was 39%. In other words, **2 out of 5 requests resulted in a hearing.**



## Serious Areas of Concern

In SEAC’s report on dispute resolution for SY 09-10, a number of improvements to the state’s system of conflict resolution over the past eight years were acknowledged, including greater student confidentiality, workshops open to the community that educate the lay person on the complexities of the due process procedures and encourage early conflict resolution, and greater public access to due process information.<sup>13</sup> At the same time, SEAC reported on a number of negative trends that have persisted over time and signal the need for improvements to both the way that Hawaii handles serious disputes between families of students with disabilities and the public school system and to the service array provided these students. Four of the five “red flags” noted lingered into the SY 10-11:



### **High numbers of hearing requests, hearings and appeals.**

Per capita, Hawaii has the 2nd highest number of hearing requests compared to the other states and the highest number of hearing requests that result in a hearing. Additionally, Hawaii has a high number of hearing decisions that are appealed to state or federal court. Further, the State appears to run counter to the national trend where the number of hearing decisions is decreasing year to year.

It is important to note that most schools in Hawaii do not contribute to these negative trends. Due process activity appears to be clustered in many of the same districts and complexes year after year. Honolulu, Windward and Maui District schools have consistently had a much higher level of due process requests and hearings than other geographical areas.



### **Rising costs of formal dispute resolution.**

SEAC has been unable to document some of these costs until a 2012 article in the *StarAdvertiser* published the fees DOE paid for private school tuition from SY 07-08 to SY 10-11 (Chart 11). Public funding of 68 Hawaii-based private school placements had risen to \$9,389,671 in SY 10-11. With few exceptions these fees were the result of families filing due process hearing requests for private school reimbursement. The total costs of formal dispute resolution are even higher.

**Chart 11. Special Education Tuition for Private Schools - SY 07-08 to SY 10-11**

School	2007-08	2008-09	2009-10	2010-11
Loveland	\$4,569,642	\$5,727,908	\$6,128,796	\$6,931,142
Pacific Autism	\$904,653	\$1,454,892	\$1,410,116	\$1,125,731
Horizons	\$570,265	\$877,674	\$1,220,434	\$1,019,665
Variety School	\$233,184	\$282,028	\$140,650	\$138,766
AOP	\$111,570	\$102,315	\$116,750	\$116,610
Assets	\$2,175	0	\$20,500	\$57,757
Island Pacific	\$25,219	\$13,725	0	0
Redemption	\$1,360	\$13,853	\$7,280	0
# of Students	69	71	61	68

Note: Costs for sending students to the Mainland are not included.

Source: State Department of Education as cited in “Better Scrutiny Sought for State Funds Used at Private Schools” by Mary Vorsino, August 13, 2012.

## Serious Areas of Concern (cont.)

### **Rising costs of formal dispute resolution (cont.)**

Cumulative costs of formal dispute resolution include plaintiff attorney fees, staff time for attorneys from the Attorney General's Office, Hearing Officers from the Department of Commerce and Consumer Affairs and witnesses for the Department.

It is important to note that most of the students who are placed in private schools at public expense require significant learning supports. However, the fees set by some private schools are significantly higher than in-house supports would cost, and they are compounded by the additional expense of attorney fees.

The cost to families is rarely calculated, but is undoubtedly substantial. Families often must pay attorney retainers and fees when they lose in a due process hearing. Regardless of whether they prevail, they must pay for the cost of any expert witnesses needed to prove their assertion that their child has been denied FAPE. There are also costs associated with lost work time, but perhaps the greatest cost is the emotional turmoil that a due process request engenders and the loss of trust in the educational system. This stress is experienced by all parties.



### **Perceived 'lack of fit' of IEP program and placement options**

In reading due process hearing decisions--SEAC's main window into the genesis and details of disputes--it is apparent that most, if not all, students with disabilities represented in formal due process proceedings begin by receiving services at a public school. There is often an account of the parents' concerns including the adequacy of supports, the ability of the teacher(s) or other staff to address student needs, and slow or no progress toward IEP goals spanning several years. Once the parents have lost trust in the ability of the public school to serve their child's needs, they reluctantly pursue due process options.

Parents of students with Autism Spectrum Disorders are over-represented in due process. They make up roughly 40% of hearing requests while these students make up only 5-6% of the special education population. Families of students whose eligibility categories are Emotional Disability and Other Health Disability also file a higher percentage of due process hearing requests than their incidence percentage. Many of these families have proactively researched programs options that hold claims for effective outcomes because of their concerns over their children's complex needs. Often these programs are unavailable at the student's home school, and many schools appear to be reluctant to make programmatic placements to programs outside their catchment.



### **Lengthy conclusions of due process hearing proceedings.**

Only a very few hearing decisions each year are rendered within the 75-day timeline set by Congress. While hearing extensions are allowable in IDEA, they appear to be the norm and not the exception in Hawaii. In some hearings, one party is granted four or more extensions which may encompass the entire school year. By contrast, the national average of hearings with extensions (SY 09-10) is 32%.<sup>14</sup>

Extensions add to the cost of due process and may harm students by preventing timely interventions. While it is clear that extensions are not allowed for the mere convenience of the parties--plaintiffs, respondents and hearing officers --it is SEAC's belief that the large volume of due process hearing requests and the relatively small number of plaintiff attorneys and hearing officers are contributing to the difficulty of preparing for and scheduling hearings within the timeline set in IDEA as a means of safeguarding the rights of students with disabilities.



In putting together this report on due process, SEAC has sought to inform the Department of unmet needs of students with disabilities and to render advice on how these needs can be met. We respectfully offer the following recommendations:

## **1 Emphasize early dispute resolution.**

Historically, DOE has maintained contracts for mediation, facilitation and conciliation, but the utilization of these options is very low. It is SEAC's understanding that facilitation and conciliation by neutral parties are no longer available to families and schools. An emphasis on early dispute resolution requires expanding the conflict resolution options that promote prevention and early intervention. A media campaign to advertise these options plus training for both school personnel and parents would help to provide skills to all stakeholders that they can apply to early resolution of disagreements. It may also be necessary to conduct a survey of stakeholder groups to understand the reasons behind the low utilization of informal conflict resolution options.

## **2 Include key stakeholders in improvement activities.**

In its *Special Education Review* (revised 11-14-11 and commissioned by the Superintendent) WestEd recommended that the Department "use representatives from the SEAC, the Children's Community Councils (CCC) and other family stakeholder groups as resources to the SEA [State Educational Agency] on ADR [Alternative Dispute Resolution] review and improvement activities."<sup>15</sup>

SEAC has been included in annual discussions of written complaints, mediation, resolution sessions and due process hearings for the Annual Performance Report. SEAC has not, however, been involved in the actual improvement activities, with the exception of developing the booklet "Handling Disagreements Early: Options for Families and Schools."

## **3 Improve the timeliness and effectiveness of hearings by expanding key personnel needed.**

With a large number of hearing requests and relatively small numbers of plaintiff attorneys and hearing officers, it appears almost inevitable that preventable delays to the hearing process occur due to scheduling challenges for the parties. Adding one or two additional hearing officers may alleviate some of the stress on the system. It would also be instructive to survey the relatively small number of plaintiff attorneys who have represented families within the last five years to gain their perspective on barriers to timely hearing decisions and to ascertain whether families are being turned away from representation because of a lack of supply of legal services.

## **4 Encourage more IEP recommended placements to accredited private schools when schools are unable to provide an appropriate program for a student with unique needs.**

# \*\*\* Recommendations



# \*\*\* Recommendations \*\*\*

(Continued from Page 11)

**4**  
(cont.)

Due to the emphasis in IDEA on serving children with disabilities in their home school, when possible, some schools have interpreted their responsibility as having to meet the diverse needs of all the students in their catchment's area. Feedback to SEAC has been that IEP teams are discouraged from exploring private placements or even placements in nearby districts that might provide a fit for the student's unique needs. Consequently, families who do not agree with the home school's placement offer are forced to pursue due process.

**5**

**Expand the array of services to students with Autism Spectrum Disorders in public schools.**

SEAC understands that students on the Autism spectrum have varying needs, and that the Department should not make categorical placements. That said, it is well acknowledged that students on the spectrum have educational needs in common with students from other eligibility categories around communication, social interactions and behavior. SEAC is supportive of the Department's plan to create Centers of Excellence for serving students with Autism Spectrum Disorders. The building blocks for these centers are being created at a few schools this school year; however, the pace of the Po'okela Project is not going to meet the demand for evidence-based interventions system-wide for several years to come.

**6**

**Work with SEAC and other willing partners to develop and present training to mixed audiences that focuses on special education dispute prevention and early intervention.**

Another key recommendation of the aforementioned WestEd Report is that the Department "convene a state-level task force, under the lead of the Federal Programs Office and co-chaired by OCISS and SEAC, and with broad stakeholder representation, to develop guidelines and implementation strategies for ongoing communication and partnerships with families."

SEAC has always maintained that training that is inclusive of parents, school personnel and other stakeholders increases the opportunity for shared learning experiences and greater understanding of each other's perspectives. Training can help to support more agreement and reduce the demand for expensive, adversarial due process procedures.

**7**

**Provide information to SEAC and the public regarding the issues, ages, disabilities, and schools represented in hearing requests, and the final disposition of hearing requests.**

For a number of years SEAC had access to this information through the Complaints Management Program's Quarterly Report on due process hearing requests and written complaints. SEAC was also provided a due process hearing log that tracked the outcome of hearing requests. These two sources of data are no longer provided to SEAC or the public. Without access to this information, it is difficult for SEAC (and the Department) to track trends that would help to illuminate problems and prioritize interventions to improve the system.



## Reference Notes

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- 1 [http://www.directionservice.org/cadre/ipdf/CADRE\\_CONTINUUM\\_DR\\_PROCESSES\\_NOV12.pdf](http://www.directionservice.org/cadre/ipdf/CADRE_CONTINUUM_DR_PROCESSES_NOV12.pdf)
- 2 [http://www.dkosopedia.com/wiki/Felix\\_Consent\\_Decree](http://www.dkosopedia.com/wiki/Felix_Consent_Decree)
- 3 <http://www.spinhawaii.org/SAP/SEAC%20Minutes/09.14.12minutes.pdf>
- 4 [http://www.doe.k12.hi.us/reports/specialeducation/stateperformanceplan/StatePerformancePlanB1011/hi-apr-2010\\_17.pdf](http://www.doe.k12.hi.us/reports/specialeducation/stateperformanceplan/StatePerformancePlanB1011/hi-apr-2010_17.pdf)
- 5 <http://www.doe.k12.hi.us/reports/specialeducation/dueprocess/pdf1011/index.htm>.  
Note: Accumulated extensions were calculated by counting the days between filing of the request and the hearing decision and subtracting 75 days.
- 6 <http://www.spinhawaii.org/SAP/IDEA%20Decision%20Appendix11-1.pdf>
- 7 Child count data taken from: [http://downloads.k12.hi.us/specialeducation/idea\\_part\\_b\\_data\\_reports/](http://downloads.k12.hi.us/specialeducation/idea_part_b_data_reports/)
- 8 [http://www.oyez.org/cases/2000-2009/2005/2005\\_04\\_698](http://www.oyez.org/cases/2000-2009/2005/2005_04_698)
- 9 [http://www.oyez.org/cases/2000-2009/2005/2005\\_05\\_18](http://www.oyez.org/cases/2000-2009/2005/2005_05_18)
- 10 [http://downloads.k12.hi.us/specialeducation/idea\\_part\\_b\\_data\\_reports/](http://downloads.k12.hi.us/specialeducation/idea_part_b_data_reports/) (Dispute Resolution)
- 11 <http://www.directionservice.org/cadre/statecomprpts.cfm> (National Part B Tables)
- 12 <http://www.directionservice.org/cadre/SPPAPR2010DRindicatoranalyses.cfm> (Part B)
- 13 <http://www.spinhawaii.org/SAP/2011DPreport.pdf>
- 14 <http://www.directionservice.org/cadre/pdf/National%20Part%20B%20Tables%2004-05%20thru%2009-10%20Summary%2021March%202012.pdf>
- 15 <http://www.spinhawaii.org/HI%20DOE%20WestED%20Final%2011-14-11%5B1%5D.pdf>



## Acknowledgements

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Mahalo to Due Process Committee Members:

**Martha Guinan, Chair**

**Phyllis DeKok, Deborah Kobayakawa, Dale Matsuura, Kau'i Rezentos: Members**

**Susan Rocco; Staff**

*SY 10-11 DUE PROCESS REPORT*



**Special Education Advisory Council  
Oral Presentation - September 2012  
Written Report - December 2012**