



**FOR MORE INFORMATION:**

State	733-4400
Oahu	
Honolulu	733-4977, -4940
Central	622-6425, -6432
Leeward	675-0384, -5717
Windward	233-5710
Hawai`I	
East HI	974-4535
South HI	968-2315
West HI	323-0015
Maui	873-3520, -3527
Molokai	553-1723
Lanai	553-1723
Kauai	274-3504

# Special Education

## Is It for Your Child?

Special Education Services Branch  
Office of Curriculum, Instruction and Student Support  
Department of Education • State of Hawaii  
RS 03-1492 (Rev. of RS 03-0065) • June 2003

**The mission of special education** is to provide appropriate educational programs and services which will enable all children with disabilities:

- to become self-sufficient to the extent their disabilities permit;
- to realize their potential;
- to attain self-worth and personal dignity; and
- to become participating members of their families and society.

### **What...** is special education?

Special Education is specially designed instruction to meet the unique learning needs of students who require Individualized Education Programs (IEPs). Special education services may be delivered in a variety of settings based on the student's needs.

Special education also includes related services. Related services are transportation and developmental, corrective, and supportive services that are required to assist a child with a disability in benefiting from special education. These related services include, but are not limited to: speech-language therapy, audiology, psychological services, physical and occupational therapy, counseling services, and parent counseling and education. All services are provided at no cost to parents.

### **Why...** are special education services provided?

The State of Hawaii has a commitment to meet the needs of students with disabilities. In 1975, Public Law 94-142, Education for the Handicapped Act (EHA), was passed by Congress. This federal law guarantees a free appropriate public education (FAPE) to all students. Therefore, each state offers a continuum of services for children who are determined eligible for special education and related services. In addition to the provision of services for children, the law also guarantees the right of due process to all children and families. The EHA Amendments of 1990 (P.L. 101-476) renamed the statute as the Individuals with Disabilities Education Act (IDEA). The IDEA was most recently amended in 1997. In Hawaii, the document that provides the regulations for implementing the IDEA is Title 8, Chapter 56, of the Hawaii Administrative Rules.

### **Who...** is eligible to receive special education?

Any child who resides in Hawaii who is between the ages of 3 and 20 and has met the eligibility criteria may receive special education services. The eligibility criteria for the following disability areas

will be reviewed when eligibility for special education is considered:

autism,  
deaf-blindness,  
deafness,  
developmental delay,  
emotional disturbance,  
hearing impairment,  
mental retardation,  
multiple disability,  
orthopedic impairment,  
other health impairment,  
specific learning disability,  
speech-language impairment,  
traumatic brain injury, and  
visual impairment, including  
blindness.

In addition to meeting the eligibility criteria for one of these disability areas, the child must also demonstrate a need for special education. A child may demonstrate a need for special education if his/her educational needs cannot be met in the regular education classroom setting with modifications and adjustments to the curriculum.

### **How...**

**can a child be evaluated for special education services?**

If you suspect that your child may have a disability and might require special education services, you may request an evaluation at your child's home school or at any public school. If your child is between the ages of 3 and 5, an evaluation may be requested at your home school.

A child who is suspected of having a disability is entitled to an appropriate comprehensive evaluation to determine whether the child is eligible for special education and related services. The evaluation will determine the nature and extent of the child's needs. Evaluations are made up of separate assessments that cover all areas related to the suspected disability. These can include, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communication skills, and motor abilities.

### **When...**

**may a child begin receiving special education and related services?**

A child is eligible to receive special education and related services between the ages of 3 and 20 after meeting the eligibility criteria for one of the disability areas. There are timelines that guide the evaluation and placement process. Briefly, a school has 20 days to process an evaluation request and respond to the requester, in writing, as to the status of the request. The department shall ensure that within a reasonable period of time (usually 60 days) following the receipt of parental consent to the initial assessment, special education and related services are made available to the student in accordance with an IEP.

Following the eligibility determination, the school has 30 days to meet with parents and review the data that has been collected on the child, and develop the IEP. After parental consent, placement occurs for special education and related services as soon as possible.

**Where...** will special education services be delivered?

Appropriate special education and related services are determined at an IEP team meeting and are based on the child's needs. The participants at this conference will work as a team to determine jointly what the needs of the child are, how they can be met and where the services will be delivered. Participants in the meeting must include the school principal or designee, parents, child (if appropriate), teachers, related services personnel, and persons knowledgeable of the student.

The amount of time in regular education and special education will be determined through the IEP process. Adaptations and modifications to the regular education curriculum will be made to meet the child's needs. If the child's needs cannot be met in the regular classroom setting with the use of supplementary aids and services, the student may require instruction in a special education classroom setting.

Upon completion of the IEP, a placement determination will be made. Children will attend the school they would attend if they had not been identified as having a disability unless their specific needs cannot be met at the home school.

**But what if...**

If parents do not agree with the identification, evaluation, program and/or placement for a student, what happens?

Parents and students are protected by procedural safeguards and will be informed of their rights at identified points throughout the process. Parents will be informed of their procedural safeguards when an evaluation is requested, whenever they are notified of an IEP meeting, whenever they receive a prior written notice, and when a due process hearing request is filed. If parents are not in agreement with the findings and recommendations of the Department of Education, they are entitled to request an administrative hearing at any point in the process.

The Department of Education has as its main goal the provision of quality educational programs for all children. Parents and professionals must work together to ensure that the child is provided with a program that is both appropriate and beneficial.



**STATE OF HAWAII**  
**DEPARTMENT OF EDUCATION**

**REQUEST FOR EVALUATION**

(For Educational and Related Services from Age 3 to 20)

Name of Child (Last, First, Middle):			
Date of Birth:	Age:	Male ___ Female ___	Grade:
Student's ID number:			
Current School or Program:			
Child's Home Address:			
Name of Father or Legal Guardian:	Home Phone:	Message Phone	Emergency Phone:
Name of Mother or Legal Guardian:	Home Phone:	Message Phone	Emergency Phone:
Name of Requester:	Relationship to this Child:		
Mailing Address of Requester:	Home Phone:	Business Phone:	Fax Number:
Language Most Often Used by Child:	Language Most Often Used at Home:		

Reason for Request: Please check area(s) of concern and attach any additional information.

Academic       Behavior       Fine Motor       Gross Motor  
 Health       Hearing       Speech/Language       Vision  
 Other:

Comments:

If parent/guardian requires special accommodations (e.g. language interpretation) to attend/participate in meetings, please describe:

\_\_\_\_\_  
 Signature of Requester \_\_\_\_\_ Date \_\_\_\_\_  
 NOTE: Please submit this request to a public school or Department of Education office.

**FOR AGENCY USE ONLY:**  
 Date the Department of Education first received this request: \_\_\_\_\_  
 \_\_\_\_\_  
 Initials

# SPECIAL EDUCATION

From the DOE website: <http://doe.k12.hi.us/specialeducation/>

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## Who is eligible to receive special education?

Any child who resides in Hawaii, who is between the ages of 3 and 20 and has met the eligibility criteria may receive special education services. The eligibility criteria for the following disability areas will be reviewed when eligibility for special education is considered:

- autism
- deaf-blindness
- deafness
- developmental delay
- emotional disturbance
- hearing impairment
- mental retardation
- multiple disability
- orthopedic impairment
- other health impairment
- specific learning disability
- speech-language impairment
- traumatic brain injury
- visual impairment including blindness

In addition to meeting the eligibility criteria for one of these disability areas, the child must also demonstrate a need for special education. A child may demonstrate a need for special education if his/her educational needs cannot be met in the regular education classroom setting with modifications and adjustments to the curriculum.

\* \* \* *Abbreviated Unofficial Version* \* \* \*

### Eligibility Criteria for Disability Areas

*For complete requirements, see Chapter 56 at. <http://doe.k12.hi.us/specialeducation/index/references.htm>*

#### Autism

- Developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects educational performance. May engage in repetitive activities and stereotyped movements; resist change in environment or routines; or have unusual responses to sensory experiences.

#### Deaf-blindness

- Meets criteria for deafness or hearing impairment, and visual impairment; and these impairments cause severe communication and other developmental/educational needs.

#### Deafness

- Hearing loss averaging greater than 70 decibels in the speech frequencies (500Hz to 4,000Hz) and:
  - It impairs the auditory processing of linguistic information through hearing; or
  - It adversely affects educational performance.

#### Developmental delay

- Age 3-5 years: One or more of the following is met:
  - Cognitive development and adaptive behavior are delayed 1 1/2 S.D. below the mean for chronological age.
  - One of the following areas is delayed 1 % S.D.:
    - o Motor development, including fine, gross, sensory, and perceptual motor.
    - o Communication, including speech and language.
    - o Academic development.
    - o Adaptive behavior.
- Age 6-8 years: Three of the following five areas are delayed 1 1/2 S.D.:
  - o Motor development, including fine, gross, sensory, and perceptual motor.
  - o Communication, including speech and language.
  - o Academic development.
  - o Cognition.
- Alternate documentation.

### Emotional disturbance

- Exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affect educational performance:
  - Inability to learn that cannot be explained by intellectual, sensory, or health factors.
  - Inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
  - Inappropriate types of behavior or feelings under normal circumstances.
  - General pervasive mood of unhappiness or depression.
  - Tendency to develop physical symptoms or fears associated with personal or school problems.
- Includes schizophrenia. Excludes social maladjustment.

### Hearing impairment

- Hearing loss, whether permanent or fluctuating, averaging 26 to 70 decibels in the speech frequencies (500 Hz to 4,000 Hz), and
- Hearing loss impairs auditory processing of linguistic information or adversely affects educational performance.

### Mental retardation

- Subaverage general intellectual functioning 2 or more S.D. below the mean; and
- Deficits in at least two adaptive skill areas; and
- Both were manifested during developmental period and adversely affect educational performance.

### Multiple disability

- Concomitant impairments which cause severe educational needs and all the following are met:
  - Subaverage general intellectual functioning 3 or more S.D. below the mean; and
  - Deficits in at least two adaptive skill areas; and - Manifested during the developmental period and adversely affect educational performance; and - Also eligible under: autism, deafness, hearing impairment, orthopedic impairment, other health impairment, or visual impairment including blindness.
- Alternate documentation.

### Orthopedic impairment

- Severe orthopedic impairment that adversely affects educational performance (e.g., clubfoot, absent limb, bone tuberculosis, cerebral palsy, contractures, etc.).

### Other health impairment

- Limited strength, vitality or alertness, that results in a limited alertness to the educational environment, that is due to chronic, acute, or medically fragile health condition (e.g., asthma, attention deficit hyperactivity disorder, diabetes, epilepsy, heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever); and
- Health impairment adversely affects educational performance.

### Specific learning disability

- Disorder in understanding or in using spoken or written language, that may manifest as an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including perceptual disabilities such as visual and auditory processing, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
- Does not achieve commensurate with age/ability, and has severe discrepancy between achievement and intellectual ability of at least 1½ S.D. in one or more of the following areas: oral expression; listening comprehension; written expression; basic reading skill; reading comprehension; mathematics calculation; or mathematics reasoning.
  - Alternate documentation.

### Speech language impairment

- Significant problem in comprehension or production of oral communication, which adversely affects educational performance and is evident in one or more of the following: articulation or phonological condition, voice condition, fluency condition, language conditions.

### Traumatic brain injury (TBI)

- Acquired injury to the brain, caused by external physical force, resulting in functional disability or psychosocial impairment that adversely affects educational performance; and
- TBI results in impairments in one or more areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; speech.

### Visual impairment including blindness

- Visual impairment adversely affects educational performance and one or more of the following are met:
  - Partially-sighted: visual acuity is 20/70 to 20/200 in better eye and with best correction.
  - Blind: visual acuity is 20/200 or worse in better eye and with best correction, or visual field is less than 20 degrees.
  - Significant functional visual impairment (e.g., nystagmus) that interferes with functions such as visual fixation, focus and tracking.
  - Progressive visual impairment (e.g., retinitis pigmentosa) that will lead to eventual visual impairment.