



Please email additional questions to:
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SPECIAL EDUCATION PROGRAM
Frequently Asked Questions
(not applicable to charter schools)
as of May 3, 2010

COMPLIANCE

Q 1. Will the 60 day evaluation timeline be adjusted because of the furlough days?

A 1. No.

Q 2. Will the 45 day due process hearing timeline be adjusted because of the furlough days?

A 2. No. Hearings officers will take into account the furlough days when scheduling due process hearings.

IEP/SERVICES

Q 1. Does an Individualized Education Program (IEP) meeting need to be held for every special education student prior to the initiation of furlough days?

A 1. No. IEP meetings will be for clarification of the service provision or as part of the IEP development process. As appropriate, IEP meetings will be held to review or revise IEPs based on the student's progress or lack of expected progress toward their annual goals.

Q 2. Should IEPs be reviewed to measure educational impact of furlough days on the student?

A 2. Yes. IEP progress should be regularly reviewed to assess the student's changing needs. The 2004 regulations require a revision to an IEP to address any of the following; (1) any lack of expected progress toward the annual goals and in general education curriculum where appropriate, (2) the results of a reevaluations, (3) information about the child provided to, or by, the parents (concerning evaluation data), (4) the child's anticipated needs, and (5) other IEP matters.

Q 3. How do the furloughs affect our provision of Special Education minutes? Will less days mean less minutes?

A 3. Less days do not mean less minutes. The service minutes detailed in the IEP for the child need to be implemented in accordance and consistent with IDEA 2004 and Ch. 60, Hawaii Administrative Rules. IEP meetings **shall not** be held for the purposes of increasing or decreasing special education and related services because of the furlough.

Q 4. Do schools need to change Special Education service or related service minutes in the Individualized Education Program (IEP) due to furlough days?

A 4. No. Changes to SPED service or related service minutes in the IEP should be made only if data that has been collected and analyzed establishes evidence that a change in service minutes is appropriate based on the student's level of functioning.

IEP/SPECIFIC SERVICES

On a case by case basis (see examples below), the school will review the IEP and implement the agreed upon SPED service(s).

A due process settlement specifically provides for contracted para-professional services daily, Monday through Friday. Will these services be provided on a furlough day since the due process agreement requires it?

Would support services (e.g., 15 hours a week) typically provided by a contracted skills trainer/BISC/para-professionals from Monday through Friday be adjusted during a week with a furlough Friday?

For students who require the services of skilled nursing (documented in their IEPs) due to medical conditions/issues, will skilled nursing services be made available on furlough days?

EXTENDED SCHOOL YEAR (ESY)

Q 1. For a student who can only miss 2 calendar days of school for Extended School Year (ESY), could their ESY be provided on a Saturday or Sunday?

A 1. The delivery of Extended School Year services should be consistent with ESY services provided in past instances when breaks of longer than two days occurred.

Q 2. According to the IEP, the SPED student shall not go without services for more than 3 consecutive days (e.g., furlough Friday, Saturday, Sunday, holiday Monday). In this case, can services be provided at home or at another public site?

A 2. If the student's IEP states that Extended School Year (ESY) services shall be provided when there is a break lasting more than 3 consecutive calendar days, than ESY services should be implemented as described in the IEP.

Q 3. Due to the furlough days, should Extended School Year (ESY) be added to an IEP for special education students?

A 3. The IEP team should determine the need for ESY services in such a way that is consistent with Chapter 60 and consider the extent of regression caused by the interruption of educational programming and rate of recoupment following interruption in educational programming (HAR §8-60-7).

PERSONNEL

Q 1. Will special education teachers employed at charter schools be furloughed?

A 1. It depends. The individual charter schools will decide if their staff including special education teachers will be furloughed. (The DOE will adjust the salary of SPED/Article VI teachers located at charter schools by 17 furlough days. Charter schools will decide how to implement any work adjustments.)

PROGRAM - HEAD START

Q 1. Should SPED students who are enrolled in Head Start programs that are housed on public school campuses report on furlough days?

A 1. Contracts and agreements between the Head Start program and the Department of Education, as well as data, were reviewed to analyze the needs of this population of students and use of facilities. Head Start maintains agreements with individual districts and have made adjustments and accommodations in their schedule due to the furloughs.

TRANSPORTATION

Q 1. As a related service, will transportation be provided to SPED students at private placements or contracted programs (due to due process hearing decisions, settlement agreements, or IEP placement decisions), Community Based Instruction (CBI) programs or to an environment to receive skills trainer supports on furlough days?

A 1. If transportation is detailed in the current IEP:

- as a need for the student, then transportation **will need to be provided**.
- as being a needed service for transport of a student to and from an afterschool program that does not occur on a furlough day, then the service **would not** be warranted.
- as being a needed service for transport of a student to and from an afterschool program or CBI program that will continue to be provided on a furlough day (for example, service that have been provided at a non-DOE program), then the transportation **will need to be provided**.