

**Table B – Hawaii Part B**  
**Previously Identified Issues**

| Issue   | State Submission   | OSEP Analysis   | Required Action   |
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| <p><b>Indicator 4:</b> OSEP’s October 13, 2005 letter responding to Hawaii’s FFY 2003 APR required the Hawaii Department of Education (HIDOE) to include in the SPP, a revised comparison of the rates of children with and without disabilities subject to long-term suspensions and expulsions that includes children with disabilities attending public charter schools, or a plan to include these children in its comparison, with a report to OSEP thirty days following one year from the date that OSEP accepted the plan. (34 CFR §300.146(a))</p> | <p>HIDOE submitted a plan in the SPP and follow-up data and information on January 12, 2006 regarding indicator 4. Data and information provided on pages 4-1 and 4-2 showed a significant discrepancy in the rates of suspensions of children with disabilities for than ten days in a school year as compared to the rate for children without disabilities, using a "chi" square statistic. No children in Hawaii were expelled. On page 4-3 of the SPP, Hawaii indicated that the 2005-2006 school year (SY) data would include children in Hawaii’s public charter schools statewide.</p> | <p>The State submitted data and information demonstrating that it would revise its comparison of children with and without disabilities subject to long-term suspensions of more than ten days in a school year to include children attending public charter schools. The State also indicated that data collected during the 2005-2006 SY would include suspension and expulsion data on children in public charter schools. On page 4-3 of the SPP, the State also included strategies to improve performance in this area.</p> | <p>The State must include the required data in the APR, due February 1, 2007, demonstrating that the comparison required by 34 CFR §300.146(a) includes children attending public charter schools in Hawaii. Failure to include the required data at that time may affect the State's status under section 616(d) of the IDEA.</p>  |
| <p><b>Indicator 12:</b> OSEP’s October 13, 2005 letter required HIDOE to document progress toward compliance related to the transition of children from Part C to Part B preschool programs and the requirement that children referred from Part C, found eligible for services under Part B, have an individualized education program (IEP) developed and implemented by their third birthdays. (34 CFR §300.132(b)) Hawaii must submit a final report demonstrating compliance with 34 CFR §300.132(b) by November 13, 2006.</p>                          | <p>Page 12-6 of the SPP reported baseline data specific to children referred from Part C. For example, 317 (66%) of 479 eligible children with disabilities had IEPs in effect by their third birthdays and 162 (33%) did not have IEPs in effect by their third birthdays. On page 12-6 of the SPP, HIDOE noted that in the 2003-2004 SY, only 37% of children with disabilities had services in place by their third birthdays. HIDOE also described the activities it was undertaking to improve performance and compliance in this area.</p>   | <p>Baseline data for FFY 2004 indicated that Hawaii showed improvement in collecting data and made progress toward compliance with 34 CFR §300.132(b) in developing and implementing IEPs for children transitioning from Part C to Part B, by their third birthdays.</p>   | <p>The State must ensure that noncompliance with 34 CFR §300.132(b) is corrected. The State’s final Progress Report demonstrating compliance with the requirement at 34 CFR §300.132(b), which was due November 13, 2006, may be submitted with the State’s FFY 2005 APR, due February 1, 2007. Failure to provide the required information may affect the State's status under section 616(d) of the IDEA.</p> |

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| <p><b>Indicator 15: <u>Timely Correction of Identified Noncompliance</u></b></p> <p>OSEP's October 13, 2005 letter required HIDOE to demonstrate how the State meets the requirements at 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §300.600, by including with the SPP:</p> <ul style="list-style-type: none"> <li>• copies of focused checklist review results, all complex reports, and corrective action plans and their status for the 2004-2005 SY; and</li> <li>• evidence that the State's monitoring system ensures correction of all identified noncompliance with Part B requirements within a reasonable period of time, not to exceed one year from identification.</li> </ul> | <p>Hawaii provided the requested documentation in Enclosure A, and monitoring procedures on page 15-1 of the SPP, that provide for the correction of identified noncompliance within a reasonable period of time, not to exceed one year from the date of identification.</p> <p>The State reported on pages 15-2 and 15-3 of the SPP, that monitoring conducted during the 2004 - 2005 SY, showed that eight of 21 findings of noncompliance related to monitoring priorities and indicators were corrected within one year of identification, a 38% correction rate. Of five findings of noncompliance identified through other mechanisms, no corrections occurred within the one-year timeline.</p> | <p>The State provided data that demonstrate continued noncompliance with the requirements at 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §300.600, that require correction of all identified noncompliance within a reasonable period of time, not to exceed one year from identification. In the SPP, Hawaii reported a compliance rate of 38% for indicator 15A and did not report on correction of noncompliance identified through other mechanisms.</p> <p>Based on OSEP's review of the corrective action plans (CAPs) submitted in Enclosure A of the SPP, OSEP found that 10 of 27 complexes (37%) included activities in their corrective action plans (CAPs) to correct the noncompliance identified in the focused checklist review results; however, 17 of the 27 (63%) complexes did not address the identified noncompliance in their CAPs.</p> | <p>The State must ensure that noncompliance identified through monitoring and other mechanisms is corrected within a reasonable period of time, not to exceed one year from identification and include data and information in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The APR must: (1) document how the CAPs include activities to ensure the correction of <u>all</u> identified noncompliance; and (2) include data demonstrating that the remaining 13 findings of noncompliance related to indicator 15A and the five findings of noncompliance related to indicator 15C were corrected within one year of identification. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data and information in the APR, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> |

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| <p><b>Indicator 15:</b> <u>Correction of Previously-identified Noncompliance:</u></p> <p>OSEP's October 13, 2005 letter required HIDOE to include with the SPP:</p> <ul style="list-style-type: none"> <li>evidence of correction of the noncompliance with 34 CFR §§300.342(b), 300.344(b), 300.347(a)(2) &amp; (3), §300.347(b)(2), and §300.532(c)(ii).</li> </ul> | <p>Data submitted in Enclosure A of the SPP reported that the focused checklist review results showed: (1) 97.2% compliance with 34 CFR §300.347(a)(2) regarding IEP content relating to a child's involvement and progress in the general curriculum; and (2) 93.4% compliance with 34 CFR §300.347(a)(3) that a statement of needed supports, services and modifications is included in the IEP. Enclosure B of the SPP showed that for the 2003-2004 SY, 92.90% of evaluations (initial and reevaluations) were completed, by qualified personnel, within the State's 60-day timeline. (34 CFR §300.532(c)(ii))</p> <p>HIDOE reported, in Enclosure C of the SPP: (1) 74% compliance with 34 CFR §300.344(b) regarding a public agency's obligation to take other steps to obtain agency input where a representative of an agency likely to be responsible for providing or paying for needed transition services does not attend an IEP meeting; and (2) 89% compliance with 34 CFR §300.347(b)(2) regarding when IEPs must contain a statement of needed transition services.</p> <p>The SPP did not include data and analysis that demonstrate how the State meets the requirements at 34 CFR §300.342(b)(2).</p> | <p>The State provided data demonstrating progress toward correction of previously-identified noncompliance in all areas, except for 34 CFR §300.342(b)(2), relating to the accessibility of the child's IEP to the child's regular education teacher. While these reported levels of compliance are generally above 90% and require continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with the above requirements. Please note that since the requirements regarding participation of other agency representatives at IEP meetings on transition are no longer required by IDEA as a result of the 2004 amendments, HIDOE is not required to report further on compliance with this requirement.</p> | <p>The State must continue to report on compliance with these requirements, including the requirement at 34 CFR §300.342(b)(2), as part of its monitoring data submitted in response to indicator 15B in the FFY 2005 APR, due February 1, 2007. OSEP looks forward to reviewing data in the FFY 2005 APR that demonstrate full compliance with these requirements.</p> |
| <p><b>Indicator 16:</b> OSEP's October 13, 2005 letter required HIDOE to: (1) revise its targets to ensure that 100% of Part B complaints are resolved within 60 days from the date that the complaint was filed or within allowable extensions; and (2) delete any targets that are inconsistent with this legal standard. (34 CFR §300.661(a)(1) and (b))</p>       | <p>On page 16-3 of the SPP, HIDOE revised the targets related to compliance with 34 CFR §300.661(a)(1) and (b) to ensure that 100% of complaint decisions are issued within the 60-day timeline or within a timeline extended because exceptional circumstances exist with respect to a particular complaint. HIDOE deleted previous targets that were inconsistent with these requirements.</p> <p>On page 16-3 of the SPP, the State reported that of the 12 complaints filed during FFY 2003, nine had findings and the final decisions were reached within timelines. The</p>  | <p>The State reported data showing full correction of the previously-identified noncompliance with 34 CFR §300.661(a)(1) and (b). OSEP appreciates the State's efforts in ensuring compliance with this requirement.</p>  | <p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, demonstrating continuing compliance with this requirement.</p>  |

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|  | remaining three were suspended because due process hearings were requested on the same issues.  |   |   |
| <p><b>Indicator 17:</b> OSEP's October 13, 2005 letter required HIDEO to submit data and analysis demonstrating compliance, or a plan for ensuring that all due process hearing decisions are issued within the 45-day timeline or within allowable extensions. (34 CFR §300.511(a) and (c))</p> | <p>On page 17-1 and Attachment 1 of the SPP, HIDEO reported that 39 due process hearing requests were fully adjudicated; one decision was reached within the initial timeline and 38 within extended timelines. Sixty-seven due process requests were resolved without a hearing.</p> | <p>The State reported data documenting full correction of the previously-identified noncompliance with 34 CFR §300.511(a) and (c). OSEP appreciates the State's efforts in ensuring compliance with this requirement.</p> | <p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, demonstrating continued compliance with this requirement.</p> |