

August 9, 2005

TO: Complex Area Superintendents and School Principals and  
Public Charter Schools

FROM: Patricia Hamamoto, Superintendent

SUBJECT: Authority for Special Education in Hawaii Public Schools

Pursuant to the action taken by the Board of Education (BOE) on May 5, 2005, the BOE has designated the Superintendent of the Department of Education (DOE) as its agent to oversee the implementation and compliance with all federal and state laws of special education services in all public schools regarding the provision of special education services to exceptional children, including public charter schools, hereafter collectively to be referred to as "public schools."

In order to increase clarity and ensure monitoring, compliance, service delivery, and equity, the BOE has determined that the superintendent, acting in his/her capacity as the State Educational Agency, shall have direct line of authority for the implementation of the Individuals with Disabilities Education Improvement Act (IDEA) Reauthorized 12/3/04, Section 504 of the Rehabilitation Act of 1973, HRS § 302A-463 and HRS 302A-1188 (Act 87, Part V, Section 18) in all public schools and shall be responsible for the provision of a free appropriate public education. [See attachment, "Authority for Special Education (SPED) in Hawaii Public Schools (DOE and Public Charter Schools)"].

The superintendent may authorize the Complex Area Superintendent (CAS) to oversee matters related to implementation, compliance, and monitoring of special education students within his/her complex and to further serve as the direct line of authority to all public schools within the complex. The CAS may authorize district offices to provide special education services, related services, and technical assistance for IDEA and Section 504 students in all public schools.

Additionally, the superintendent may authorize the Special Education Section to oversee matters related to implementation, compliance, and monitoring of special

education students, related services, and provide technical assistance to all public schools, and to serve as a liaison to the Public Charter Schools Administrative Office and the local public charter school boards.

If you have any questions, please call Ms. Patricia Dong, Educational Specialist for Charter Schools, at 733-4403.

PH:PD:pd

Attachment

Noted:

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Breene Harimoto, Chairperson  
Board of Education

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Date

c: Assistant Superintendents  
Superintendent's Branch Directors  
Ms. Holly Shikada, Deputy Attorney General, Department of the Attorney General,  
Education Division  
The Honorable Norman Sakamoto  
The Honorable Roy Takumi  
District Educational Specialists  
Local Public Charter School Boards  
Office of Curriculum, Instruction and Student Support  
Public Charter Schools Program Office  
Public Charter Schools Administrative Office