



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

January 18, 2002

Honorable Patsy T. Mink
House of Representatives
5105 Prince Kuhio Federal Building
PO Box 50124
Honolulu, Hawaii 96850-4977

Dear Representative Mink:

This letter is in response to your inquiry regarding the cost of special education in the State of Hawaii. In your letter, you request our response to several questions. In a recent telephone conversation, you informed the Office of Special Education Programs' (OSEP) Hawaii State Contact, that you would like responses to only four of the questions raised in your letter. Your questions, and our responses, appear below.

1. How many states currently have or have had court ordered decrees?

OSEP does not track this information on suits filed by private plaintiffs in State and Federal courts. Specific information regarding the number of court orders to which a State is a party may be obtained through each State Education Agency.

2. Does the US-DOE monitor court ordered decrees?

The U.S. Department of Education (Department) is not responsible for monitoring court ordered decrees. Procedures and actions for monitoring decrees rest with the court.

3. Do these Court Orders exceed the requirements of IDEA or mimic it?

The State and Federal courts interpret and apply Federal law to particular situations as the judicial branch under Federal and State constitutions and laws.

4. Are there additional grants provided by application? Does Hawaii receive any? Which ones? How much do we receive from this source? If we are not participating, but could, please send me a list of all available grant programs.

OSEP provides discretionary grants to institutions of higher education and other non-profit organizations to support research, demonstrations, technical assistance and dissemination, technology, personnel development and parent-training and information centers. Unlike a formula grant, a discretionary grant awards funds on the basis of a competitive process. The Department of Education reviews applications through a formal review process in light of the legislative and regulatory requirements and published selection criteria established for a program. The review process gives the Department discretion to determine which applications best address the program requirements, and are therefore most worthy of funding.

There are two discretionary grant programs designed especially for State Education Agencies (SEA), the State Improvement Grant Program and the General Supervision Enhancement Grant. The Hawaii Department of Education (HDE) receives funds under both of these grant programs. (State Improvement Grant in the amount of \$600,000 for five years beginning in 1999 and

General Supervision Enhancement Grant for one year beginning in 2001 in the amount of \$252,194.) HDE also receives formula grant funds for fiscal year 2001 as follows: \$1,036,577 for Preschool, \$21,338,561 for Part B, and \$1,878,520 for Part C. Hawaii has a long history of participating in OSEP's discretionary grant program. In addition to the SEA grants, other institutions in the State receive discretionary grants that include awards for 12 programs that equal approximately \$4,100,000. The focus areas of the grants are research and innovation, personnel preparation, technology, and technical assistance.

The available grant programs, grant application packages, as well as grant and contract award information can be accessed online at the following website:

www.ed.gov/offices/OSERS/OSEP

We hope that you find this explanation helpful. If you need further assistance, please call Debra Jennings, of my staff, at 202-260-5250.

Sincerely,

A handwritten signature in black ink that reads "Patricia J. Guard". The signature is written in a cursive style with a large initial "P" and a distinct "G".

Patricia J. Guard
Acting Director
Office of Special Education Programs