LATE

DAVID Y. IGE GOVERNOR KATHRYN S. MATAYOSHI SUPERINTENDENT



STATE OF HAWAI'I DEPARTMENT OF EDUCATION P.O. BOX 2360 HONOLULU, HAWAI'I 96804

> Date: 02/12/2016 Time: 12:30 PM Location: 229 Committee: Senate Education Senate Commerce, Consumer Protection, and Health

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 1311, SD1 Proposed RELATING TO EDUCATION.

**Purpose of Bill:** Allows an individual of a school-based profession to engage in the practice of behavior analysis without being licensed as a behavior analyst; provided the unlicensed individual does not use any title or description to state or imply that the individual is a licensed behavior analyst.

#### **Department's Position:**

The Department of Education (Department) supports SB 1311 SD1, as proposed. As a caveat to the following comments, the Department has met with representatives of the Hawaii Association for Behavior Analysis to discuss this measure and both parties have agreed to continue the dialogue.

As part of their regular duties in the delivery of teaching and strategies to assist students to learn, Department personnel may engage in the practice of behavior analysis in a school classroom setting. In this context, behavior analysis would focus on the identification of performance or behavioral issues and the intervention(s) such as positive reinforcement to result in positive learning and educational outcomes for a child with autism spectrum disorder.

Department personnel, including but not limited to, general and special education teachers, counselors, school psychologists, and educational assistants do not, in the course of their work in a public educational setting, use any title or description stating or implying that the individual is a licensed behavior analyst or a "practicing" behavior analyst.

The proposed language in SB 1311 SD1 is important to avoid a disruption in services to students with autism spectrum disorder provided by school personnel pursuant to an individualized education program. An exemption for Department personnel will ensure that educational professionals are not subject to mandatory licensing outside the scope of their formal educational degrees and training.

Additionally, contracted providers extend the Department's capacity otherwise hampered by

vacancies and hard to fill positions to provide behavioral instructional support services in Hawaii's public schools, including applied behavior analysis. The language in this measure would extend the exemption to these contracted providers under the Department, as their responsibilities and regular duties are to promote the teaching and learning in the classroom and educational settings.

Thank you for the opportunity to provide testimony on this measure.

# LATE

From:	mailinglist@capitol.hawaii.gov
То:	EDU Testimony
Cc:	ncsugano@gmail.com
Subject:	*Submitted testimony for SB1311 on Feb 12, 2016 12:30PM*
Date:	Thursday, February 11, 2016 5:48:07 PM

### <u>SB1311</u>

Submitted on: 2/11/2016 Testimony for EDU/CPH on Feb 12, 2016 12:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jari S.K. Sugano	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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## LATE

From:	mailinglist@capitol.hawaii.gov	
То:	EDU Testimony	
Cc:	sierrarainwaterhorizons@gmail.com	
Subject:	Submitted testimony for SB1311 on Feb 12, 2016 12:30PM	
Date:	Thursday, February 11, 2016 9:40:07 PM	

### <u>SB1311</u>

Submitted on: 2/11/2016 Testimony for EDU/CPH on Feb 12, 2016 12:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Sierra Rainwater	Individual	Oppose	Yes

Comments: I am currently a behavior analyst in Hawaii and have worked alongside many teacher's aides throughout my career. To consider a teacher's assistance job and a behavior analyst's job to be interchangeable is an injustice. It is not only in justice to the special needs individual, but also to the teacher's aid, and all the other children in the school. Behavior analysts are highly trained in order to teach special needs individuals things that we take for granted every day. We focus on skills such as how to sit down with other children, how to functionality communicate wants and needs, how to replace challanging behaviors with appropriate alternative behaviors, and how to interact socially with peers. Without us being in the schools, children with special needs cannot possibly be expected to learn in a classroom, when they have not yet learned how to sit in a chair and control their behaviors. Teachers aides cannot be expected create and implement behavior support plans to reduce a child's aggressions towards themselves and others, when they do not understand why the aggression is occuring, and have no guidance from a trained BCBA. And, we cannot expect all the other children to understand how to interact and create wonderful, fulling and life changing friendships with their special needs classmates when challanging behaviors take away the opportunity to interact with eachother. To take away what we do as behavior analysts takes away more than learning academic skills, it takes away a fair chance at teaching a child how to communicate effectively to meet his wants and needs, and how to create relationships and life experiences that every child deserves.

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Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

> Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

In my professional opinion, as a licensed Occupational Therapist, I oppose HB868 and SB1311. As it states: "RELATING TO EDUCATION. Allows an individual of a school-based profession to engage in the practice of behavior analysis without being licensed as a behavior analyst; provided the unlicensed individual does not use any title or description to state or imply that the individual is a licensed behavior analyst." The students deserve licensed and credentialed providers to implement strategies in their trained specialties.

Thank you, Lynette Kanelos Makawao, HI



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

> Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

My daughter is writing this email for me. I had a severe stroke in August which has left me unable to write. But even with my deficits I can still smell a rat!!! I am 75 yrs. old. I have given up on believing, our elective representatives care about anyone, but themselves. Please vote no on this bill. By voting no. You all have the opportunity to place our children's needs above greed for power and money. I have only one question for you all. If not you all, then who will do the right thing for our children?!

Thank you, Sandra Starbuck Kula, HI LATE

02/12/2016 Committee on Education Senator Michelle N. Kidani, Chair Senator Breene Harimoto, Vice Chair

Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

> Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

I strongly oppose HB868 and SB1311. I feel that it would be an injustice and disservice to our keiki that deserve the best care possible from a trained, qualified behavior analyst.

Thank you, Caroline De Jesus Mililani, HI



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

> Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

I am Catherine Wilson, a licensed BCBA in the state of Hawaii and the owner and operator of a behavioral company called ABA Positive Support Services. I have been a behavior analyst for over 20 years. I want to note that I do not currently or have intention in the future to hold a contract with the department of education for behavioral services. As a long time BCBA in the state of Hawaii I have a historical perspective of DOE services. I was a senior consultant of a company called BCRC for over 5 years. BCRC was a California company who was brought over to Hawaii as the result of the Felix Dissent decree. This was when Hawaii's DOE's services to children with disabilities was so poor that the federal government came in and took over. Bill HB868 and SB1311 is a clear demonstration that the state of Hawaii continues to try and skirt their responsibility to provide children with disabilities with appropriate and effective services. Act 199 are designed to protect children, to care for children, to assure effective treatment for children. What about this could the Department of Education possible disagree with. Will it be time consuming? Will it require some up front work on the part of the DOE? Yes. It was for my company but I was happy to do it. I knew it was raising the level of services for children here. Will it be expensive? It does not have to be. Parts of the DOE are completely ready for this legislation and to my knowledge are in compliance. The windward district has put their behavioral staff through the BCBA courses and even contracted with Dr. Partington to provide supervision. There is no reason why the other districts have not followed this model spear headed by Elitha Gomez. To vote for bill HB868 and SB1311 is a vote against the children of Hawaii. It's a vote against children with disabilities. It is a vote against effective treatment. It is not OK to "babysit" these children until they age out at 21.

Thank you, Catherine Wilson

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Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

> Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

I strongly oppose HB868 and SB1311. I have a nephew with special needs who is in the DOE and he deserves the best support services possible provided by a trained and qualified board certified and licensed behavior analyst.

Thank you, Noel De Jesus Honolulu, HI



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

> Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

Being a parent of a special needs child I am particularly interested in opposing this bill. I fought for and won qualified outside services to work with my son as a student and so happy I did. He is now 22 working and drives a car. To shortchanged our keikis with unlicensed, unqualified personnel to save a few bucks is a sin. Please do not allow this exemption. My son can now contribute to society with the skills he learned. Putting his life in the hands of unlicensed and uncaring personnel would have probably had a different result. Thank you.

Thank you, Bill Pulliam



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

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Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

As a parent of a child with special needs, I strongly oppose HB868 and SB1311. He needs to have support services that are provided by trained, qualified and experienced BCBAs.

Thank you, Jane Schramko Honolulu, HI

Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

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Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

My daughter is 6 years old and has only recently been diagnosed with ASD. She has multiple behaviors and signs of autism but the DOE teachers are not able to distinguish that her behaviors were clearly autistic. My husband and I requested numerous times for an assessment but we were denied every time. Finally, my daughter did get some evaluations but the unqualified DOE personnel produced unreliable and questionable results. A newspaper article recently cited the woeful lack of gualified DOE personnel and noted that changes must be made to be up to federal standards. The bills being introduced aim to skirt around the federal guidelines. This would be completely detrimental for all of the children who depend on the DOE and the state to do the right thing and not sweep this under the rug. Applied Behavior Analysis (ABA) is an intense regimented program designed to be highly individualized for each child. Only those who are educated and certified with the most latest requirements should be allowed to formulate each child's program. If ABA is not applied correctly, then the behaviors can easily get much worse. Nonqualified educators may cause many more problems for which the child would have to endure. ABA is the only program that the US Surgeon General approves for autism instruction. If we do not address autism correctly, the burden to society in the near future would be undeniable. The rates of autism is increasing and research has shown that early intervention is the best chance to improve the lives of autistic children. But early intervention must be done correctly with qualified ABA individuals. I strongly urge that these two bills be rejected. Please be an advocate for Hawaii's children who cannot speak for themselves!

Thank you, Julie Ito Honolulu, HI



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

> Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

All other professionals in schools need to be licensed-OT SLP Teachers. ABA should be the same. Also behavior analysts can address life threatening behaviors-this practice must be regulated!

Thank you, Angela Craven



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

> Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

I am writing in OPPOSITION of SB1311. Hawaii State law requires licensed and qualified providers to design and oversee services for vulnerable populations --the Department of Education should NOT be exempt from following this law. Our keiki deserve better. Our teachers deserve better. Do what's right and malama our keiki.

Thank you, Derek Wilson Kihei, HI

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#### 02/12/2016 Committee on Education Senator Michelle N. Kidani, Chair Senator Breene Harimoto, Vice Chair

Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

> Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

I oppose this bill because my daughter needs qualified BCBAs to work with her! Please don't just let anyone work with our keiki with ASD. They truly need qualified care. Thank you!!!

Masako Nakasone

Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

> Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

Hawaii keiki need licensed, trained, qualified, professionals in the schools. I'm submitting testimony to ensure all keiki that receive ABA have the right to the same consumer protections. I OPPOSE this bill.

Thank you, Chie Edwards Honolulu, HI



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

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Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

Would you opt for surgery from someone sans license?

Thank you, Stephen Eric Bryden Ft. Wayne, IN



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

> Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

As a mother of a child with Autism, we need ABA therapists or BCBA's in the schools to be licensed so that they have the proper qualifications to help our children. If they don't need to be licensed to use ABA, how will we know if they are qualified? I strongly oppose this bill.

Thank you, Brandi Picardal Waipahu, HI



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

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Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

My mother was a teacher for over 20 years and she relied on her in class support teachers to help with those extra attention students so that she could handle the rest of her class.

Thank you, Ashley Nowakowski Kihei, HI



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

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Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

Hawaii children need certified and licensed providers to ensure they are provided with the best care possible and are able to meet their full potential. Utilizing untrained or unlicensed individuals may cause undo harm to our children in need.

Thank you, Dominique Bale, Psy.D. Pearl City, HI



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

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Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

my sister is Jennifer Felix who with the fight of my mother, Frankie Servetti Coleman has had a huge impact and influence for special needs children of Hawaii. It is important for all children and adults with special needs to receive the right care from professionals. If my sister had received care from licensed professionals who really knew what would benefit her life from day one her story may have been very different. I think the passing of this bill would be discounting the careers of people who have done the work to become licensed and educated in this field.

Thank you, Candace Coleman Oakland, CA

Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

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Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

I have a cousin in Hawaii with special needs. Hawaii keiki need licensed, trained, qualified, professionals in the schools. I'm submitting testimony to ensure all keiki that receive ABA have the right to the same consumer protections. I OPPOSE this bill.

Thank you, Jessica Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

> Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

I have a niece, jennifer Felix, who grew up on Maui. Jenny has autism and has required aid all of her life. There is NO WAY an untrained worker in her area of need should be hired to care for her. I have witnessed many things in her care, both good and bad.

Thank you, Francine Lambeth Seal Beach, CA

Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

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Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

My son is 7 years old and has not been verbal until we started therapy with a highly skilled skills trainer under the supervision of a licensed BCBA. My son has been with the DOE since 3 years old and we had to fight to have a highly qualified ABA tutor on my son's team. We finally got one this year and it has made all the difference. The DOE does not train their staff nearly as much as an outside provider does. I have seen a significant progress with my sons language skills since hiring an outside provider who has a BCBA to over see his program. My son deserves an ABA program from a licensed and qualified provider. The DOE has not shown that they will ensure quality training as my son's experience with them proves. My son needs intensive ABA therapy from a highly qualified BCBA and from an agency that's sole purpose is to provide this systematically through applied behavior analysis therapy. ABA therapy is an evidenced based method to effectively teach children with brain deffeciets. If the treapy is not done by a highly qualified ABA tutor there is no guaranteed that the data is true or helpful.

Thank you, Jennifer Teves Hanapepe, HI



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

> Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

Hawaii keiki need licensed, trained, qualified, professionals in the schools. I'm submitting testimony to ensure all keiki that receive ABA have the right to the same consumer protections. I OPPOSE this bill.

Thank you, Brandi Kalaukoa Kapolei, HI



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

> Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

Testimony in OPPOSITON of SB1311 SD1 Proposed-behavior analysis DOE exemption

Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

My son has tourettes syndrome and has multiple IEP meetings to help his teachers understand his neurological disabilities. I really would appreciate that there were more teachers who would take on the responsibility to actually study and know everything about certain students disabilities. Before taking on a teaching position with special needs kids. We as parents we need to take on the responsibility to take these kids to proper care as well as doctors psychologists and physicians to make sure that he can acquire certain needs or be able to function in the real world so I think that it's fair for us to say that our children's should be qualified at all times for the sake of our children and the future adults of this world. Thank you.

Thank you for your consideration, Amber Jean Pascua Waianae, HI



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

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Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

Hawaii keiki need licensed, trained, qualified, professionals in the schools. I'm submitting testimony to ensure all keiki that receive ABA have the right to the same consumer protections. I OPPOSE this bill.

Thank you, Kathleen J McKay



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

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Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

Students deserve the best. Hawaii keiki need licensed, trained, qualified, professionals in the schools. I'm submitting testimony to ensure all keiki that receive ABA have the right to the same consumer protections. I OPPOSE this bill.

Thank you, Kalahiki Long Kaneohe, HI



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

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Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

My son has not had a licensed provider in his classroom since the new bill was passed. The DOE is getting away with another injustice to my son who has Autism and ADHD. Please help my son by not allowing the DOE to continue to break the law that we fought so hard to protect our Keiki and give hope to their future.

Thank you, Chanel Wahinepio Mililani, HI



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Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

My son is autistic and due to his condition he is unable to communicate what he wants, needs, if he's hungry, etc.... If the behavior specialist is untrained to deal with his condition they not know how to properly teach him to become independent like all parents of children with his same condition can only pray for.

Thank you, Micah Ige Honolulu, HI



Committee on Commerce, Consumer Protection, and Health Senator Rosalyn H. Baker, Chair Senator Michelle N. Kidani, Vice Chair

> Conference Room 229 12:30 pm State Capitol 415 South Beretania Street

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Honorable Chair Baker, Chair Kidani, Vice-Chair Harimoto and members of the committees,

My autistic grandson living in my home would not be where he is today in development had it not been for the skills of his therapist. I shudder to think he could have been a vegetable under a less than professional option. These are our keiki. Save them by applying discernment, with compassion. What if one of these born in like manner were yours, or your childs. Please consider wisely.

Thank you, Gloria Wahinepio Mililani, HI