

JOSH GREEN, M.D.
GOVERNOR



KEITH T. HAYASHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/16/2023

Time: 02:00 PM

Location: 309 VIA VIDEOCONFERENCE

Committee: House Education

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB 1047 RELATING TO EDUCATION.

Purpose of Bill: Changes the Department of Education's quarterly report on autism spectrum disorder to an annual report.

Department's Position:

The Hawaii State Department of Education (Department) supports HB 1047 which requests changing the mandated reporting requirement for Act 205, Session Laws of Hawaii 2018, from quarterly to annually.

An annual report will better represent data regarding services provided to students across the Department throughout each year. A yearly report provides a better representation of significant trends and quarterly reports often do not differ significantly as Applied Behavior Analysis services have begun to stabilize within the Department.

The Department stands ready to provide data on Applied Behavior Analysis services as needed upon request.

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

HB-1047

Submitted on: 2/14/2023 12:56:07 PM

Testimony for EDN on 2/16/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Hawaii Disability Rights Center	Oppose	Written Testimony Only

Comments:

We are not sure what worthwhile purpose this bill will serve. The current law was passed in reaction to the failure of the DOE to provide appropriate services to children with autism spectrum disorder. We cannot say with any confidence that the situation has improved to a significant degree. We continue to see cases in our office where the DOE resists providing services to individual children. We also continue to be entangled in protracted litigation with DOE over their unwillingness to allow ABA providers paid for Medicaid funds (not the DOE Budget) to come to the schools to provide these services.

So, based upon our experiences we would urge the Legislature to focus on holding the DOE accountable to providing the legally mandated services, rather than allowing them to curtail what is a relatively minor reporting requirement.

TOGETHER FOR OUR KEIKI



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COMMITTEE ON EDUCATION

FEBRUARY 16, 2023

HB 1047 - COMMENTS

Good afternoon, Chair and Vice Chair and Members of the Committee,

My name is Dr. Amanda N. Kelly, and I would like to submit comments on SB 1340, a bill pertaining to behavior analysis licensure. I am both a Hawai'i licensed teacher, as well as the first behavior analyst to be licensed in the State. I served previously as the President and Legislative Chair for the Hawai'i Association for Behavior Analysis (HABA). I serve currently as Secretary for Hawai'i Disability Rights Center (HDRC) and as President for Together For Our Keiki (TFOK).

As someone who is intimately connected with community and history of these licensure efforts, I have genuine concerns about opening and editing existing law. As HSTA points out, we saw a similar tactic in 2019, which nearly resulted in removal of all protections for our keiki. To my knowledge, no teacher has been denied the right to participate in the assessment of their students with behavioral health needs. However, teachers have reported feeling forced to complete assessments and perform activities, which they feel are beyond their scope. I stand in strong support of our keiki and my fellow educators and analysts and urge you to consider the real necessity of this bill before you.

Mahalo nui,

Amanda N Kelly, PhD, BCBA-D, LBA

Together For Our Keiki (T.F.O.K.) is a non-profit 501(c)(3) organization whose mission is to ensure our keiki can access appropriate educational and medical behavioral health services.
