

JOSH GREEN, M.D.  
GOVERNOR



KEITH T. HAYASHI  
SUPERINTENDENT

STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
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**Date:** 02/06/2023

**Time:** 03:00 PM

**Location:** CR 229 & Videoconference

**Committee:** Senate Education

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Superintendent of Education

**Title of Bill:** SB 0105 RELATING TO EDUCATION.

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

**Department's Position:**

The Hawaii State Department of Education (Department) supports SB 105 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 the year. A yearly report provides a more useful representation of significant trends as quarterly reports often do not differ significantly as Applied Behavior Analysis (ABA) services have stabilized within the Department.

The Department stands ready to provide data on ABA services as needed upon request.

Thank you for the opportunity to provide testimony in support of SB 105.

**SB-105**

Submitted on: 2/2/2023 7:02:53 PM

Testimony for EDU on 2/6/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Louis Erteschik	Testifying for 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.