



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2026**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1997, H.D. 1, RELATING TO STUDENTS WITH DISABILITIES.

**BEFORE THE:**

HOUSE COMMITTEE ON PUBLIC SAFETY

**DATE:** Wednesday, February 18, 2026      **TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 411

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Anne T. Horiuchi or Randall M. Wat, Deputy Attorneys General

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Chair Belatti and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The bill: (1) authorizes the inclusion of language addressing individualized accommodations and supports during emergency situations and evacuations in Individualized Education Programs (IEPs) for students with disabilities, if deemed appropriate by a student's IEP team; and (2) requires support and guidance from the Department of Education (DOE).

To ensure consistency in the consideration of emergency accommodations for all students with disabilities, the Department recommends that the bill also expressly provide that Section 504 Plan teams consider whether individualized accommodations and supports during emergency situations and evacuations should be included in a Section 504 Plan for a student with a disability. Including Section 504 Plan teams within the scope of the bill would promote clarity and equitable treatment.

Accordingly, the Department suggests the following amendments:

- (1) Revising new section 302A- (a), Hawaii Revised Statutes (HRS), on page 1, lines 5-15, as follows:

If deemed appropriate by the student's individualized education program team[,] **or section 504 plan team**, the individualized education program implemented for a public school student with a disability pursuant to the federal Individuals with Disabilities

Education Act, title 20 United States Code section 1400 *et seq.*, **or the section 504 plan implemented for a public school student with a disability pursuant to section 504 of the Rehabilitation Act of 1973, title 29 United States Code section 794,** may contain language addressing individualized accommodations and supports required by the student during an emergency situation or evacuation; provided that this section shall not apply to students with disabilities enrolled in a nonpublic special education school or program pursuant to section 302A-443.5.

(Suggested changes Ramseyered against the existing text of the bill and in bold.)

- (2) Revising new section 302A- (b), HRS, to add "or section 504 plan team" between "individualized education program team" and ", as necessary" on page 2, lines 1-2.
- (3) Revising new section 302A- (c), HRS, on page 2, lines 3-7, as follows:

During the development of an initial individualized education program **or section 504 plan** for a student with a disability, the individualized education program team **or section 504 plan team** shall determine whether the student would require individualized accommodations or supports during an emergency situation or evacuation.

(Suggested changes Ramseyered against the existing text of the bill and in bold.)

The Department further notes that new section 302A- (a), HRS, refers to IEPs for "a public school student" (page 1, lines 7-8), while new section 302A- (d), HRS, provides that the DOE shall provide guidance to "department schools" (page 2, lines 8-9). The term "public schools" includes DOE schools, as well as charter schools governed by chapter 302D, HRS, whereas the term "department schools" does not include charter schools. See section 302A-101, HRS. Because section 302D-30, HRS, provides that the DOE is responsible for ensuring the provision of a free appropriate public education to students in charter schools, the Department recommends revising new section 302A- (d), HRS, for consistency and clarity.

- (4) Revising new section 302A- (d), HRS, on page 2, lines 8-15, as follows:

The department shall provide guidance to **[department] public** schools explaining how to support individualized education program teams **and section 504 plan teams** in the teams' consideration of specific accommodations and supports the schools may provide for students with disabilities, including students with mobility

impairments, during emergency situations. Any provided accommodations and supports shall take into account the unique context of a student's disability in the educational setting.

(Suggested changes Ramseyered against the existing text of the bill and in bold.)

Thank you for the opportunity to provide comments on this bill.



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

**Date:** 02/18/2026

**Time:** 10:00 AM

**Location:** 411 VIA VIDEOCONFERENCE

**Committee:** PBS

**Department:** Education

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

**Title of Bill:** HB1997, HD1, RELATING TO STUDENTS WITH DISABILITIES.

**Purpose of Bill:** Authorizes the inclusion of language addressing individualized accommodations and supports during emergency situations and evacuations in individualized education programs for students with disabilities. Requires support and guidance from the Department of Education. Effective 7/1/3000. (HD1)

**Department's Position:**

Thank you for the opportunity to provide comments on HB1997, HD1. The Hawai'i State Department of Education (Department) supports the intent of HB1997, HD1 to ensure that students with disabilities are safe and appropriately supported during emergency situations, including evacuations and other campus-based crisis events. Student safety during emergencies is a critical responsibility of the Department.

The Department provides this testimony for informational purposes. Federal law under the Individuals with Disabilities Education Act and state requirements under Hawai'i Administrative Rules Chapter 60 already require individualized education program teams to identify, consider, and document all accommodations and supports necessary for a student to receive a free appropriate public education, including supports related to health, safety, mobility, communication, and functional needs. These requirements apply across the full educational environment, including non-instructional settings, transitions, and emergency response procedures. Accordingly, the provisions of this measure largely duplicate existing federal and state requirements and do not create new obligations or additional protections beyond those already in place.

While Section 1(a) excludes students enrolled in nonpublic special education schools or programs under §302A-443.5, this exclusion must not apply when the Department is the placing agency. The Department remains obligated to provide a free appropriate public education and to support student safety when it places students in a nonpublic school or program, and must ensure student safety regardless of the service location.

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



**STATE OF HAWAII**  
**KA MOKU'ĀINA O HAWAII**  
**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**  
**'A'UNIKE MOKU'ĀPUNI NO KA NĀ KĀWAI KULA**  
PRINCESS VICTORIA KAMĀMALU BUILDING  
1010 RICHARDS STREET, Room 122  
HONOLULU, HAWAII 96813  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
February 18, 2026

The Honorable Della Au Belatti, Chair  
House Committee on Public Safety  
The Thirty-Third Legislature  
State Capitol  
State of Hawai'i  
Honolulu, Hawai'i 96813

Dear Chair Belatti and Committee Members:

**SUBJECT:** HB1997 HD1, Relating to Students with Disabilities

The Hawai'i State Council on Developmental Disabilities offers **COMMENTS on HB1997 HD1**, which authorizes the inclusion of language addressing individualized accommodations and supports during emergency situations and evacuations in individualized education programs for students with disabilities and requires support and guidance from the Department of Education.

Student safety during emergencies is essential. Federal law under the Individuals with Disabilities Education Act and chapter 60, Hawai'i Administrative Rules already require individualized education program teams to consider and document necessary supports across all school settings, including emergency situations. In that respect, this measure appears largely consistent with existing requirements.

If the intent of the bill is to clarify and reinforce current practice, the Council supports clear guidance that promotes consistent implementation statewide. The Council also emphasizes that any exclusion related to nonpublic placements must not limit the Department of Education's responsibility to ensure a free appropriate public education and student safety when it is the placing agency.

For these reasons, the Council appreciates the opportunity to provide **comments on HB1997 HD1**

Sincerely,  
Daintry Bartoldus, Executive Administrator

**HB-1997-HD-1**

Submitted on: 2/13/2026 8:01:10 PM

Testimony for PBS on 2/18/2026 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Louis Erteschik	Hawaii Disability Rights Center	Support	Written Testimony Only

Comments:

We support this Bill. We represent a lot of students with disabilities so we are very familiar with their needs. While we believe these accommodations are required to be provided anyway, that does not always occur and so codifying these requirements in state law would be very beneficial. Children with mobility issues may need specialized handling during an emergency or evacuation and it is always better to make sure that an evacuation plan specific to the student be developed.

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**PETER L. FRITZ**  
T-MOBILE RELAY: (808) 586-0077  
EMAIL: [PLFLEGIS@FRITZHQ.COM](mailto:PLFLEGIS@FRITZHQ.COM)

**To:** Committee on Public Safety  
Hearing Date: February 18, 2026

**RE:** Testimony in Support of HB 1997 HD1

Chair, Vice-Chair, and Committee Members,

Thank you for the opportunity to testify in support of HB 1997 HD1, which addresses emergency evacuation planning for students with disabilities in Hawaii public schools. I have attached a copy of an article from the New York Times discussing the problems that disabled students have encountered regarding evacuation.

This bill addresses emergency preparedness by ensuring that the needs of students with disabilities are included in their Individualized Education Programs (IEPs). It provides a framework for schools to develop individualized evacuation plans before emergencies occur. **It is a SURVIVAL GUIDE for students with disabilities during emergencies.**

**The Need for This Bill:**

Students with disabilities face specific challenges during emergency evacuations that require advance planning. Recent incidents in other states illustrate the importance of individualized emergency plans.

In Maryland, a 12-year-old student named Cassidy Scott, who uses a wheelchair and has cognitive disabilities, remained in a stairwell during a fire at her middle school while other students evacuated. This experience led Maryland to pass legislation in 2017 requiring emergency plans for students with disabilities.

In Virginia, Kira Tiller, a student with epilepsy, was sent to a windowless office during emergency drills because flashing alarm lights could trigger seizures. When her family requested an emergency plan, school administrators indicated they would address it if a real emergency occurred. Ms. Tiller later stated, "I could literally be left behind to die." Her advocacy led Virginia to pass legislation requiring emergency evacuation plans in IEPs in 2025, which passed unanimously.

These incidents demonstrate the need for Hawaii to address this issue. Students who use wheelchairs, students with seizure disorders, students with autism or sensory processing disorders, and students with other disabilities face challenges during emergencies that require individualized planning.

More than seven million public school students nationwide have disabilities. However, only a handful of states require schools to develop individual emergency evacuation plans for these students. Hawaii can join Maryland, Virginia, and other states in addressing this need. Hawaii can act proactively to prevent similar incidents.

Hawaii students with disabilities face challenges during emergency evacuations that general evacuation plans do not address. These challenges can include mobility impairments, communication difficulties, sensory sensitivities, medical needs, and cognitive disabilities. Given Hawaii's emergency risks, including tsunamis, hurricanes, volcanic activity, and fires, advance planning for students with disabilities is important. HB 1997 HD1 ensures that these needs are addressed as part of each student's educational planning before an emergency occurs.

**This Bill Will Ensure Safety for All Hawaii Students:**

This bill ensures that all of Hawaii's students are included in emergency plans. Students should not be left in stairwells during fires. Students should have appropriate accommodations during emergency drills that address their safety needs in actual emergencies. This bill helps ensure that Hawaii students with disabilities are not overlooked when evacuation plans are implemented.

The bill encourages Hawaii schools to plan for evacuations in advance, when there is time for thoughtful consideration of each student's needs. This helps ensure that schools are prepared and reduces the risk of students with disabilities being unprepared during an actual emergency. The experiences of students in Maryland and Virginia demonstrate the importance of proactive planning to prevent similar incidents in Hawaii.

This bill addresses the safety of all of Hawaii's students. By including individualized evacuation plans in IEPs, Hawaii will join other states that have recognized this need. Given Hawaii's geography and the range of emergencies our islands may face, this legislation is important for Hawaii.

The experiences in Maryland and Virginia demonstrate what can occur when individualized planning is not in place. The passage of similar legislation in Virginia indicates that this is a matter of student safety.

I respectfully request that the committee pass HB 1997 HD1 to ensure that Hawaii students with disabilities have the accommodations they need to evacuate safely in an emergency. Passing this bill will help ensure the safety of Hawaii students with disabilities before an emergency occurs.

Thank you for the opportunity to submit testimony.

# ‘I Could Literally Be Left Behind to Die’: How a Student With a Disability Changed the Law

Schools across the country face increasing threats, but many students with disabilities don’t have a way to evacuate. <https://www.nytimes.com/2025/08/25/us/students-disability-evacuation-plans.html>

Listen to this article · 4:50 min [Learn more](#)

By [Sonia A. Rao](#)

Sonia A. Rao covers disability issues. She reported from Gainesville, Va.

Aug. 25, 2025

Every time her middle school classmates streamed outside for monthly fire drills, Kira Tiller had to stay behind, worrying about what would happen to her in a real emergency.

Flashing bright lights can trigger seizures for Ms. Tiller, who has epilepsy. So her teachers in Gainesville, Va., would send her to a windowless office during drills to avoid the alarm strobes. When her family requested a real emergency plan, administrators just said they would figure it out. She remembers thinking, “I could literally be left behind to die.”

Other students with disabilities have faced similar difficulties in recent years. A student in Maryland was left in a stairwell during a fire to wait for rescuers because she uses a wheelchair. And a high school student with a cane [had trouble evacuating](#) when a gunman killed two people at her St. Louis school. Police officers ended up pointing guns at her.

Only a handful of states require public schools to develop individual plans for evacuating students with disabilities in an emergency, even as schools across the country face increasing risks from [climate-related disasters](#) and [school shootings](#). More than seven million public school students have disabilities, a population that is growing steadily.

Virginia adopted a law this year, after Ms. Tiller started researching the issue and meeting with some of the state’s 180,000 other students with disabilities. She talked to wheelchair users who couldn’t fit in closets to hide from active shooters. She met students with autism or sensory issues who needed extra support to keep calm during a lockdown.

“I just couldn’t believe that this was something that wasn’t being taken seriously,” she said.

A Prince William County Public Schools spokeswoman, Diana Gulotta, said in a statement that the district couldn’t comment on Ms. Tiller’s situation. But she added that the district supports

legislation enhancing student safety. “We continue to monitor and evaluate our processes and procedures to make improvements in this area,” she said.

Laura Jane Cohen, a Democratic state delegate, introduced the bill on Ms. Tiller’s behalf. It’s the second piece of legislation she has sponsored for the safety of students with disabilities; the first requires schools to prioritize evacuating students who use wheelchairs or have other mobility challenges.

Ms. Cohen, a former Fairfax County School Board member, said she served on an advisory committee for students with disabilities and heard from plenty of families about inadequate school safety plans. “It was nuts to me,” Ms. Cohen said. “It just didn’t make any sense.”

The final version of Ms. Tiller’s bill passed unanimously, though some of its language was softened because of liability concerns from school boards and state education officials.

Maryland passed a similar bill requiring schools to have emergency plans for disabled students in 2017, after Cassidy Scott, then 12, was left in her middle school stairwell when a small fire broke out in the cafeteria. Ms. Scott, who uses a wheelchair and has significant cognitive disabilities, was traumatized by the incident, her mother said.

The Virginia and Maryland laws both require emergency plans to be considered as part of the process of developing Individualized Education Programs, known as I.E.P.s. These are legally binding documents establishing specific accommodations for students with disabilities that schools must fulfill under federal law.

It’s unclear, however, how strongly those requirements will be enforced under President Trump, who wants to shut down the federal Education Department and has slashed its staff and budget. He has also floated the idea of shifting oversight of special education to the Department of Health and Human Services, led by Robert F. Kennedy Jr.

Ms. Tiller, now 19 and a sophomore at the University of North Carolina at Chapel Hill, said she plans to keep pushing. She has formed a disability advocacy group that is seeking similar legislation requiring emergency plans for students with disabilities nationwide.

She secured her own plan in high school even before the Virginia law was passed, with the help of her family and an educational advocate they hired. It wasn’t that complicated: During emergency drills, she put on a pair of blackout sunglasses covered in duct tape, to block the flashing lights, and an aide was assigned to take her to the front of the building.

Still, that took six years to achieve, and Ms. Tiller regrets the time in that windowless office. “When you’re in school and you know that your safety isn’t a priority,” she said, “that’s a really discouraging and disheartening feeling.”

[Sonia A. Rao](#) reports on disability issues as a member of the 2025-26 [Times Fellowship](#) class, a program for early-career journalists I saw you just surprises me that anybody would be that inconsiderate okay you know I think that is why got some smoke coming on again

**HB-1997-HD-1**

Submitted on: 2/13/2026 7:18:17 PM

Testimony for PBS on 2/18/2026 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

1997 HB RELATING TO STUDENTS WITH DISABILITIES.

February 18, 2026

Submitted to the Hawaii State House  
COMMITTEE ON PUBLIC SAFETY

Honorable Representative Della Au Belatti, Chair  
Honorable Representative Kim Coco Iwamoto, Vice Chair

Re: HB 1997 HD1, RELATING TO STUDENTS WITH DISABILITIES

Dear Chair Au Belatti, Vice Chair Iwamoto and Members,

I would like to strongly support HB 1996, relating to the inclusion of American Sign Language interpreters, when appropriate, or paper and marsh pen available to quickly inform that an emergency exists to students who are deaf, hard of hearing or deaf-blind . During emergency situations, I would like to see spelled out in Individualized Education Plans (IEPs) specific ways a deaf, hard of hearing or deaf-blind student will be informed that an emergency exists with specific instruction on what needs to be immediately done. This will be carefully described in the IEP so teachers and parents have agreed in advance on how efficient, urgent communication will be handled.

With time to brainstorm the best way of describing an emergency situation and speedy instruction of what needs to be done will be crucial to the survival of this student as well as their teachers and classmates. A deaf-blind student can urgently be informed that an emergency exists by tracing an "X" on the back of the student. Needless to say, it's essential to practice this method with the deaf-blind student in advance.

I strongly support HB 1996 HD1. Kindly pass this important bill.

Mahalo,

Eleanor Macdonald, M.Ed., CRC (ret.)

To: Representative Della Au Belatti, Chair  
Representative Kim Coco Iwamoto, Vice Chair  
Committee on Public Safety

From: Veronica Moore, Individual Citizen

Date: February 17, 2026

RE: House Bill 1997 HD1  
Measure Title: RELATING TO STUDENTS WITH DISABILITIES.  
Report Title: HDOE; IDEA; IEP; Students with Disabilities; Emergency Situations;  
Evacuation Plans

To All Concerned,

My name is Veronica Moore and I support House Bill 1997 HD1. Thank you for introducing this bill.

Sincerely,

Veronica M. Moore

**HB-1997-HD-1**

Submitted on: 2/17/2026 6:01:26 AM

Testimony for PBS on 2/18/2026 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Leilani Kailiawa	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

My name is Leilani Kailiawa. I am a parent who lives on Hawaii Island. I am a community leader.

I am in STRONG SUPPORT of HB 1997. HD 1

My 10-year-old son has had an Individualized Education Program since he was 3 years old.

This would be a great benefit for all who are involved.

I urge you to please pass this bill

Mahalo nui loa for your time.

With gratitude,

Leilani

**HB-1997-HD-1**

Submitted on: 2/17/2026 11:06:22 AM

Testimony for PBS on 2/18/2026 10:00:00 AM

**RECEIVED**  
**Date & Time**  
Feb 17, 2026, 1:56 pm

**LATE**

Submitted By	Organization	Testifier Position	Testify
Kaili Swan	Individual	Support	Remotely Via Zoom

Comments:

I am in strong support of this measure because students with disability needs to know what to do if there is an emergency situation on the school grounds and they are required by state law to practice emergency drills on the school campus as well please pass this bill thank you.