



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

**Date:** 02/10/2026

**Time:** 02:15 PM

**Location:** 309 VIA VIDEOCONFERENCE

**Committee:** EDN

**Department:** Education

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

**Title of Bill:** HB1997, 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.

**Department's Position:**

Thank you for the opportunity to provide comments on HB1997. The Hawai'i State Department of Education (Department) supports the intent of HB1997 to ensure that students with disabilities are safe and appropriately supported during emergency situations, including evacuations and other crisis events that may occur on campus. 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 Chapter 60, Hawai'i Administrative Rules, 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 are largely duplicative of 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 (FAPE) 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**

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February 10, 2026

The Honorable Justin H. Woodson, Chair  
House Committee on Education  
The Thirty-Third Legislature  
State Capitol  
State of Hawai'i  
Honolulu, Hawai'i 96813

Dear Chair Woodson and Committee Members:

**SUBJECT:** Testimony in Support of HB1997, Relating to Students with Disabilities

The Hawai'i State Council on Developmental Disabilities is in **SUPPORT of HB1997**, 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.

Students with disabilities experience emergency situations and evacuations differently depending on their access needs, communication methods, mobility, health supports, and reliance on individualized assistance. While schools may have general emergency procedures, those plans do not consistently translate into individualized, actionable guidance for students with disabilities during high-risk situations. This measure appropriately centers emergency planning within the individualized education program process, where student-specific needs are already evaluated and documented.

The Council appreciates that H.B. 1997 is narrowly structured and process focused. It does not impose a blanket mandate, alter eligibility standards, or create new enforcement requirements. Instead, it clarifies that individualized emergency accommodations may be considered when appropriate and directs the Department of Education to provide guidance to support consistent implementation across schools. This approach strengthens continuity of care and promotes safety without undermining local decision-making or federal Individuals with Disabilities Education Act requirements.

By supporting proactive, individualized emergency planning, HB1997 advances inclusion, stability, and student safety in the least restrictive educational setting and aligns with efforts to increase supports for Hawai'i access and functional needs population.

For these reasons, the Hawai'i State Council on Developmental Disabilities **supports HB1997**.

Thank you for the opportunity to submit testimony.

Daintry Bartoldus, Executive Administrator

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## H.B. 1997 RELATING TO STUDENTS WITH DISABILITIES

To: Committee on Education  
Hearing Date: February 10, 2026

Chair Woodson, Vice-Chair La Chica, and Committee Members,

I am Peter Fritz. Thank you for the opportunity to testify in support of H.B. No. 1997, a bill that seeks to ensure that students with disabilities in Hawaii have the accommodations and supports needed for evacuation during emergencies.

### The Need for This Bill:

Students with disabilities face challenges during emergency evacuations that are not addressed by general evacuation plans. These challenges can include mobility issues, communication difficulties, and other specific needs that must be considered in emergency planning. H.B. No. 1997 ensures that these needs are addressed as part of each student's educational planning, before an emergency occurs. Without appropriate accommodations, students with disabilities may face delays or other difficulties during an evacuation, which could compromise their safety. By addressing these needs in the student's Individualized Education Program (IEP), the bill helps to ensure that evacuation plans are prepared in advance, taking into account the specific requirements of each student.

### Vulnerabilities of Students with Disabilities:

Students with disabilities are particularly vulnerable in emergency situations due to their specific needs. For example, students with mobility impairments may require assistance to evacuate quickly and safely, while students with sensory or cognitive disabilities may have difficulty understanding emergency instructions or reacting to alarm signals. If these needs are not anticipated and addressed in advance, students may face increased risks during evacuations. The lack of individualized planning can lead to delays in evacuation, confusion, or even injury. By including accommodations and support for emergency situations in IEPs, H.B. No. 1997 ensures that students with disabilities are not left behind or at greater risk during critical moments.

### Key Provisions of the Bill:

1. Individualized Emergency Evacuation Plans:
  - The bill allows IEP teams to assess the needs of each student and include specific evacuation accommodations in the IEP. This ensures that schools plan for the unique needs of students with disabilities before an emergency arises.
2. Providing Support and Guidance:
  - The Department of Education will offer guidance to schools on how to support IEP teams in considering the needs of students with disabilities during emergencies. This will help schools understand the necessary accommodations for students, including those with mobility impairments and other specific needs.

This Bill:

1. Ensures Safety for All Students:
  - This bill helps make sure that all students are included in emergency plans. It will ensure that students with disabilities are not left behind or overlooked when evacuation plans are carried out.
2. Prevents Problems During Emergencies:
  - The bill encourages schools to plan for evacuations in advance. This helps ensure that schools are prepared and reduces the risk of leaving students with disabilities unprepared during an emergency.

This bill is about ensuring the safety of all students. By including individualized evacuation plans in IEPs, Hawaii will help ensure that students with disabilities are considered in emergency planning. This is an important step toward creating a safer environment for all students.

I request that you to pass H.B. 1997 to ensure that students with disabilities have the accommodations they need to evacuate safely in an emergency.

Thank you for your time and consideration.

**HB-1997**

Submitted on: 2/7/2026 12:34:38 PM

Testimony for EDN on 2/10/2026 2:15:00 PM

<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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WE LOVE WHAT WE DO

Committee on Education

Tuesday, February 10, 2026

2:15 p.m.

VIA VIDEOCONFERENCE

Conference Room 309

State Capitol

415 South Beretania Street

SUPPORT HB1997 RELATING TO STUDENTS WITH DISABILITIES

Chair Woodson, Vice Chair La Chica, and members of the Committee:

Thank you for the opportunity to submit testimony in **support of HB1997** *authorizing the inclusion of language addressing individualized accommodations and supports during emergency situations and evacuations in individualized education programs for students with disabilities.*

BAYADA is a not-for-profit company committed to serving our community. We provide services throughout the state, including contracted applied behavior analysis (ABA) services for the Department of Education. Across the state, we work on school campuses supporting students with disabilities as part of their individualized education program (IEP), designing and implementing individualized behavior intervention plans, and helping students to access their educational curriculum. Our staff support students with disabilities during both drills and true emergency situations and evacuations, and we strongly support individualized accommodations and supports to ensure the safety of our most vulnerable students.

Thank you,

Kristen Koba-Burd, BCBA, LBA  
BAYADA Behavioral Health