



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
919 ALA MOANA BOULEVARD, ROOM 113  
HONOLULU, HAWAII 96814  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
February 7, 2011

The Honorable Ryan I. Yamane, Chair  
House Committee on Health  
Twenty-Sixth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Representatives Yamane and Members of the Committee:

**SUBJECT: HB 761– RELATING TO INTELLECTUAL DISABILITIES**

The State Council on Developmental Disabilities (DD) **STRONGLY SUPPORTS HB 761**. The purpose of the bill is to change references to “mental retardation” or like terms in the Hawaii Revised Statutes to “intellectual disability” or like terms.

On October 5, 2010, President Obama signed S. 2781 into law as Public Law (P.L.) 111-256. This law is also known as “Rosa’s Law” named after Rosa Marcellino, a nine-year old girl with Down’s Syndrome who worked with her mother, Nina and their state representative who led the effort to pass legislation in Maryland changing the word “mental retardation” to “intellectual disability”.

Rosa’s law replaces the term “mental retardation” with “intellectual disability” in federal education, health and labor laws. The law states that for purposes of the amended statutes and implementing regulations, a reference to an “intellectual disability” shall mean a condition previously referred to as “mental retardation” and a reference to “individuals with intellectual disabilities” shall be a reference to those previously referred to as “individuals with mental retardation.”

The American Association on Intellectual Disabilities and Developmental Disabilities (AAIDD) defines intellectual disability as “a disability characterized by significant limitations both in intellectual functioning and in adaptive behavior, which covers everyday social and practical skills. This disability originates before the age of 18.”

The Council has been working with the Self-Advocacy Advisory Council (SAAC) comprised of individuals with intellectual disabilities and the Maternal Child Health Leadership Education in Neurodevelopmental and Related Disabilities (MCH-LEND) program in the movement to remove the “R” word and replace it with intellectual disabilities. SAAC members were overwhelmingly eager to make the change from the

terms "mental retardation", "mentally retarded" and "retarded" that they consider being hurtful and offensive to a term "intellectual disabilities" that is considered to be more positive and respectful to them.

HB 761 seems to be such a simple measure to remove the term "mental retardation" and like terms and replace it with "intellectual disabilities". However, its outcome would be significant and have far reaching affects in:

- 1) Moving in the right direction in keeping with P.L. 111-256
- 2) Changing how we refer to individuals with intellectual disabilities
- 3) Promoting more respectful and people first language
- 4) Promoting positive attitudes and perceptions of individuals with intellectual disabilities
- 5) Treating individuals with intellectual disabilities with greater dignity and respect

The Council emphasizes Section 19 on Page 8, lines 3-5, that this Act is not intended to change coverage, eligibility, rights, responsibilities or definitions referred to in the amended provisions.

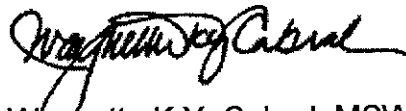
We applaud the Legislature's initiative through HB 761 that recognizes that individuals with intellectual disabilities are people first, and that they have the right to be included and respected in society.

Thank you for the opportunity to present testimony in **strong support of HB 761.**

Sincerely,



Liz Ann Salvador  
Chair



Waynette K.Y. Cabral, MSW  
Executive Administrator



DATE: February 4, 2011

TO: Representative John Mizuno, Chair Committee on Human Services  
Representative Jo Jordan, Vice Chair Committee on Human Services  
Representative Ryan Yamane, Chair Committee on Health  
Representative Dee Morikawa, Vice Chair Committee on Health  
Members of the Human Services and Health Committees

FROM: Sandra J. Yoro, SECOH Executive Director  
SECOH Operates in House Districts 19, 28, 34, 39, 41, 43.

RE: **SUPPORT OF HOUSE BILL 761**  
**RELATING TO INTELLECTUAL DISABILITIES**  
Hearing: Monday, February 7, 2011

The Special Education Center of Hawaii (SECOH) is a private, non-profit organization whose mission is to provide personalized services to people with disabilities in the spirit of enriching lives. As health and human service advocates for vulnerable populations, **we strongly SUPPORT H.B. 761: Relating to Intellectual Disabilities**

The intent of this bill is to change any and all references to "mental retardation" or like terms in the Hawaii Revised Statutes to "intellectual disability" or like terms. The term "mental retardation" has severe negative connotations that cause people with disabilities disrespect and harm. Passing this measure will demonstrate Hawaii's commitment to treat people with disabilities with respect and dignity. *I respectfully request your Committee PASS H.B. 761 Relating to Intellectual Disabilities*

Mahalo for your consideration and support!



## **HAWAII DISABILITY RIGHTS CENTER**

900 Fort Street Mall, Suite 1040, Honolulu, Hawaii 96813

Phone/TTY: (808) 949-2922 Toll Free: 1-800-882-1057 Fax: (808) 949-2928

E-mail: [info@hawaiidisabilityrights.org](mailto:info@hawaiidisabilityrights.org) Website: [www.hawaiidisabilityrights.org](http://www.hawaiidisabilityrights.org)

### **THE HOUSE OF REPRESENTATIVES THE TWENTY-SIXTH LEGISLATURE REGULAR SESSION OF 2011**

#### **Committee on Health Testimony in Support of H .B. 761 Relating to Intellectual Disabilities**

**Monday, February 7, 2011, 10:15 A.M.  
Conference Room 329**

Chair Yamane and Members of the Committee:

I am Louis Erteschik, Staff Attorney at the Hawaii Disability Rights Center, and am testifying in support of this bill.

The purpose of the bill is to substitute the term "intellectual disabilities" in various sections of the Hawaii Revised Statutes where currently the term "mental retardation" appears. While this does not change or affect substantive rights of individuals, the symbolic effect is nonetheless significant and worthy of support.

As our society has evolved, we have come to see terms as "mentally retarded" to be outmoded to say the least and reminiscent of a prior day when it may have, intentionally or unintentionally, contained hurtful connotations. Certainly the term "intellectual disabilities" seems to be a more correct and accurate description of the condition. Additionally, it is our belief that sometimes language and terminology can lead to self fulfilling conduct and all indications from discussions with advocates in the disability community are that this change can provide a greater feeling of self worth and empowerment to this population. That alone, is a worthy goal and a very strong reason to support this bill.

Thank you for the opportunity to testify in support of this measure.

Christina Chang DOM  
2315 Kahekili Hwy Wailuku,  
HI 96793  
808-249-0254  
[Christina@lokelaniohana.org](mailto:Christina@lokelaniohana.org)

The Honorable Ryan I. Yamane, Chair  
House Committee on Health  
Twenty-Sixth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

SUBJECT/RE: HB 761 – RELATING TO INTELLECTUAL DISABILITIES.

Dear Representative Yamane and Members of the Committee:  
Good morning/good afternoon Representative/Chair Yamane and Members of the Committee:

**Thank you for the opportunity to tell you that I am in strong support of HB 761.**

Intellectual disability is an accurate and life affirming description of an individual with a disability on a mental level. We as human beings deserve to give each other respect as we realize barbaric descriptions we have used in the past are not humane and degrade both the speaker and the one being spoken to.

The MR label in of itself states a judgment of a person. When my daughter with autism was called retarded by her family and/or the children at school, she was emotionally wounded and go home and cry. She did not want to return to her relative's home or the school because of the names she was called. We relocated to the mainland for her to attend a school where she was seen as a spiritual being, a whole person, with the curriculum and life skills focusing on her strengths. For the first time in her life, she became a person who was truly seen, heard and supported by an entire community for who she is and not seen as her disability first. We have returned home now and support our community to be more conscious in living with people with intellectual disabilities. We are people first who may happen to have a disability. **Sometimes our thinking and actions help to change people by changing two words: MENTALLY RETARDED TO INTELLECTUAL DISABILITY.**

Mahalo nui loa for this opportunity to present this testimony to you.  
Mahalo Representative Yamane and Members of the Committee for your



**YES vote in support of HB 761.**

Christina Chang DOM, mother of Malia La'a Kea Angelica Chang  
President and Executive Director for Lokelani 'Ohana [www.lokelaniohana.org](http://www.lokelaniohana.org)

February 4, 2011

The Honorable Ryan I. Yamane, Chair  
House Committee on Health  
Twenty-Sixth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

SUBJECT/RE: **HB 761** – RELATING TO INTELLECTUAL DISABILITIES.

Hearing scheduled for Monday, February 7, 2011 at 10:15 a.m.  
State Capitol, Room 329

Dear Representative Yamane and Members of the Committee:

My name is James Mariano. I am a resident of Maui County.  
Thank you for the opportunity to tell you that I am in strong support of **HB 761**.

I have been working in the field of aging and disability for 11 years, both professionally and as a volunteer.

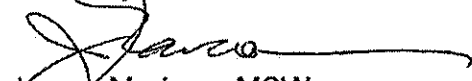
The long-standing usage of the label 'mentally retarded' is not only wholly offensive, but irresponsible. Notwithstanding its negative connotation, the label does not accurately describe an individual's capabilities and potential. Like other damaging labels, these words are ingrained in the language and have been all too commonplace. It concerns me that this word is pervasive in the field of health and human services, and that its de facto usage is reinforced by statutes that need updating.

Change is difficult but it has to start somewhere. Times have changed. More and more people with mental challenges have become mainstreamed. They are no longer the minority that many wanted them to be.

This bill needs to pass so that we can send a clear message that language is important. It is important to know that what we say is as important as how we say it. It is empowering to celebrate the intrinsic person. This bill allows the governing body to change this part of the language in our law. It is so much more than being politically correct—it is about recognizing the self-worth of all citizens.

Thank you for this opportunity to share this testimony. I especially want to thank the committee members for hearing this bill and ask your support in passing HB 761.

Sincerely

  
James Mariano, MSW  
Wailuku, Maui  
lifesurreal@yahoo.com

Lani Bartholomew  
83 Kihapi St. Apt. # 204  
Kailua, HI 96734  
(808) 861-7276

February 7, 2011

House Committee on Health  
Representative Ryan I. Yamane, Chair  
Representative Dee Morikawa, Vice Chair

Dear Representatives Yamane, Morikawa and Members of the Health Committee:

**HB 761- RELATING TO INTELLECTUAL DISABILITIES**

My name is Lani L. Bartholomew. Thank you for the opportunity to tell you that I strongly support HB 761-Relating to Intellectual Disabilities.

When I went to Kaimuki Intermediate School I was in special education . I was called mental retarded, stupid, dumb, and retard. They even threw things at me, spit at me, teased me and called me names. They would grab my bag and take my bus tickets and throw things on the ground. The bullies would run by me and lift my dress. They were mean to me and I didn't like it. I felt ashamed and hurt. I even cried.

Thank you for taking time to listen to me and for reading my testimony.

Love,  
Lani L. Bartholomew

**TESTIMONY IN STRONG SUPPORT  
HB 761  
House Committee on Human Services  
House Committee on Health  
Hearing : February 7, 2011 10:15 AM Conf Room 329**

To: The Honorable Rep. John M. Mizuno,  
Chair, House Committee on Human Services  
and

The Honorable Ryan I. Yamane,  
Chair, House Committee on Health

Twenty-Sixth Legislature State of Hawaii  
State Capitol  
Honolulu, Hawaii 96813

From: Thomas and Gloria Huber  
46-291 Auna Street  
Kaneohe HI 96744  
Contact: 808 235 1437 [hubert001@hawaii.rr.com](mailto:hubert001@hawaii.rr.com)

Re: HB 761  
RELATING TO INTELLECTUAL DISABILITIES.  
Changes references to "mental retardation" or like terms in the Hawaii Revised Statutes to "intellectual disability" or like terms.

Dear Representatives Mizuno and Yamane and Members of the Committee:

We are in STRONG SUPPORT of HB 761 which would follow the lead of the U.S.Congress ("Rosa's Law") and the guidance of all major advocacy groups for people with intellectual disability by changing all references in Hawaii law from "mental retardation" to "intellectual disability."

Indeed, the movement towards a less pejorative term was begun by individuals with intellectual disabilities and their own self-advocacy groups, who explained that the old term had become demeaning and dismissive. Even their advocates resisted at first, saying that a change of language was necessary, but that "the laws" required the hurtful terminology. "Change the words and change the law", they responded. And why not? The time has come!

Thank you for the opportunity to testify.

We are confident that the Legislature of the State of Hawaii will respect the feelings and dignity of its citizens with intellectual disabilities just as it has striven to provide meaningful support and services for them.



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**From:** Lynn Murakami-Akatsuka [lkakatsu@hawaii.rr.com]  
**Sent:** Friday, February 04, 2011 2:27 PM  
**To:** HUSfestimony  
**Subject:** Testimony for HB 761on 2/7/2011 at 10:15 AM

Testimony for Committee on Human Services and Committee on Health,  
2/7/2011 at 10:15 AM

Conference room: 329  
Testifier position: Strongly support  
Testifier will be present: NO  
Submitted by: Lynn Murakami-Akatsuka  
Organization: Individual  
Address: 45-606 Keole Street; Kaneohe, HI 96744  
E-mail: [lkakatsu@hawaii.rr.com](mailto:lkakatsu@hawaii.rr.com)  
Submitted on: 2/4/2011

Comments: As a sibling of an individual with an intellectual disability, I strongly urge your committees to pass HB 761 to change all references using the term "mental retardation" or like terms in the Hawaii Revised Statutes to "intellectual disability" or like terms. The new terminology "an individual with an intellectual disability" will help to change a social norm in a positive way beginning in our state laws' references. Words can be hurtful if used to demean a person's behavior or to label a person. Let us right a wrong beginning today.

I am in strong support of this bill HB 761. Thank you for the opportunity to testify.

Jonathan Ahina  
84-757 Kiana Pl. Unit 11A  
Waianae, HI 96792

February 7, 2011

Representative Ryan Yamane, Chair  
House Committee on Health  
Twenty-Sixth Legislature  
State of Hawaii  
Honolulu, HI 96813

**HB 761 - RELATING TO INTELLECTUAL DISABILITIES.**

Dear Representative Yamane and Members of the Committee:

My Name is Jonathan Ahina. Thank you for the opportunity to tell you that I am in strong support of HB 761.

I joined SAAC (Self-Advocacy Advisory Council) in April 2009 and help out with the responsibility of my wife, whom is president for DD (Developmental Disabilities) Council and SAAC. My position in SAAC is being treasurer. One of the activities is to raise money by recycling cans and bottles for SAAC. I also attend day programs from Easter Seals.

I share strong feelings to removed the 'R' word in replacement of "Intellectual Disability".

Thank you,  
Jonathan Ahina

Sarah Ahina  
84-757 Kiana Pl. Unit 11A  
Waianae, HI 96792  
February 7, 2011

Representative Ryan Yamane, Chair  
House Committee on Health  
Twenty-Sixth Legislature  
State of Hawaii  
Honolulu, HI 96813

RE: HB 761 — Relating to Intellectual Disabilities

Dear Representative Yamane and Members of the Committee:

My Name is Sarah Ahina. Thank you for the opportunity to tell you that I am in **strong support of HB 761.**

When I was a little girl, my family did not know how I was doing in school. I was having a hard time with my schoolwork, my reading, and other schoolwork. My friends were passing the grades and I was left behind. I felt sad.

All my teachers were wondering how come Sarah is having a hard time with her schoolwork. All of my friends were calling one another "retarded", "stupid", and "mental". My cousins called me all kinds of names that hurt me: "lolo", "mentally retarded", "stupid retarded mental case", and "special-ed class".

So it would be good if you changed the "mental retard" word to "intellectual disability."

Mahalo Nui Loa,

Sarah Ahina



Sol Ray Duncan  
1174 Waimano Home Rd.  
Pearl City, HI 96782

February 7, 2011

House Committee on Health  
Representative Ryan Yamane, Chair  
Representative Dee Morikawa, Vice Chair

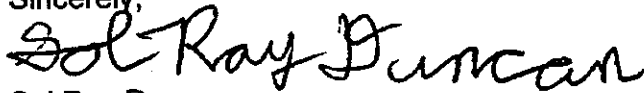
HB 761- Relating to Intellectual Disabilities

Dear Representative Yamane, Representative Morikawa and Members of the House Health Committee:

My Name is Sol Ray Duncan. Thank you for the opportunity to tell you that I am in **strong support of HB 761**.

It should be passed to respect people with these differences. Thank you for hearing this bill.

Sincerely,

A handwritten signature in black ink that reads "Sol Ray Duncan". The signature is written in a cursive style with a large, stylized "S" at the beginning.

Sol Ray Duncan

April Mira  
1174 Waimano Home Rd., #207  
Pearl City, HI 96782

February 7, 2011

Representative Ryan Yamane, Chair  
House Health Committee  
Twenty-Sixth Legislature  
State of Hawaii  
Honolulu, HI 96813

Re: HB 761- Relating to Intellectual Disabilities.

Dear Representative Yamane and Members of the Committee:

My Name is April Mira. Thank you for the opportunity to tell you that I am in **strong support of HB 761.**

When I was 8 years old, people used to tease me and call me "mentally retarded", "you retard", "you mental", "you stupid", and "dumb". Kids used to tease me a lot and it made me feel uncomfortable. It was very hurtful and I cried a lot and did not want to go to school any more. I used to run away, cry in the corner at school. The kids at school tried to fight me, throw food and water at me, spit at me, and throw rubbish at me. I am now afraid to go out by myself.

Now when I see other people who have a disability, I do not tease, I help them. If this bill passes, I will be happy for the change and for the kids now that have a disability so they don't get teased in the future and aren't afraid like me.

Thank You,

*April Mira*  
April Mira

Monday, February 7, 2011

Representative Ryan Yamane, Chair  
House Committee on Health  
State of Hawaii  
Twenty-Sixth Legislature  
State Capitol  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Subject: HB 761- RELATING TO INTELLECTUAL DISABILITIES

Hearing: Monday, February 7, 2011, 10:15am (Committee on Health), Conference Room 329

Dear Representative Yamane & Members of the Committee on Health:

I am in ***STRONG SUPPORT*** of HB 761 Relating to Intellectual Disabilities. This bill helps us feel better about ourselves. No one likes being called Mentally Retarded. Please help us feel better about ourselves.

Thank you for the opportunity to present testimony in **Strong Support of HB 761**. I can be reached at 946-8335 for any further questions.

Sincerely,

*Joshua Smalley-Bower*

Debbie Rivers  
2790 Kahaloa Drive, #802  
Honolulu, HI 96822

The Honorable Ryan I. Yamane, Chair  
House Committee on Health  
Twenty-Sixth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

### HB 761-RELATING TO INTELLECTUAL DISABILITIES

My name is Debbie Rivers. I am a person with depression and anxiety disorder, and I also have cerebral palsy. As a long-time member of the State Council on Developmental Disabilities and a person with a disability, I am here today to testify in strong support of HB 761 to get rid the "R" word and replace the label of mental retardation with intellectual disability.

Throughout my life I have heard the word "mental retardation", "retarded", "mental". Some people assume that I am less than others. I have been called "mental" many times and it really hurts my feelings and it has many negative connotations to it. These words that I have mentioned have become part of every day language in conversation, jokes, even part of the dictionary, and laws. There are many words that are in our history such as the "N" word, the "F" word, and unfortunately we all know what these words are referring to. But there have been positive changes such as people being referred to as Afro American or to give a local example, the Shriner's Hospital. Shriner's Hospital finally changed their name to Shriner's Hospital for Children. Every time I would pass Shriner's in the past, the word crippled made me cringe and sad because they are just kids that need help with their orthopedic conditions. With the new construction of the hospital came the positive change from crippled children to just children. When I first saw this it made me smile and happy and I said to myself, yes finally they changed the word.

We all have to remember that we are all people first and in society we all have labels whatever is your job title or lack of a job title, ethnic background, disability, or ability. It is time for a change to get rid of the "R" word in the state law not just to follow suit with Rosa's law, but to show aloha and celebrate our uniqueness and diversity. The time is now to get rid of the "R" word and to change it with a person with an intellectual disability.

Thank you and aloha for this opportunity to testify and please pass HB 761.

Debbie Rivers