



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814  
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

March 1, 2011

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR

Senate Bill 962 - Relating to Changing References in the Hawaii Revised Statutes From "Mental Retardation" to "Intellectual Disability"

The Disability and Communication Access Board supports Senate Bill 962 to change the term "mental retardation" to "intellectual disability" in the statute.

We have consistently sought to have politically correct, people first language in the statute that more appropriately reflects the current and evolving terminology in our field. National organizations and consumer advocacy groups have moved away from the term "mental retardation" and this bill mirrors the national trend.

Thank you for the opportunity to testify.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG  
Chairperson  
Legislative Committee

FRANCINE WAI  
Executive Director

# LATE TESTIMONY

Tawni Gesteuyala, MD  
1319 Punahou St.  
Honolulu, HI 96826  
tgesteuy@hawaii.edu

March 1, 2011

The Honorable Clayton Hee, Chair  
Senate Committee on Judiciary and Labor  
Twenty-Sixth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

**SB 962**—RELATING TO CHANGING REFERENCES IN THE HAWAII REVISED STATUTES FROM “MENTAL RETARDATION” TO “INTELLECTUAL DISABILITY”.

Dear Senator Hee and Members of the Committee:

My name is **Tawni Gesteuyala** and I am a Chief Resident of the University of Hawaii Pediatrics Residency Program as well as a trainee in the Maternal Child Health Leadership Education in Neurodevelopmental and Related Disabilities (MCH LEND) Program.

Thank you for the opportunity to show my **strong support of SB 962**.

The term “mental retardation” is no longer an objective, clinical diagnosis describing a person’s intellectual function; it has come to have several meanings in everyday use, each with a negative connotation. It’s now thrown around in conversation to indicate when something is “uncool” or not right, and, when used at a person, is hurtful and belittling. I believe that society as a whole needs to change, and that a good place to start is in legislation. It seems unreasonable to hope to remove disparaging terms like “mentally retarded” from everyday slang when they are found throughout Hawaii statutes.

Thank you again for allowing me to present this testimony in strong support of SB 962, and to the Committee for hearing this bill.

Sincerely,

Tawni Gesteuyala, MD

Mike Tamanaha  
3989 Diamond Head Road  
Honolulu, HI 96816

February 28, 2011

The Honorable Clayton Hee, Chair  
Senate Committee on Judiciary and Labor  
Twenty-Sixth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

**SB 962**– RELATING TO CHANGING REFERENCES IN THE HAWAII  
REVISED STATUTES FROM “MENTAL RETARDATION” TO  
“INTELLECTUAL DISABILITY”.

Dear Senator Hee and Members of the Committee:

I am in strong **support** of SB 962 which will bring Hawaii in alignment with “Rosa’s Law enacted by the U.S. Congress and signed by President Barack Obama in October 2010. Rosa’s law replaces the term “mental retardation” with intellectual disabilities” in federal health, education and labor laws.

This change reflects the desire of individuals with intellectual disabilities to eliminate the stigma and preconceived limitations that have been associated with the word “mental retardation.” The term has been used to degrade and segregate individuals through history and school children have been influenced by the entertainment media and society to unwittingly perpetuate the term to tease and hurt their peers.

Even prominent individuals such as the President’s former chief of staff, Rahm Emanuel, have used the word in heated moments without discerning the inappropriateness of the word. In Emanuel’s situation, he was appropriately chastised but learned from his experience and has become an advocate for reform.

Change starts with the way we use words and passage of SB 962 is a step in the right direction. If everyone, including our elected leaders takes advantage of a teaching moment to educate family, friends and acquaintances who are heard using the word “retarded” of the impact on people and the need to use “intellectual disabilities”, we would be generating an enormous potential for positive change in Hawaii.

Thank you for the opportunity to testify.

**Mike Tamanaha**



Creating solutions, changing lives

**Easter Seals Hawai'i**

**Oahu Support Services**  
92-461 Makakilo Drive  
Kapolei, Hawaii 96707  
Phone: 808.678.3754  
Fax: 808.686.9538  
[www.eastersealshawaii.org](http://www.eastersealshawaii.org)

## O'AHU

Adult Day Health  
Program at Central  
Union Church

Assistive Technology  
Program

Ewa Adult Day Health  
Program

Family Support  
Services Program

Kailua Early  
Intervention Program

Kapolei Early  
Intervention Program

O'ahu Support  
Services

Partnerships in  
Community Living  
Program

Sultan Early  
Intervention Program

Youth Services  
Program

## KAUAI

Kauai Early  
Intervention Program

Kauai Support  
Services

Kauai Youth Services

## HAWAII

Hilo Early Intervention  
Program

Hilo Support Services  
Program

Hilo Youth Services

## MAUI COUNTY

Adult Day Health  
Program at Hale  
Hauoli

Support Services  
Program

Partnerships in  
Community Living  
Program

Monday, February 28, 2011

The Honorable Senator Clayton Hee, Chair of Committee on Judiciary and Labor.  
The Honorable Senator Maile S.L. Shimabukuro, Vice Chair of Committee on Judiciary  
and Labor.

The Twenty-Sixth Legislature  
State Capitol  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Subject: **SB 962** Relating to Changing References in the Hawaii Revised  
Statutes from "Mental Retardation" to "Intellectual Disability"

Hearing: Tuesday, March 1, 2011, 9:00 a.m. (Senate Judiciary and Labor  
Committee) Room 016

Dear Honorable Senator Clayton Hee and Honorable Senator Maile S.L. Shimabukuro.:

Easter Seals Hawaii provides exceptional services to ensure that all people with disabilities or special needs and their families have equal opportunities to live, learn, work and play in their communities. On behalf of Easter Seals Hawaii, I am submitting testimony in **STRONG SUPPORT** OF SB 962 relating to Changing References in the Hawaii Revised Statutes from "Mental Retardation" to "Intellectual Disability". SB 962 changes the Hawaii Revised Statutes by removing the term "mental retardation" or like terms where it appears and replacing it with the terms "intellectual disabilities" or like terms.

Easter Seals Hawaii humbly asks for your **support** of **SB 962** which will update the language currently used in State statutes and remove a term from Hawaii law that has often been used in a derogatory and demeaning manner. The focus and emphasis on the person first rather than the disability will assist in promoting those with intellectual disabilities to be treated with dignity and respect and will help promote an attitudinal change. Something Easter Seals Hawaii, strongly promotes.

Sincerely,

Anastasia Keller-Collins  
Senior VP of Program Development  
Easter Seals Hawaii

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 28, 2011 9:32 AM  
**To:** JDLTestimony  
**Cc:** Framodda@yahoo.com  
**Subject:** Testimony for SB962 on 3/1/2011 9:00:00 AM

Testimony for JDL 3/1/2011 9:00:00 AM SB962

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Ramoda Anand  
Organization: Individual  
Address:  
Phone:  
E-mail: [Framodda@yahoo.com](mailto:Framodda@yahoo.com)  
Submitted on: 2/28/2011

Comments:  
I strongly support SB962

Testimony For SB962

**LATE TESTIMONY**

Kim Gropper

[www.kimgropperw@hotmail.com](mailto:www.kimgropperw@hotmail.com)

March 1, 2011

The Honorable Clayton Hee, Chair  
Senate Committee on Judiciary and Labor  
Twenty-Sixth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

SB 962– RELATING TO CHANGING REFERENCES IN THE HAWAII  
REVISED STATUTES FROM “MENTAL RETARDATION” TO  
“INTELLECTUAL DISABILITY”.

Dear Senator Hee and Members of the Committee:

My name is **Kim Gropper**. I am a student in the Masters of Social Work program at the University of Hawaii and a trainee for the Maternal Child and Health Leadership Education in Neurodevelopmental and Related Disabilities (MCH LEND) Program.

Thank you for the opportunity to tell you that I am in **strong support of SB 962.**

As a social worker and a trainee in the MCH LEND program, I work regularly with individuals who have intellectual disabilities and their families. I am also on a multi-disciplinary team with people who have family members with intellectual disabilities. I have heard many stories and direct accounts of how the word “retarded” has hurt these people. I sat and listened to the pain in the voices of a group of self advocates as they discussed the “R” word. I have listened to mothers of children with special needs cry recounting stories of their children coming home from school in tears after begin called “retarded” by other kids. We all know that words have the power to make people feel strong emotions. The “R”

word is a word that hurts people's feelings and makes them feel worthless, criticized, teased, belittled, unappreciated, unvalued, disliked, and bullied. Why continue to use this hurtful word as a state when there is already a national precedent to change this outdated terminology? Let's do the right thing here in Hawaii, the Aloha state, and take the first step in creating a society that treats individuals with disabilities with the respect that they deserve.

Thanks for taking the time to consider my testimony. Thank you as well for hearing SB962. I urge you to support the passage of this bill.

Sincerely,

Kim Gropper

**LATE TESTIMONY**

**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 SENATE  
THE TWENTY-SIXTH LEGISLATURE  
REGULAR SESSION OF 2011**

**Committee on Judiciary  
Testimony in Support of S.B. 962  
Relating to Changing References In The Hawaii Revised Statutes From  
“Mental Retardation” To “Intellectual Disability”  
Tuesday, March 1, 2011, 9:00 A.M.  
Conference Room 016**

Chair Hee 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.



ORI (Opportunities and Resources Inc.)  
64-1510 Kamehameha Highway  
Wahiawa, HI 96786  
Phone: (808) 622-3929

**LATE TESTIMONY**

Hearing Date/Time: March 1, 2011, 9:00 am

The Honorable Clayton Hee, Chair  
House Committee on Finance  
Twenty-Sixth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

RE: SB 962 – RELATING TO CHANGING REFERENCES IN THE HAWAII  
REVISED STATUTES FROM “MENTAL RETARDATION” TO “INTELLECTUAL  
DISABILITY”

Dear Senator Hee and Members of the Committee:

My name is **Ann Higa**, Chief Operating Officer, of ORI (Opportunities and Resources Inc. – formerly Opportunities for the Retarded, Inc.). Thank you for the opportunity to tell you that I am in **strong support of SB 962.**

We believe it is important for our laws to reflect the changes which support the desires of individuals with intellectual disabilities and individuals with other disabilities to be referred to in a respectful manner.

After 30 years, our agency, ORI, also underwent a change in name from Opportunities for the Retarded, Inc. to Opportunities and Resources Inc., in order to reflect the changing times and perspective.

Thank you for the opportunity to present testimony and for hearing this bill. I strongly urge your support of the passage of the bill.

Sincerely,

Ann Higa  
Chief Operating Officer

(Note: The Committee is requesting 1 copy to the Committee Clerk, State Capitol, Room 002)

**From:** Bernadette Keliiaa [bernie808@hawaiiantel.net]  
**Sent:** Monday, February 28, 2011 4:17 PM  
**To:** JDLEstimony  
**Subject:** STRONG SUPPORT OF SB962

**LATE TESTIMONY**

Bernadette Keliiaa  
99-1040 Puumakani St.  
Aiea, HI 96701

The Honorable Clayton Hee, Chair  
Senate Committee on Judiciary and Labor  
Twenty-Sixth Legislature  
State Capitol  
State of Hawaii  
Honolulu, HI 96813

SUBJECT/RE: SB 962 - RELATING TO CHANGING REFERENCES IN THE HAWAII REVISED  
STATUTES FROM "MENTAL RETARDATION" TO "INTELLECTUAL DISABILITY"

Dear Senator Hee and Members of the Committee:

My name is Bernadette Keliiaa, I am the parent of Donovan Keliiaa. Donovan is a soon to be 30yr old with a developmental disability, he likes to go to Vegas when he saves up his money to pay for his hotel and entertainment and is also a great durmmer, he's a rocker.

We are in STRONG SUPPORT OF SB 962. When Donovan was in elementary school the "R" word was the norm for any child that behaved differently. LANGUAGE IS POWERFUL! The ridicule that my son went through from peers as well as uninformed ignorant adults was extremely hurtful.

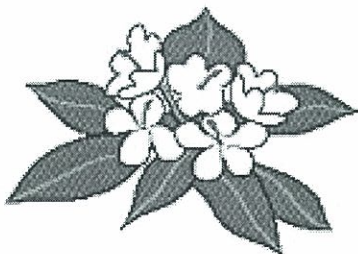
Rosa's Law is such a positive message to all, and I would strongly encourage you to pass SB 962. Let's move away from "name calling" and move forward to a more inclusive society.

Thank you for the opportunity to present testimony. Thank you to the committee for hearing this bill and please support SB 962 knowing that it will be a positve act to support our differntly-abled community.

Sincerely,

Bernadette Keliiaa

**LATE TESTIMONY**



**S E A C**  
**Special Education Advisory Council**  
919 Ala Moana Blvd., Room 101  
Honolulu, HI 96814  
Phone: 586-8126 Fax: 586-8129  
email: spin@doh.hawaii.gov

March 1, 2011

**Special Education  
Advisory Council**

Ms. Ivalee Sinclair, *Chair*  
Ms. Barbara Pretty, *Acting  
Vice Chair*

Ms. Brendelyn Ancheta  
Ms. Sue Brown  
Ms. Deborah Cheeseman  
Ms. Annette Cooper  
Ms. Phyllis DeKok  
Ms. Mary Ellis  
Ms. Debra Farmer  
Ms. Gabriele Finn  
Ms. Martha Guinan  
Mr. Henry Hashimoto  
Dr. Martin Hirsch  
Ms. Tami Ho  
Ms. Barbara Ioli  
Ms. Deborah Kobayakawa  
Ms. Bernadette Lane  
Ms. Shanelle Lum  
Ms. Rachel Matsunobu  
Ms. Dale Matsuura  
Ms. Kristy Nishimura  
Ms. Connie Perry  
Ms. Barbara Pretty  
Ms. Kau'i Rezendes  
Ms. Melissa Rosen  
Dr. Patricia Sheehy  
Mr. August Suehiro  
Ms. Judy Tonda  
Ms. Cari White  
Ms. Jasmine Williams  
Mr. Duane Yee  
Ms. Carol Young

Jan Tateishi, Staff

Senator Clayton Hee, Chair  
Senate Committee on the Judiciary and Labor  
State Capitol  
Honolulu, HI 96813

RE: **SB 962** - RELATING TO CHANGING REFERENCES IN  
HAWAII REVISED STATUTES FROM "MENTAL  
RETARDATION" TO "INTELLECTUAL DISABILITY"

Dear Chair Hee and Committee Members,

The Special Education Advisory Council (SEAC), Hawaii's State  
Advisory Panel under the Individuals with Disabilities Education  
Act (IDEA), **supports SB 962** which aims to substitute more current  
terminology for the stigmatizing term "mental retardation" in Section  
333F-1 of the Hawaii Revised Statutes.

SEAC and other community organizations championed the use of the  
term "Intellectual Disability" in lieu of "Mental Retardation" as an  
eligibility category in Hawaii's recent revisions to special education  
administrative rules--Chapter 60. In doing so, SEAC was following  
a national movement led by self advocates to use more neutral and  
person-centered language in describing disabilities. Most recently,  
Rosa's Law, passed unanimously by Congress in October 2010,  
likewise requires the substitution of "Intellectual Disability" for  
"Mental Retardation" in federal health, education and labor policies.

SEAC believes the time has come for Hawaii to abandon old, baggage  
laden disability terms for respectful, People First language. Thank  
you for the opportunity to present testimony on this important issue.  
I would be happy to answer questions by phone or email (Ivalee\_  
Sinclair@notes.k12.hi.us).

Respectfully,

**Ivalee Sinclair, Chair**

Support SB 962

Relating to Changing References in the Hawaii Revised Statutes from “mental retardation” to “intellectual disability

HONORABLE HAWAII STATE SENATORS:

Mahalo for the opportunity to give my support to SB 962. My name is Joshua Fouts, and I am a lecturer in the Special Education Department at UH Mānoa, College of Education. As a teacher educator I feel it is important that we train and develop our teachers to individualize instruction, so the many needs of our students with disabilities can be met. IDEA 1997 mandated individualized instruction for students with disabilities through the use of Individual Education Plans (IEP). IEP's break down areas of need into specific goals and objectives, modify the environment, so that students can receive their education in the least restrictive environment.

SB 962 helps create the least restrictive environment by using words that are: a) more specific to the area to be addressed in IEPs, b) consistent with other categories of disabilities, and c) lacking negative connotations.

The word *intellectual* describes the area that the individual that has lost an ability in, whereas the word *mental* does not describe the exact ability. By definition the word *mental* could describe a loss in emotional or intellectual ability. As the disability field grows and becomes more complex, it is imperative that that we know exactly what areas we are addressing in the student's IEP. By identifying the exact areas of ability, specific goals and objectives can be designed and progress made.

The word *disability* is consistent with other categories of disabilities and makes for a more efficient system for special educators. The present system can be a very difficult to navigate for special educators, and providing more structure and stability will make it easier for educators to provide the best services, and least restrictive environment possible for the students they work with.

Lastly, the word *disability* does not give the negative connotations that the word *retardation* or *retard* does. Replacing *retardation* with a more appropriate word promotes the idea that individuals regardless of their abilities or disabilities should be seen as people first and not labeled by their disability, thus creating the least restrictive environment for all students.

Changing references in the Hawaii Revised Statutes from *mental retardation* to *intellectual disability* creates the least restrictive environment by using words that are: a) more specific to the areas that need to be addressed IEPs, b) consistent with other categories of disabilities, and c) lacking negative connotations.

Thank you again for the opportunity to show my support of SB 962.

Sincerely,

Joshua H Fouts Ph.D., BCBA  
Lecturer, College of Education  
University of Hawai'i at Mānoa

Mike Tamanaha  
3989 Diamond Head Road  
Honolulu, HI 96816

February 28, 2011

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

SUBJECT: HB 761 – RELATING TO INTELLECTUAL DISABILITIES.

Dear Representative Yamane and Members of the Committee:

I am in strong support of HB 761 which will bring Hawaii in alignment with “Rosa’s Law enacted by the U.S. Congress and signed by President Barack Obama in October 2010. Rosa’s law replaces the term “mental retardation” with intellectual disabilities” in federal health, education and labor laws.

This change reflects the desire of individuals with intellectual disabilities to eliminate the stigma and preconceived limitations that have been associated with the word “mental retardation.” The term has been used to degrade and segregate individuals through history and school children have been influenced by the entertainment media and society to unwittingly perpetuate the term to tease and hurt their peers.

Even prominent individuals such as the President’s former chief of staff, Rahm Emanuel, have used the word in heated moments without discerning the inappropriateness of the word. In Emanuel’s situation, he was appropriately chastised but learned from his experience and has become an advocate for reform.

Change starts with the way we use words and passage of HB 761 is a step in the right direction. If everyone, including our elected leaders takes advantage of a teaching moment to educate family, friends and acquaintances who are heard using the word “retarded” of the impact on people and the need to use “intellectual disabilities”, we would be generating an enormous potential for positive change in Hawaii.

Thank you for the opportunity to testify.

Mike Tamanaha