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GOVERNOR



KATHRYN S. MATAYOSHI  
SUPERINTENDENT

STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 03/22/2016

**Time:** 10:00 AM

**Location:** 329

**Committee:** House Human Services

**Department:** Education

**Person Testifying:** Kathryn S. Matayoshi, Superintendent of Education

**Title of Resolution:** HCR 78/HR 40 REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A TWO-YEAR PILOT PROJECT TO IMPLEMENT CONTRACTS FOR SERVICES FOR STUDENTS WITH DISABILITIES ON A BLOCK BASIS RATHER THAN ON A ONE-TO-ONE BASIS.

**Purpose of Resolution:**

**Department's Position:**

The Department of Education (Department) supports the intent of HCR 78/HR 40.

Further, the Department welcomes the opportunity to collaboratively work with stakeholders to explore contracted services on a block basis to better address a least restrictive environment for special education students.

Thank you for this opportunity to testify on HCR 78/HR 40.



**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  
March 22, 2016

The Honorable Dee Morikawa, Chair  
House Committee on Human Services  
Twenty-Eighth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Representative Morikawa and Members of the Committee:


**SUBJECT: HCR 78 and HR 40 – REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A TWO-YEAR PILOT PROJECT TO IMPLEMENT CONTRACTS FOR SERVICES FOR STUDENTS WITH DISABILITIES ON A BLOCK BASIS RATHER THAN ON A ONE-TO-ONE BASIS**

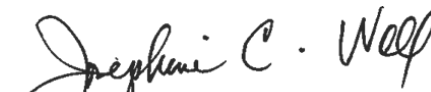
The State Council on Developmental Disabilities **SUPPORTS HCR 78 and HR 40**. The resolutions call for the Department of Education (DOE) to conduct a pilot project to implement contract for services for students with disabilities on a block basis.

The pilot project provides opportunity for DOE to demonstrate a cost benefit analysis of contracting services through a block contract model and an employee-based model. The results would shed light on the most cost efficient use of funds and use of DOE personnel with the maximum benefit to students with disabilities in the delivery of services. With limited funds for special education services and low academic performance of students with disabilities, it is in the best interest of DOE to implement the pilot project.

The Council supports the request in the resolutions that ask DOE to convene a working group to assist in the pilot project. We welcome the opportunity to work with DOE, parents, and community stakeholders indicated on Page 2 to carry out the activities to implement the pilot project.

Thank you for the opportunity to submit testimony in support of HCR 78 and HR 40.

Sincerely,  
  
Waynette K.Y. Cabral, MSW  
Executive Administrator

  
Josephine C. Woll  
Chair

**kobayashi2-Jessi**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 18, 2016 4:09 PM  
**To:** HUS testimony  
**Cc:** louis@hawaiidisabilityrights.org  
**Subject:** Submitted testimony for HCR78 on Mar 22, 2016 10:00AM

**HCR78**

Submitted on: 3/18/2016

Testimony for HUS on Mar 22, 2016 10:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louis Erteschik	Hawaii Disability Rights Center	Oppose	Yes

Comments: We strongly oppose this measure which is based on false premises and is nothing more than a DOE attempt to save money and circumvent federal law. The IDEA requires that services must be tailored to the needs of the individual student. The students referenced in this Resolution are mostly those with greater needs. Serving them in a "block" as opposed to "one on one" will likely violate the provisions of the Individual Education Plans that have been developed for them and will therefore violate the IDEA. This will also lead to more Due Process Hearings and so will inevitably be more costly. For that reason it is both educationally and fiscally unsound and there is no point to convening a Task Force to examine that issue.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Tuesday, March 22, 2016  
COMMITTEE ON HUMAN SERVICES  
Representative Dee Morikawa, Chair  
Representative Bertrand Kobayashi, Vice Chair

10:00 am  
Conference Room 329  
State Capitol  
415 South Beretania Street

**OPPOSITON to HR40**

Honorable Chair Morikawa, Vice Chair Kobayashi, and members of the committees,

My name is Johanna Taylor and I provide support to children with autism and their families in Hawaii. I am a Maui resident. **I am in strong opposition of HCR78.** There are several key reasons why this bill should not move forward:

- This bill would allow the DOE to have a two-year-period to pilot “block services” – doing this is a violation of federal law (IDEA) and would deprived a student the right to individualized supports. I have observed the need for individualized supports across many school environments; students with disabilities need this support to decrease wandering into dangerous situations (the road near the school, around the school without 1:1 support), improve social interactions, and decrease challenging behaviors that prevent learning from occurring.
- There is a need right now for service models in the DOE that provide one to one services from qualified individuals. We cannot allow time to pass without providing students in the DOE with appropriate services. This would only increase the problems that are already occurring and allow services to slip further. The Department of Education’s recently released Special Education Performance Report shows that children in Hawaii are falling further and

further behind. The proficiency scores, graduation rates, and time spent with general education students, and early childhood transitions demonstrate that the DOE has failed to meet expectations and data show slippage overall. The DOE has reported that they do not have enough qualified teachers. Qualified, 1:1 support is needed for students and trained individuals so that improvements can be made across the state.

The passing of this law is unrighteous for the future of keiki in Hawaii. Please **OPPOSE HCR78**.

A handwritten signature in black ink that reads "Johanna Taylor". The signature is written in a cursive, flowing style.

**Johanna Taylor, PhD, BCBA, LBA #10**

**Events Chair, Hawaii Association for Behavior Analysis**



## **Keiki Educational Consultants, Inc.**

61-280 Kamehameha Highway, Haleiwa, HI 96712 – (808) 298-2658


COMMITTEE ON HUMAN SERVICES  
Rep. Dee Morikawa, Chair  
Rep. Bertrand Kobayashi, Vice Chair

Tuesday, March 22, 2016, 10:00 A.M.  
State Capitol, Conference Room 329  
415 South Beretania Street

Chair, Vice Chair and Members of the Committee:

My name is Amanda N. Kelly, PhD, BCBA-D, LBA. I have been working with children with autism and related abilities for over 16 years and am currently practicing as a Hawaii licensed behavior analyst. I am writing to offer comments on [House Resolution 40](#) and the companion, [House Concurrent Resolution 78](#). These resolutions directly pertain to educational assistants in the public school systems, and the delivery of support services for children with academic and behavioral needs. The claims in these resolutions are that internal services are superior to contracted services, and that one-to-one supports are not needed for children in the DOE schools. I can tell you from first-hand experience, this is not the case. The information in these resolutions appears one-sided and misguided. I offer for you a review of each of the points raised in HR40/HCR78. My comments are in green. Hyperlinked content is highlighted in blue. I will be present at the hearing and available for questions.

Respectfully Submitted,

  
[Amanda N. Kelly, PhD, BCBA-D, LBA](#)

Executive Director, Keiki Educational Consultants  
PH (808) 298-2658 / F (808) 441-0944

#### Context (from HR40/HCR78)

- One to one services  
This would be one-to-one paraprofessional services, including educational assistants (EA) working with children on ABA programs
- Services are under the supervision of the classroom teacher  
Currently Behavior Intervention Support Specialists (BISS) contracts state that all services are provided directly to the teacher and the teacher is responsible for training the education assistants (EA)
- Department as a rationale for providing contracts  
Developing systems that allow positions to become internal (versus contracted) may be more cost effective in the long run for the DOE, however they are not currently feasible

#### Justification for request (from HR40/HCR78)

- CLAIM: One-to-one services prevent children with disabilities from group instruction on academic, social, communication, and behavioral skills  
Having UNQUALIFIED individuals providing one-to-one services prohibit children from making progress in regards to academic, social, communication and behavioral skills  
Having effective one-to-one instructors, who are trained in facilitating play, can enhance the social interactions of children requiring these services
- CLAIM: Evidence demonstrates that students with one-to-one services throughout the school day may become overly dependent on the adult support person (from HR40/HCR78)  
Evidence demonstrates that students with one-to-one services from UNQUALIFIED individuals may become overly dependent on the adult support person  
Evidence demonstrates that students with one-to-one services throughout the day, delivered by an individual who has been trained in reinforcement and prompt fading, can decrease the likelihood that students will become dependent on the adult support person
- CLAIM: A disproportionate student to adult ratio obstructs student learning, inhibits peer-to-peer interactions, and is not cost effective (from HR40/HCR78)  
UNQUALIFIED individuals obstruct student learning, inhibits peer-to-peer interactions, and is not cost effective  
Having a disjointed consultation system, and allowing educational assistants (EA) and Behavior Intervention Support Specialists (BISS) to be employed by different agencies obstructs student learning, inhibits peer-to-peer interactions, and is not cost effective

Having a system which prohibits collaboration and communication among parents and other members of the team obstructs student learning, inhibits peer-to-peer interactions, and is not cost effective

- CLAIM: Current practice of contracting for one-to-one service appears to be a deterrent to more inclusive practices (from HR40/HCR78)  
Current contracts allow UNQUALIFIED individuals to provide one-to-one service, without adequate support or training, which appears to be a deterrent to more inclusive practices
- CLAIM: Contracted services could be provided on a different basis (from HR40/HCR78)  
Agreed. However the solution to contract versus internal service is not to lump children with significant needs into larger settings with less supports.
- CLAIM: Purchasing services in a block allows for more flexibility in meeting needs of students with disabilities (from HR40/HCR78)  
This is an opinion-based statement, and is not supported by any research that has been produced thus far

#### Purpose of workgroup

- Determine the nature of services that could be contracted by a block of time to serve more than one student with disabilities (from HR40/HCR78)  
Request a definition of block services/block of time
- Pilot the adaptation of existing contracts utilizing blocks of time and greater scheduling flexibility in the delivery of services (from HR40/HCR78)  
Refrain from pilots until existing legally mandated supports are implemented with reasonable fidelity  
IDEA requires individualized services, based on individualized needs. It appears these resolutions would leave school personnel open to direct violations of IDEA, which requires service and supports to be determined on an individual level.  
Language like “greater scheduling flexibility” indicates a preconceived notion of the outcome of pilot study
- Community stakeholders (from HR40/HCR78)  
Noticeable absence of providers, not a true representation of stakeholders

#### Current State of Special Education Services in the Hawaii DOE

- [DOE Struggles to Fill Positions That Serve Special Education](#) (2/17/2016)
- [\\$100,000 Salaries Mushroom at DOE In The Last 4 Years](#) (2/23/2016)
- [Is Hawaii Failing Its Special Education Students](#) (2/24/2016)
- [Parents Sue DOE After Son Was Found in Waikiki](#) (2/29/2016)



## Research

- [Helping or Hovering? Effects of Instructional Assistant Proximity on Students with Disabilities \(Giangreco, et al., 1997\)](#)

“In questioning the current use of instructional assistants, we are not suggesting that instructional assistants not be used or that the field revert to historically ineffective ways of educating students with disabilities (e.g., special education classes, special education schools). We are suggesting that our future policy development, training, and research focus on different configurations of service delivery that provide needed supports in general education classrooms, yet avoid the inherent problems associated with our current practices. Undoubtedly, these service provision variations will necessarily need to be individualized and flexible to account for the diverse variations in students, teachers, schools, and communities across our country. “

- [Toward Inclusion of Special Education Students in General Education: A Program Evaluation of Eight Schools \(Idol, 2006\)](#) - Overall, educators were positive about educating students with disabilities in general education settings. They were conservative about how to best do this, with many of them preferring to have the included students accompanied by a special education teacher or instructional assistant or continuing to have resource room services. Nearly everyone favored using instructional assistants to help all students, not just the students with disabilities.
- [The Impact of Adult Support Staff on Pupils and Mainstream Schools: A Systematic Review of Evidence \(Alborz, 2009\)](#) Trained and supported teaching assistants can help primary aged children with literacy and language problems to make significant gains in learning.
- ‘Sensitive’ teaching assistant support can facilitate pupil engagement in learning and social activities with the class teacher and their peers. This requires teaching assistants to be skilled at encouraging interaction, but also aware of occasions where the pupil needs to undertake self-directed choices and actions.
- Teaching assistants can promote social and emotional adjustment, but, from the limited available literature, it appears that they are not very successful in undertaking therapeutic tasks aimed at supporting children with emotional and behavioral problems.
- The use of teaching assistants allows teachers to engage pupils in more creative and practical activities and to spend more time working with small groups and individuals.

- Class-related workload is reduced when working with a teaching assistant, however, the 'management' workload can be increased
- Where properly trained and supported, teaching assistants can have a positive impact on pupil progress. It was clear however that progress was more marked when they supported pupils in discrete well-defined areas of work on particular aspects of learning. There is therefore a strong case for the deployment of well-trained teaching assistants to support pupils (individually or in groups), in collaboration with the class teacher.



**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](mailto:spin@doh.hawaii.gov)**

March 22, 2016

**Special Education  
Advisory Council**

Ms. Martha Guinan, *Chair*

Ms. Brendelyn Ancheta

Dr. Tammy Bopp

Dr. Robert Campbell, *liaison  
to the military*

Ms. Deborah Cheeseman

Ms. Annette Cooper

Ms. Shari Dela Cuadra-Larsen,  
*liaison to the Superintendent*

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Ms. Deborah Kobayakawa

Ms. Bernadette Lane

Ms. Dale Matsuura

Ms. Stacey Oshio

Ms. Zaidarene Place

Ms. Barbara Pretty

Ms. Kau'i Rezentos

Ms. Rosie Rowe

Dr. Patricia Sheehey

Ms. Ivalee Sinclair

Mr. Tom Smith

Ms. Lani Solomona

Dr. Todd Takahashi

Dr. Daniel Ulrich

Dr. Amy Wiech

Ms. Jasmine Williams

Ms. Susan Wood

Amanda Kaahanui, Staff

Susan Rocco, Staff

Representative Dee Morikawa, Chair

Committee on Human Services

State Capitol

Honolulu, HI 96813

**RE: HCR 78/HR 40 - REQUESTING THE DEPARTMENT OF  
EDUCATION TO CONDUCT A TWO-YEAR PILOT PROJECT  
TO IMPLEMENT CONTRACTS FOR SERVICES FOR  
STUDENTS WITH DISABILITIES ON A BLOCK BASIS  
RATHER THAN ON A ONE-TO-ONE BASIS**

Dear Chair Morikawa and Members of the Committee,

The Special Education Advisory Council (SEAC), Hawaii's State Advisory Panel under the Individuals with Disabilities Education Act (IDEA), **strongly supports** HCR 78 and HR 40 that creates a pilot program within the Department of Education to implement contracts for supports for students with disabilities on a block basis.

SEAC has been on record for several years in advising the Department on a more cost effective utilization of contracted personnel while maintaining continuity of support to the students served. Given our interest, we are pleased to be included in the working group outlined in the legislation.

At a time when legislators and other policy makers are focusing on appropriate supports to improve the dismal academic performance of students with disabilities, as well as the efficient use of special education funds, HCR 78 and HR 40 offer an opportunity to address three drawbacks of the current contracting system:

- 1) the potentially negative effects on some students with disabilities receiving one-to-one contracted paraprofessional services; a number of educational studies have documented the unintended detrimental effects of "excessive paraprofessional proximity" including, but not limited to:
  - separation from classmates,



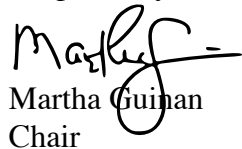
- unnecessary dependence,
  - limited access to appropriate instruction,
  - interference with the engagement of teachers,
  - provocation of problem behaviors,
  - interference with peer interactions, and
  - loss of personal control (Giangreco et al., 2005);
- 2) the lack of flexibility for efficient use of classroom personnel in group instruction; and
- 3) the high cost of one-to-one programming.

Additionally, the two-year pilot will demonstrate substantial cost savings to the Department through more efficient use of contract funds.

There is a general perception that contract costs are inherently more expensive than employee-based service delivery models. SEAC anticipates that the required cost-benefit analysis and comparison of a block contract model vs. an employee based model may reveal a number of hidden costs in the employee-based model, making the expenditures comparable. The data provided by the analysis will help to provide greater clarity for decision-making about service delivery models that are cost effective and beneficial to the student in terms of continuity and quality of support.

Thank you for the opportunity to provide testimony on this important legislation. If you have questions or concerns, please contact me.

Respectfully,

  
Martha Guinan  
Chair



March 22, 2016

COMMITTEE ON HUMAN SERVICES

Rep. Dee Morikawa, Chair

Rep. Bertrand Kobayashi, Vice Chair

Conference Room 329  
State Capitol  
415 South Beretania Street

**HCR78 DOE Pilot Project**

Honorable Chair Morikawa, Vice Chair Kobayashi and members of the committee,

The Hawai'i Association for Behavior Analysis (HABA) has significant concern over this proposed pilot project that would change contracted services in the DOE from one-to-one supports for special education students to contracts designed on a block basis. The recently released Special Education Annual Performance Report for FFY 2014 indicates Hawaii DOE is failing to meet multiple standards, including transition from early intervention, proficiency rates, drop-out rates, and graduation rates. Children in special education in Hawaii are falling farther and farther behind. There is significant need for change, but a move to a block basis does not address the needs of students and educators currently in the system. DOE's current contracting system allows unqualified individuals to provide specialized services and relies too heavily on paraprofessional support without sufficient professional guidance from an individual working in their scope of practice with prior training, supervision, and experience in evidence-based interventions for special education students. Allowing unqualified individuals to provide services to special education students has prohibited children's progress and moving to a block basis of scheduling does nothing to address the issue of unqualified providers and therefore, will not positively impact children's outcomes. Many children currently in the DOE system require individualized supports that are protected by federal law (IDEA). HABA recommends the legislature and community stakeholders work together to revise the current provision of

contracted providers to ensure children receive the supports they need from qualified, trained, individuals working in their scope of practice.

Respectfully submitted,



Kristen Koba-Burd, M.S., BCBA, LBA

President, Hawaii Association for Behavior Analysis (HABA)

president@hawaiiaba.org

Hawaiiaba.org

**kobayashi2-Jessi**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 20, 2016 9:57 PM  
**To:** HUS testimony  
**Cc:** KathleenMPenland@gmail.com  
**Subject:** Submitted testimony for HCR78 on Mar 22, 2016 10:00AM

**HCR78**

Submitted on: 3/20/2016

Testimony for HUS on Mar 22, 2016 10:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathleen Penland	Individual	Oppose	No

Comments: No more data is needed! Our special needs children are falling through the cracks. They need trained and licensed professionals on their teams NOW. While licensed teachers are trained in education, they are not necessarily qualified to implement behavioral treatment plans. Please help our teachers help our students. Behavior analysts are needed within the DOE.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**LATE**



## 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 22, 2016

### TESTIMONY TO THE HOUSE COMMITTEE HUMAN SERVICES

House Concurrent Resolution 78/House Resolution 40 – Requesting the Department of Education to Conduct a Two-Year Pilot Project to Implement Contracts for Services for Students with Disabilities on a Block Basis Rather than on a One-to-One Basis

The Disability and Communication Access Board (DCAB) takes no position but offers comments on this measure House Concurrent Resolution 78 and House Resolution 40 to request the Department of Education to conduct a two-year pilot project to implement contracts for services for students with disabilities on a block basis rather than on a one-to-one basis.

Although we understand the rationale for implementing the two-year project because the number of adults in the classroom offering a child support may be cost prohibitive and may exclude the child from peer-to-peer interactions, there are children who may need more one-to-one assistance and may not benefit from group interactions. Children who are deaf or developmentally delayed may require the additional one-to-one service contacts. Often, there is no “one-size fits all” answers to satisfy the needs of all students, and we do not want a child who needs more one-to-one attention be lost in such a process.

Members of the working group do not include adults with disabilities who have gone through the public school process to provide input. DCAB suggests including members on the working group who are adults with a disability who experienced what it was like to go through the educational system. Members with disabilities may be able to add depth to the project’s development and implementation by participating in the working group to assist the Department of Education to develop the pilot project.

Thank you for the opportunity to testify.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG  
Chairperson  
Legislative Committee

FRANCINE WAI  
Executive Director