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PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE HOUSE COMMITTEE ON FINANCE

TWENTY-NINTH STATE LEGISLATURE
Regular Session of 2018

Friday, February 23, 2018
11:00 a.m.

**TESTIMONY ON HOUSE BILL NO. 2271, H.D. 2, RELATING TO THE PRACTICE OF
BEHAVIOR ANALYSIS.**

TO THE HONORABLE SYLVIA LUKE, CHAIR, AND MEMBERS OF THE
COMMITTEE:

The Department of Commerce and Consumer Affairs (“Department”) appreciates the opportunity to testify on H.B. 2271, H.D. 2, Relating to the Practice of Behavior Analysis. My name is Daria Loy-Goto, and I am the Complaints and Enforcement Officer for the Department’s Regulated Industries Complaints Office (“RICO”). RICO offers the following comments relating to enforcement of this bill.

H.B. 2271, H.D. 2, which is a companion to S.B. 2925, amends the law that regulates the practice of behavior analysis. H.D. 2 amends Hawaii Revised Statutes (“HRS”) section 465D-7 to exempt the following individuals from the licensing requirements of behavior analysis:

[I]ndividuals directly supervised by a licensed professional, such as unlicensed master’s level practitioners, students, and postdoctoral fellows, who may train and supervise a paraprofessional, direct support worker, or parent or guardian in implementing an applied behavioral analysis intervention; provided that the supervision falls within that licensed professional’s scope of practice; provided further that the licensed

professional and the supervised individual shall not use the title of
“licensed behavior analyst[.]”

RICO requests clarification on which licensed professionals would be included in
“licensed professionals” in HRS section 465D-7(a)(1) on page 3, line 6.

Thank you for the opportunity to testify on H.B. 2271, H.D. 2. I am available to
answer any questions the Committee may have.

HB-2271-HD-2

Submitted on: 2/21/2018 6:14:51 PM

Testimony for FIN on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Erteschik	Hawaii Disability Rights Center	Comments	Yes

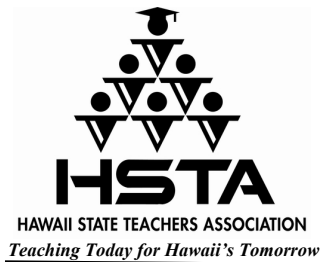
Comments:

The HD2 version is much improved over the original bill, which we strongly opposed. In the past few years since ABA was mandated, DOE has been an incredible obstacle to its implementation in the schools. Despite a ruling from the 9th Circuit which specifies that ABA is the presumptively appropriate therapy to be provided to children with autism spectrum disorders in their IEPs under the IDEA, the DOE consistently refuses to implement it. Somehow, despite the evidence submitted by parents in these IEPs, the DOE often seems to find some pretextual justification to support their position that it is "not necessary". Despite the fact that state law requires that functional behavior assessments be performed by licensed behavior analysts, the DOE often refuses to do so. Most recently, despite the mandate under Medicaid law that medically necessary ABA services be provided in the schools, the DOE refuses to allow providers to come onto campuses to do so. These providers are paid from Medicaid funds and so allowing them to come into the schools would have zero impact on the DOE budget. It would not cost them one penny. Yet, they refuse to allow it under the guise of "non- DOE employees are not allowed on campus", despite the fact the protocols are currently in place for providers such as skills trainers to come to the schools to work with children. In terms of the overall state budget, these "medically necessary services" are funded by Medicaid which means that half the costs are paid by the federal government. We would be pleased to provide the Committee with more information on this issue.

Instead of complying with the current law, the DOE sponsored this original version of the bill, seeking to further restrict the conditions under which a child could receive applied behavior analysis services and seeking to further erode the qualifications required of those who would provide the service. We were pleased to see that the House Committee on Health and Human Services as well as the House Committee on Intrastate Commerce did not incorporate many of those provisions. The HD1 did, however, extend the current law by two years for the DOE to comply.

While we certainly prefer the HD2 version that does not provide any more time for the DOE to come into compliance, we remain concerned that so long as the bill is pending before the legislature, the DOE will attempt to insert the original provisions. We urge the Committee to reject any such attempt and send a message to the DOE that prolonged

non-compliance with the law will not be accepted. If the Committee were inclined to amend the bill we would suggest that language be included to require DOE to cooperate with medical providers so that they come onto the DOE campuses now to provide needed ABA services.



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Justin Hughey
Vice President
Amy Perruso
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
FINANCE

RE: HB 2271, HD 2 - RELATING TO THE PRACTICE OF BEHAVIOR
ANALYSIS

FRIDAY, FEBRUARY 23, 2018

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Luke and Members of the Committee:

The Hawaii State Teachers Association **provides comments and suggested amendments for HB 2271, HD 2**, relating to the practice of behavior analysis.

Act 199, Session Laws of Hawaii 2015, otherwise known as Luke's Law, established the behavior analyst program within the Department of Commerce and Consumer Affairs and created licensing requirements for behavior analysts. Licensing of behavior analysis services was made concurrent with mandated insurance coverage for diagnosis and treatment related to autism disorders, with which nearly 1,500 public school students are currently diagnosed.

Behavior analysis means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior. The practice of behavior analysis includes the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis, as well as the use of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop positive behaviors.

Unfortunately, the DOE is experiencing a shortage of licensed behavior analysts and, in 2016, sought an amendment to state law to allow teachers to perform behavior analysis and prescribe services. Yet, teachers are not trained nor qualified to make behavioral diagnoses, and being commanded to do so in some areas of our state—some teachers have been threatened with termination for refusing to

complete behavioral diagnoses for which they have no professional training—interferes with their ability to provide a quality learning environment for their students, taking time away from lesson planning, professional development and collaboration, delivery of personalized learning, and more. The law was amended by Act 107 in 2016, to only allow the DOE until 2019 to ensure that Registered Behavior Technicians (RBTs) were put in place (and licensed to do so). However, **this amendment never allowed, not even with the amendment, teachers to design or monitor** applied behavior analysis (ABA) plans. Yet, our teachers are still receiving mixed messages from within the DOE and being asked to design, monitor, and implement these plans. **Teachers may implement these plans, as provided by law, but this law does not allow teachers to design nor monitor them. It is not within the scope of a teacher license.** Teachers are not certified, trained, nor licensed to do behavior analysis. We need to be able to rely on those who are certified to do this work such as Board Certified Behavior Analysts, or psychologists who have behavior analysis as part of their training and certification and license. Teachers are not doctors, psychiatrists, occupational therapists, dentists, nurses, nor Board Certified Behavior Analysts (unless they earn the extra masters degree to become one). Sometimes as teachers, we need to rely on other professionals when what we are trying in class with a student is not working and they are not making educational progress. At these times, during an IEP meeting, we need to be able to request the help of another professional.

Thus this current measure does not rectify problems facing the behavior analyst community or the children who depend on their services. To begin, it does not eliminate the staffing shortage that has led to teachers performing behavior analysis, which can only be closed by providing the DOE with funding to hire licensed behavior analysts, either as employees of the department or by contracting with the many private providers who are currently being denied access to the children they're qualified to serve.

Moreover, this bill does not repeal teachers from the definition of “direct support worker” under HRS §465D-7 to prevent them from being compelled to perform diagnostic and health-based work for which they are not qualified. Finally, it does not call upon the DOE to allow private behavior analysts to assist students during school hours, despite private insurance companies agreeing to pay for their services. Instead, this proposal further consecrates into state law the problematic and unethical practice of allowing behavior analysis to be conducted by unqualified individuals, whose time is better spent on the professions for which they've been



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Teaching Today for Hawaii's Tomorrow

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rigorously trained. According to the DOE's own report to the legislature in *Report on Behavior Analyst and Certification Requirements Implementation*, dated January 5th, 2018, the department is supporting efforts for 39 DOE personnel to become BCBA's in an approved program, and assisting another 145 departmental personnel in becoming Registered Behavior Technicians (RBTs) by 2019. We need to continue in this direction, rather than further weakening Luke's Law.

That said, we urge you to protect teachers from being told that they are allowed to perform behavior analysis services for which they are not qualified by deleting the word "teachers" from page 4, line 2 of this bill and, in turn, adding an exemption to HRS §465D-7 to read: "(8) A licensed classroom teacher who is working in a school setting and providing services related to a behavior analysis program designed by a professional licensed to practice behavior analysis in this State; provided that any services provided by the teacher shall not be considered behavior analysis; and provided further that teachers shall not be required to design or implement behavior analysis services for which they are not licensed."

To ensure our most vulnerable keiki are given the care they deserve, the Hawaii State Teachers Association asks your committee to consider our comments on this bill.

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 308, State Capitol

IN SUPPORT OF HB 2271 WITH AMENDMENTS

Honorable Chair Luke, Vice Chair Cullen, and members of the committee,

The Hawai'i Association for Behavior Analysis (HABA) would like to send a sincere mahalo to our legislators for listening to families, supporting teachers, and believing in our keiki; as evidenced in HB 2271.

The Hawai'i Department of Education (HIDOE) has asked for more time to meet the requirements put forth in our Behavior Analysis Licensure Law (Chapter 465-D). However, the Department's current policies do not allow applied behavior analysis (ABA) providers, funded by health insurance (commercial plans, QUEST, and TRICARE military insurance), to provide ABA in the school setting to address a child's medically necessary services. Children in our public schools, in need of ABA, are currently receiving limited support, or no support at all, due to unnecessary barriers and a lack of collaboration. We respectfully request the committee consider this issue in light of the current bill and work with stakeholders to eliminate barriers to service.

Medicaid is required to cover ABA services for children up to age 22. Medicaid school-based claiming should be available in Spring 2018, as mentioned in the Superintendent's memo dated 2/13/18. The language in HB 2271 would allow the Department the opportunity to use providers who are not currently reimbursable by the commercial health plans or Medicaid. Upholding the expectation for direct support workers to become registered behavior technicians (RBTs), as Chapter 465-D states, would allow the HIDOE access to potentially millions of dollars in federal funds for our keiki.

Despite strong support from our legislators, we feel the language moving forward in HB 2271 HD2 puts consumers of applied behavior analysis (ABA) at great risk. While we respect licensed psychologists who have ABA in their scope of practice, we feel the language proposed in HB 2271 HD2 is too broad to ensure appropriate consumer protections. For this reason, HABA supports HB 2271, but respectfully offers amendments. The following amendments explicitly carve out licensed psychologists and those psychologists oversee; meeting a major concern of the Hawai'i Psychological Association (HPA). This language has been shared with HPA, as well as other stakeholders (HSTA, HMSA, and HDRC), in an effort in collaboration and transparency. As noted in HPA's winter 2027 newsletter, HABA is committed to working together --behavior analysts and psychologists-- to advocate for ["higher quality ABA services within the DOE"](#).

We believe the amended language we crafted clearly provides licensed psychologists and teachers the necessary protections to practice, while also protecting our keiki and other recipients of ABA services.

Mahalo,

Kathleen Penland

Kathleen Penland, M. Ed. BCBA, LBA
President, Hawai'i Association for Behavior Analysis



[§465D-7] Exemptions. (a) This chapter is not intended to restrict the practice of other licensed or credentialed practitioners practicing within their own recognized scopes of practice and shall not apply to:

(1) "Individuals licensed in this State to practice other professions and their supervisees, provided that behavior analysis is in the scope of practice of the profession's licensure law; and the services provided are within the boundaries of the licensed professional's education, training, and competence, and provided that the person does not purport to be a behavior analyst;

~~(1) An individual working within the scope of practice or duties, which that overlaps with the practice of behavior analysis; provided that the person does not purport to be a behavior analyst;~~

(2) "Individuals licensed in this State to practice psychology and their supervisees, provided that behavior analysis is in the scope of practice of the psychology licensure law and the behavior analysis services provided are within the boundaries of the licensed psychologist's education, training, and competence, and provided that the person does not purport to be a behavior analyst;

~~(2)~~ (3) An individual who implements or designs ~~applied~~ behavior analysis services and possesses board certification as an assistant behavior analyst by the Behavior Analyst Certification Board and who practices in accordance with the most recent supervisory and ethical requirements adopted by the Behavior Analyst Certification Board under the direction of a behavior analyst licensed in this State;

(4) A licensed classroom teacher, or someone who is working as a classroom teacher and is enrolled in a teacher preparation program working towards licensure, in a school setting, who implements and does not design, behavior analysis services in direct collaboration with a professional licensed to practice behavior analysis in this State;

~~(3)~~ (5) An individual who directly implements and does not design ~~applied~~ behavior analysis services and:

(A) Is credentialed as a registered behavior technician by the Behavior Analyst Certification Board and is under the direction of a behavior analyst licensed in this State;

(B) Is a direct support worker in a school setting who directly implements a behavior analysis program under the supervision of a professional licensed in this State to practice behavior analysis ~~and does not design~~ intervention or assessment plans on or before January 1, 2019;

~~[(C)] Is a direct support worker who provides Medicaid home and community-based services pursuant to section 1915(c) of the Social Security Act on or before January 1, 2019;~~

provided that for purposes of this paragraph, "direct support worker" means a ~~teacher or~~ paraprofessional;

(6) An individual who designs or implements behavior analysis services to participants in the medicaid home and community-based service waiver program pursuant to section 1915(c) of the Social Security Act on or before January 1, 2024;

~~(7) (4) A family member [or], legal guardian, or caregiver implementing an applied behavior analysis plan and who acts under the direction of a licensed behavior analyst [licensed in this State;] or licensed psychologist; provided that for the purposes of this paragraph, "caregiver" means an individual who provides rehabilitative services in an adult foster home, developmental disabilities domiciliary home, adult residential care home, expanded adult residential care home, special treatment facility, or therapeutic living program pursuant to the medicaid home and community-based service waiver;~~

~~(8) (5) An individual who engages in the practice of behavior analysis with nonhuman or nonpatient clients or consumers including but not limited to applied animal behaviorists and practitioners of organizational behavior management;~~

~~(9) (6) A matriculated graduate student or postdoctoral fellow whose activities are part of a defined behavior analysis program of study, practicum, or intensive practicum; provided that the student's or fellow's activities or practice is directly supervised by a behavior analyst licensed in this State or an instructor in a Behavior Analyst Certification Board-verified course sequence; or~~

~~(10) (7)-An individual pursuing experience in behavior analysis consistent with the Behavior Analyst Certification Board's experience requirements; provided that the experience is supervised by a behavior analyst licensed in this State.~~

Nothing in this chapter shall be construed to prevent any licensed psychologist from the practice of behavior analysis in this State as long as the person is not in any manner the public as a "licensed behavior analyst" or "behavior analyst" and the behavior analysis services provided by the licensed psychologist are within the licensed psychologists recognized scope of practice.



Hawai'i Psychological Association

For a Healthy Hawai'i

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HOUSE COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in STRONG SUPPORT of HB2271_HD 2
RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

The Hawai'i Psychological Association (HPA) strongly supports HB2271 HD2 which incorporates an amendment HPA recommended to clarify Psychologists' scope of practice in the area of Behavior Analysis. The current version of this bill addresses the need to provide behavioral intervention to a large number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees – as well as Licensed Behavior Analysts (LBAs) and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

Importantly, the current version of this measure could improve the financial picture for several state agencies (Early intervention, DDD, CAMHD, as well as DOE) by maintaining more competition for state positions and contracts among a wider group of professional who are competent to provide effective behavioral interventions to our keiki. This can be done without the loss of quality feared by parents as a result of apparent pressure from the LBA's guild organization. As stated by Gina Green Ph.D., BCBA-D, Chief Executive Officer of the Association of Professional Behavioral Analysts:

“(a) the behavior analyst licensure law clearly permits licensed psychologists and other appropriately credentialed professionals to practice ABA without being licensed as behavior analysts, provided that behavior analysis is in their profession’s scope of practice and the scope of the individual psychologist’s documented training and competence; and (b) licensed psychologists and other professionals already have the right to supervise trainees, paraprofessionals, and others in accordance with the licensure laws and regulations of their respective professions.”

In addition, a large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have extensive knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

Thank you for the opportunity to comment on this important legislation.

Sincerely,

Tanya Gamby, PhD
President, HPA



AMERICAN
PSYCHOLOGICAL
ASSOCIATION
PRACTICE ORGANIZATION

Statement on Behavior Analysis and Behavior Analysts

The APAPO Board approved the following “Statement on Behavior Analysis and Behavior Analysts” at its February 2012 meeting:

Psychologists have a long history of developing and implementing effective services, including behavior analysis, for individuals with autism spectrum disorders and their families. Licensed psychologists with competence in behavior analysis are qualified to independently provide and to supervise the provision of behavior analytic services. Therefore, qualified licensed psychologists should be allowed to provide behavior analysis and to call the services they provide "behavior analysis" or "applied behavior analysis" without obtaining additional credentials or licensure. Other professionals who provide behavior analysis should be required by law or regulation to demonstrate education, training and supervision appropriate to a defined scope of practice and to the needs of the jurisdiction. The APAPO Board supports advocacy to ensure that any legislation or regulations regarding behavior analysts or the practice of behavior analysis contain provisions to protect consumers by ensuring that they receive services by appropriately qualified professionals. Further, the APAPO Board recommends that, to the extent that behavior analysts are regulated separately by state law, the benefits of regulation under the state board of psychology should be considered.

The APAPO Board position is supported by two APA policy documents, the [APA Model Act for State Licensure](#) (PDF, 111KB) and the [APA Ethical Principles of Psychologists and Code of Conduct](#). Specifically, section B.3 of the Model Act includes "behavior analysis and therapy" within the definition of the practice of psychology; and Ethics Code Standard 2 requires that "psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence."

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Applied Behavior Analysis

Adopted as APA Policy by APA Council of Representatives in February 2017

The principles of applied behavior analysis (also known as behavior modification and learning theory), developed and researched by psychology and competently applied in the treatment of various disorders based on that research, is clearly within the scope of the discipline of psychology and is an integral part of the discipline of psychology. Across the United States, applied behavior analysis is taught as a core skill in applied and health psychology programs. As such, the American Psychological Association (APA) affirms that the practice and supervision of applied behavior analysis are well-grounded in psychological science and evidence-based practice. APA also affirms that applied behavior analysis represents the applied form of behavior analysis which is included in the definition of the “Practice of Psychology” section of the APA Model Act for State Licensure of Psychologists. Therefore, APA asserts that the practice and supervision of applied behavior analysis is appropriately established within the scope of the discipline of psychology.

Suggested Citation

American Psychological Association. (2017). *APA Policy: Applied Behavior Analysis*. Retrieved from: <http://www.apa.org/about/policy/applied-behavior-analysis.aspx>

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HB-2271-HD-2

Submitted on: 2/22/2018 10:04:17 AM

Testimony for FIN on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristen Koba-Burd	Aloha Behavioral Associates	Support	No

Comments:

I would like to thank the legislature for the revisions to this bill and **support with amendments**. Exemption 1 as written does not adequately protect consumers and I respectfully ask this committee to adopt the amendments submitted by the Hawaii Association for Behavior Analysis (HABA).

HB-2271-HD-2

Submitted on: 2/21/2018 1:59:38 PM

Testimony for FIN on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Momi Robins-Makaila	Individual	Support	Yes

Comments:

I would like to provide testimony in person as an individual, in support of this bill. Thank you.

Regarding HB2271 HD2
Meeting in Room 308 on February 23, 2018
For committees: HHS, IAC, FIN

February 23, 2018

*Madam Chair and members of the
Committee*

Professionals

Aloha Representatives. My name is Momi Robins-Makaila. I am a proud employee of Hawaii's department of education. I am here as a private citizen and do not represent the Department of Education, however, I pledge my full support for our superintendent, our current vision and mission; our strategic plan; and the expectations placed upon us to make students our top priority. I am an autism consultant teacher in the Central District Office of the Department of Education, under the immediate direction of District Educational Specialist Joanne Brinnich in the autism section, under Complex Area Superintendents John Erickson and Robert Davis.

I also served as Public Submitter

As I said I am not a representative of the Department of Education, however, I sit here with the signatures of 45 professionals who work in the Department of Education. Most of the names on this list have taught or worked with students with autism. They are special education teachers, principals, vice principals, a clinical psychologist, and student service coordinators. They are frustrated by the effects of Chapter 465D on their ability to do their jobs. Special Education Teachers are now afraid to do what we have done effectively for years prior to Chapter 465D for fear of losing their licenses and or being referred to the DCCA having to fight ridiculously unfounded accusations. They would be here but instead they are working in their schools and classrooms educating their students.

As a Department of Education Autism Consultant Teacher, licensed in Special Education, I support the amendments of HB2271 HD2. Thank you for eliminating the statement in Section 2, 3c ending in "who directly implements intervention or assessment plans under supervision and does not design intervention or assessment plans." Thank you for including the revisions to

Section 2 number 1 that expands the clarification of who Chapter 465 does not apply to. My interpretation of the bill is that it no longer unnecessarily narrows the basic, long-established behavioral techniques as exclusively the domain of BCBA's and LBAs. In my interpretation the language no longer allows the education system to be hijacked by other professionals who claim the exclusive rights to analyze and change behavior—which is an integral part of our job, as special educators.

Chapter 465D2 defines the practice of behavior analysis as *the design, implementation and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior. Practice of behavior analysis includes the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis. Practice of behavior analysis also includes the use of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behavior, and emit behaviors under specific environmental conditions.*” This sounds like the course description of EDSE 520 Behavior Analysis—one of the courses I took to obtain my special education teaching certification back in 2000. Special education teachers engage in the practice of behavioral analysis every day. They design, implement and evaluate plans for their students as a part of their responsibilities.

However, there is still confusion regarding whether or not special education teachers are able to write, design, and implement intervention or assessment plans. I, along with these 45 other professionals who have a combined total of over 300 years of experience humbly ask that you include in Section 2 number 1 “a fully credentialed special education teacher, with the support of their student’s multi-disciplinary team; to read:

Section 2 number 1 that expands the clarification of who Chapter 465 does not apply to. My interpretation of the bill is that it no longer unnecessarily narrows the basic, long-established behavioral techniques as exclusively the domain of BCBAs and LBAs. In my interpretation the language no longer allows the education system to be highjacked by other professionals who claim the exclusive rights to analyze and change behavior—which is an integral part of our job, as special educators.

Chapter 465D2 defines the practice of behavior analysis as *the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior. Practice of behavior analysis includes the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis. Practice of behavior analysis also includes the use of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions.*” This sounds like the course description of EDSE 520 Behavior Analysis—one of the courses I took to obtain my special education teaching certification back in 2000. Special education teachers engage in the practice of behavioral analysis every day. They design, implement and evaluate plans for their students as a part of their responsibilities.

However, there is still confusion regarding whether or not special education teachers are able to write, design, and implement intervention or assessment plans. I, along with these 45 other professionals who have a combined total of over 300 years of experience humbly ask that you include in Section 2 number 1 “a fully credentialed special education teacher, with the support of their student’s multi-disciplinary team; to read:

(1) An individual working within the scope of practice or duties of another licensed profession that overlaps with the practice of behavior analysis[; ~~provided that the person does not purport to be a behavior analyst;~~], including a fully credentialed special education teacher, with the support of their student's multi-disciplinary team; individuals directly supervised by a licensed professional, such as unlicensed master's level practitioners, students, and postdoctoral fellows, who may train and supervise a paraprofessional, direct support worker, or parent or guardian in implementing an applied behavioral analysis intervention; provided that the supervision falls within that licensed professional's scope of practice; provided further that the licensed professional and the supervised individual shall not use the title of "licensed behavior analyst";

We are not asking to prohibit other professionals' from helping our students, nor are we striving to create a monopoly on practicing behavior analysis. We are simply asking that special education teachers be recognized for the job they already do in the school setting to change and improve the behavior of their students, including their students with autism. For every letter you might have seen condemning the DOE for their apparent injustices against children where one might claim that the root of their child's problems stemmed from the absence of an LBA or a BCBA, I would respectfully argue the root is often due to a lack of communication; a misalignment of goals; or unrealistic expectations. The sad fact is that there are individuals who believe that the professionals in the DOE, are subpar, and that this law remedies that. An LBA or a BCBA cannot fix a lack of communication between team members, a misalignment of goals, or unrealistic expectations. It is analogous to putting gas in a car with no engine and expecting it to run, or giving an antibiotic to a diabetic expecting to cure diabetes.

I must share that the students who belong to these teachers, are successful students in our system thriving to their full potential. Of these students who have autism, none of them are receiving only a strict ABA program. Yet, again they are thriving. I have a parent letter, multiple texts and emails that thank us for doing our jobs, and supporting their children, but none of us on

the team have an LBA or a BCBA. The reason these children are thriving is because there is a team of professionals, including parents, who work together, have strong and frequent communication, are on the same page, access various evidenced based strategies, create a program for every student's unique needs, and nurture and care for these students.

Thank you for allowing me the opportunity to share my testimony, for considering our requests, and for giving voice to these special education teachers, principals, vice principals, school psychologists, and student services coordinators, who are parents, community members, and individuals who have dedicated their lives to Hawaii's keiki. I hope and pray you are able to make loud and clear the voices of special education teachers in Hawaii.

Moni Robins - Makala
Nani Kongmalak

Petition

I am a special education teacher and I support HB2271 with the following amendment:

HB2271 and SB2925 should exempt fully credentialed special education teachers from chapter 465D of the Hawaii Revised Statutes and further explicate that a fully credentialed special education teacher is lawfully able to engage in the practice of behavior analysis, with the support of their multi-disciplinary team, within the school setting, in order to improve their student's access to a free and appropriate public education.

<u>Date</u>	<u>Print Name</u>	<u>Sign Name</u>	<u>School</u>	<u>Yrs in Sped</u>	<u>Phone</u>
2/16	Christy Shon	Christy Shon	Kupapa Elem	17	808 218-5594
2/16	Veronica Torrance-Bragdon	Veronica Torrance-Bragdon	Waialua High Plantar	8 - in program	(207) 249-0610
2/16	Sheryl Almeida	Sheryl Almeida	Waialua H+I Sch.	4	(808) 307-2487
2/16	Sean Kawai	Sean Kawai	Waialua High/Int.	19	(808) 358-0476
2/16	B. Engbath	B. Engbath	Mililani Uka	4	516 554 5497
2/20	A. Matrone	A. Matrone	Mililani Uka	2yrs	480-532-5548
2/20	D. McGrath	D. McGrath	Mililani Uka	3yrs	516-361-0615
2/20	Justine Henford	Justine Henford	Mililani Uka	6yrs	601-619-5923
2/20	Lindsey Lowe	Lindsey Lowe	Mililani Uka	8yrs	410-292-6294
2/20	Breana Bowlby	Breana Bowlby	Mililani Uka	1yr	317-518-6386
2/21	Hilary Bell	Hilary Bell	Kipapa Element	2yr	808 457 8566
2/21	Kingsley Kalohelani	Kingsley Kalohelani	Kipapa Elem.	5	808780-6504
2/21	Collette Hale	Collette Hale	Kipapa Elem	23yrs	808-3342521
2/21	Sandra Hashida	Sandra Hashida	Kipapa Elem	16yrs.	808 3426315
2/21	Errol Hahn	Errol Hahn	AKMS	20yrs	3821492
2/21	Mamie Rbome Makala	Mamie Rbome Makala	OO Mililani	11yrs	808-885-9151
2/22	Kawika Hu	Kawika Hu	Mililani Ike	6yrs.	808 626-0940

Petition

I am a special education teacher and I support HB2271 with the following amendment:

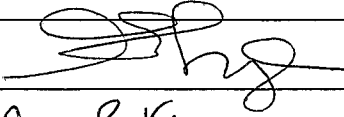
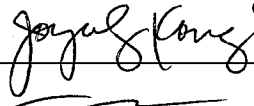
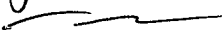
HB2271 and SB2925 should exempt fully credentialed special education teachers from chapter 465D of the Hawaii Revised Statutes and further explicate that a fully credentialed special education teacher is lawfully able to engage in the practice of behavior analysis, with the support of their multi-disciplinary team, within the school setting, in order to improve their student's access to a free and appropriate public education.

	<u>Date</u>	<u>Print Name</u>	<u>Sign Name</u>	<u>School</u>	<u>Yrs in Sped</u>	<u>Phone</u>
	2/6	Keiko Matsunaga		Mililani High	10	307-4338
	2/16/18	Todd Cambong		Mililani High School	6	307-4376
	2/16/18	ROBIN DAZZO		MILILANI HS.	3	307-4151
	2-16	Annette Fulber		MILILANI HS	4	307-4200
	2/16/18	Deborah Hagihara		Mililani HS	6	307-4315
P	2/14/18	Deborah Matsunaga	Deborah Matsunaga	Mililani HS	1	201-4389
P	2/16/18	Andrew B. Moore		Mililani HS	12	307-4227
SC	2-16-18	Dale Kerui		Mililani HS	15	307-4319
UNAPPROVED	2/16/18	JACETT HORIBATA	Just Horiba, PH.D.	MILILANI COMPLEX	16	225-7007
SC	2.16.18	Tracy F. Kodani	Tracy F. Kodani	Mililani Complex	20	542-3340
	2/16/18	David Keim		Mililani High	13	307-4377
	2/16/18	Hiroki Aoki		MILILANI HIGH	3	383-9038
P	2/16/18	Troy Tamura		Mililani Waena Elem	20	342-6992
	2/16/18	Ray Hannu		Mililani High	11	307-4175
SC	2/16/18	TIFFANY HONDA		MILILANI WAENA ELEM	8	447-8181
	2/16/18	Susan Ing		Mililani Waena Elem	19	551-2884
	2/16/18	Bridget Hannu		Mililani Waena El	11	627.7300
VP	2/16/18	Komary Moss		Mililani High	13	307-4226
SC	2/20/18	Maralje Cleaver	Maralje Cleaver	Mililani H.S.	26	391-0544

Petition

I am a special education teacher and I support HB2271 with the following amendment:

HB2271 and SB2925 should exempt fully credentialed special education teachers from chapter 465D of the Hawaii Revised Statutes and further explicate that a fully credentialed special education teacher is lawfully able to engage in the practice of behavior analysis, with the support of their multi-disciplinary team, within the school setting, in order to improve their student's access to a free and appropriate public education.

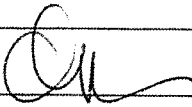

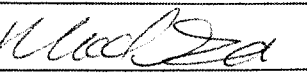
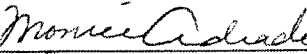

<u>Date</u>	<u>Print Name</u>	<u>Sign Name</u>	<u>School</u>	<u>Yrs in Sped</u>	<u>Phone</u>
2/20/18	Grace HARDY		Mililani High	15 yrs	347-8207
2/20/18	JOYCELYN KONG		MILILANI HIGH	9 YRS	256-0702
2/20/18	K. M...		" "	25	—

18

Petition

I am a special education teacher and I support HB2271 with the following amendment:

HB2271 and SB2925 should exempt fully credentialed special education teachers from chapter 465D of the Hawaii Revised Statutes and further explicate that a fully credentialed special education teacher is lawfully able to engage in the practice of behavior analysis, with the support of their multi-disciplinary team, within the school setting, in order to improve their student's access to a free and appropriate public education.

	<u>Date</u>	<u>Print Name</u>	<u>Sign Name</u>	<u>School</u>	<u>Yrs in Sped</u>	<u>Phone</u>
1	2/22/18	DANA M. DEKEGI	 Counselor	Mililani Uka School Counselor	11	627-7303
2	2/22/18	NEAL S. MARLE	 Counselor	Mililani Uka	15	627-7303
3	2/22/18	Michelle Samiani		Mililani Uka	3	627-7303
4	2/22/18	Monica Andrade	 Monica Andrade	Mililani Uka	28	627-7303
5	2/22/18	Lorene Park	 Counselor of SSC	Mililani Uka	32	627-7303
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FIN-Jo

From: anniecutter@gmail.com
Sent: Thursday, February 22, 2018 11:15 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Annie Nguyen
610A Auwai St
Kailua, HI 96734-2432

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in STRONG SUPPORT of HB2271_HD2 RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

I support House Bill 2271 HD2 which incorporates an amendment recommended by Hawaii Psychological Association (HPA) to clarify Psychologists' scope of practice in the area of Behavior Analysis. The current version of this bill addresses the need to provide behavioral intervention to a large number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

A large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Annie Nguyen
808-381-1838

Date: February 21, 2018

To: Rep. Sylvia Luke, Chair and Rep. Ty J.K. Cullen, Vice Chair

Hearing: Friday, February 23, 2018, 11:00 am, Conference Room 429

From: Linda D. Hufano, Ph.D.
(808) 258-2250

Re: Testimony in Strong Support of HB2271_HD2, Relating to the Practice of Behavior Analysis

Chapter 465 of the Hawaii Revised Statutes expressly defines behavior analysis and therapy as within the scope of psychology, as well as our ability to supervise and direct assistants. The lack of clarification in ACT 199 has resulted in misinterpretations by state agencies and some insurance companies who mistakenly interpret ACT 199 as excluding ABA-trained psychologists and other ABA-trained licensed or credentialed professionals from designing ABA programs for eligible individuals and/or supervising others to implement the programs.

As a behaviorally-trained psychologist I have worked as a psychologist in the public and private sectors for over 30 years. I strongly support HPA amendments incorporated into HB2271_HD2 as amended. These amendments clarify the exemption of licensed psychologists and other professionals whose scope of practice overlaps with behavior analysis in ACT 199.

I also support the identification of the Behavior Analyst Certification Board (BACB) and recommend the inclusion of the Behavioral Intervention Certification Council (BICC) in the statute as well. Both of these national certifying boards have met the rigorous standards for accreditation by the National Commission for Certifying Agencies (NCCA). I am aware that the Hawaii workforce has included paraprofessional workers who have been certified by the BACB as well as those who have been certified by the BICC. Including the BICC as a national certifying agency would help to ensure a qualified workforce that is not arbitrarily diminished by the existing state statute.

Why Should Individuals, Schools and Families Have Options

Compared with LBAs who are not trained in mental health, ABA-trained psychologists have the advantage of experience in treating the anxiety disorders, clinical depression, externalizing disorders such as ADHD, that are frequently co-morbid with autism (30 – 40% or more for each of the previously mentioned disorders). Suicide is also significantly high among individuals with autism. As mental health providers, they can incorporate for individuals presenting co-occurring disorders during the assessment, planning, and monitoring phases of ABA service delivery.

LBA's are desirous of extending ABA services to students who do not have autism. Insofar as many if not the majority of these students needing such services may have mental health issues, it is critical that the persons delivering these services also have training in mental health. While some LBA's may have a mental health background, most LBA's would not be expected to have such training as it is not required by their certification board. In cases where a student has

a mental health diagnosis, an ABA-trained mental health provide would be a preferred option since an ABA-trained mental health professional would be able to modify an ABA program based on the student's mental health disorder, and/or incorporate non-ABA evidence-based approaches, as warranted.

Everyone qualified provider is needed, including the many licensed/credentialed employees working within the DOE who are competent and trained to design, deliver and supervise paraprofessionals in providing ABA services. It is clear in speaking with representatives of state agencies that there will be a significant lack of trained professionals and paraprofessionals to deliver ABA services if Chapter 465D of the Hawaii Revised Statute continues to be misinterpreted as restricted to professionals and paraprofessionals certified by the Behavior Analyst Certification Board (BACB).

Clarifying who can legally provide behavioral intervention services as well as the definition will result in services getting to the students who need them by properly trained staff.

I am attaching a comparison sheet of the training requirements of paraprofessional staff for your consideration. National certification of paraprofessionals will be very costly; there is a turnover of 30-40% annually; no other DOE's require it; the 40 hour on-line training for RBT's (or alternately training by licensed or nationally certified professionals) is relatively new, and there is no proof that it leads to better outcomes. Despite the numbers of LBA's and RBT's registered in Hawaii, child-serving agencies, parents, and referring agencies are reporting a shortage of RBTS's and frequent turnover in addition to long waitlists, with one agency no longer even keeping a waitlist because of a three year demand. LBA's are not restricted by their national board in only being able to supervise an RBT; they can also supervise paras certified by the other national certifying agencies as well as DOE educational aides/paras.

I would also like to note that the current requirements of the DOE for contracted paraprofessionals are comparable or higher in many respects. It is certainly possible to include an observation/assessment component to the training of paraprofessionals that would assure that a paraprofessional is competent to provide the behavioral interventions needed by a particular student.

Thank you for the opportunity to submit testimony.

	<u>DOE Parapro</u>	<u>RBT BCBA</u> (NCCA accredited) H.S./Equiv.	<u>BCAT (BICC)</u> (NCCA accredited) H.S./Equiv.	<u>ABAT (QABA)</u> (ANSI Accredited) H.S./Equiv.
Min. Education	A.A./ParaPro Exam			
Preservice Training	32 hrs in-person	40 hrs in-person/online	40 hrs in-person/online	45 hrs in person/online
Content of training specifically addresses target population	Yes	No (designed to be generic)	Yes	Yes
Trainer Qual.	By Doctorate Psy 2 yr exp, MA 3 yrs exp., or BA 5 yrs. exp. w/ students with severe social, comm. funct. and/or behav.deficits	BCBA/BCBA-D (or BA-Level BCaBA)	Licensed/Nat. Cert. Prof.	11 approved agencies/ pre-app. coursework by Lic./Nat. Cert. Prof.
Assessment/ Learner Outcomes	Approved by DOE (May be Oral, Written, Performance-Based)	Performance Eval. Based on Obs. & Written Exam (75 items)	Written Exam (150 items)	Written Exam (Prior to initial cert. and again for 3 yrs recert.)
Field Exp.	None	None	15 sup. hrs w/ASD ind.	40 sup. hrs w/ASD ind.
Security Check Req.	Yes	Yes	Yes	Yes
Cont. Education	16 hours annually	None	12 hrs (3 in ethics) every two years	36 hours (3 in ethics) every 3 years
Supervision	2 hours per month by Lic. Psy 1 yr; Lic. MA 3 yrs; or Unlic MA 5 yrs (and teacher direction in school)	5% of service hrs. by BCBA/BCBA-D (or BA-level BCaBA)	5% of service hrs. by a Lic./Nat. Cert. Prov.	1 hr for every 10 hrs by a Lic./Certif. Prov. (or BA-level QASP)
Renew/Recred./ Recert.	Annual	Annual	Every 2 years	Renew year 1 & yrs Recert. after 3 yrs

FIN-Jo

From: nani_gerona@notes.k12.hi.us
Sent: Thursday, February 22, 2018 11:45 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

D. NANI GERONA
94-651 FARRINGTON HWY.
WAIPAHU, HI 96797-3015

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in STRONG SUPPORT of HB2271_HD2 RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

I support House Bill 2271 HD2 which incorporates an amendment recommended by Hawaii Psychological Association (HPA) to clarify Psychologists' scope of practice in the area of Behavior Analysis. The current version of this bill addresses the need to provide behavioral intervention to a large number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

A large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

D. NANI GERONA

FIN-Jo

From: geniec@hawaii.rr.com
Sent: Thursday, February 22, 2018 10:55 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Virginia Cynn
2222 Citron St., #1003
Honolulu, HI 96826-2857

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

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Sincerely,

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Melody Ericson
98-1729 Kaahumanu Street #B
melodymansour@hotmail.com

I support our teachers and our Keiki! I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Alison Dinsmore
1916 Fox Blvd | Oahu
ali_r_lose@yahoo.com

DOE should have their own ABA in schools. I'm a RBT and work with children that have autism; I have also worked in a public school. It's really sad to see the lack of education and help provided to children in the DOE. The children are our future and we should be doing everything in our power to help these children thrive and succeed in life. The easiest way to do this is to educate teachers, students, and DOE skills to help these children. The DOE should be adding more ABA services, not taking services away.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Benjamin Penland - **GRANDPARENT**

471B Hinano Way | Oahu

bpenland@gmail.com

Our children deserve quality treatment provided by Licensed Behavior Analysts and nothing less. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Carolyn Penland - **GRANDPARENT**

471B Hinano Way | Oahu

bpenland@gmail.com

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COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Forest Penland - **PARENT**
471B Hinano Way | Oahu
kathleenmpenland@gmail.com

Licensed Behavior Analysts can help our keiki reach their fullest potential. Broadening the law to "any licensed professional" to design, implement, and oversee ABA will allow the status quo to continue. We cannot allow that. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Stephanie Pollock
68 300 Mahinai Ai Street Waialua | Oahu
workingoutinparadise@yahoo.com

All children should have the help they need no matter how severe their case has been deemed.

Licensed Behavior Analysts can help our keiki reach their fullest potential. Broadening the law to "any licensed professional" to design, implement, and oversee ABA will allow the status quo to continue. We cannot allow that. Thank you for your consideration. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Kerilyn Pollock
68 300 Mahinai Ai Street Waialua | Oahu
keriynpollock@yahoo.com

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Michelle Rogers
68-386 Kikou St Waiialua HI 96791
michellejumprope@gmail.com

Please don't cancel this program or the funding for it. It is need in schools so badly. I work in a school and these programs help so many. Not only do they help the children but help the parents that totally need help. This program is helping my nephew right now and he truly needs it sense he has been in the program he has been able to do much better but he still needs more help so I plead with you to not cancel it.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Tracey Kashiwa
1503 Emerson St. Honolulu, HI96813 | Oahu
tracey.kashiwa@gmail.com

Every kid that enters the DOE deserves a chance! I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Stephanie Ngo
531 Hahaione St. Apt. 13C | Oahu
sngo@hawaii.edu

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and of our keiki.

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Alaina Mead
70 Niuhi St Honolulu, HI 96821 | Oahu
alaina.rogers@gmail.com

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Josh Mead
70 Niuhi St Honolulu, HI 96821 | Oahu
senormead@yahoo.com

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Cosette Rogers
70 Niuhi St Honolulu, HI 96821 | Oahu
cosette.rogers@gmail.com

Licensed Behavior Analysts can help our keiki reach their fullest potential. Broadening the law to "any licensed professional" to design, implement, and oversee ABA will allow the status quo to continue. We cannot allow that. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Keri Monteith
92-924 Palailai St.
keri_stuart@yahoo.com

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Shaelee Johnson
55-521 Naniloa Loop | Oahu
shaeleejane@gmail.com

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Kawohionalani Jenkins
68-069 Au street Waiialua HI 96791
kawohi@autismbehaviorconsulting.com

Aloha! My name is Kawohi Jenkins and I am submitting a testimonial as to why DOE should keep ABA. First things first. The science speaks for itself. It has had a significant impact with helping kids with autism. It's the only proven treatment to make an impact on kids with autism. I've seen it be used to help kids with severe problem behavior. I've seen it help kids who before couldn't or wouldn't speak. I've seen it help kids open up to a positive teaching environment. I've seen parents cry in gratitude for the work that has been done for this. ABA has changed my life. I've found a love for this work and science that I never knew beforehand. To take away ABA from kids who could benefit from it violates the first rule for kids when it comes to their education. If you take away ABA, you take away kids rights to an appropriate education for them. You take away the potential a child has trapped under disorders or learning issues. You take away a parents joy of hearing their child say mom or dad for the first time. You take away all of the success that could have been had. ABA should stay in the DOE.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Victoria Kelleher
1025 A'e Street #305 Kapolei, hi 96707
kelleher.victoria@yahoo.com

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Adessa Lovell
2080 Aheahea St. | Oahu
adessaslavens@gmail.com

I have personally witnessed the way ABA can change family's lives. It should not be removed. ABA is scientifically backed and I support it and the families that need these services!

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

Joanne Getty
92-1185 Palahia Street Kapolei, HI 96707 | Oahu
joanne@autismbehaviorconsulting.com

I believe we should uphold the current licensure laws for behavior analysts. These laws support teachers (as well as students and families) by helping them get access to licensed professionals in their classrooms. The outcome of our children impacted by Autism and other developmental disabilities depends on it!

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Amy Smith Wiech
68-275 CROZIER LOOP | Oahu
amy@autismbehaviorconsulting.com

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Lorelei Bandola
91-1034 Akai street | Oahu
ll.fajardo@yahoo.com

Children with autism deserve the right to receive effective treatment under licensed BCBA's and RBT's. Research has shown that children benefit from ABA and BCBA's are experienced professionals who can make a difference for these individuals to live better lives.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Karlette Johnson
68-386 Kikou St, Waialua, HI 96791 | Oahu
utahcamper@gmail.com

I strongly believe in the value of behavior analysts in our schools to work with autistic children. I have personally seen a huge difference that these professionals make with my nephew. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Jerry Rogers
68-386 Kikou St Waiialua HI 96791 | Oahu
gorgefrog@gmail.com

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Karla Rogers
68-386 Kikou St Waialua HI 96791 | Oahu
operationivy9@hotmail.com

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Kathleen Norris
6518 103 St Ewa Beach, Oahu
knorris@teampbs.com

ABA is the practice of using science to improve lives by trained professionals. As a sibling of an adult with autism with minimal access to ABA, I am heartbroken that services were not widely available which stunted his social growth. I have worked as an RBT in a school on the mainland, and i have seen the positive impact on multiple children's lives. I left the banking world to work in this field because of the positive impact it makes. I stick with science.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Christine Cosio - **PARENT**
1406 Peter Buck St. Honolulu, HI 96817
christine_cosio@yahoo.com

No Child Left Behind. Every Student Succeeds. Is this just a slogan? My **son** has autism. I have an obligation to him and I will do whatever I can to help him be independent in the future. I need help. I've been asking, begging and sometimes fighting to get the appropriate support to help him. The laws are in place to protect him. Why suddenly change them now? Give it a try! Try giving my son what he deserves. Why steal from a helpless child. Why do you make it difficult for him to access ABA in school? I want a licensed and trained professional to plan and properly implement behavior programs for him. My son needs help. Please don't deprive him anymore. Give it a try. Let's see what happens. ABA is an evidenced based treatment. I've seen him flourish with ABA at home. Please provide it in school where he spends most of his time learning with his peers.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Gina Gillstrom
504 Kaiolohia St. Kihei 96753 | Maui
ginagillstrom9175@gmail.com

Our keiki deserve support. Teachers are asking for help. We are ashamed of our public schools. No wonder our teachers are leaving. We have over 300 emergency hires for special education. Why would the DOE fight to take away the rights of our keiki rather than ensure them? It is time for our legislators to hold the state departments accountable. They pull down federal funds yet they violate the federal protections that are to be afforded to the most vulnerable in our community. I stand in strong support of our keiki and our teachers.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and of our keiki.

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Tammy Chang
3103 Esther St | Oahu
tamacha@gmail.com

The task to improve Hawaii public schools is daunting. However, there have been major strides in moving Hawaii up the scale, providing effective and efficient education to all of Hawaii's Keiki. Let us not go backwards. Let us support the difficult changes that NEED to be made for our keiki. Let us stay on the difficult path together, keeping our keiki as the main focus. Money should never be more important than our sustainable future.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Barney Mollena - **PARENT**
37 West Waiko Road | Maui
barneymollena@gmail.com

I have a 5 year old son who is autistic. He is non-verbal and can't function in school without his RBT. Without his RBT I know it will be detrimental for him. He has walked away from us in seconds and we wouldn't have a clue where he went. And because he doesn't acknowledge people, it's a scary moment until he is found. Fortunately for me I have a fenced in property to keep him in but he has found his way out when visitors would forget to close our gate. I feel without ABA services we would be forced to keep him at home for his safety. I won't let him be a tragedy should this bill be allowed. The sad part is my son is so smart and has learned to read on his own from the age of two. His memory is amazing and he could name most of the animals and mimic the sound they make. When he was 4 years old, the pre-school teachers would let him read a book during circle time and the children would be amazed that he knew how to read. With his RBT, it is showing him how to function with others that are different than him and be able to express himself to others. Also he is learning how to follow directions to do everyday tasks. With him this is done with constant hand over hand directions.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Michelle Foushee - **PARENT**
153-104 Anderson Ct. | Oahu
mlfoushee1@gmail.com

If it weren't for ABA my **son** wouldn't be where he is today! I'm so grateful for ABA and I want to keep ABA as long as they accept my son in the program. They have not only helped my son who is autistic but as helped myself in so many ways! We need ABA!

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Nicole Skotz
1059 Iopono loop | Oahu
nicskotz@gmail.com

Hello, I am a licensed behavior analyst, but more than that I stand with everyone who wants and expects most effective teaching methods. ABA is a research based science that can and does help individuals with autism and helps teach teachers on how to best support students. What is occurring in schools is sub par and does not support the children who are being let down everyday. Children are being blamed for challenging behavior, when environments are not effective and training is not occurring for teachers and 1:1 providers. Our children do not get a choice as to where they get to learn and it is unethical and inhumane to the give them sub par and in some cases problematic teaching environment where they are not understood. There needs to be rules as far as training and having confidence in the teaching that is being done. Credentialing is the way to ensure that confidence. Our kids deserve better and i know that it is possible if we work together as a community. Our goal is the same: to educate and give all children in schools a bright and thriving future.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Tracey Kashiwa
1503 Emerson St #4 Honolulu, hi 96813 | Oahu
turtlettk@hotmail.com

We fight, like there is no tomorrow. ALL kids deserve the same educations! I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Denise Thornton - **PARENT**
PO Box 226 Keaau, Hi 96749
deniserhornton808@yahoo.com

My **daughter** is in need of ABA therapy. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Maggie Gaylor
91-2049 Kaioli Street #2704, Ewa Beach, HI, 96706
maggie.gaylor@yahoo.com

Prior to becoming an RBT I was an under-trained worker in the DOE as a skills trainer. Now that I have been trained, tested, and properly supervised I can see the true difference between a skills trainer and a RBT. I am able to now work so much more efficiently for my clients and provide them with the best care. I have been able to see children go from sitting alone in a corner all day flourish socially and initiate play with their peers. I have seen children who don't talk learn to say "Mama" and the tears well up in that mama's eyes. I have seen children who were so frustrated because they couldn't communicate their wants and needs that they would bite themselves and now they can say "I need a break." These children deserve every chance they can to succeed and we can't wait for them to fail before we give them the help they need. Our Keiki deserve better, they deserve the best!

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Alyson Morita
47-465 Hui Aeko Place Kaneohe, HI 96744
amor.620@hotmail.com

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Randi Lee
2256 Liliha St. | Oahu
randi.lee86@gmail.com

ABA is the only scientifically proven effective treatment for children and adults with autism. It is our responsibility to make sure that our keiki are given the best possible treatment so that they can live the most independent and successful lives possible. DO NOT TAKE AWAY ABA FROM OUR KEIKI!

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Richard Elg - **PARENT**

1620 Ala Aoloa Loop | Oahu

rich_elg@hotmail.com

As a **parent** of a child with autism, I am alarmed and appalled that the s DOE would try to remove ABA services from children in need. It is imperative that children be given support from individuals that are licensed in the field of Behavior Analysis. Without licensed BCBA's, children will not get the care and support that they desperately need to succeed.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Stacey Kuhn, MS, BCBA, LBA
1253 S Beretania St, Suite 2710 Honolulu HI 96814 | Oahu
staceykuhn@kuhnbc.com

My name is Stacey Kuhn, Board Certified Behavioral Analyst and Licensed Behavior Analyst in the state of Hawaii. I am the founder of Kuhn Behavioral Consulting Services, a Kama'aina company, and Behavioral Health Center of Excellence accredited provider in the state of Hawaii, and I have over 24 years of experience in the field of Behavior Analysis. I stand in support of the amendments and changes for the current bills as suggested by HABA. Thank you for allowing me to submit testimony.

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Emily Ferguson
195 Clarey Pl | Hawaii
emilyquinn1616@gmail.com

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Daiquiri Hammond
142 Reno Rd. | Hawaii
naturenymp555@gmail.com

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Jackie Gailey
115 Kilu Lane | Oahu
gangstaj08@gmail.com

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Heidi Nobmann
67-249 Kiapoko Street | Oahu
heidinobmann@me.com

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Diana Powell
91-2290 Kanela Street Ewa Beach HI 97606
dpowell@acesaba.com

A lack of qualified behavior analysts in the DOE setting overseeing much needed ABA services for students with autism is unethical and dangerous, in addition to violating several federal laws including I.D.E.A, F.A.P.E., and the American with Disabilities Act. As a Board Certified Behavior Analyst (BCBA) and Licensed Behavior Analyst (LBA) in Hawai'i, I have unfortunately seen the results of lack of qualified personnel in the public school settings firsthand. The result is a dangerous setting for our keiki as well as school personnel; too often children are injured unnecessarily due to untrained, uninformed staff and a lack of qualified behavior analysts overseeing the treatment of students with autism and related developmental disorders.

I support licensed behavior analysts. It's the right thing to do for our keiki.

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IN SUPPORT WITH AMENDMENTS HB2271

Lara Bollinger, M.S.Ed. BCBA, LBA - lara.bollinger@gmail.com
61-280 Kamehameha Hwy. Haleiwa, HI | Oahu

First, thank you all so much for passing Chapter 465-D, to ensure the licensure of Behavior Analysts. I am writing in support of HB2271, with amendments. I respectfully defer to HABA and HSTA for specific language.

1. In my experience, keiki who are exposed to quality behavioral programming can make significant progress while those that are exposed to sub-par programming can develop additional challenges, stall in their learning, or regress. Waiting for our keiki to fail will cause more problems in the long run and is unfair to them and their families.

2. Treating behavioral and learning difficulties as a reactive strategy is just plain wrong. Our goal as professionals is always to prevent problems. Doctors do preventative “well child” check ups to catch problems early and treat them before little problems become big problems. The same can be said for good Applied Behavior Analysis (ABA). We should not be waiting until students are failing before Licensed Behavior Analysts (LBAs) are called to be part of the team.

3. The Individuals with Disabilities Education Act (IDEA) requires that students are given access to a Functional Behavioral Assessment (FBA) anytime that their behavior is impeding their learning or the learning of others. In Hawaii, Chapter 465-D requires that the FBA is completed by an LBA or a Licensed Psychologist with ABA in the scope of their practice. By not completing this FBA, the Department of Education is opening itself up to many due process cases and potential lawsuits.

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Sierra Whittington
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Our kids need ABA services. I've experienced so many miracles since I've started providing ABA services. These one on one services provide so much help to these kids and it's important that we keep these services for families and for schools. I have one mom terrified for her kiddo if these bills are passed. She states, "If this happens, this will affect my kid tremendously. He doesn't have his RBT for in school, but he does have her for our home services. A psychologist, whom he already has, will replace his RBT if this bill passes. Which will not be good! His psychologist sees him once every 90 days to redo his prescriptions. How do they expect her to understand his home environment, his behavioral problems/anger issues, in her office?! How is she going to help him with social skills and how to cope with everything, in her office?! She puts a band-aid on his behavior with his medicine, but she doesn't help it go completely away. His RBT helps a lot with his at home behaviors and keeps him on track. Helps him to cope when he is upset and gives him options. If this is taken away from him, it won't just be bad for my child; it will be bad for all of us. He has come a long way, and this will make him backtrack and spiral out of control. Praying for all the kids that could potentially be affected by this.

I stand firmly in support of our teachers and keikis having access to appropriately licensed and qualified behavior analysts in the DOE setting.

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Joy Oliveira | HC1 Box 4015 | Hawaii | JoyMoana21@gmail.com

I am a Special Education Teacher from the Big Island of Hawai'i. I would like to submit testimony to share that there is a devastating impact when Applied Behavioral Analysis (ABA) and services for our keiki are not provided or done so by unqualified personnel. In addition to our keiki, I beg you to consider the negative impact the lack of adequate services and providers have on all students and our hard working teachers in Hawai'i. Not just the child requiring services is impacted, but all students witnessing classroom behaviors are impacted on a daily basis. The longer we wait to install appropriate services, the longer the students miss critical instruction. I personally witnessed unqualified people developing and implementing inappropriate strategies and the results were truly devastating. Not only were some interventions suggested highly inappropriate, but also some were emotionally and physically harmful. As an emergency hire teacher, I was asked to complete Functional Behavioral Assessments and develop Behavior Support Plans for my students and assist in daily implementation. Admittedly, I was not adequately trained, and my coursework had not covered this task in depth. I was instructed that as a Special Education teacher, we are already qualified to support students. This was not accurate and I desperately needed help, my students needed help. I needed the daily access to specialized knowledge and support of a Registered Behavioral Technician. I needed them to monitor behavior and collect data and under the supervision of a BCBA, modify plans as necessary. I needed to be able to manage my classroom and focus on teaching all of my students. The School Based Behavioral Health (SBBH) employee was also a licensed counselor had been instructed to assist me. She and I expressed that neither of us were sufficiently trained in Behavioral Analytical Practices. We needed access to personnel for clarification, and be supported appropriately to improve outcomes for our students. After completing a forty-hour training for Registered Behavioral Technicians nearly two years ago, I affirmed my belief that appropriately developed strategies would absolutely and positively impact students especially within the school setting. I truly believe it is necessary for Functional Behavior Assessments and the development of Behavioral Intervention Plans require the direct supervision of a Board Certified Behavioral Analyst (BCBA) or individuals who can certify that they possess adequate training. Students who spend the majority of their day in school, are already failing, we cannot afford to continue to wait for the provision of services where they spend the majority of day, in the school setting. Additionally, all personnel providing services should meet the basic credentials that a Registered Behavior Technician or a Board Certified Behavior Analysts possess. This is the most vulnerable population of our keiki who need us to responsibly provide services through qualified professionals that are trained specifically conduct a Functional Behavioral Assessments, develop interventional strategies based on data. Teachers need support for their students so that they can succeed. I am asking, for the sake of both our students and our teachers for your support in ensuring we truly provide what is best for our keiki.

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Nicole Domingo
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darqpique@gmail.com

I worked in the school for 5 years with children with autism before starting at my current job at a center where we do ABA treatment for children with autism. I learned so much more about autism and how to support and work with children with autism. I wish I had my knowledge of ABA when I was working in the school. Removing ABA from schools would be detrimental to children and negatively impact services children diagnosed with autism would receive.

I support licensed behavior analysts. It's the right thing to do for our keiki.

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Cheryl Ebisui
95-1091 Auina St | Oahu
cebisui@teampbs.com

Licensed Behavior Analysts can help our keiki reach their fullest potential. Broadening the law to "any licensed professional" to design, implement, and oversee ABA will allow the status quo to continue. We cannot allow that. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Catherine Wilson
PO Box 375 | Kauai
catuare@hawaii.rr.com

Dear Member of the Committee,

Thank you for the opportunity to testify. I am Catherine Wilson, a Board Certified Behavior Analyst and a Hawaii State Licensed Behavior Analyst. I am also in my last year of a clinical psychology doctorate degree. I own and operate a local behavior company, ABA Positive Support Services. This bill will greatly compromise the quality of ABA services provided throughout the state of Hawaii. There is only reason the state would be interested in pursuing an alternative track for credentialing one to one providers of applied behavior analysis. That reason is to avoid the time and effort it would take to assure that individuals are receiving quality services. The current legislation requires the Registered Behavior Technician (RBT) credential for one to one providers of ABA. The Behavior Analyst Certification Board (BACB) oversees this credential. The BACB has an established system to credential people, which includes training, continued supervision and a code of ethics. There is no reason to move away from what is already working. If a potential staff is willing to go through an alternative autism specific credential they should be significantly more enthusiastic to go through a process which is nationally recognized. Any alternate credential would produce a watered down version of the real thing. I believe our children deserve better than that. Licensed psychologists are not behavior analyst. As a clinical psychology student, I believe I have a clear understanding of the two professions. The education, training and implementation are different. They are not interchangeable. Only board certified behavior analyst should supervise the one to one providers.

Please feel free to contact me directly with questions or comments. I am available.

Thank you,
Catherine Wilson, M.Ed., BCBA, LBA, LMHC

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Jennifer Frazier
1103 Mills Blvd
jennkae81@icloud.com

The DOE needs to work hand in hand with ABA providers. Behavior is synchronous to learning.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Heidi Burgoyne
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Maria Futo
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Manefuto@gmail.com

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Bryant Vergara
99-260 Aiea Heights Drive Aiea, Hi 96701
bryantv@hawaii.edu

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Brandi OCallaghan
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br.ocallaghan@yahoo.com

I work with special education students and they need these services. If we wait for students to fail then they are already missing concepts and relationships instead of modifying it for them from the outset. Students who are allowed to struggle and fail, when we know they need help, feel horrible about themselves. This attitude can become permanent and they will always be stunted emotionally. We want our citizens to feel capable and valued. Our entire society benefits from early interventions.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Ashley Hogan, 46-255 Kahuhipa st Kaneohe HI
ahogan216@gmail.com

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Emely Suazo
515 Ulumawao St, Kailua, HI 96734
ESuazo@stepshawaii.com

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Mahalo,
Emely Suazo, BCBA, LBA
STEPS, LLC

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Andrea Baumes
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Licensed Behavior Analysts can help our keiki reach their fullest potential. Broadening the law to "any licensed professional" to design, implement, and oversee ABA will allow the status quo to continue. We cannot allow that. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Vanessa Montes
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vmontes@hawaii.edu

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Ariel Keaunui
91-201 Kamoawa Place | Oahu
arielpahayahay@gmail.com

I am currently an RBT on Oahu and I fully support Hawaii's teachers and Keiki and I support this bill, with amendments. Licensed Behavior Analysts can help our keiki reach their fullest potential. Broadening the law to "any licensed professional" to design, implement, and oversee ABA will allow the status quo to continue. We cannot allow that. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Noveleenne Tuliao
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Shannon Patalano
469 ena rd | Oahu
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Courtney Manning
68-281 Au St
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I have worked in the ABA field since 2013. During my 5 years of working in this field I have seen exceptional growth in our kiddos from their services during school hours. ABA during school hours does not restrict or prevent kids from learning or growing. I have seen so many amazing kids grow, learn, and hit major learning milestones. If we took away ABA services during school hours our kids would be stripped of these opportunities.

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Mia Manzo
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Sneha Bagchi
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Brendan Hales
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Ryota Takahara
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Vikki Kawamura
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ANONYMOUS TESTIMONY

I've been in ABA as a RBT for 3 years and received ABA services for my brother for 5 years and taught for 2 years in the DOE setting with special needs and after being on all sides of this I strongly believe that ABA is a mutually beneficial experience for everyone. The story of applied behavior analysis in education in the United States is inextricably tied to the significant increase in Autism Spectrum Disorder (ASD) diagnoses among school-age children that emerged in the mid-1990s. Suddenly, classrooms were overwhelmed with special needs children who exhibited sometimes severe behavioral issues, impacting both their own education and the schooling of others. With that being said again I strongly believe that ABA is beneficial to call parties in the classroom; teacher, student and families.

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Michelle Haia
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Sheleah Watson – **PARENT**

59-470 Alapio Road Haleiwa HI 96712 | Oahu

sheleahdiego@yahoo.com

Please think about our Leuko. My son is autistic and really needs this service to help him function and become independent and be self-sufficient, as he becomes an adult.

Licensed Behavior Analysts can help our keiki reach their fullest potential. Broadening the law to "any licensed professional" to design, implement, and oversee ABA will allow the status quo to continue. We cannot allow that. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Melinda Seymour
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Elizabeth Hand
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Suzanne Machos
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suzanne.machos@gmail.com

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Denby Siemer
PO Box 437 Waialua HI 96791 | Oahu
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Lauralei Tanaka
3276 Uilani Place | Oahu
jnltanaka@msn.com

Aloha, Our keiki need individuals who are educated and schooled in behavior analysis, not simply baby sitters. We need individuals who have been trained and who are required to receive continuous training to work with our children in order to keep them safe and to make sure that our children are taught using evidence based methods to help them reach their full potential.

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Yvonne San Agustin
91-1016 Mikohu St
yvonnemonique522@gmail.com

Licensed Behavior Analysts can help our keiki reach their fullest potential. Broadening the law to "any licensed professional" to design, implement, and oversee ABA will allow the status quo to continue. We cannot allow that. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Kristen Holdaas
47-356 Hui Koloa Pl
kbarry35@gmail.com

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Brian San Agustin
91-1016 Mikohu St
b.sanagustin@yahoo.com

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Nancy Trujillo Sisemore
610 Ala Moana Blvd | Oahu
trujillo-nancy@hotmail.com

Legislation must be upheld to promote professional standards of services and to protect the rights of those in need. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I support our teachers and our keiki.

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Rebecca Seiter
352 Aina Lani Pl, Kauai, HI 96746
rebeccaseiter@yahoo.com

To Whom it May Concern,

I am a Registered Behavior Technician on Kauai doing home visits with school-aged children diagnosed with Autism. While I believe that ABA therapy in the home is important and relevant to changing a child's overall behavior and skills, I have also come to realize how important it is to have that balance during the school day with consistent ABA techniques as well. It is counter-therapeutic to provide ABA structure in one setting and not in another. It allows the child the opportunity to operate with one set of rules during the school setting and then with another set of rules in the home setting. Behavior becomes setting-based, which is not allowing them to truly develop much needed skills, and often hinders overall mastery and progress.

Additionally, with ABA only in the home setting, it is extremely difficult to communicate regularly with the daily school providers to see what strategies are being used or are effective. Likewise, there is no way to model across settings what therapies are being used in the home that are making significant progress there.

I support licensed behavior analysts. It's the right thing to do for our keiki.

I hope my thoughts are helpful. 808-634-0397

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IN SUPPORT WITH AMENDMENTS HB2271

Erin Stephenson
36 Puu Hale St.
erinam.step@gmail.com

Please do the best for our keiki! Families need all the services they can get access to. This is so important for the development of our kids! I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Brandi Barretto - **PARENT**
PO Box 30343 | Oahu
brandibarretto@gmail.com

My son received three years of “ABA” therapy in which his behavior support staff were constantly changing. Of 6 interventionists, only one was a Board Certified Behavior Analyst (BCBA). Targets and goals were met consistently and efficiently ONLY when the BCBA supervised his case. Anything less was a waste of valuable learning time.

Legislation must be upheld to promote professional standards of services and to protect the rights of those in need. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I support our teachers and our keiki.

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April Woolley
66-939 Kiekonea Way | Oahu
acasey@hawaii.rr.com

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Jordan Hall
96-212 Waiawa Rd apt 106 | Oahu
jordan_th81@msn.com

Legislation must be upheld to promote professional standards of services and to protect the rights of those in need. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I support our teachers and our keiki.

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Kahoni Rowland
96-212 Waiawa Rd apt 106 | Oahu
kahoni47@gmail.com

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Lauren Kapp
Po box 5076 Kaneohe | Oahu
LaurenDKapp@gmail.com

I have been a skills trainer for 5 years and an RBT for 2 years. I am scheduled to take my BCaBA exam this month. Having gained the knowledge I have of Applied Behavior Analysis, I can now see the difference in programs that utilize ABA appropriately versus those that do not. ABA in untrained hands can actually make behaviors worse, further hindering the life of the client and their family. I have witnessed the result of what happens when ABA is not used correctly in schools. It is detrimental to the student, and the entire learning environment. I can't stress enough how important it is to have trained individuals assessing, creating and implementing behavior change programs. Please consider the wellbeing of our students, staff, and families and keep ABA in our schools!

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Jessica Huggins
46-318 Haiku Rd. Apt 87 | Oahu
jessica.leanne17@yahoo.com

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Jackie Belding
3-2600 Kaumualii Hwy, STE 1300, PMB 340
Lihue HI 96777 | Kauai
jackiebaker15@hotmail.com

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Julian Leigh
134 Kapahulu Ave. #916, Waikiki 96815 | Oahu
msjulianhawaii@hotmail.com

I have worked for ten plus years as a Skills Trainer in Hawaii Public School Special Education classrooms. Most teachers and most school administrators I have encountered are ill-equipped to assess and provide services required by each unique special needs student. There is inconsistency in the behavioral programs designed, as each teacher and school administration approach the child with their own priorities and level of expertise. The inconsistency that results is extremely damaging for our children with special needs and stifles their potential. ABA is the national standard for assessing and addressing the needs of these children and Hawaii DOE must welcome that standard of service provision into our classrooms.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Hannah Risko
1395 Pueo Rd | Hawaii
hannahrisko@gmail.com

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Maggie Frazier
P.O. Box 1630 | Hawaii
maggiemfrazier@gmail.com

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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GIGI CALI - PARENT
94-1038 LUMIAUUAU ST
Gigi.sean@yahoo.com

Providing additional support in the school environment will allow educators and parents to work as a team by increasing communication, increase observations, implement positive reinforcement at the appropriate time. RBT also provide support to DOE educators to focus on the classroom as a whole oppose to giving attention to a student who needs behavioral support. My son has made an astronomical advancement in his speech language social skills as well as his academic learning. He is currently having more time in the gen ed environment where he can learn from his peers. Without RBT these children will lose the ability to learn because RBT provides the child opportunities to succeed and assist these students to working through their challenges and giving family's hope that their child will survive and become independent. RBT is not only an advocate for students but a liaison between educators and family

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Cori Webb
58-372 Kamehameha Hwy | Oahu
coriwebb86@gmail.com

ABA is vital in these children's lives! We make a difference!! Don't take that away from them! Educate yourselves!! Understand what we do and how it works!!

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Rochelle Hall - **PARENT**

PO Box 18,68, Kealahou, HI. 96750

Rochellejhall@gmail.com

My daughter has been approved for ABA but the school refuses to allow the providers on campus and they do not provide the support my daughter needs to access her curriculum. She struggles daily, particularly socially and deserves to have this support during her remaining years in school. We met Superintendent Kishimoto on September 18 when she came to speak on the Big Island. That day we asked her what families like us are supposed to do and she told us she needed time to get data and now this bill is introduced. It is disrespectful and disheartening. I expect more of our public schools. My daughter deserves better from us. All of us.

I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA). I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

Kind regards,
Rochelle Hall

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John Lopez
6495B 103rd St, Ewa Beach, HI 96706
jokainlopez@gmail.com

As an advocate and a professional in the field, I have heard and experienced the tyranny of low expectations in our education system for children with significant developmental delays. ABA providers that I work with have made significant impacts for the children that we work with in home and community based settings. It is always the limitations of the school that parents mention to be what is “holding them back”. The fact that ABA providers would be limited to home and community based settings vs Speech and Occupational therapists which perform skills across all settings, limits their ability to impact our keiki’s lives to their full potential. Furthermore, teachers need this help. Many teachers that I have met are burnt out and underprepared. They deserve to have help in managing and preventing challenging behaviors. Do what’s right, this bill, as is, is believed to violate several federal laws; I.D.E.A., FAPE, and the American with Disabilities Act (ADA). We stand firmly in support of our teachers and keikis’ having access to appropriately licensed and qualified behavior analysts in the DOE setting.

I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai’i Association for Behavior Analysis (HABA). I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

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IN SUPPORT WITH AMENDMENTS HB2271

Melissa Sandwell
2444 Hihwai Street Apt 2104 Honolulu, HI
Msandwell@gmail.com

Do the right thing for our Keiki!!

I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA). I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

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Rebekah Walker - **PARENT**
53-972 Kamehameha Hwy
Hau'ula Oahu 96717
Matagwalker@gmail.com

I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

My **daughter** has benefited from early intervention with ABA services. It pains me to think that other Autistic children would be denied these services of highly trained aides. With early intervention of trained aides hopefully our children on the Autism Spectrum will have the best opportunities for their success

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

Mahalo,
Rebekah Walker

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Justine Tubana
94-541 Loaa St.
Waipahu, HI 96797
j2bana14@gmail.com

I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA). I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

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I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Kristine D. Dickson

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Cherlyn Jensen
91-1029 Kamaaha Ave #1203
Kapolei, Hi 96707
Cjensen@bayada.com

Our children deserve quality professional care from those who are qualified in the field of ABA.

I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA). I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

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Beau Laughlin
41 Laumakani Lp
Kihei HI 96753 | Maui
bochacompany@gmail.com

All people with disabilities have a right to effective treatment. For some this may be applied behavior analysis. This is Federal Law. All students should be able to access services they find meaningful. It is time for egos to step aside in this arena of the DOE versus behavior analysis. It is time to realize we need to come together and respect each other for the good of our community.

I stand in strong support of our teachers and children.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

Sincerely,
Beau Laughlin, M.S. BCBA

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Sara Sato
2241 Kauhana Street Honolulu, Hawaii 96816
saratsuki@gmail.com

My name is Sara Sato and I am an Board Certified Behavior Analyst (BCBA) who has experience as working as a special education teacher and a contracted BCBA in the Hawaii DOE. I also have previously worked in schools in the San Francisco Bay Area as a BCBA consultant. Having experiences in these settings have given perspective to what models are successful in supporting and teaching students with disabilities as well as structures and systems that fail. Unfortunately, the Hawaii DOE is more often than not failing to provide the necessary, adequate, and appropriate supports for their special needs students.

One area I find to be the most lacking in the Hawai'i DOE system is the understanding of what ABA is. Applied Behavior Analysis (ABA) is NOT just a way to address challenging behavior. BCBA's are not only necessary to teach a child to stay on task. ABA is the science of teaching. As BCBA's we can look at any situation, break it down into components, examine what might be wrong, look at the objective, and utilizing the principles of behavior and effective teaching, develop a game plan to reach our terminal goal. While this may sound simple, and in theory it really is, our work as Behavior Analysts is constant, systematic, and consistent analyzing of our objectives and making changes based on data to produce meaningful changes in our clients lives. Simply put, teacher's are not put through the same type of training and methodology during their course/field work. For many BCBA's who have masters degrees in special education, an additional 6 or more course sequence plus 1500 fieldwork hours are required to even qualify to sit for the exam. Just these requirements alone show a huge discrepancy in the general experience of a special education teacher and a BCBA. There are numerous FANTASTIC teachers and scores of EXCELLENT BCBA's in Hawai'i. Both groups come from different backgrounds and different skill sets. The bottom line is we want to provide the BEST education that can be provided to our Keiki. It's not a matter of one group or the other, it's working together, celebrating our individual strengths and supporting our areas of need to turn our failing education system into one that we all can be proud and confident of. Our Keiki and our future are so deserving of this.
Please malama our keiki.

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Geri Pinnow - **PARENT**

Luke Pinnow - **SELF-ADVOCATE**

Ewa Beach, Oahu

gpinnow@rocketmail.com

Say no to Luke. That is what the Department of education said to him as a preschooler and continued to say now as a senior. There are people who have the skills just waiting to help him access his education but DOE says NO! Is Luke not deserving and kids just like him? His Christmas card to me was I'll be brave Mom. Really? Is this a war where your son writes home and says he'll be brave? No mother of a 17 yr. Old high schooler in 2017 should get a Christmas card that says, "I'll be brave." But that is what Luke is trying to tell us. He's had to fight for access to his education. Can you imagine all the non-verbal keiki with autism and what they'd tell you? Imagine with me when we leave this world that these sweet angels will thank us for trying to help. Will you do the right thing? Kids can't wait year after year. We are having them experience year after year of cruelty. Why? The teachers are asking for help, they see the potential in the children, the parents and the community as a whole know the help exists, the children are literally crying for help, and the DOE says, "Will not!" Help exists, the choice is yours. Will you help our state and tell the DOE to let help in NOW!

[Help Luke get ABA in the DOE](#)

<https://www.facebook.com/forourkeiki/videos/541725256208502/>

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Ashley Brown - **PARENT**
iambamaa4@gmail.com

My name is Ashley Brown. We are an Army family with two sons. We've lived in Hawaii for almost eight years now, own a home in Waialua and vote in Hawaii. My husband has served over twenty five years to date and is still on active duty. He's served three tours of duty in Iraq and has two purple hearts for wounds received in combat in Iraq. As his wife I'm also sad to say that he suffers from the effects of Traumatic Brain Injury and PTSD. Despite this he still works long hours to defend our country and support our family with little to no support from state resources.

From a state that prides itself on Aloha and Ohana we are shocked to hear that the State is considering adopting a 'fail first' approach to dealing with disabilities in the Department of Education. We are an example of restricted services and the "fail first" approach can and will do harm to even more families across this State if this bill is allowed to pass.

Our son Bowen Brown is 15 yrs old and just spent over 150 days locked up in 2 different acute care inpatient wards not equipped to deal with autism. He spent over 60 days at Queens and then 90 days in the UCLA psychiatric unit.

We recently had to send our son 4,700 miles away from family to try and receive needed autism behavioral services. As I speak/write, our son is currently in Virginia while I, his mother is here in Hawaii. This is where he'll stay for the foreseeable future.

We are trying to get him help in residential program that is only approved for 5 months. We desperately need a functional behavioral assessment (FBA) by Licensed BCBA to identify target behaviors that cause danger to his school and our Waialua community.

We requested, last August, an FBA and IEP with behavior plan to address Bo's dangerous behaviors. We also requested that Waialua Elementary school to help enroll Bo in Child and adolescent mental health. We were hoping for a team effort to help us address Bo's behaviors.

Instead DOE placed Bo on 8 hrs a week homebound services with zero access to any FBA or ABA services or speech therapy. Child and adolescent mental health refused to help us until he was discharged from Queens and Department of Developmental services turned him down because his IQ score was 3yrs old.

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So DOE, DDD and CAMHD have denied all services to help address Bo's dangerous autism behaviors. Behaviours such as breaking out of his home, running into traffic, and episodic violent behaviour against both family and strangers. All of these behaviours are clearly dangerous to our community and often results in avoidable tragedies nationwide as we see so often in the news.

To summarize our situation: the DOE offered zero support or help to to address Bo's behaviors and instead he was placed into a homebound program with 10 hours a week of educational services. And now, as a result, we had to leave our child 150 days in a acute psychiatric hospitals and then ship him off to Virginia. That is neither Aloha or supportive of the Ohana.

Now we are less than 4 months with a discharge date from Residential care paid by Tricare and DOE refuses speech therapy and an FBA to help facilitate safe transition to Waiialua community and school. Without an FBA and ABA we can't address or help Bo with these dangerous behaviors.

So to summarize, our son is over 4k miles away from home with a return date in 4 months and we can't get DOE to plan and assist with his transition back to school and community. We desperately need an FBA and ABA therapy to address his behavior so he doesn't end up back in Queens cycling in and out until he ends up hurting someone in our community.

Please don't create more barriers to care for our children. It is dangerous and harmful to the family and community.

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Katrina Dangleman
61-278 Kamehameha Hwy #3
kdangleman@yahoo.com

Our children deserve quality professional care from those who are qualified in the field of ABA.

I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA). I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

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IN SUPPORT WITH AMENDMENTS HB2271

Nadia Todd

95-1057 Kaapeha Street #196 Mililani HI 96789

ntodd@maulolearning.com

As a behavior analyst, I have worked in the field for 5 years. I have seen how people with autism are greatly affected by ABA services and without these services, would be highly detrimental. I firmly stand in support of teachers and children having access to appropriately licensed and qualified behavior analysts in the DOE as they are the only professionals who are certified and licensed to provide these services. I have directly been a part of the substantial effects and changes children can make with ABA services in the DOE provided by licensed and qualified behavior analysts. These services provided by professionals is the only way for children on the autism spectrum to reach their highest potential.

I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA). I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

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Lilly Atwell
1234 Olino st Honolulu HI 96818
latwell@maulolearning.com

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IN SUPPORT WITH AMENDMENTS HB2271

Aimee Cueva
975 Ae St Apt 201 Kapolei, HI 96707
acueva.mauloalearning@gmail.com

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I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA). I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

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IN SUPPORT WITH AMENDMENTS HB2271

Abbas Zaidi
95-1064 Kuauli Street, Unit 212, Mililani, HI 96789
abbaszaidi@hotmail.com

I have a 6 year old special needs daughter Mishal currently enrolled in Mililani Mauka Elementary. Starting at age 18 months she received DOH's early intervention (EI) speech and physical therapy - she also attended Kama'aina kids for a year before enrolling at the local elementary school at age 3. At age 5 and a half the pedi at Kaiser referred us to a specialist behavioral therapist MD who initiated the ABA process after 3 months of further evaluations. It has just been 9 months under a BCBA two twice a week for 3 hours a day and already we have seen a sea change in her personality. Mishal had a dangerous habit of getting out of hand grip suddenly and running off. Once she snapped her hand out of mine and ran onto main Kalakaua Ave stopping traffic ; twice ran off in Pearl Ridge mall where we had to notify security ; and eating out with the tantrums and screaming was out of question. We stopped going out altogether. 9 months of ABA coaching and she now stands next to the car with one hand on the door waiting for the next instruction ; has learnt the rule that once outside the front door she needs her hand to be held to walk ; and we are ecstatic about the increase in vocabulary and expression... but the greatest milestone has been her ability to brush her teeth and use the bathroom independently. We were using on average ten pampers number 7 diapers for her daily - only available from babys'r'us - now we are down to only three a day. The BCBA accompanied us through 2 IEPs at the school and it really helped streamline, improve and better focus some of the goals. To bring synergy where DOE, DOH and insurance are all working together for the best interest of the child there should be an onsite BCBA as part of the school. This will give equal opportunity to every child to be professionally evaluated, assessed, the parents guided on the IEPs and these children access to the ABA methodology in the critically formative years.

I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA). I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

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IN SUPPORT WITH AMENDMENTS HB2271

Ebony Fuller
55337 Kamehemaha Hwy, Laie, HI 96762
ebonymuku@gmail.com

I am an RBT for Mau Loa Learning, I have been working in ABA for over a year now and i strongly believe that all of our children on the spectrum should have the right to access ABA services in school. ABA is an evidence based practice that makes monumental positive behavioral changes for those on the spectrum, which then allows for successful skill acquisition. This therapy helps not just the individual receiving the therapy but it Also heavily impacts those who are surrounded by him or her whether at school, home or out In the community. It is important for our kids to have ABA in school as it is a completely different environment which Calls for one on one support which our teachers cannot provide on a consistent basis as they also have other children in their class to watch over and teach. Why anyone would want to remove or limit the access to ABA for our kids in the school system makes no sense as ABA only allows for better behavior management which then in turn opens up the doors for endless learning and generalization of their skills! I am a witness of the positive changes that ABA makes In our kids lives.

I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA). I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

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IN SUPPORT WITH AMENDMENTS HB2271

Katie Weldon
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klucchesj1990@gmail.com

This trimming of services for underserved populations, students with disabilities in this case, needs to stop. It is inhuman. Failing intentionally is completely not conducive to a healthy education.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

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IN SUPPORT WITH AMENDMENTS HB2271

Charles White
95-1085 Milia Street
charleswhite7@yahoo.com

Licensed Behavior Analysts can help our keiki reach their fullest potential. Broadening the law to "any licensed professional" to design, implement, and oversee ABA will allow the status quo to continue. We cannot allow that. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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IN SUPPORT WITH AMENDMENTS HB2271

Burton Clausen
Address 5029 Milburn Loop, Wahiawa
burt.clausen@live.com

To whom it may concern, I am the parent of a 5 year old who is currently in the DOE Pre K program diagnosed with Autism Spectrum Disorder. He is involved in many supportive therapies outside of the school as it has been a struggle to get any support from the DOE. My child has multiple behaviors that are unfortunately not able to be appropriately addressed as the support we have received from the DOE is minimal. Requesting the help of a licensed behavioral analyst is key to providing my child with an appropriate education. His current Functional Behavior Assessment (FBA) was completed by a guidance counselor who just doesn't have the full education/experience to adequately evaluate my child. It is important that my child be able to having a FBA conducted by a licensed behavior analyst (LBA) so his IEP can reflect his needs. He has every right to receive an education that will make him successful. By taking away these services, my child and many others will suffer. Our children should not be punished.

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IN SUPPORT WITH AMENDMENTS HB2271

Wendy Marks
73-4364 Hau Nani St. Hawaii
kamalani.marks76@gmail.com

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the language proposed in the current version of the bill is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA). I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. Mahalo for the opportunity to present testimony on this important matter.

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IN SUPPORT WITH AMENDMENTS HB2271

Lurlyne Sabug
P.O. Box 334 Waialua, HI 96791
lurbug75@gmail.com

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the language proposed in the current version of the bill is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA). I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. Mahalo for the opportunity to present testimony on this important matter.

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IN SUPPORT WITH AMENDMENTS HB2271

Kyle Malazdrewicz
1125A 2nd Avenue
kmalaz@hawaii.edu

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the language proposed by the Hawai'i Psychological Association is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA). I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. Mahalo for the opportunity to present testimony on this important matter.

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Vicki Davis - **Grandparent**
P O Box 566, Mt. View
Hawaii
bootsaloha@hotmail.com

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the language proposed by the Hawai'i Psychological Association is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA). I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. Mahalo for the opportunity to present testimony on this important matter.

I highly believe in ABA therapy, as it helped my grandson tremendously.

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To my knowledge, I am the only Licensed Behavior Analyst and Psychologist in the State of Hawaii, which affords me a unique perspective on this legislation. I spent 5 years completing my PhD in Psychology with an emphasis in Behavior Analysis from West Virginia University. I became a Board Certified Behavior Analyst in 2000. Upon returning back home to Hawaii in 2003, and over the course of the next four years, I respecialized in Clinical Psychology at the University of Hawaii, a program which included an American Psychological Association (APA) accredited internship at the Veteran Affairs (VA) and a year of postdoctoral experience. Having received education and training in both Behavior Analysis and Clinical Psychology programs, I would like to share my experiences and insight into the differences between the two training paradigms.

Applied Behavior Analysis (ABA) is not typically in the scope of practice for many psychologists. In fact, there are only a handful of Clinical Psychology programs in the country that offer a subspecialty in ABA. Even though some Clinical or Counseling Psychology programs offer training and coursework focusing on people with Autism Spectrum Disorders (ASD) or broader training on people with Developmental Disabilities, the training is not necessarily behavior-analytic in nature. Rather, the training focuses on diagnostic assessment tools, such as the administration and interpretation of psychological test measures for people with ASD or broad training in family therapy for parents of children with ASD. To say that one is knowledgeable in ABA because they have received training on people with ASD is not sufficient. One must also receive specific coursework and training in ABA.

Furthermore, there are many schools of thought in psychology. A psychologist's orientation or and identity with a specific branch within psychology dictates treatment approaches. For example, some branches of psychology focus on understanding the underlying personalities of the person, which may result in specific approaches not being based in scientific methods, but rather more 'eclectic' in nature. ABA, however, is a science based on principles of learning theory, which again, may or may not be the philosophy of general psychology programs.

Additionally, some psychology programs may offer training in behavioral approaches that are based on cognitive behavior therapy (CBT) and not ABA. CBT combines behavioral and cognitive interventions to modify maladaptive thoughts, self-statements and beliefs. While CBT is efficacious, the training and implementation of CBT is different than the training and implementation of ABA procedures.

As well, there are behaviorally-orientated psychology programs that provide education and training in ABA. Psychologists who have received specific education and training in ABA have the experience and the demonstrated competency to be able to practice ABA without being licensed as a behavior analyst. Psychologists should continue to supervise trainees, paraprofessionals, and others in accordance with the licensure laws of their profession. The behavior analyst licensure does and should not restrict psychologists who have the experience to practice within their scope of competency or restrict their supervision, which I believe was not the intent of the law.

Finally, HB2271 proposed an amendment to open up who can practice ABA as a direct support worker. Legislators are being led to believe that a credential from a "national certifying agency" is equivalent to the Registered

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Behavioral Technician (RBT) credential from the Behavior Analyst Certification Board (BACB). I have supervised doctoral students in Clinical Psychology programs and students in Mental Health Counseling programs. As practicum students at my clinic, I require any student, regardless of their discipline, to become a Registered Behavioral Technician (RBT) to implement ABA. The RBT sets forth rigorous standards on training, competency assessments, and ongoing supervision. Allowing other national certifying agencies, outside of the RBT, would dilute the rigor of ABA programs and place clients in significant harm.

Thank you for the opportunity to offer my comments.

A handwritten signature in black ink, appearing to read 'CK', followed by a small, empty rectangular box.

Christine Kim Walton, PhD, BCBA-D, LBA
Executive Director, Behavior Analysis No Ka Oi, Inc.

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IN SUPPORT WITH AMENDMENTS HB2271

Aloha Chair, Vice Chair, and members of the Committee,

My name is Dr. Amanda Kelly. I am licensed behavior analyst and formerly a licensed teacher. I would like to submit testimony today in **SUPPORT of HB2271 with amendments**. The Hawai'i Department of Education (DOE) originally asked the legislature to introduce a bill relating to Behavior Analyst Licensure (Chapter 465-D). The original bill sought to limit ABA services to students as a reactive approach, requiring a "fail first" approach, and would not allow students in need access to a licensed behavior analyst (LBA) in the DOE setting. Mahalo to our legislators for believing in our keiki. The current language of the bill is much improved, though perhaps revisions to existing law are not needed. We believe our keiki and our teachers cannot wait any longer for these services.

I worry about the Department's resistance to providing applied behavior analysis (ABA) services. What appears to be a systemic, philosophical stance against collaborating with Licensed Behavior Analysts and Registered Behavior Technicians (RBTs), places our most vulnerable keiki directly in harm's way. The Individuals with Disabilities Education Act (I.D.E.A.) is a federal law that requires a proactive approach whenever behaviors impede the learning of a student or those around them. The original bill appeared to violate several federal laws: I.D.E.A., Free and Appropriate Education (F.A.P.E.), and the Americans with Disabilities Act (ADA).

Behavior analysts are trained to develop, deliver, and monitor educational programming that is driven by the results it produces with students. Collaborative consultation with the moment-to-moment coaching it entails can assist educators [in creating] their own evidence-based practices (Hursh, 2007, p. 44)" ([Fielding, 2013](#)). ABA programming for learners, as any other specialized field, should be designed and supervised by qualified professionals. This group of professionals with appropriate training in applied behavior analysis are those who are board certified as behavior analysts (BCBA) or licensed clinical psychologists with explicit training and supervision in behavior analysis. While much of the day-to-day ABA work can be performed by certified teachers and well-trained registered behavior technicians (RBTs), behavior analytic programs should always be overseen by highly-trained licensed professionals with ABA in their scope ([New York](#)).

Our teachers are caring and committed to helping our keiki succeed. Our teachers are being tasked with responsibilities that exceed their skill sets. Despite asking for help, for access to Licensed Behavior Analysts (LBA), our teachers' requests are denied. I opposed the language in the original bill, because it is unfair to them. Teachers who advocate too loudly or who have asked too many questions have been reprimanded, and in some cases actively retaliated against, being terminated from their teaching positions (<https://www.facebook.com/forourkeiki/videos/540341319680229/>).

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Parents may require a school district to fund ABA services if the parents can show that such services are necessary to allow the child to make reasonable progress in the curriculum and to benefit educationally from instruction. There must be sufficient evidence from a qualified professional, which supports this conclusion. The qualified professional may be a child's therapist, an independent evaluator with appropriate qualifications, or district staff (Attorney Hickman). When a child requires a particular methodology to receive FAPE, the district has an obligation to use that method (REB vs Hawaii, 2017) (<http://cdn.ca9.uscourts.gov/datastore/opinions/2017/09/13/14-15895.pdf>).

IEP teams in Hawai'i frequently refuse to accept outside evaluations; often debating and rejecting legitimate diagnoses, which directly impact educational access. I believe this occurs in large part because we are missing Licensed Behavior Analysts (LBAs) as team members, and because our teachers are afraid to speak up for fear of retaliation.

Information that would be useful to advance these discussions:

- How many students have behavior support plans (BSP) as part of their IEP?
- How many students require functional behavior assessments (FBA)?
- How many students have come to the IEP with a recommendation for ABA?
- Of those, how many students did the team agree required ABA?
- How many IEPs list applied behavior analysis (ABA)?
- Of those, how many IEPs list Licensed Behavior Analysts (LBA) or Registered Behavior Technicians (RBTs) in the service delivery grid?

Data that may be relevant to these discussions

Teachers | Hawai'i DOE

- 13,320 teaching positions in Hawai'i (HNN, 11/22/2017)
- 1,011 of current teaching positions are filled by emergency hires (HNN, 11/22/2017)
- 311 of our Special Education Teaching positions lack a licensed teacher (HNN, 11/22/2017)

Students | Hawai'i DOE ...although we should be looking beyond autism...

- 1,820 students reported to qualify for an IEP under autism (DOE website, 2018)
- 1,100 students with autism who require a 1:1 paraprofessional (DOE Testimony, delivered by Superintendent Kishimoto, 1/31/18 for SB2520)

Licensed Behavior Analysts (LBAs)

- 30,000 behavior analysts worldwide (1/8/2018, BACB)
- 218 Licensed Behavior Analysts (LBAs) in Hawai'i (2/4/18, DCCA)
- 15 number of DOE employees who are licensed as a behavior analyst (1/5/18, DOE)
- 0 number of DOE employees working as a behavior analyst (1/5/18, DOE)

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Registered Behavior Technicians (RBT)

- 587 Registered Behavior Technicians (RBTs) in Hawai'i (2/4/2018, BACB)
- 9 Registered Behavior Technicians (RBTs) in the Hawai'i DOE (1/5/2018, DOE)
- 0 number of DOE employees working as an RBT (1/5/18, DOE)

ABA in other States

- 31 states currently regulate the practice of behavior analysis (APBA)
- 46 states offer ABA services funded through health insurances; provided by licensed behavior analysts, and licensed psychologists practicing in their scope and experience
- At least 35 school districts have information about services available online (For Our Keiki)
- Schools in at least 14 states offer ABA services by BACB credentialed Behavior Analysts

Medicaid and ABA Services in the DOE

- Medicaid is required to cover ABA services for children, up to age 22 under EPSDT (CMS)
- This includes before and after school, as well as when school is in session
- In states where school-based Medicaid claiming is established (such as Massachusetts), Medicaid can reimburse for a percentage of ABA services, when those services are provided by a Licensed Behavior Analyst (LBA) and/or Registered Behavior Technician (RBT), as appropriate.

<http://www.mass.gov/eohhs/docs/masshealth/bull-2015/sbm-29.pdf>

The Department of Health (DOH-DDD) has made several good faith efforts (such as commissioning a rate study, updating waiver standards to include Licensed Behavior Analysts (LBAs), as well as Registered Behavior Technicians (RBTs), and proposing a rate increase 20% above Medicaid rates), the Department of Education (DOE) has actively resisted and undermined efforts aimed at establishing an adequate workforce, despite several efforts made by community organizations and Universities, resistance from the DOE remains.

1. The Hawai'i DOE refuses to provide ABA (2016, 2017, 2018)

They have actively and explicitly provided instructions to their staff to refrain from making or considering ABA as a treatment modality for any student. This includes recorded conversations from an Attorney General with the Education division, who traveled to numerous schools across the islands and shared, "Right now the advice that I'm giving you who have this issue, in any case where we have this issue, I tell them "we're not going to, you know (inaudible) when it comes to ABA methodology, we're not putting it on the IEP" (10/18/2017). <https://www.facebook.com/forourkeiki/videos/524566931257668/>).

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2. Hawai'i cohort with the University of West Florida was established (2016)

The DOE forced at least 10 students enrolled in the program to drop the program, as they would not be issuing tuition reimbursement for anyone enrolled. Students who remained enrolled in our program have been prohibited from having supervisors and professors on DOE campus to provide practicum supervision (similar to a teaching practicum supervisor).

3. \$1million in scholarships for BACB certification was offered, but declined by DOE (2016 & 2017). In response, we were told, "it isn't the right time". We met with other stakeholders and offered scholarships to them.

4. 40-hour Registered Behavior Technician (RBT) training offered for free (2016)

This training was offered through partnership with the University of West Florida and Keiki Educational Consultants (my private practice at the time). Assets elementary school was generous enough to host the event. 50 spaces were offered and individuals with DOE email addresses reserved 30 spaces. On the first day of the training, there were 28 no-shows, all of whom had DOE email addresses.

5. Health plans offered to fund ABA services provided at school by LBAs and RBTs (2017)

The DOE, specifically Debra Farmer, Suzanna Mulcahy, and Superintendent Kishimoto have refused to offer these services as part of students' IEPs. They have also refused to collaborate with outside professionals or to agree that ABA is medically necessary and needed for students' to access their education and make meaningful progress on robust and ambitious goals (Endrew F. vs. Douglas County).

https://www.supremecourt.gov/opinions/16pdf/15-827_Opm1.pdf

Whereas money is concerned, the lanugage in the bill would allow the DOE the opportunity to use providers (e.g., supervisees) who are not currently reimbursable by the commerical health plans or Medicaid. By upholding the expectation for direct support workers to become registered behavior technicians (RBT), this would allow the HIDOE access to potentially millions of dollars in federal funds for our keiki.

Mahalo nui for your time and dedication on this very important matter. I am available to answer any questions.

Amanda N Kelly, PhD, BCBA-D, LBA
(808) 298-2658 | forourkeiki@gmail.com

Amendments proposed: Non-substantive changes to clarify psychologists and their supervisees' right to practice, clarifying language for teachers to implement ABA programs in collaboration with a person licensed in this state, offers clarity for definition of caregiver (see attached).

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[§465D-7] Exemptions. (a) This chapter is not intended to restrict the practice of other licensed or credentialed practitioners practicing within their own recognized scopes of practice and shall not apply to:

(1) "Individuals licensed in this State to practice other professions and their supervisees, provided that behavior analysis is in the scope of practice of the profession's licensure law; and the services provided are within the boundaries of the licensed professional's education, training, and competence, and provided that the person does not purport to be a behavior analyst;

~~(1) An individual working within the scope of practice or duties, which that overlaps with the practice of behavior analysis; provided that the person does not purport to be a behavior analyst;~~

(2) "Individuals licensed in this State to practice psychology and their supervisees, provided that behavior analysis is in the scope of practice of the psychology licensure law and the behavior analysis services provided are within the boundaries of the licensed psychologist's education, training, and competence, and provided that the person does not purport to be a behavior analyst;

~~(2)~~ (3) An individual who implements or designs ~~applied~~ behavior analysis services and possesses board certification as an assistant behavior analyst by the Behavior Analyst Certification Board and who practices in accordance with the most recent supervisory and ethical requirements adopted by the Behavior Analyst Certification Board under the direction of a behavior analyst licensed in this State;

(4) A licensed classroom teacher, or someone who is working as a classroom teacher and is enrolled in a teacher preparation program working towards licensure, in a school setting, who implements and does not design, behavior analysis services in direct collaboration with a professional licensed to practice behavior analysis in this State;

~~(3)~~ (5) An individual who directly implements and does not design ~~applied~~ behavior analysis services and:

(A) Is credentialed as a registered behavior technician by the Behavior Analyst Certification Board and is under the direction of a behavior analyst licensed in this State;

(B) Is a direct support worker in a school setting who directly implements a behavior analysis program under the supervision of a professional licensed in this State to practice behavior analysis ~~and does not design~~ intervention or assessment plans on or before January 1, 2019;

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~~[(C)] Is a direct support worker who provides Medicaid home and community-based services pursuant to section 1915(c) of the Social Security Act on or before January 1, 2019;~~

provided that for purposes of this paragraph, "direct support worker" means a ~~teacher or~~ paraprofessional;

(6) An individual who designs or implements behavior analysis services to participants in the medicaid home and community-based service waiver program pursuant to section 1915(c) of the Social Security Act on or before January 1, 2024;

~~(7) (4) A family member [or], legal guardian, or caregiver implementing an applied behavior analysis plan and who acts under the direction of a licensed behavior analyst [licensed in this State;] or licensed psychologist;~~ provided that for the purposes of this paragraph, "caregiver" means an individual who provides rehabilitative services in an adult foster home, developmental disabilities domiciliary home, adult residential care home, expanded adult residential care home, special treatment facility, or therapeutic living program pursuant to the medicaid home and community-based service waiver;

~~(8) (5) An individual who engages in the practice of behavior analysis with nonhuman or nonpatient clients or consumers including but not limited to applied animal behaviorists and practitioners of organizational behavior management;~~

~~(9) (6) A matriculated graduate student or postdoctoral fellow whose activities are part of a defined behavior analysis program of study, practicum, or intensive practicum; provided that the student's or fellow's activities or practice is directly supervised by a behavior analyst licensed in this State or an instructor in a Behavior Analyst Certification Board-verified course sequence; or~~

~~(10) (7) An individual pursuing experience in behavior analysis consistent with the Behavior Analyst Certification Board's experience requirements; provided that the experience is supervised by a behavior analyst licensed in this State.~~

Nothing in this chapter shall be construed to prevent any licensed psychologist from the practice of behavior analysis in this State as long as the person is not in any manner the public as a "licensed behavior analyst" or "behavior analyst" and the behavior analysis services provided by the licensed psychologist are within the licensed psychologists recognized scope of practice.

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Frankie Servetti
1148 Kupulau Drive | Maui
fscmaui@gmail.com

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA). This service is necessary for the success of each and every child. Our keiki's future depends on us!!

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Dr. Lori Babbitt

23 Kahoea Pl | Maui
lgbabbs@gmail.com

As an LBA practicing in Hawaii, it is imperative that we continue to provide quality and skilled ABA resources to our s. With all due respect, if Psychologists and teachers demonstrated ABA knowledge and skills needed in being effective in their assessment, planning, treatment, and monitoring of challenging behavior and developmental deficits, this law would not have been necessary - in keeping with our 49 other states and the international communities. Please do not set Hawaii back! Hawaii keiki need and deserve to have RBT, BCaBA, and BCBA support in order to make the best progress in these critical years, as they set the tone and quality of their very lives.

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Kevin Abella
15-1867 4th Avenue | Hawaii
kevinabella04@gmail.com

Allowing children to receive evidence based services, ABA, in the school setting speaks volumes as to how we educate our keiki and how the community/state expects treatment for our special needs community.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Kim Wolff
58-117 Kaunala St | Oahu
kwolffbcbba@gmail.com

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Cathryn Langan - **PARENT**

2953 Kalihi St. Apt. A, Honolulu, HI 96819

cathryn.langan@gmail.com

s a **parent** of a child on the autism spectrum, I want a Registered Behavior Technician; someone trained in understanding behavior, working with my child. Someone with an autism specific credential may not know how to work fully with my child, who yes, is a child with autism but is also so much more than that. Also, I feel uneasy about licensed psychologists overseeing treatment, as there is no guarantee that a licensed psychologist will adequately know how to work with my child from a behavioral perspective. I also oppose this bill as I feel that many students in need would benefit from licensed behavior analysts (LBA) assisting with services in the DOE setting. This piece of legislation will not allow schools to "provide special education and specific services tailored to meet unique needs of students with disabilities," as outlined in PL 94-142. I **personally am uneasy about sending my child to a DOE school to start in kindergarten this fall because I have seen many children fall behind because they were not provided with adequate services which could have been improved by having LBAs assisting with their service plans.**

I support licensed behavior analysts. It's the right thing to do for our keiki.

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Linda Barton
92-1491 Aliinui Dr. | Oahu
lindaasolla@gmail.com

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Jason Barton
92-1491 Aliinui Dr | Oahu
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I stand firmly in support of our teachers and keikis having access to appropriately licensed and qualified behavior analysts in the DOE setting. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Jeanette Irvine - **PARENT**
95-1044 Ainamakua Dr. H Mililani | Oahu
jeanetteirvine@gmail.com

As a **parent** whose child has benefited from ABA and is now completely independent, I advocate for licensed ABA professionals. Without having had professionals who were credentialed I know my child would not be as successful as he is today.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Sheryl Cunningham - **PARENT**
91341 Ewa Beach Road
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My **son** has made huge progress thanks to ABA services. He has been accepted into a private school only because he receives ABA services and the DOE will not allow him to have ABA services.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Maile Rogers - **PARENT**

68-386 Kikou St. Waialua, HI 96791 | Oahu

maile_m@yahoo.com

My son is autistic. He's considered "high functioning" because he's smart, has a large vocabulary, and can do math problems in his head. But high functioning doesn't mean that his autism doesn't affect him, sometimes very severely, in ways that others can't see or don't interpret as struggling. He has issues socially, emotionally, and behaviorally.

I told Waialua elementary about all the issues my son had before he ever started kindergarten. I asked them to please evaluate him, and told them multiple times that our family was struggling and we were in crisis mode. We were repeatedly told that he was normal, not to worry. In the meantime, since the school wasn't doing anything, we had him privately evaluated and he was given a diagnosis of autism and ADHD. He was constantly in trouble in school, struggling daily. After they suspended him twice for behavior issues directly related to his disability, which I had already repeatedly asked for help with, I got an advocate and they immediately started due process proceedings since the school and broken every single rule. My son spent most of his time with the regular school counselor, who was absolutely not trained to deal with any of his issues. After his autism diagnosis, the school sent an autism consulting teacher in to come to meetings, he said my son had absolutely no issues. At no point during kindergarten did my son spend time with the Autism consulting teacher, or the school behavior health specialist, or the clinical psychologist, or the school psychologist. He went his entire kindergarten year with no services, continually being punished rather than supported. We had a summer of struggles, which included an incident where the principal took it upon himself to approach my child, who was sitting quietly calming himself down with his one to one aid that I paid for out of pocket for summer fun, he proceeded to yell at my tiny 6 year old, and pounding his fists on the table while my disabled child cowered. When school started again, I asked AGAIN to have my son evaluated. At this point we've had a diagnosis on hand for a year. The school again refused. They did offer to have the clinical psychologist perform an FBA. When we received the report, we realized that it was extremely lacking, and that Dr. McDonald clearly did not have FBAs in her scope of abilities. Based on this flawed report, we won our due process case and the school was forced to finally perform a full evaluation on my son. In the short time since my son's diagnosis, we have had a lot of interactions with psychologists, psychiatrist, play therapists, and behavioral therapists. Having my child sit on a couch and talk to a behavior health specialist twice a week for 30 minutes can in NO WAY compare to the impact behavior therapists (BCBAs and RBTs) have had spending hours and hours every week with my son, going through his daily routines until he encounters struggles so they can repeatedly work through those struggles with him until he's finally able to do it on his own. There simply is no comparison. In addition, I have overwhelmingly felt that the behavior analysts and behavior technicians have a been so much more compassionate, incredibly patient, and willing

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to spend so much time learning about Jaxon and what makes him tick, rather than just forcing him to conform regardless of any struggles he might be having- which is what we've gotten from everyone in a DOE setting. Please help our keiki. Please give them every opportunity to succeed in life.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Ililani Foree - **PARENT**
PO box 44669 | Hawaii
irc4ee@yahoo.com

My **son** is being denied services and being harmed. I believe that the DOE needs to provide the right people to do assessments to get all the needed services and resources that my son needs to be in a safe educational environment at his school. In fact I believe that it is doing my son an injustice because he could be put in possible danger with not receiving the right services. I find that knowingly that my son needed a crisis plan to be done right away that this would be a high priority to be done correctly and in an affective why it wasn't I find it highly unethical as a professional and here are the following reasons:

- Improper assessment
- lacking recommendation of a behavior analyst
- resulting in harm and delayed access to treatment (do we pull him out of school to keep him safe)
- They ignored and minimized concerns brought to light by Aiden's crisis plan - neglected to mention Aiden's ambulance or hospitalization
- neglected to include relevant occurrences of behavior (11/22/17, 9-1-1 called, restrained, urinated himself) - provided a draft of his report
- The Agency did not provide the report before meeting, meaning we had to cancel our son's IEP meeting, further delaying us access to answers and proper care.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in support of our teachers and our keiki.

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Amy Grant
61-280 Kamehameha Hwy | Oahu
amyjean1984@gmail.com

Our Keiki deserve access to ABA services. ABA should never be a “last resort” it should be the gold standard! We demand our Keiki be put FIRST!! I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Ashley Monden

ashley.monden@student.chaminade.edu

This is my first year working as a licensed Special Education Teacher in the Department of Education and I'm currently seeking my licensure as a Board Certified Behavior Analyst. Before this I was a 1:1 paraprofessional and an Educational Assistant both here on Oahu and on the Big Island. As a 1:1 I've experienced what it's like to work with high needs student who needs the direct supervision of an adult. I went to numerous trainings, looked online for strategies that could give me insight, talked to DOE autism consultants, and supervisors. None of them could give me feedback or show me by example on how to help my students. Over the years I found Applied Behavior Analyst (ABA) strategies and tried them with my students. Through trial and error I saw improvements. I worked with various different disabilities and found that ABA strategies make a big difference when consistent and done the right way. After working 8 hours in my classroom, I work in the evenings and weekends as a Registered Behavior Technician (RBT). This summer I worked with a child who received 6 hours of ABA therapy in the home setting and in as little as 3 months made a lot of gains such as now being able to sit to finish a task, respond to his name, and verbally saying what he wants instead of being aggressive! If our students receive the same support within the school day imagine the outcome! In the DOE school setting we are already failing our keiki by having untrained 1:1's who are just there as an extra body. By allowing LBA (Licensed Behavior Analyst) in the school would only add strength to our educational system and show that we truly do support our teachers who have the biggest jobs "educating our keikis". Why do we want to allow our keikis to fail when we are constantly pushing for success!?

Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Jeaustine Larson - **PARENT**
2249 Elou St | Oahu
larson905@yahoo.com

We have lived in Hawai'i for a little over two years. In those two years, it has taken us over 20 months to finally get our **son**, who is autistic, an IEP. We finally got one put in place about two months ago. We were previously told, "as long as his grades are good, his lack of social skills is not our concern." We also had an incident with his first ABA company; they were providing services with uncredentialed direct support workers (DSW). This resulted in little to no progress made for our son and very poor services. The Behavior Analyst Licensure law needs to stay and be implemented. General Psychiatrists and Psychologists are not trained in autism, the way Licensed Behavior Analysts (LBAs) are. They do get training, but it is not as extensive as is required by the Behavior Analyst Licensure law. Our children deserve the best we can offer them, not the minimum that exists.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Roger Larson - **PARENT**
2249 Elou St | Oahu
larsen905@hotmail.com

My name is Roger Larson. I am the father of a SPED student at Wheeler Middle School in the Central District on Oahu. I am submitting testimony opposing the DOE's proposal of changing Chapter 465-D. Our children are our future. When teachers instruct their students, we build the foundation for equality and prosperity for tomorrow's generations. Every dollar invested in our community's public schools yields exponential returns, not just for our economy, but also for the promise of a more open and democratic society. We need to keep and strictly enforce Chapter 465-D in our public schools to ensure that teachers and students both have the assets needed to help our keiki succeed. Several administration members at my **son's** school have stated that they are not qualified to handle my son's issues or adequately support him. They also state that they would love to do more and do the right thing for my son but are told by their district and DOE leadership to not comply with State laws and regulations regarding autism support as it is "not required based off their interpretation." It is a shame that a military family has had to fight for over two years to finally begin to get the care my son needs. We still have a long way to go in that regard since the district and state DOE leadership has been extremely unhelpful and has attempted to undermine the care of our children by threatening teachers and support workers. This is a matter of support for our children's future! We need your help.

Mahalo. Roger Larson

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Stephanie Phelan | stephanie.h.phelan@gmail.com
66-059 Alapii St., Haleiwa, HI 96712, Oahu

My name is Stephanie Phelan, I am a practicing Licensed Behavior Analyst in Hawaii and I am writing with concern regarding proposed legislation to change Chapter 465-D, the Behavior Analyst Licensure law. Proposed changes include a provision that would limit the requirement of behavior analytic services in schools only for students with severe challenges with problem behavior, communication, or social interactions, and would only be provided when other interventions have not been effective. Applied Behavior Analysis (ABA) is the only evidence-based treatment for Autism Spectrum Disorder. ABA services are not meant to be used as a last resort when non evidence-based interventions fail. This provision would be in violation of the Individuals with Disabilities Education Act (IDEA) that mandates students with disabilities to receive individualized, proactive interventions to ensure they receive a free and appropriate public education (FAPE).

By limiting their access to ABA we are hindering our keiki's ability to succeed in school.

Additionally, the proposed changes to the legislation would seek to allow any paraprofessional or direct support worker in the Department of Education (DOE) Schools to implement ABA. This provision would jeopardize the quality and success of ABA programs. Research in the application of ABA has shown again and again that if ABA interventions aren't implemented as they were designed, the interventions are less likely to be successful. It is critical that those responsible for the implementation of ABA services are thoroughly trained in ABA principles, concepts, and methodologies. Through requiring the Registered Behavior Technician credential, we are ensuring a high level of competency and helping to control for the quality and success of ABA programs. As a Behavior Analyst, I want to see all our keiki succeed and flourish in school. Across the country we have witnessed the positive impact that ABA services can have for students and I believe ABA professionals including the LBAs and RBTs are an asset to our keiki's school teams. We want to help, and will be most successful in doing so with the Behavior Analyst Licensure law as it stands, without the proposed revisions. The proposed revisions will not only limit our keiki's access to medically-necessary evidence-based treatment and as a result limit their access to a free and appropriate public education, but it will also decrease the effectiveness of behavior analytic service delivery as a result of lack of quality control for those providing the services. Thank you for your consideration of my testimony. If there is more information I can provide, please do not hesitate to contact me.

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Sungalina Lee - **PARENT**

1 Ohana Nui Way HNL 96817 | Oahu

slee@assets-school.net

As a **parent**, educator and engaged citizen, I am concerned that changing the licensure law, Chapter 465-D, will harmfully affect the most vulnerable of our keikis and families. We are a state who prides ourselves in our values, especially those related to our children and, families so this new effort is not algebras with our values or the needs of teachers, students, parents or our community.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Sara Dinkelo
2056 A Puu Place, Wahiawa, HI | Oahu
sdinkelo@gmail.com

As a LBA, I can't stress enough the need for our keiki impacted by autism to have access to applied behavior analysis in schools. It's not a methodology but a science with regimented data collections systems to ensure progress and to make program changes based on performance. It is not possible to be "trained" to run an ABA program; it requires credentialed, licensed professionals who abide by strict ethical guidelines to do. Our teachers need support; they cannot teach and be required to do something that is out of their practice. ABA should not be limited to those with severe problem behaviors (however they should be prioritized) but an individual's access to ABA can impact their outcomes across their lifespan. Our keiki have a right to a free and appropriate education. ABA needs to be available to all children who need it and it needs to be provided by licensed professionals (LBAs), or it is not ABA. I support our teachers getting the resources they need to have productive classrooms and help our keiki live productive lives.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Peggy Brandt - **PARENT**
3288 Pamakani Place | Oahu
peggy.brandt@gmail.com

Hawaii's keiki deserve to be supported with the best practices available to them. From my first-hand experience, they will not receive this without legal support.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Joelle Branch - **PARENT**
91872 Puhikani St. | Oahu
Jbranch409@yahoo.com

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Josh Wilson
2056a Puu PI, Wahiawa | Oahu
rollout1983@yahoo.com

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Anastasia Kellercollins
91-129 Nohoihoewa Way | Oahu
anastasiakellercollins@gmail.com

Sometimes it is so hard to do what is right. Sometimes it's too easy not to. Please do what is right. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA). I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support our teachers and our keiki

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Corrie Lynn Montalvo
911054 Hoakalei Street | Oahu
kuuipom77@gmail.com

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Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Andrea Keeseey
66-235A Kamehameha Hwy Haleiwa HI 96712
ak.keeseey@gmail.com

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Lo Edmonds

66-235A Kamehameha Hwy Haleiwa HI 96712 | Oahu

loedmonds@gmail.com

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Rachel Sammis
66-235A Kamehameha Hwy Haleiwa HI 96712
rachelsammis@gmail.com

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Lisa Sakuda
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lisasak46@gmail.com

If we are pushing for Inclusion in the next school year, the DOE should allow Licensed Behavior Analysts (LBA) to come into the school, and help the teachers write the Functional Behavior Assessment (FBA), and help write Behavior Support Plans (BSP) for the students. We also need Registered Behavior Technicians to help work with the child in the classroom, they are supervised by an (LBA/BCBA). Applied Behavior Analysis does not only help children diagnosed with Autism, it can also help other children in the classroom, and it can help the teachers as well. Your teachers need help; they are tired at the end of the day. They feel the pressure with all the testing required by them, they do not need added stress by asking them write an Functional Behavior Assessment (FBA) on a student. They know nothing about writing an FBA. Would you want someone who is not a Licensed Surgeon to operate on your child? Help you teachers; they work very hard for our children. By not allowing ABA in the school, we are not hurting ourselves, but we are hurting the children, and we are making special education teachers want to quit. I have a couple of Special Education teachers who say they are very tired, and drained at the end of the day. They feel like they do not have the support they need. All they want to do is teach the children. We want the best for our keiki, and they deserve the best education. Put yourself in a SPED teacher shoes, put yourself in a child's shoes, and put yourself in a parent's shoes. How would you want your child, grandchild, niece or nephew to be treated, what kind of education would you want for your family?

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Christina Libby
41-611 Inoaole St Waimanalo Oahu 96795
clibby@maulolearning.com

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Nikole Ross
94-232 Emoloa Pl | Oahu
nikole.ross82@gmail.com

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Melissa Urquidi - **PARENT**
1620 Ala Aoloa Lp | Oahu
melissaurquidi@hotmail.com

I am writing this testimony as a **parent** of a child with Autism and as a BCBA. I have experienced the effects of a failure 1st approach in the educational setting for my own child and strongly feel that his lack of success in his home school is a result of not having qualified licensed behavior analysts and RBTs overseeing, leading, and implementing effective ABA methodologies. As a BCBA I strongly urge our representatives to not allow other professions to oversee and implement ABA programs that require specific education and training that only BCBA's possess.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Shanda Strickland
PO Box 894811 Mililani | Oahu
ssg808@yahoo.com

Any opportunity to improve environments, communication and access to positive, inclusive experiences should not only be utilized, but celebrated. Removing qualifications for those who directly impact the fundamentals of keiki, teachers, school and families, is in direct conflict with the philosophy and commitment of those who promise to aid our keiki.

To those promoting this declination - I respectfully challenge you to imagine a system that, intentionally or not, promotes a culture of inequality and inadequate care, a ranking system and segregation of preferred diagnosis and community exclusion. Perhaps this decision can benefit by asking you, "Who comes to mind when you discuss adequate and sufficient training, support, regulation and care?" Is it a person in your Ohana? Your neighborhood? Your church? Your community? Your employment? I beg to differ if you say "no one." "No one" is not an option, because it is everyone. Everyone is affected because "that person" we reference is someone's child who is currently in our public education system, or our department of health system, that "that person" is a friend, a neighbor, a community member that is equally deserving of scientifically proven approaches to minimize barriers and increase access to reinforcement. I doubt you say "no one" though, because you - like all of us, are affected and I hope you are equally driven to promote sustainable and ethical interventions. Scientifically proven interventions, not just adequate training but rather a higher criterion of clinical expectations and knowledge base that demands a base level of care, clinical oversight, ongoing education and supervision. One far above what you are promoting. Those who are promoting this Bill - I encourage you to reference our professional code of ethics and for some, your oaths. Reference FAPE, IDEA/IDEIA, ADA, Felix Decree and Luke's Law. I ask you to truly listen to those state and federal regulations, learn from our past mistakes and look to yourself and those around you, to improve our system, not break it down. It should not be needed to encourage you to be and do pono. Shanda S. Strickland MS, BCBA, LBA

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

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Naomi Tachera - **PARENT**

PO Box 6388 | Hawai'i

nkaae@hawaii.edu

Aloha, My name is Naomi Tachera; I live on Hawai'i with my family including **two sons** Kaiao (7) and Kaleohano (5) with autism spectrum disorder. They are currently enrolled in public education and receive special education services with IEP's, what's not included in their IEP's is applied behavior analysis, despite years (since 2014) of advocating for FAPE under IDEA. The IEP teams are not taking into consideration the level of my children's disability and how autism impedes their ability to access a free and appropriate education with the use of ABA provided by a Board Certified Behavior Analyst licensed in the State of Hawai'i. Despite the fact that the DOE has lost in the ninth circuit court (R.E.B vs. State of Hawai'i DOE) in February 2017 because "DOE violated the IDEA by failing to specify Applied Behavioral Analysis ("ABA") as a methodology in the IEP" and after the passing of Chapter 465D Behavior Analyst Licensure Law in 2016, the DOE makes no effort to hire BCBA's working in that capacity. They instead are asking for an exemption to NOT provide FAPE in addition to restrictions set forth by an "IEP Team decision" on whether or not a student needs ABA only after they've exhausted all other strategies that do not work. That's taking away time from our precious children! If this analogy were the medical field and everyone that works in the hospital can claim to be a medical doctor or perform medical procedures, then consumers cannot be protected from malpractice. The reason why only people with demonstrated competency (i.e. BCBA competency in ABA) should practice in their scope of practice is for consumer protection. If the Legislation decides to support the DOE with this exemption regarding Chapter 465D, families, including myself will start to sue public school employees individually because of their involvement in violations of the Individuals with Disabilities Education Act (Crofts v. Issaquah School District). My entire family continues to suffer from overwhelming stress, hardship, and harassment from DOE staff members for advocating for our two children, no family deserves this treatment, no child with a disability deserves to be forgotten, and no community deserves to watch the most vulnerable members suffer.

Mahalo, Naomi Tachera

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Eric Tachera - **PARENT**

PO Box 6388 | Hawai'i

kealiiloa@yahoo.com

Aloha, My name is Eric Tachera; I live on Hawai'i with my family **including two sons** Kaiao (7) and Kaleohano (5) with autism spectrum disorder. They are currently enrolled in public education and receive special education services with IEP's, what's not included in their IEP's is applied behavior analysis, despite years (since 2014) of advocating for FAPE under IDEA. The IEP teams are not taking into consideration the level of my children's disability and how autism impedes their ability to access a free and appropriate education with the use of ABA provided by a Board Certified Behavior Analyst licensed in the State of Hawai'i. Despite the fact that the DOE has lost in the ninth circuit court (R.E.B vs. State of Hawai'i DOE) in February 2017 because "DOE violated the IDEA by failing to specify Applied Behavioral Analysis ("ABA") as a methodology in the IEP" and after the passing of Chapter 465D Behavior Analyst Licensure Law in 2016, the DOE makes no effort to hire BCBA's working in that capacity. They instead are asking for an exemption to NOT provide FAPE in addition to restrictions set forth by an "IEP Team decision" on whether or not a student needs ABA only after they've exhausted all other strategies that do not work. That's taking away time from our precious children! If this analogy were the medical field and everyone that works in the hospital can claim to be a medical doctor or perform medical procedures, then consumers cannot be protected from malpractice. The reason why only people with demonstrated competency (i.e. BCBA competency in ABA) should practice in their scope of practice is for consumer protection. If the Legislation decides to support the DOE with this exemption regarding Chapter 465D, families, including myself will start to sue public school employees individually because of their involvement in violations of the Individuals with Disabilities Education Act (Crofts v. Issaquah School District). My entire family continues to suffer from overwhelming stress, hardship, and harassment from DOE staff members for advocating for our two children, no family deserves this treatment, no child with a disability deserves to be forgotten, and no community deserves to watch the most vulnerable members suffer.

Mahalo, Eric Tachera

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Jolie Kaae - **GRANDPARENT**

PO Box 6388 Kamuela, HI 96743, Hawai'i

kaaeohana@aol.com

Aloha, My name is Jolie Kaae; I live on Hawai'i with my family. I have **two grandsons** Kaiao (7) and Kaleohano (5) who have autism spectrum disorder. They are currently enrolled in public education and receive special education services with IEP's, what's not included in their IEP's is applied behavior analysis, despite years (since 2014) of their parents advocating for FAPE under IDEA. The IEP teams are not taking into consideration the level of my grandchildren's disability and how autism impedes their ability to access a free and appropriate education with the use of ABA provided by a Board Certified Behavior Analyst licensed in the State of Hawai'i. Despite the fact that the DOE has lost in the ninth circuit court (R.E.B vs. State of Hawai'i DOE) in February 2017 because "DOE violated the IDEA by failing to specify Applied Behavioral Analysis ("ABA") as a methodology in the IEP" and after the passing of Chapter 465D Behavior Analyst Licensure Law in 2016, the DOE makes no effort to hire BCBA's working in that capacity. They instead are asking for an exemption to NOT provide FAPE in addition to restrictions set forth by an "IEP Team decision" on whether or not a student needs ABA only after they've exhausted all other strategies that do not work. That's taking away time from our precious children! If this analogy were the medical field and everyone that works in the hospital can claim to be a medical doctor or perform medical procedures, then consumers cannot be protected from malpractice. The reason why only people with demonstrated competency (i.e. BCBA competency in ABA) should practice in their scope of practice is for consumer protection. If the Legislation decides to support the DOE with this exemption regarding Chapter 465D, our family, our community will start to sue public school employees individually because of their involvement in violations of the Individuals with Disabilities Education Act (Crofts v. Issaquah School District). My entire family continues to suffer from overwhelming stress, hardship, and harassment from DOE staff members for advocating for our two grandchildren, no family deserves this treatment, no child with a disability deserves to be forgotten, and no community deserves to watch the most vulnerable members suffer.

Mahalo, Jolie Kaae

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Kaleo Kaae - **GRANDPARENT**

PO Box 6388 Kamuela, HI 96743 | Hawai'i

kaeohana@aol.com

Aloha, My name is Kaleo Kaae; I live on Hawai'i with my family. I have **two grandsons** Kaiao (7) and Kaleohano (5) who have autism spectrum disorder. They are currently enrolled in public education and receive special education services with IEP's, what's not included in their IEP's is applied behavior analysis, despite years (since 2014) of their parents advocating for FAPE under IDEA. The IEP teams are not taking into consideration the level of my grandchildren's disability and how autism impedes their ability to access a free and appropriate education with the use of ABA provided by a Board Certified Behavior Analyst licensed in the State of Hawai'i. Despite the fact that the DOE has lost in the ninth circuit court (R.E.B vs. State of Hawai'i DOE) in February 2017 because "DOE violated the IDEA by failing to specify Applied Behavioral Analysis ("ABA") as a methodology in the IEP" and after the passing of Chapter 465D Behavior Analyst Licensure Law in 2016, the DOE makes no effort to hire BCBA's working in that capacity. They instead are asking for an exemption to NOT provide FAPE in addition to restrictions set forth by an "IEP Team decision" on whether or not a student needs ABA only after they've exhausted all other strategies that do not work. That's taking away time from our precious children! If this analogy were the medical field and everyone that works in the hospital can claim to be a medical doctor or perform medical procedures, then consumers cannot be protected from malpractice. The reason why only people with demonstrated competency (i.e. BCBA competency in ABA) should practice in their scope of practice is for consumer protection. If the Legislation decides to support the DOE with this exemption regarding Chapter 465D, our family, our community will start to sue public school employees individually because of their involvement in violations of the Individuals with Disabilities Education Act (Crofts v. Issaquah School District). My entire family continues to suffer from overwhelming stress, hardship, and harassment from DOE staff members for advocating for our two grandchildren, no family deserves this treatment, no child with a disability deserves to be forgotten, and no community deserves to watch the most vulnerable members suffer.

Mahalo, Kaleo Kaae

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Olympia Frink - **PARENT**

66-916 Kuewa Dr Waialua, HI 96791 | Oahu

supgirl77@gmail.com

Our schools need behavior analysts, particularly Licensed Behavior Analysts (LBAs) and Registered Behavior Technicians (RBTs) to get our special Ed children the education they deserve. The teachers and current professionals are too few on campus, and have proven they are not able to provide the proper support in reference to kids with autism. Even though our childrens' principal has been willing to work with our ABA providers, district administrators have not figured out how to do so.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Kenny Frink - **PARENT**

66-916 Kuewa Dr Waialua, HI 96791

kennyfrink71@gmail.com

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Tyler Rogers - **PARENT**

68-386 Kikou St. Waialua, HI 96791 | Oahu

rogerstyj@hotmail.com

ABA is needed in Hawai'i schools. Our keiki have been waiting. DOE needs to work with Behavior Analysts. Psychologists are useful team members, but are no replacement for experts in ABA. My **son** is autistic. Rather than getting proper support in school, he has been suspended multiple times for things directly related to his disability because the school doesn't know how to handle children with behavior issues. He needs the support of licensed behavior analysts in the school setting to help supplement the therapy he already has access to in the home through our private insurance. Please help our keiki.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Tara Ormond - **PARENT**
70 Niuhi Street | Oahu
tara.ormond07@gmail.com

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Carla Jager
95-1517 Ainamakua Drive Apt 87 Mililani | Oahu
carla.jager94@gmail.com

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Leanne Nagai
2471 Auhuhu Street | Oahu
nagai.leanne@gmail.com

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Alexandra Sagastume
1255 Nuuanu Avenue | Oahu
aps88@comcast.net

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Vania Simmons - **PARENT**
68025 Apuhihi St | Oahu
brazilnut@hawaii.rr.com

We definitely need more parents with children on the spectrum in Congress! Only those parents truly understand the needs of the children with autism. Applied Behavior Analysis is a scientifically validated approach to understanding behavior and how it is affected by the environment and a known strategy to change/modify the behavior of children on the spectrum. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

Sincerely, A proactive and concern **parent** of a child with autism.

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Celeste Nishijima
98-410 Koauka Loop, Apt. 6G | Hawaii
celesterodrigues92@gmail.com

As an RBT and an individual pursuing my BCBA credential, I believe that our teachers and keiki deserve the best support available. Our teachers work extremely hard everyday to teach our keiki, and the support of licensed behavior analysts and RBTs will help teachers to ensure that all keiki have access to an appropriate education. Chapter 465-D ensures that our keiki have access to applied behavior analysis services by licensed behavior analysts and RBTs. Our keiki are the future, and they deserve the evidence-based treatment of ABA delivered by licensed professionals. We need to give our keiki the very best we have to offer!

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Michelle Lam
3938 Kilauea Ave. | Oahu
michelle_l_808@yahoo.com

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IN SUPPORT WITH AMENDMENTS HB2271

Debi Hoohuli-Rosa | 506 Kumulani Dr | Maui | debi.hoohuli@gmail.com

What happens when non-licensed and non-credentialed individuals attempt to practice or implement behavior analytic procedures? I moved to Maui in 2014 and worked for a contracted agency as a Skills Trainer within the Department of Education (DOE). I initially worked in a fully self contained classroom overseen by a Special Education Teacher who was so bogged down by paperwork she had little to no time to spend teaching the keiki. There were keiki in the classroom who had problematic behaviors, including but not limited to, aggression, self-injurious behaviors and elopement. One of the keiki's parents requested a Board Certified Behavior Analyst (BCBA) consultation, specifically stating that they were interested in receiving an updated Behavior Support Plan (BSP) for their keiki. A District Autism Consultant (no identifiable licensure) came to the classroom several times and within the course of her visits made scientifically impractical and potentially harmful biomedical, non-evidenced based recommendations such as: chelation therapy and gluten-free/casein free diet. When parents asked if these were ABA interventions, she stated, "ABA means a lot of different things, these interventions would be considered ABA." The interventions were considered by the parents but ultimately not utilized. No recommendations were made to the teacher for the classroom other than, "use trialing - an ABA method - to teach him to communicate." The teacher was then provided with a template form and advised by the Autism Consultant Teacher (ACT) to write a Behavior Support Plan (BSP) based on information received from the Paraprofessional (1:1 assistant). This resulted in an ineffective and non-functional BSP. The following year, I witnessed a District Autism Educational Assistant, who after 6 months of working with a keiki with severe behaviors without a BSP in place, make a formal recommendation to a parent of a child with ADHD and Autism that included the purchase and use of CBD, a cannabis compound! Since then I have worked at 19 different schools on the of Maui, including two private schools and have on several occasions witnessed support staff, administrators, and teachers engage in unethical behavior including social disapproval, shaming, physical abuse, and inappropriate restraints and seclusion in attempts to intervene on inappropriate and problematic behaviors that our keikis engage in. The majority of the occurrences that I witnessed involved keiki who had poorly written or no Crisis or Behavior Support Plans (BSP). Further investigation determined that the majority of the BSPs the staff were directed to implement were not based on Functional Behavior Assessments (FBA), per federal law, and in fact, several were actually based on a template distributed to Behavior Health Specialists (BHS), School Psychologists and teachers by the District Consultants. Faulty BSPs developed by unlicensed individuals, implemented by non-credentialed individuals result in due process hearings, teacher and direct care staff burn out, high turnover rates of front line staff, and severe injury to staff and keiki, as well as the unethical treatment of staff and keiki. Our most vulnerable keiki are placed in harm's way when non-licensed and non-credentialed individuals attempt to practice or implement behavior analytic procedures.

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Aimee Watkins
Po box 1237 Kapaau HI 96755
aimeemalialani@hotmail.com

Our keiki need these behavior analyst specialists, the law is there for a reason- with more keiki needing these specialized services everyday we can't afford this change. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support our teachers and our keiki

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Chelsey Mendoza
P.O. Box 492535 Keaau | Hawaii 96749
chelseysalomon@gmail.com

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Trisha Petit - **PARENT**

4192 Keanu St., #4 | Oahu

tpetit808@outlook.com

The DOE has already been violating the law.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Lohea Merola - **PARENT**

75-6081 Alii Drive X103, Kailua Kona, HI 96740

limmerola@gmail.com

My **son** was diagnosed with autism spectrum disorder. He has grown leaps and bounds due to a program he was fortunate to be a part of that included an RBT and a BCBA. Since he has been in the DOE progression has been minimal and the teacher often asks me why my son does not perform and she does not know how to work with my child on skills like eating and doing schoolwork. I have asked for additional support in the classroom and they cannot provide anyone to work on specific skill sets that will set my child up for success in his educational career. I have only asked for the teacher to take data and for us to work together on a program of how to teach my son and what skill sets we should focus on, but what is happening currently in the school does not replace ABA therapy. I know this first hand because my son is not progressing at the speed that he did when he was immersed in an ABA program.

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Kaiolohia Tolentino
P.O. Box 2467 | Hawaii
kaikait55@gmail.com

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Dawn Decoito - **PARENT**

94-520 Kupuohi Street, Apt 101, Waipahu | Oahu

ddecoito808@gmail.com

Why is Department so quick to want to carve themselves out of a law that was designed to protect our most vulnerable? The positions and actions of our HDOE are upsetting, illegal, and unconscionable.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Erin O'Donnell
Po Box 437333 | Hawaii
nellieod@yahoo.com

Our keiki need and deserve the right type of providers with the qualifications to serve them. As a provider I have seen kids who need special needs behavior analysts to serve them, this can't be done by just anyone and certainly not teachers who need to focus on all the students in a classroom. Give our keiki, their families and teachers the support to help them thrive and grow with the right tools.

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Juri Ishida - **Parent**
95-024 Waihau St | Oahu
jurishida@gmail.com

I have seen some children with Autism forced to leave DOE due to lack of professional help (ABA). These children, including my child, have so much potential and are able to academically thrive with the help of ABA. Train the direct staffs with ABA under Licensed Behavior Analysts (LBA); have them obtain RBT credentials and the learning environment for both children with Autism and teachers would be so much better. Please take care of our keikis.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Jesica La Rue - **PARENT**

Hc2 Box 5726, 16~1703 41st Orchidland | Hawai'i

Divineewon@gmail.com

Our **son** is a student with DOE on the Big of Hawai'i. His functional skills classroom (FSC – fully self contained) is not supporting his behavioral and educational needs. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Felicia Clausen - **PARENT**
5029 Milburn Loop | Oahu
garneyfs@gmail.com

As a **parent**, we want our children to get the services they are entitled and depend upon. There are many challenges that they face and having a child with Autism- Applied Behavior Analysis (ABA) has become a major key to our home and life. It is important that the provider is licensed. ABA has allowed my child to be able to function around peers, the community and in the home. It has helped with self-injury, tantrums and poor self-regulation. My child has so much grow and has been reaching his potential with the help of his Licensed Behavior Analyst (LBA) and Registered Behavior Technician (RBT). Our children deserve the right to have ABA by licensed providers in the school.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Nicole Olival
PO Box 732 Hawai'i
dojah8@yahoo.com

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Simone Hawkins
2055 Ala Wai Blvd #502 Honolulu
simonehawkins@teampbs.com

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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John Paul (JP) Phelan
66-059 Alapii St., Haleiwa, HI 96712, Oahu

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Corey Wolff
58-117 Kaunala St | Oahu

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Lawson Cosseboom
61-280 Kamehameha Highway
Haleiwa, Oahu

We need licensed providers to aid our teachers and our keiki. It's not rocket science, it's common sense. Why is the Hawaii DOE so quick to ask to be carved out from something that was created to protect consumers? Let's do the right thing Hawaii, for our keiki, our teachers, and our community.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki

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Nikki Shigematsu
P.O. box 324 | Hawaii
nikkishigematsu@yahoo.com

What is going on in our state DOE system?? The need is here and NOW, the funds are available!!! We want answers as to why so much wasted time at the expense of our keiki. What legitimate reasoning does the DOE have refusing to follow federally mandated laws, designed to aid our keiki!!!!

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Marija Colic
1645 Ala Wai Blvd Apt 508
colicmarija@outlook.com

I am new to Hawai'i, but not new to quality services. As a provider, I know the value of licensed and appropriately credentialed staff. Let's do the right thing for our keiki.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki

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Dawna Moody - **GRANDPARENT**

70 Niuhi Street | Oahu

dawna_moody@yahoo.com

My grandson has a doctor's diagnosis of autism but it has taken 18 months for his school to accept this diagnosis and allow him to receive services. He was denied over and over. The principal and others vehemently fought to discourage this family from getting the services and support in school that he needed. The problem is that we have been down this road before. We had to fight for OUR son to get services back in the 1990's. We had to sue the DOE. Which worked. In our grandson's case every avenue was explored but it too came down to a lawsuit. The imminent threat resulted in him FINALLY receiving the services he was legally due for the past 18 months. And now the DOE would like to do away with the very thing that makes it possible for many of these severely affected children to be able to function in the world. Having behavior analysts follow these children and support them to learn and grow is vital to their ability to make sense of their very confused perception of what is happening around them every day. The DOE has refused to train and hire licensed, trained professionals that would be available to work in the schools, hand in hand with the educators. The DOE has prohibited teachers from receiving further training and even gone as far as threatening the jobs of teachers who had expressed a desire to receive further training that would help them with these lost children. I oppose the DOE's desire to take away the requirement to provide one-on-one support to those children most in need. The DOE has been lazy and stubborn in not realizing that this is a new world. We have the ability to diagnose disabilities much earlier and provide the needed support. We can help these children navigate the education system successfully. Don't allow the DOE to take away something that was fought so long and hard for by LUKE, his family, and many others who have remained unnamed. Don't make lawsuits the only stick that can force compliance.

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Kahalenoe Kamalani
95-169 Kipapa Drive 33 | Oahu
kpk@hawaii.edu

I am a strong believer in learning through failure and I can even say that some of my most profound learning experiences arose from my failures. In fact, I believe in failing so much that I allow my children fail and then rejoice with them when they come back stronger and smarter from those failures. I can do this because my children are equipped with the tools to succeed and persevere despite those setbacks. However, for most individuals with disabilities- failure is not an option, in fact, in many cases it can be detrimental to their long term success. We actually have to do the exact opposite, which is continually ensure that we set them up for success. We set up learning situations where they can get it right. Using the principles of behavior through applied behavior analysis (ABA), we can help our most vulnerable students to be successful. ABA should not be used as a last resort; instead, it should be accessible to every child that can benefit from this science. The longer the learning history, especially when failure is involved, the harder it is for the student. Why put our children who already struggle through even more unnecessary struggle by postponing effective treatment as a last resort. I opposed the language of the original bill because I believe waiting to fail first is counterproductive to everything our educational system aims to not do.

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Kaiki Gunderson-Cook
PO Box 343 Kamuela, HI 96743
risingtide80@hotmail.com

The DOE needs to support the children of Hawaii. Resources should be offered for educational opportunities, not taken away. This includes children with autism. The DOE should provide this support by having Licensed Behavior Analysts who understand ABA, because they understand the needs of the children. These children will grow up and become a part of our everyday community. We need to make sure they are supported as much as possible in the classroom to teach, mold, and promote the best person that each child can become. We want them to thrive and become an active community member as adults.

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Rachel Sanchez - **PARENT**

rsanchez701@yahoo.com

I would like to share our personal journey about our **son** Julian diagnosed with autism/speech delay at the age of 3 years old. After his diagnosis, we started with enrolling him in an ALL day Early Childhood Program located at our nearest elementary school. Along came additional services needed outside of school to include, speech therapy, occupational therapy, physical therapy, and ABA services. In order to make sure we did everything for my son that was needed, we only relied on reputable companies in our area. I can say that throughout the years Julian progressed but this is also due to the fact that we had exceptionally trained therapists in our home. It was intense therapy as he grew to age 7-10 years old. We had a trained therapist in our home 2 hours a day 5 days a week while I homeschooled some of the years and kept all of his therapy appointments and social/community programs going. All of our therapists interacted so that each knew what was being worked on with Julian. I also provided details and had to keep on top of all of it. I couldn't imagine having someone untrained in the specific ABA methods used for my son at the time. It's because of those trained individuals, that I attribute his amazing success back into a great public high school, with minimum supports now because of his independence and becoming a wonderful student academically and socially. He is now 14yrs. old What an amazing journey thus far and looking forward to what's ahead for him. I'm grateful for our trained ABA Therapists whom were so dedicated to Julian and us as our family needed so desperately in his younger years. I ask that my testimony be attributed to keeping only trained ABA Therapists in our schools and outside reputable companies who specialize in ABA. It's truly detrimental to our children's progress. Thank you for your time in reading our story. Rachel Sanchez 702-637-8142

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Wendi Park
94-290 Lupua Place
wendihp@msn.com

Knowledge is power, and our children and those supporting our children, teaching our children, and parents loving their children deserve the right to access ABA through and in the DOE. Teachers, Psychologists, Behavior Support Specialists, Speech Therapists, Occupational therapists, are all valued team members, but no one should be replacing another in their role of expertise. Each team member brings knowledge to the table and the Keiki deserve the right to have these specialists working together including an LBA. Our children have no time to waste and the earlier we can help them in all parts of their lives, school, home, and within our communities the better it can be for the individual, their families, our schools, and our state.

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Jeanette Perez | jcperez@hawaii.edu
16-768 Milo street Keaau HI 96749

I am a licensed special education teacher here in Hawaii who has since left the classroom due to poor management by administrators, harassment on a personal level by an administrator and no support for special education. I worked at the same school I did my student teaching. I was excited and focused on providing the best care and education to my students. I worked in the fully self-contained classroom for 5 years. Three of those years were with students with multiple disabilities from PreK-5th grade and two were in an "autism" class created by the school. The school has gone through multiple administrators but at one point my concerns were heard and the administration at the time agreed that students on the autism spectrum (ASD) needed a more specialized environment with multiple supports. As the teacher in this class, I struggled with how to support my students. I did receive 2 helpful trainings (PECS and TEACCH) from the district office but quickly realized it was not enough. I then heard of Luke's Law and began to read up on it. I then found that Chapter 465-D which is the licensure of Behavior Analyst law in Hawaii. After reading it and learning more about it, I realized that I was being asked to work outside of my scope and sequence as a teacher. I was not given access to Board Certified Behavior Analyst (BCBA) but was asked to do the work. I was not given training on Functional Behavior assessments or Behavior support plans. This is when I decided to pursue my license in Behavior Analysis. I knew that I wanted to continue working with children with special needs, especially those on the autism spectrum. I am now in my 5th course out of 6 and can only look back and think about how much I could have helped my former students. If I had this knowledge and most importantly, been supervised by a BCBA to apply the knowledge with a student my impact could have been more profound. It is incredibly disappointing to see the DOE try and undermine the work of behavior scientist. Behavior science is unfortunately not common knowledge and it is also not a part of the teaching programs here in Hawaii. Instead of working with licensed behavior analyst, the DOE would rather train their staff in restraints. Denying the effectiveness and the science behind ABA is like denying the science behind climate change. Do we as a state move forward together and deny evidence-based practices in behavior change and allow anyone to perform the duties of a licensed professional? Would this be an acceptable proposal in any other work setting? Would we allow hospital employees from janitors and cafeteria staff implement medical interventions? Would we let any doctor perform brain surgery? Would we allow anyone with a driver's license drive heavy equipment or semi-trucks? NO! There are specialized educational programs and licenses that one needs to obtain to perform these jobs. We need to hold our Department of Education employees to the same standard as we do for those in other positions. If the DOE does not have the capacity to internally bring this service to all students who need it, they need to contract out from a private provider. Denying students medically necessary services in the DOE setting is in direct violation of FAPE and IDEA.

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Kira Burleson
2134-Mott Smith Dr Honolulu, HI 96822 (Oahu)
kburleson@teampbs.com

ABA is essential for the correct FBA and interventions to be implemented. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Joshua O’Kain | Ewa Beach | Oahu
jokain@teampbs.com

When I began my career as a special educator with profoundly impacted high school students, I had the privilege of working alongside a classroom BCBA. This BCBA was able to help two of my children obtain intensive ABA treatment in my classroom during the school day because of their needs. With this BCBA’s support, I was able to modify my classroom (with her oversight) to create child-centered behavior reduction and skill acquisition programming that led to each and every one of my students having a method of communication with their peers and other adults around them. This single change in their education helped lead each child to a more meaningful and relevant high school experience. I believe that, if all teachers who are in these severe and profound classrooms had access to support from a BCBA for consultation and/or direct therapy with an RBT, our teachers would be able to concentrate on creating and incorporating quality curriculum and incorporating the methods that the RBTs/BCBAs implement. Our teachers, although well meaning, do not have the support necessary to be successful in their classrooms, especially when the expectations are that they should perform FBAs and BIPs. I have seen, first hand, as an instructor at the University of Hawai’i for emergency hires and BCBA track students, that our teachers do not have the knowledge necessary to manage and prevent challenging behaviors. Most of the teachers that I observed and taught, did not have the ability or knowledge to create FBAs and BIPs that were fit for implementation. They also utilized ABA “methodology” incorrectly and inconsistently. Although many of them were almost at the end of their course sequences, they were mainly focused on how to teach rather than how to manage behaviors. Even their “mentor” or “supervising” teachers, when asked, could not identify appropriate methods. This is quite concerning to me as a university instructor and it should be concerning to all educators and parents.

In my opinion, if we were able to collaborate to improve our education support systems to include BCBAs and RBTs as a related service (much like services such as OT or PT), we would be able to make better use of our teachers’ skill sets and help them to appropriately manage behaviors and utilize ABA as a related service to gain appropriate consultation and oversight as they relate to instruction with intensive, empirically validated methods that may be suggested by an LBA. Out of the 40-50 children that I have worked with on the spectrum, I would say not even one has had appropriate services or instruction that would be maximizing their functional or academic skills. I’m uncertain why our DOE is resistant to having help from outside agencies. I can say that, as a general Ed and licensed special education teacher, as well as a Licensed Behavior Analyst, across 4 states, I have seen a variety of schools. I can say, with confidence, that the state of our SPED programs in Hawai’i are dismal, at best. It is our responsibility as educators and citizens to assure that our keiki have the best education possible so that they can become active, productive members of society.

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Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
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IN SUPPORT WITH AMENDMENTS HB2271

Chelsea Jeansonne - **PARENT**
988 Ohana Nui Circle | Oahu
miahj81@yahoo.com

My **son** is 5 and has had ABA since he was three. He had a RBT one on one all day at school. We moved to Hawaii in July. The school determined he did not need a one on one paraprofessional. He also was not offered any ABA services during the school day. We have to use private ABA. Since most companies have a one-year wait list for afternoon appointments we have to pull from the school day. He will miss 15 hours a week from school to attend ABA therapy. He can't function in the classroom until we get the behaviors in control. The school has threatened us with truancy since we pull him 15 hours a week from the classroom. However, we have no choice but to pull him in order to receive the medically necessary ABA therapy. We have seen huge gains thanks to ABA therapy. We are considering homeschool next year in order to maintain a more stringent therapy schedule. He is not progressing in the classroom and SPED like we know he can. This is due to not having his RBT with him during the school day. He struggles staying on task without constant redirection. He still needs that one on one attention and the school has made little effort to help accommodate his individual needs. We asked about providing his RBT in the classroom but we were told several times that this was not allowed. We asked for one through the school and we received no response of yes or no. They ignored my question. The purpose of IDEA is to make sure that all children are able to have their individual learning needs met in the classroom. My son needs ABA to meet his individual needs. The IEP he has does not accommodate all of his individual need. The school is not holding up their end of FAPE. Which in all honesty I don't have a clue how they are legally allowed to get away with this. Their job is to make sure all children have the education that fits their needs. The school is not making sure that my child receives all the accommodations he needs. I feel they are doing what is best for them and not what is best for my child. ABA is a huge component to the success of my son. The school is not providing the best education for him. So we will be looking elsewhere.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawaii'i Association for Behavior Analysis (HABA).

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Patti Heath
2112 Point Welcome Pl | Oahu
patricia.heath1@gmail.com

ABA is essential to improving the quality of life our kids can develop over the years. Please don't take this away from them. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Bernadette Cuba - **PARENT**

98-142 Lipoa Place#307 | Oahu

stuntman300@gmail.com

Please don't get rid of ABA provided by behavior analysts. I think kids need it in school thank you very much. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Molly Stemmler
59-602 A Kamehameha Highway | Oahu
refugee.molly@gmail.com

Prior to the behavior analyst licensure law, individuals in our state were receiving behavior support for intense and severe behaviors by a cadre of mixed “professionals”. The intention of the ABA licensure law was to bring credibility to behavioral practices and to increase consumer protections in our state. Why would the legislature agree to reduce these protections for our most vulnerable? As a society, we must take care of each other. It’s our kuleana.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai’i Association for Behavior Analysis (HABA).

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Heidi Nobmann
67-249 KIAPOKO ST | Oahu
heidinobmann@gmail.com

The people of Hawaii deserve trained professionals so they have the opportunity to succeed. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Kendall Mindar
533 Kaukaalii St. | Oahu
kendilynn7@hotmail.com

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Johanna Poore
168 Kline Rd. | Oahu
jrasbrat@yahoo.com

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Kellie Crowder
67-242 Kanalu St. | Oahu
kellcrowder@gmail.com

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IN SUPPORT WITH AMENDMENTS HB2271

Meagan Bresson
70 Niuhi street | Oahu
meagan.bresson@gmail.com

These behavior analysts are crucial for autistic children like my nephew. We have seen leaps and bounds while he was under the care of a licensed behavior analyst and for the schools to decide that he doesn't need it is bull---.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Denita Mortensen | Oahu - **PARENT**
denita.mortensen@gmail.com

As the mother of a child with disabilities I know how very important it is for children to have early intervention. In other states child psychologists, therapists and special education teachers are trained to analyze and advocate for the needs of the child within the public schools to ensure their progression and scholastic success. As educators, parents and indeed all members of the community will agree that helping our children become and do their best is not only beneficial to the child but to society in general. We have a duty to provide the best learning environment for all our children not just the ones who fit easily into the less-than-perfect existing educational model. The funding is there. We pay taxes and expect it to be used in a prudent way to provide for the needs of ALL our children.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Maureen McComas - **PARENT**
7221 Luhi Place | Oahu
rainbowmomhi@gmail.com

Our child made minimal progress in school, and was provided poorly implemented ABA prior to and after the licensing law went into effect- by unlicensed and unqualified staff. Her behaviors prevented her from accessing her learning. As **parents** we made the difficult decision to remove her from school and place her in a clinical ABA setting where she has blossomed into a happy engaged learner who for the first time has meaningful communication. She has made amazing progress in all areas working with the dedicated and passionate staff that includes only licensed LBA's and RBT's who provide individualized ABA that is specifically designed to meet her unique needs in behavior, communication and social skills. Despite this documented progress, the DOE refuses to include ABA into her school programming.

We have seen firsthand the amazing benefits of ABA programming provided by licensed and certified providers, and have seen firsthand the damage that can be caused by unqualified direct support workers. I stand in strong support #forourkeiki!

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John McComas - **PARENT**
7221 Luhi Place | Oahu
rainbowmomhi@gmail.com

Our child made minimal progress in school, and was provided poorly implemented ABA prior to and after the licensing law went into effect- by unlicensed and unqualified staff. Her behaviors prevented her from accessing her learning. As **parents** we made the difficult decision to remove her from school and place her in a clinical ABA setting where she has blossomed into a happy engaged learner who for the first time has meaningful communication. She has made amazing progress in all areas working with the dedicated and passionate staff that includes only licensed LBA's and RBT's who provide individualized ABA that is specifically designed to meet her unique needs in behavior, communication and social skills. Despite this documented progress, the DOE refuses to include ABA into her school programming.

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Whitney Moody
68-386 Kikou St | Oahu
whittygirl83@yahoo.com

This is ridiculous! You need to have licenses behavior analysis on staff in order to help children with different abilities, especially with things like ASD. My nephew attends a public school here, and he needs this help in order to be successful! All our keiki deserve the opportunity to be successful!

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Kelsey Kamaau
67-456 Kioe St | Oahu
kelskamaau@gmail.com

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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ANONYMOUS

Aloha. I am a care coordinator working with many pediatricians across Oahu. Pediatricians often refer families to me when they've recently received a new diagnosis, are struggling to understand their Individualized Education Programs (IEPs) through their schools, or are generally coming up with barriers in navigating "the system." Many of my families have incomes that are heavily impacted by the structural changes in family roles that arise from having a child with a special health need. One issue that often comes up is getting a one-to-one aide in an after school program. Many children with autism are unable to attend after school programs due to lack of appropriate staffing. When asked during an IEP meeting if the school could provide a 1:1 during this time, the answer is almost inevitably, "That's not a DOE program, we have no ability to provide during this time." One work around that some families have devised is getting their insurance-funded ABA time to take place at the after school program, however, they're now starting to be refused because DOE is not allowing non-DOE contracted service providers on campus, even if it's for a non-DOE program during non-school hours.

As a result of this, many of my families are unable to have full two-income households. One caregiver is able to work full time, while the other is only able to work during DOE hours. This is because the school that houses the after school program will not allow insurance-contracted RBT's to provide ABA therapy in that setting, nor will they provide appropriate ABA services during that time. Many of these kids spend their whole day in special education classrooms with only disabled peers. After school programs offer important socialization opportunities with typical functioning peers.

Moreover, there are movements across our society, here in Hawaii and across the US, to promote inclusion. The purpose of this is not only for individuals with disabilities, but also for individuals without disabilities to better understand the scope of human diversity, and to find the strengths in everyone. I firmly believe that there is a job for everyone in our society, and that is echoed in many of the transition and employment goals of Hawaii's youth with ASD. How can we teach the world that these individuals are able to provide a valued service to society if their first interaction with them is in young adulthood?

ABA provides important services that can improve Hawaii's inclusion rates, which are dismally low (36% as of February 2016, compared to a national average of 62% at the same time). Very often, kids are put in special education classrooms due to behavior issues that disrupt their learning or the learning of others. ABA is a way to ameliorate that issue.

I am a master's level clinician who is considered "qualified" by the Department of Education to be a Behavior Health Specialist. I can absolutely say that I am not qualified in any way to design or complete any type of

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Functional Behavior Analysis or Behavior Support Plan. It's simply not within my scope of practice as a mental health counselor.

Implementing effective certification and licensure to require competent clinicians to provide effective and manualized ABA will certainly be expensive. However, as a society, we can't afford not to."

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Gina Konishi
1581 Violet Street | Oahu
geegina46@yahoo.com

I'm in strong support for ABA in schools because I have a cousin that teaches in the public school system here in Hawaii. She's worked as a 1:1 with students with autism here and also on the neighbor islands. I have witnessed the large amount of dedication that she puts in with her students and coworkers. My cousin Ashley puts in the time and effort to research strategies that help behavioral students and also seek advice from licensed behavior analysts. She often tells me her struggle working under unqualified professionals who use strategies that have not been vetted. I work in the healthcare facility and having people with the right skills and knowledge gives us the assurance of the do's and don'ts on appropriate treatment and procedures. Like in many professions we always seek other professionals for guidance when we are unfamiliar. Why should children be any different or be an exception to the rule? Students that have had the opportunity to have my cousin Ashley as a teacher has made great gains not because she's a teacher but because she knows what it takes to make an impact on each of her students and she's not afraid to seek professionals BCBA's for guidance.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Coco Pollock
68-300 Mahina ai street, 68-300 | Hawaii
cocopollock@gmail.com

Licensed Behavior Analysts can help our keiki reach their fullest potential. Broadening the law to "any licensed professional" to design, implement, and oversee ABA will allow the status quo to continue. We cannot allow that. Thank you for your consideration. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Shazlei Sampaio-Ribucan - **PARENT**
911159 keahumoa pkwy | Oahu
ms.shazlei@yahoo.com

ABA is needed. My **son** has severe autism and is non-verbal. Imagine yourself or your child need something and its going to be taken away. How would you react and do when you fight for your child to have something and it's going to be gone. ABA – we need it.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Wendy Lowry
67-345 Kaiea Pl | Oahu
wendylowryonline@gmail.com

Special Ed in Hawaii is so far behind the rest of the country. They need better help! I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Tasi Taylor
68-017 Waialua | Oahu
tasi.taylor@gmail.com

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Sara Rowley
68-450 Kikou Street | Oahu
sararowley55@gmail.com

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Lyle Moody - **GRANDPARENT**
70 Niuhi Street | Oahu
dawna_moody@yahoo.com

Please don't let the school system get away with denying my **grandson** the services he needs. They need to step up and provide the services that these kids are eligible for and to make sure there are trained professionals ready to provide the service. Why is the DOE not stepping up to take care of our children? Please do what is best for our children. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill.

I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Brighton John
68450 Kikou street | Oahu
brightyy101@gmail.com

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Carly Penaranda
68-416 kikou St | Oahu
carlybeth.swim@gmail.com

Licensed Behavior Analysts can help our keiki reach their fullest potential. Broadening the law to "any licensed professional" to design, implement, and oversee ABA will allow the status quo to continue. We cannot allow that. Thank you for your consideration. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

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Jennifer Hales
70 Niuhi St | Oahu
jenniemoody92@gmail.com

My nephew is autistic and his behavior analysts have done WONDERS for him. His quality of life is better, he is happy and his behavior has completely changed for the better. Please help my nephew. The DOE needs to have licensed behavior analysts on staff to help kids with behavior issues. Please don't let the DOE get away with not helping these kids.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support our teachers and of our keiki.

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Mai Waye
951062 Kamalino St. Mililani HI 96789 | Oahu
tawmdl@aol.com

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Sarah Sutton
67-616 Kahui Street, Waialua | Oahu
sarah@sustainablemuseums.net

Applied Behavior Analysis (ABA) is one of the most powerful tools we have to address autism and other development and emotional challenges. Its adaptive nature ensures appropriateness for each case. What we do for our keiki now when they are young makes an exponential difference for them, their families, and their communities and Hawai'i in the future. I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Lisha Padilla | 99-943 Halawa Heights Rd. Aiea, HI 96701 | lishac57@gmail.com

My name is Lisha Padilla. I am a former teacher in the Leeward District on Oahu. Our children are our future. When teachers instruct their students, we build the foundation for equality and prosperity for tomorrow's generations. Every child in our state deserves an education founded in evidence-based practices that ensures they are graduating with the skills and knowledge necessary to be contributing members of society. These bills change the language in the current law relating to ABA services delivered in schools. We can all agree that our teachers already go above and beyond to support our Keiki. By limiting ABA services as a reactive approach, rather than a proactive one, we will be putting additional strain on our teachers in the classroom. Our Keiki deserve services delivered by qualified professionals. When a child with special needs requires speech therapy to make adequate progress in his/her education, they are provided with a licensed SLP. When a child with special needs requires gross motor therapy in order to make progress in his/her education, they are provided with a licensed PT. When he/she needs occupational therapy, he/she is provided with a licensed OT. When that same child needs behavior interventions, he/she should be afforded a licensed professional to provide high quality services. As a former special education teacher, I can attest to the improvements that I have seen first hand, in my students who received ABA services. I can also attest to amount of work that gets piled onto a teacher's plate when those services are not provided. I would never purport to be an SLP and design/implement speech language services, as I do not have specific training in the area of speech/language pathology. I would never purport to be a PT or an OT, and design/implement interventions in physics therapy or occupational therapy. Yet year after year, the DOE expected me to design and implement behavioral interventions for my students with severe disabilities (including Autism). Precious instructional time was spent developing behavioral interventions for my students that should have been spent teaching or lesson planning. I count myself extremely lucky that my own education included many courses in applied behavior analysis, but even then, when designing behavioral programs, it felt like I was doing more than one person's job. I can say first hand that when I had support from a licensed behavior analyst, I had time to do MY job: being a teacher. The DOE needs to provide adequate services for students with special needs, which reflect the value of our hardworking teachers. We need your help. Mahalo.

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Wednesday, February 23, 2018, 11:00am
Conference Room 308, State Capitol

IN SUPPORT WITH AMENDMENTS HB2271

Noelle Dennard
94-1071 Kaukahi Place, A9
nchapman@alumni.princeton.edu

I work as an RBT at a private clinic, and I have seen firsthand what ABA therapy can do for kids with special needs. I also have heard many negative things, from parents and from DOE-contracted skills trainers, about the lack of training and organization in many of the agencies that are contracted for special education workers. It seems that ineffective programming often goes unchanged for long periods of time in settings where ABA professionals are not present. By contrast, the programs at our clinic are being evaluated every day by BCBAs and RBTs, and the constant communication ensures that programming is always being improved for maximum efficacy. I think special education in public schools would benefit greatly if ABA professionals were always present in those settings.

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language in the current bill. I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).

From: lfreedle@gmail.com
To: [FINTestimony](#)
Subject: Testimony in SUPPORT of HB 2271_HD2
Date: Thursday, February 22, 2018 2:20:09 PM

Lorraine Freedle
25 Kahoa Street, United States
Hilo, HI 96720-9672

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in **STRONG SUPPORT** of HB2271_HD2
RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

Psychologists are among those who in independent practice should be eligible to supervise others engaged in mental and behavioral health professional and support services. Therefore, I support House Bill 2271 HD2 which incorporates an amendment recommended by Hawaii Psychological Association (HPA) to clarify Psychologists' scope of practice in the area of Behavior Analysis. The current version of this bill addresses the need to provide behavioral intervention to a large number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

A large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Lorraine Razzi Freedle
5056990076

HB-2271-HD-2

Submitted on: 2/22/2018 9:50:20 AM

Testimony for FIN on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sean W. Scanlan, Ph.D.	Individual	Support	Yes

Comments:

2/22/18

In support of HB2271 HD2 as amended to not restrict trained licensed clinical psychologists' current practice and supervision

I have been working with children with ASD since 1997 and supervising aides since 2000. I have my Ph.D. in Clinical Psychology and was licensed by the State in 2005. To be licensed, we are required to have at least 4,000+ hours in supervised training by a licensed psychologist. When I was applying for licensure, I was told that I actually had too many hours of work with only the ASD population, and I had to prove that I was trained in other areas. Thankfully, I was. In my ASD experience, I worked in the role of an Autism Consultant with the DOE and DOH, ran 2 ABA-based biopsychosocial programs with 75+ children with ASD, and was the director of CARE Hawaii's autism services (ensuring the appropriate provision of services related to D.O.E.'s intensive instructional services contract, including management of services of 100+ providers). Over the years, I've attended dozens of workshops by prominent ASD experts (e.g., Lovaas, Leaf), read countless books and articles by prominent authors (e.g., Lovaas, the Koegels, Schopler, Siegal, Granpeesheh, Leaf, Grandin, Baron-Cohen, Harris & Handleman, Smith), and was intensively supervised by several psychologists and prominent BCBAs. Currently, I have a private practice, and I continue to oversee ABA programs (and the paraprofessionals on the cases) for children with ASD.

Along with many of my colleagues who are licensed psychologists trained in ABA, I am requesting that the legislature accept the amendments the new law to make it clear that licensed psychologists and other qualified practitioners are able to continue supervising paraprofessionals in the implementation of ABA/behavioral interventions in addition to continuing to train their respective students, interns, and post-doctoral trainees. For licensed clinical psychologists, this practice is within our scope of practice as defined by the American Psychological Association, but we are also bound by the law and our profession's ethical code to do so competently and ethically.

Mahalo.

Sean W. Scanlan, Ph.D.

License # PSY 910



Amanda Kelly <akelly@holdsambeck.com>

Health Plan Approval for ABA During School Day

Amanda Kelly <akelly@anuenueaba.com>

Wed, Jul 12, 2017 at 6:05 PM

To: Deb_T_Farmer/CIB/HIDOE@notes.k12.hi.us, Suzanne_Mulcahy/WINDO/HIDOE@notes.k12.hi.us

Cc: Joanne Brinich <Joanne_Brinich/CENDO/HIDOE@notes.k12.hi.us>

Good Evening Deb,

I have a client who has been authorized to receive 40 hours per week of applied behavior analysis services through his health insurer. These services have been determined to be medically necessary to ameliorate the client's symptoms associated with his diagnosis of autism. The family and I have spoken with Joanne Brinich, Central District Education Specialist, in addition to the client's IEP team about coordinating these services. When Joanne and I spoke this afternoon, she recommended I reach out to you and Suzanne, as she did not believe this had ever been done in Hawai'i before. When we spoke, she also informed me that she will be away for the remainder of the summer (July 14 - August 1).

This is certainly the first time I have had a health plan authorize applied behavior analysis services to explicitly occur in the school setting. For this particular case, I was asked to demonstrate that the client was not currently receiving applied behavior analysis services by a licensed behavior analyst in his DOE placement. Currently, Daniel Cordial, the Behavioral Health Specialist (BHS) assigned to the case *does not possess a Hawai'i state license of any kind*. He is not qualified or credentialed to provide behavior analytic services in Hawai'i or any other state. Provided with this information, the health plan authorized 40 hours per week of applied behavior analysis services as appropriate for this client.

This situation will require some creative problem-solving; as this client will need to have his applied behavior analysis services delivered during the school day. I see this as an opportunity for the Department of Education and the health plans to work together and malama our keiki. As school begins in a few short weeks, we will want to develop a plan quickly. I look forward to working with you, Suzanne, and Joanne to identify a meaningful and timely solution. I truly believe we can find a way to have this child remain in his community, neighborhood school, while receiving access to doctor prescribed, medically necessary care.

Mahalo nui,

Amanda N. Kelly, PhD, BCBA-D, LBA
Director, Anuenue Behavior Analysts
Ph: (808) 298-2658 | F: (808) 441-0944



Amanda Kelly <akelly@haldsambek.com>

Health Plan Approval for ABA During School Day

Deb_Farmer/OCISS/HIDOE@notes.k12.hi.us

Mon, Jul 17, 2017 at 8:26

<Deb_Farmer/OCISS/HIDOE@notes.k12.hi.us>

AM

To: Amanda Kelly <akelly@anuenueaba.com>

Cc: Joanne_Brinich/CENDO/HIDOE <Joanne_Brinich/CENDO/HIDOE@notes.k12.hi.us> ,

Suzanne_Mulcahy/WINDO/HIDOE@notes.k12.hi.us

Hi Amanda,

Please provide me with the doctor order that provides the time for the specific time for this service. Also, what is the health plan?

thanks, Debbie

Amanda Kelly ---07/12/2017 06:07:22 PM---Good Evening Deb, I have a client who has been authorized to receive 40 hours per week of

From: Amanda Kelly <akelly@anuenueaba.com>

To: Deb_T_Farmer/CIB/HIDOE@notes.k12.hi.us, Suzanne_Mulcahy/WINDO/HIDOE@notes.k12.hi.us

Cc: Joanne_Brinich/CENDO/HIDOE <Joanne_Brinich/CENDO/HIDOE@notes.k12.hi.us>

Date: 07/12/2017 06:07 PM

Subject: Health Plan Approval for ABA During School Day

[Quoted text hidden]

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Amanda Kelly <akelly@holdsambeck.com>

Health Plan Approval for ABA During School Day

Amanda Kelly <akelly@holdsambeck.com>

Tue, Jul 18, 2017 at 7:25 AM

To: Deb_Farmer/OCISS/HIDOE@notes.k12.hi.us

Cc: Amanda Kelly <akelly@anuenueaba.com>, Joanne_Brinich/CENDO/HIDOE

<Joanne_Brinich/CENDO/HIDOE@notes.k12.hi.us>, Suzanne_Mulcahy/WINDO/HIDOE@notes.k12.hi.us

Aloha Debbie,

I am able to share that Kaiser and HMSA have issued these approvals and that this matter pertains to many clients, not only the one referenced in my original email (although his needs are the most dense of my existing clients). Curious what you see as next steps. If you would like, we can arrange a meeting with DOE administrators, ABA providers (HABA), health plans, and our legislators. If that is your desire, please send me dates and times you are available to meet. I urge us to move quickly however, as the school year is fast approaching.

Mahalo,

Amanda N. Kelly, PhD, BCBA-D, LBA
Director, Anuenue Behavior Analysts
Cell: (808) 298-2658
Office: (808) 518-4565
Fax: (808) 441-0944
Email: Akelly@anuenueaba.com

On Jul 17, 2017, at 8:26 AM, Deb_Farmer/OCISS/HIDOE@notes.k12.hi.us wrote:

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From: Amanda Kelly <akelly@anuenueaba.com>
To: Deb_T_Farmer/CIB/HIDOE@notes.k12.hi.us, Suzanne_Mulcahy/WINDO/HIDOE@notes.k12.hi.us
Cc: Joanne_Brinich/CENDO/HIDOE <Joanne_Brinich/CENDO/HIDOE@notes.k12.hi.us>
Date: 07/12/2017 06:07 PM
Subject: Health Plan Approval for ABA During School Day

Good Evening Deb,

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Amanda Kelly <akelly@huidasmbc.com>

Health Plan Approval for ABA During School Day

Deb_T_Farmer/OCISS/HIDOE@notes.k12.hi.us

Tue, Jul 18, 2017 at 7:41

<Deb_T_Farmer/OCISS/HIDOE@notes.k12.hi.us>

AM

To: Amanda Kelly <akelly@anuenueaba.com>

Cc: Joanne_Brinich/CENDO/HIDOE <Joanne_Brinich/CENDO/HIDOE@notes.k12.hi.us>,
Suzanne_Mulcahy/WINDO/HIDOE@notes.k12.hi.us

Amanda,

As with all doctor's orders for medical services during the school day, the school receives a copy of those orders for the student record and to be shared with appropriate staff. If you do have the orders, please provide them and we can discuss the issue with the school and the health provider. If there are no orders, then we cannot move forward.

thanks, Debbie

Amanda Kelly ---07/18/2017 07:31:33 AM---Aloha Deb, It appears as though you replied from an email account I cannot respond to:

From: Amanda Kelly <akelly@anuenueaba.com>

To: Deb_T_Farmer/CIB/HIDOE@notes.k12.hi.us

Cc: Amanda Kelly <akelly@anuenueaba.com>, Joanne_Brinich/CENDO/HIDOE <Joanne_Brinich/CENDO/HIDOE@notes.k12.hi.us>,
Suzanne_Mulcahy/WINDO/HIDOE@notes.k12.hi.us

Date: 07/18/2017 07:31 AM

Subject: Re: Health Plan Approval for ABA During School Day

Subject: Re: Health Plan Approval for ABA During School Day

[Quoted text hidden]

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Health Plan Approval for ABA During School Day

Amanda Kelly <akelly@anuenueaba.com>

Tue, Jul 18, 2017 at 8:14 AM

To: Deb_T_Farmer/OCISS/HIDOE@notes.k12.hi.us

Cc: Joanne_Brinich/CENDO/HIDOE <Joanne_Brinich/CENDO/HIDOE@notes.k12.hi.us>,
Suzanne_Mulcahy/WINDO/HIDOE@notes.k12.hi.us

Debbi,

I am not familiar with the process for medical services being provided during the school day. Please call me to discuss, or if possible, email me an outline of the process. This will allow me to streamline supports for impacted families. As some of the information you are requesting is HIPPA protected, I am not able to share what you have requested, without obtaining additional written parental consent. If you want to address this on a case-by-case basis, I can certainly have my clients contact you directly.

Joanne is aware of at least three of the clients (EW, BF, TF) we are discussing, as these have been ongoing needs in Central District. I have petitioned the health plans to cover applied behavior analysis services, across settings, which they have willingly agreed to do, so long as we can prove there is not a duplication of services. Since the DOE does not currently offer fungible services, my requests were approved by the health plans (HMSA, Kaiser, and TRICARE). The next steps, as I see them, are to obtain district approval and assistance in coordinating these services for our families, as part of their medical team.

Mahalo,

Amanda N. Kelly, PhD, BCBA-D, LBA
Director, Anuenue Behavior Analysts
Cell: (808) 298-2658
Office: (808) 518-4565
Fax: (808) 441-0944
Email: Akelly@anuenueaba.com

On Tue, Jul 18, 2017 at 7:41 AM, <Deb_T_Farmer/OCISS/HIDOE@notes.k12.hi.us> wrote:

Amanda,

As with all doctor's orders for medical services during the school day, the school receives a copy of those orders for the student record and to be shared with appropriate staff. If you do have the orders, please provide them and we can discuss the issue with the school and the health provider. If there are no orders, then we cannot move forward.

thanks, Debbie



Amanda Kelly <akelly@holdsambeck.com>

Health Plan Approval for ABA During School Day

Deb_T_Farmer/OCISS/HIDOE@notes.k12.hi.us

Tue, Jul 18, 2017 at 1:24

<Deb_T_Farmer/OCISS/HIDOE@notes.k12.hi.us>

PM

To: Amanda Kelly <akelly@anuenueaba.com>

Cc: Joanne_Brinich/CENDO/HIDOE <Joanne_Brinich/CENDO/HIDOE@notes.k12.hi.us>,
Suzanne_Mulcahy/WINDO/HIDOE@notes.k12.hi.us

Amanda,

Parents should be following the process under IDEA and Chapter 60 with the IEP team, for services requested by the parent. If a parent wants the school to consider a service, documentation needs to be provided, so the IEP team can consider the request.

Consistent with your information that these are HIPPA protected services, DHS has sent out a memo dated May 31, 2017 to Quest health providers, including Kaiser and HMSA. The memo states, "If justification is provided indicating the ABA service is medically necessary and approved by the QI (Hawaii's Quest Integration) health plan, the health plan will be responsible to provide and cover ABA services before or after school and when school is not in session.

thanks, Debbie

Amanda Kelly --07/18/2017 08:17:54 AM---Debbi, I am not familiar with the process for medical services being provided

From: Amanda Kelly <akelly@anuenueaba.com>

To: Deb_T_Farmer/OCISS/HIDOE@notes.k12.hi.us

Cc: Joanne_Brinich/CENDO/HIDOE <Joanne_Brinich/CENDO/HIDOE@notes.k12.hi.us>,
Suzanne_Mulcahy/WINDO/HIDOE@notes.k12.hi.us

Date: 07/18/2017 08:17 AM

Subject: Re: Health Plan Approval for ABA During School Day

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Amanda Kelly <akelly@huidssambek.com>

Health Plan Approval for ABA During School Day

Amanda Kelly <akelly@anuenueaba.com>

Tue, Jul 18, 2017 at 3:25 PM

To: Deb_T_Farmer/OCISS/HIDOE@notes.k12.hi.us

Cc: Joanne_Brinich/CENDO/HIDOE <Joanne_Brinich/CENDO/HIDOE@notes.k12.hi.us>,
Suzanne_Mulcahy/WINDO/HIDOE@notes.k12.hi.us

[REDACTED]

Deb,

You mention parents need to submit information to the IEP team. For the clients I am writing about, that has been done, as noted in my original email. In response, we have been told "district does not allow this". We have met with building based Principals (Jan Iwase, Malaea Wetzel, and Avis Nanbu) as well as the District Education Specialist, Joanne Brinich, who is copied on these email exchanges. Joanne shared that her hands are tied and encouraged me to reach out to you and Suzanne for direction on this matter, which was the impetus for my original email.

Please send me the link or information my clients and your Principals need to move forward with these doctor prescribed, medically-necessary services. I am the referring provider. It is my recommendation for these clients to receive applied behavior analysis across settings, which has been approved for clients I service through TRICARE, HMSA, and Kaiser. To be clear, we are not discussing Quest client services at this time. Therefore, the DHS memo you referenced is not applicable.

I will reiterate my original request. Please tell me what information the Department of Education needs to enable my clients' access to their medically-necessary care during the school day. If you are unable to assist, perhaps Suzanne could weigh in on the matter.

Mahalo,
Amanda

On Jul 18, 2017, at 1:24 PM, Deb_T_Farmer/OCISS/HIDOE@notes.k12.hi.us wrote:

Amanda,

Parents should be following the process under IDEA and Chapter 60 with the IEP team, for services requested by the parent. If a parent wants the school to consider a service, documentation needs to be provided, so the IEP team can consider the request.

Consistent with your information that these are HIPPA protected services, DHS has sent out a memo dated May 31, 2017 to Quest health providers, including Kaiser and HMSA. The memo states, "If justification is provided indicating the ABA service is medically necessary and approved by the QI (Hawaii's Quest Integration) health plan, the health plan will be responsible to provide and cover ABA services before or after school and when school is not in session.

thanks, Debbie

<graycol.gif> Amanda Kelly ---07/18/2017 08:17:54 AM---Debbi, I am not familiar with the process for medical services being provided

From: Amanda Kelly <akelly@anuenueaba.com>

To: Deb_T_Farmer/OCISS/HIDOE@notes.k12.hi.us

Cc: Joanne_Brinich/CENDO/HIDOE <Joanne_Brinich/CENDO/HIDOE@notes.k12.hi.us>, Suzanne_Mulcahy/WINDO/HIDOE@notes.k12.hi.us

Date: 07/18/2017 08:17 AM

Subject: Re: Health Plan Approval for ABA During School Day



Amanda Kelly <akelly@hoidsambeck.com>

Health Plan Approval for ABA During School Day

Deb_T_Farmer/OCISS/HIDOE@notes.k12.hi.us

Wed, Jul 19, 2017 at 7:44

<Deb_T_Farmer/OCISS/HIDOE@notes.k12.hi.us>

AM

To: Amanda Kelly <akelly@anuenueaba.com>

Cc: Joanne_Brinich/CENDO/HIDOE <Joanne_Brinich/CENDO/HIDOE@notes.k12.hi.us>,

Suzanne_Mulcahy/WINDO/HIDOE@notes.k12.hi.us

Amanda,

I realize I have not been clear, please let me clarify. The medical service I referenced was skilled nursing, which is delivered on a school campus. Although this service is medical, parents do not pay for this service through their health insurance, rather this service is funded by DOE during the school day on a school campus. Skilled nursing is a related service under IDEA/Chapter 60, it is documented in the IEP. Skilled nursing on a school campus is considered an educational service protected under FERPA, not HIPPA.

The relevance of the DHS memo, is the unlikely position that both Kaiser and HMSA will treat their members differently based on their income status. I doubt that both health providers would discriminate between Quest and non-Quest members. However, I will verify the position of both health plans, Kaiser and HMSA, to be sure.

The Department's position is that only educational services are delivered within the school day. Those services that are medically necessary, such as skilled nursing, are delivered during the school day on a school campus at DOE expense, documented in the IEP and considered educational services.

Since the services you mentioned are protected by HIPPA and are paid through the parent's health plan, these are not educational services and are not be delivered during the school day on a school campus. The DOE has a specific mission to educate school age children/youth and our schools take this mission seriously.

thanks, Debbie

Amanda Kelly ---07/18/2017 03:26:57 PM---Deb, You mention parents need to submit information to the IEP team. For the clients I am writing ab

From: Amanda Kelly <akelly@anuenueaba.com>

To: Deb_T_Farmer/OCISS/HIDOE@notes.k12.hi.us

Cc: Joanne_Brinich/CENDO/HIDOE <Joanne_Brinich/CENDO/HIDOE@notes.k12.hi.us>, Suzanne_Mulcahy/WINDO/HIDOE@notes.k12.hi.us

Date: 07/18/2017 03:26 PM

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Health Plan Approval for ABA During School Day

Amanda Kelly <akelly@anuenueaba.com>

Thu, Jul 20, 2017 at 9:51 AM

To: Deb_T_Farmer/OCISS/HIDOE@notes.k12.hi.us, Suzanne_Mulcahy/WINDO/HIDOE@notes.k12.hi.us

Cc: Joanne_Brinich/CENDO/HIDOE <Joanne_Brinich/CENDO/HIDOE@notes.k12.hi.us>

Debbie,

Thank you for this additional information. While this conversation was initially about access to medically-necessary applied behavior analysis services, one reason health plans are approving school-day requests are because clients are not receiving fungible services from the Department of Education (DOE). For my clients specifically, they have been denied access to applied behavior analysis services from licensed providers in their current DOE placements, which is a violation of state law (Chapter 465-D), as well as IDEA, for failing to provide students a free and appropriate public education (Endrew F. v. Douglas County School District, October 2016).

Over the past two decades, the nation has seen numerous insurance (46 states) and licensure laws (28 states) passed, which have improved educational and medical services for individuals with autism and related disorders, through access to applied behavior analysis. As someone who knows the value of applied behavior analysis; an evidence-based, scientific problem-solving approach, I have dedicated my career to increasing consumer access to services, both locally and at the national level.

It is disheartening and discouraging to experience such resistance and an unwillingness to collaborate from you, on behalf of the Hawai'i Department of Education. The Department's current position on applied behavior analysis appears to be in direct conflict with its own mission to educate our keiki:

"To serve our community by developing the academic achievement, character and social-emotional well-being of our students to the fullest potential. We work with partners, families and communities to ensure that all students reach their aspirations, from early learning through college, career and citizenship."

In order to advance these discussions and identify solutions, I would like to share the Department's official position with the health plans and providers, my clients, your principals, and our legislators. Will the Department be issuing an updated memo on these matters?

Amanda N. Kelly, PhD, BCBA-D, LBA
Director, Anuenue Behavior Analysts
Cell: (808) 298-2658
Office: (808) 518-4565
Fax: (808) 441-0944

On Wed, Jul 19, 2017 at 7:44 AM, <Deb_T_Farmer/OCISS/HIDOE@notes.k12.hi.us> wrote:

Amanda,

I realize I have not been clear, please let me clarify. The medical service I referenced was skilled nursing, which is delivered on a school campus. Although this service is medical, parents do not pay for this service through their health insurance, rather this service is funded by DOE during the school day on a school campus. Skilled nursing is a related service under IDEA/Chapter 60, it is documented in the IEP. Skilled nursing on a school campus is considered an educational service protected under FERPA, not HIPPA.

The relevance of the DHS memo, is the unlikely position that both Kaiser and HMSA will treat their members differently based on their income status. I doubt that both health providers would discriminate between Quest and non-Quest members. However, I will verify the position of both health plans, Kaiser and HMSA, to be sure.



The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

SENATOR DONOVAN M. DELA CRUZ

August 3, 2017

Dr. Christina Kishimoto
Superintendent
Department of Education
P.O. Box 2360
Honolulu, HI 96804

Aloha Superintendent Kishimoto:

My office received ta concern from Ms. _____, who is the mother of _____, a preschool student at _____ Elementary School. _____ a four-year-old diagnosed with autism and _____ Syndrome as well as other health conditions. Ms. _____ provided the following information regarding her son's case.

During the 2015 legislative session, the Legislature passed, and the Governor signed, Act 199, Session Laws of Hawaii 2015, which requires the licensing of behavior analysts for the practice of applied behavior analysis (ABA). The "Practice of Behavior Analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior. Practice of behavior analysis includes the empirical identification of functional relations between behavior and environmental factors, known as **functional assessment and analysis**. Practice of behavior analysis also includes the use of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions

According to Ms. _____, _____ has an Individualized Education Program, which she believes should not be utilized because his functional behavior assessment was not conducted by a licensed behavior analyst (LBA). Mr. Daniel Cordial, who is a Department of Education behavior health specialist, conducted _____ functional behavior assessment (FBA).

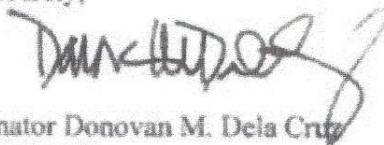
Dr. Kishimoto
August 3, 2017
Page 2

informed that [redacted] has been approved by his health plan to receive 40 hours of ABA services each week. He has been receiving ABA services, overseen by Dr. Amanda N. Kelly (LBA) and her team, for just over a month. Encouraged by her son's progress, [redacted] approached her healthcare provider and received confirmation that her plan will cover ABA services during school hours, so the next step would be to obtain district approval and assistance in coordinating these services, which are critical to [redacted] behavioral, academic, and social-emotional development.

Further, [redacted] refers to state (Chapter 465-D) and federal laws (I.D.E.A), in requesting that the department consider hiring a LBA to conduct a new FBA for [redacted]. She feels that services currently provided to [redacted] may not accurately reflect his most critical needs due to his behavior support plan (BSP) being developed by Mr. Cordial, who is unlicensed, and therefore, she believes is not qualified to conduct this assessment.

I would appreciate a response by Friday, August 18. Should you have any questions please feel free to contact my office.

Sincerely,



Senator Donovan M. Dela Cruz
District 22



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

OFFICE OF THE SUPERINTENDENT

October 2, 2017

The Honorable Donovan M. Dela Cruz
Senator, Twenty-Second District
415 S. Beretania Street, Room 208
Honolulu, HI 96813

Dear Senator Dela Cruz:

This letter is in response to your letter dated August 3, 2017 regarding the services being provided to Ms. [REDACTED] son, [REDACTED], at [REDACTED] Elementary School.

Acts 199 (2015) and 107 (2016), Session Laws of Hawaii, codified as Chapter 465D, Hawaii Revised Statutes, established the requirement of statewide professional standards for the licensing of behavior analysts. Although the intent of this legislation was to ensure qualified personnel in the provision of healthcare for children with autism, it directly impacts the Hawaii State Department of Education's (HIDOE) charge in the provision of educational services to all students.

HRS Chapter 465D-7 allows for the following exemptions: "(a) This chapter is not intended to restrict the practice of other licensed or credentialed practitioners practicing within their own recognized scopes of practice and shall not apply to: (1) an individual working within the scope of practice or duties of another licensed profession that overlaps with the practice of behavior analysis; provided that the person does not purport to be a behavior analyst..."

The HIDOE currently recognizes the following licensed or credentialed professionals, whose practice commonly overlaps with behavior analysis, as exempt from the licensed behavior analyst requirement.

- General Education Teachers
- Special Education Teachers
- Resource Teachers
- School Psychologists
- Clinical Psychologists
- Behavior Health Specialists
- Counselors
- Related service providers (i.e., Speech Language Pathologist, Occupational Therapist, Physical Therapist, etc.)
- Social Worker

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

The Honorable Donovan M. Dela Cruz

October 2, 2017

Page 2

The HIDOE is required to comply with the Individuals with Disabilities Education Act (IDEA) and Hawaii Administrative Rules Chapter 8-60; and therefore, must ensure that each student's Individualized Education Program (IEP) is developed by the IEP team and designed to maximize the child's access to and progress in the general education curriculum. Any parent(s)/legal guardian(s) requesting Applied Behavior Analysis (ABA) services through a healthcare provider during the school day may bring the healthcare plan to the IEP team for consideration. It is the IEP team's responsibility to review the healthcare plan and its educational relevance and benefit to the student regarding accessing and progressing in the general education curriculum. Any recommendations and/or services from the healthcare plan determined to be educationally relevant and included in the child's IEP will be provided by the HIDOE.

If a parent(s)/legal guardian(s) disagrees with the school on the program developed by the IEP team, there are procedural safeguards in place. They may:

- Request a mediator to help negotiate or resolve the disagreement;
- File a complaint with the HIDOE Complaints Management Program for review; or
- File for a due process hearing where a hearing officer, after reviewing evidence and hearing testimony, will render a decision with appropriate resolutions.

Should you have any questions, please contact Ms. Annie Kalama, Administrator, Special Needs Section, at (808) 305-9806 or via email at annie_kalama@notes.k12.hi.us.

Sincerely,



Dr. Christina Kishimoto
Superintendent

CMK:ak

c: Governor's Office, Chief of Staff
Governor's Education Policy Analyst
Department of Budget and Finance
Office of Curriculum, Instruction and Student Support

(10/18/2017) Transcription of recorded meeting held for DOE elementary special education teachers. More information is available at the request of our legislators. Please contact Dr. Kelly at (808) 298-2658.

EDUCATION DIVISION (AG): ...if you guys all agree that ABA methodology, you know was the appropriate methodology to be applied in the classroom, for this student, then you need to specify it. I'm not telling you don't do that, that's what your judgment is, that's fine, but be careful. That 9th circuit case doesn't say just cause someone says, "Oh, we need ABA methodology" —and that is an issue that crops up from time to time. Some of you might be aware that there's a particular advocate, for ABA services, named Amanda Kelly and she's pushing an agenda against the DOE —in different areas, but one of those is pushing ABA services to be provided by a BCBA, behavior analyst, in the classroom. I don't know if that means supplanting the teaching or as a supplementary service, because that part is not clear to me. The 9th circuit case is not clear to me what they meant by ABA methodology. Is it teaching? Or, if they meant behavioral services as a supplementary service. That is one of the areas we are exploring as an education division, because that part of the decision isn't that clear. It doesn't give the guidance to the DOE, how do we use this case, like in some of these other areas, like ABA methodology. Right now the advice that I'm giving you who have this issue, in any case where we have this issue, I tell them "we're not going to, you know (inaudible) when it comes to ABA methodology, we're not putting it on the IEP". However, if you as the IEP team believe it is an appropriate teaching methodology and you want to cite that, then fine. But that's different from than "Oh we also need ABA/behavioral services in this classroom, by a BCBA".

AUDIENCE: "So, if you were to use the words, ABA methodology, doesn't that term, that term like, you would have to be certified, right? In order to use that terminology or no?"

EDUCATION DIVISION (AG): Okay, um that's another little area. Are you guys aware of the licensing law that the DOE is facing? Chapter HRS 465-D.

AUDIENCE: No, I mean I know that...

EDUCATION DIVISION (AG): Okay, they refer to something called licensure for a behavioral analysis. Uh, there is a part, and it's not part of I.D.E.A., there is a sub-part in Hawaii Chapter, statutory law, licensing of behavioral analysis or analysts. Okay? That's related to something else, which has to do with insurance reimbursement for ABA service providers. But growing out of that, there's a change in the licensing laws for the state. The licensing laws for the state have a section on licensing of behavioral analysis. And in that law, —all you need to know is that all of you licensed teachers are exempt from those licensing issues. So, for instance, some teachers are aware of this, others are not. And I was taught this by a BCBA, a mom, that as part of your teaching, you use ABA methodologies. You may not recognize it as specific ABA methodology, but you use ABA methodologies. Now this person told

me that not all of our teachers know that expressly. Understand that they do. Okay, anyway that licensing requirement has an exemption for people like licensed teachers. People in your profession that might use behavioral services, that touch on ABA, they're not prohibited from using techniques, which some like ABA methodology. All I am telling you is that at an IEP meeting, if you use the buzz words, they need to have ABA methodology, blah, blah, blah, trust me, someone will make a claim, okay we need an IEP and then that will lead to another claim, which is now we would also like ABA behavioral services, implemented by a BCBA. I mean look, if that's what the team agrees is necessary then that's fine. But I just want you to be aware of it. If that's not what you meant, be weary of talking about it.

You have stuff that you do in your ordinary teaching that is, that someone could say is ABA methodology. But you don't have to say; you don't have to make excuses for that. You don't have to say, well okay, you can do it. All I can say is you can do it. Licensing laws clearly have an exemption for you. The problem for the DOE and it doesn't touch on any of you guys, the problem for the DOE is, it does not apply to the kind of people that you get help from in the district. You have like these BHS's, the ones I've run into are not licensed teachers, they could be licensed in other areas, like counseling. They are not licensed teachers and they are not licensed by that national board that licenses behavior analysts. Okay, the BACB. So they are not Board Certified technicians, under the BACB. They are DOE trained professionals that provide assistance for autistic kids. Uh, and that's a discussion that I think we should have with the state's SPED office. I'll work with them to work that out. Because that is a potential problem area, but that's nothing for you guys to worry about right now. This is a problem area. But for you teachers, this is a non-issue. Just do what you always have done. Okay? All I'm saying is listen. Momi [Patricia Robbins-Makaila, Autism Consulting Teacher] has touched on a point in that 9th circuit case that talked about ABA methodologies and all I'm telling you is unlike transition services that discussion by that court on ABA methodology is not as clear.

Cc: meilyee.cheng@hawaii.gov >

Response to Governor David Ige Email

Today at 12:33 PM

Dear Ms. Hoohuli-Rosa:

This is in response to your email dated October 10, 2017 to Governor David Ige regarding Applied Behavior Analysis (ABA) services.

The Hawaii State Department of Education (HIDOE) is required to comply with the Individuals with Disabilities Education Act (IDEA) and Hawaii Administrative Rules Chapter 8-60 in order to identify, evaluate, and educate individuals with disabilities. The goal of the IDEA is to provide students with a disability a free appropriate public education through individualized and specialized education and related services. Parent(s)/legal guardian(s) requesting to receive Applied Behavior Analysis (ABA) services through a healthcare provider during the school day should bring the treatment plan to the Individualized Education Program (IEP) team for review and consideration. It is the IEP team's responsibility to review the treatment plan and determine whether it is educationally relevant. The IEP team will then determine whether and to what extent autism specific methodologies including ABA are to be provided to student; any recommendations and/or services included in the student's IEP will be provided by the HIDOE.

As you may be aware, healthcare providers such as HMSA will pay for medically necessary ABA "therapy" pursuant to a treatment plan developed outside of the IEP process. The treatment team does not decide whether a student requires ABA services for educational purposes which is a decision reserved for the IEP team. In other words,

medically necessary ABA “therapy” pursuant to a treatment plan developed outside of the IEP process. The treatment team does not decide whether a student requires ABA services for educational purposes which is a decision reserved for the IEP team. In other words, it is the IEP team’s responsibility to determine whether a particular student requires a specific methodology (e.g., ABA) in order to make progress on his/her IEP goals and objectives. In addition, the HIDOE is not required to implement a student’s medically-related treatment plan. It is a HIDOE policy not to allow private providers on campus as it would interfere with the school’s obligation to implement a student’s IEP and to provide special education and related services under the IDEA. Be assured, however, that the HIDOE does currently employ a number of licensed Behavior Analysts and Board Certified Behavior Analyst candidates and continues its efforts to train and hire additional personnel with these qualifications.

If a parent(s)/legal guardian(s) disagrees with the school on the program developed by the IEP team, there are procedural safeguards in place. They may:

- Ø Request a mediator to help negotiate or resolve the disagreement;
- Ø File a complaint with the HIDOE Complaints Management Program for review; or
- Ø File for a due process hearing where a hearing officer, after reviewing evidence and hearing testimony, will render a decision with appropriate resolutions.

Should you have any questions, contact Ms. Annie Kalama, Educational Specialist, Special Needs Section, at (808) 305-9806 or via email at annie_kalama@notes.k12.hi.us.

c: Governor’s Office

11/7/2017

To the Hawai'i Board of Education:

My name is Dr. Amanda N. Kelly. I am writing to express concerns regarding Superintendent Kishimoto's position on hiring and collaborating with licensed behavior analysts (LBAs) for our keiki who require applied behavior analysis (ABA) in the school setting. In 2015, Governor David Ige signed autism insurance "Luke's Law" into law. That same year, he also signed licensure for behavior analysts into law (Chapter 465-D). In 2016, the Department of Education (DOE) contested the Behavior Analyst Licensure law, seeking an exemption. Many families and teachers advocated for maintaining the licensure requirements within DOE public school settings. Our legislators agreed, offering only a temporary reprieve for the requirement of direct support workers to become Registered Behavior Technicians (RBT) until 1/1/2019. The expectation and requirement for licensed behavior analysts was upheld and effective as of 7/1/2016. In 2017, licensed psychologists challenged our law stating they were being pushed out of their right to practice applied behavior analysis (ABA). Our legislators agreed mechanisms exist for those who have behavior analysis in their scope of training and practice. They did not adjust the language of the licensure law during the 2017 session.

This summer, (July 2017) I received authorizations from several commercial health plans who offered to fund applied behavior analysis (ABA) services on DOE school campuses. Denial of this coverage is actually a violation of the mental health parity law. Unfortunately, when I reached out to the Department of Education's administrators, Debra Farmer and Suzanne Mulcahy, I received a less than satisfactory response. Simply put, Debra Farmer stated that insurer-funded ABA cannot occur on a school campus. In reply, I noted:

"While this conversation was initially about access to medically-necessary applied behavior analysis services, one reason health plans are approving school-day requests are because clients are not receiving fungible services from the Department of Education (DOE). For my clients specifically, they have been denied access to applied behavior analysis services from licensed providers in their current DOE placements, which is a violation of state law (Chapter 465-D), as well as IDEA, for failing to provide students a free and appropriate public education (Andrew F. v. Douglas County School District, October 2016).

It is disheartening and discouraging to experience such resistance and an unwillingness to collaborate from you, on behalf of the Hawai'i Department of Education. The Department's current position on applied behavior analysis appears to be in direct conflict with its own mission to educate our keiki: "To serve our community by developing the academic achievement, character and social-emotional well-being of our students to the fullest potential. We work with partners, families and communities to ensure that all students reach their aspirations, from early learning through college, career and citizenship."

In order to advance these discussions and identify solutions, I would like to share the Department's official position with the health plans and providers, my clients, your principals, and our legislators. Will the Department be issuing an updated memo on these matters?"

No additional response was received on behalf of the Hawai'i Department of Education.

On August 3, Senator Donovan Dela-Cruz issued a letter to Superintendent Kishimoto explaining his concerns with the apparent legal violations of the Department of Education for refusing children access to licensed behavior analysts (LBAs) and applied behavior analysis (ABA) on school campuses during the school day. He did not receive a reply for 2 months. Representative Beth Fukumoto also issued a letter to Superintendent Kishimoto on behalf of the same family. I am unsure if Representative Fukumoto ever received a reply.

On September 12, Dr. Kishimoto held a community meeting in Wahiawa on O'ahu. At that meeting several families and teachers spoke to Dr. Kishimoto about their concerns regarding lack of ABA services and licensed providers in the school settings. Dr. Kishimoto appeared to listen to concerns and asked families for their contact information. When the emails between myself and Debra Farmer were mentioned, Dr. Kishimoto said she had not seen these emails and was "interested in learning more".

On September 18, Dr. Kishimoto held a community meeting in Kona on the island of Hawai'i. I had printed a copy of the email exchanges between me and Debra Farmer (with Suzanne Mulcahy copied) to provide to the Superintendent at this meeting. Instead, Dr. Kishimoto was on my flight from O'ahu. So, when we landed, I handed Dr. Kishimoto the emails. I did not mention these emails at the meeting. However, Dr. Kishimoto was asked questions about how students could gain access to ABA and licensed providers during the school day. She responded by saying "I do not have the data in front of me". When asked her plan for bringing the DOE into compliance, Dr. Kishimoto quipped, now that it's litigious, the lawyers will have to figure it out. When asked how families and community members could go about getting ahold of Dr. Kishimoto, she stated, "If you wanted someone who sits at their desk, then you did not need a superintendent, you needed a secretary". When a parent asked, "Does the DOE currently have any licensed or credentialed behavior analysts, Dr. Kishimoto snapped and replied by saying, "I will not be cornered by you at a community meeting". This is alarming, upsetting, and disrespectful, but my concerns do not end here.

In a letter dated, October 2, 2017, Dr. Kishimoto issued a response to Senator Dela-Cruz. In her letter, the Superintendent states: "The Hawaii DOE currently recognizes the following licensed or credentialed professionals, whose practice commonly overlaps with behavior analysis, as exempt from the behavior analyst licensure law"

- general education teachers
- special education teachers
- resource teachers
- school psychologists
- clinical psychologists
- behavior health specialist
- counselors
- related service providers (e.g., Speech Pathologist, Occupational Therapist, Physical therapist, etc.)
- social worker

The actions of the superintendent and the letter she wrote, conveys an arrogance, as she feels (or has been lead to believe) that she's identified a loophole in our state licensure law. Instead, Dr. Kishimoto has publicly acknowledged several federal violations being committed by the Hawai'i DOE (e.g., FAPE, IDEA, and ADA). A class-action lawsuit is now being drafted and a federal case is going to be brought against the Hawaii Department of Education, Dr. Kishimoto, Debra Farmer, Suzanne Mulcahy, and the Hawai'i Board of Education. Lawsuits are no news to Dr. Kishimoto, as evidenced by this 2016 case in the Gilbert Public School District in Arizona.

Now, more than ever, is the time to unite and work together, rather than spend our energies working against one another. I am available to brainstorm solutions. I am here to help. This has been my missive all along. I invite you to learn more about me. I look forward to learning more about each of you and discovering how we can all work together #fourkeiki.

Mahalo,

Amanda N. Kelly, PhD, BCBA-D, LBA
For Our Keiki | <http://fourkeiki.webs.com>
(808) 298-2658 | fourkeiki@gmail.com




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

OFFICE OF THE SUPERINTENDENT

November 28, 2017

TO: Deputy Superintendent, Complex Area Superintendents, Principals (All), Public Charter School Directors (All), District Educational Specialists, Student Services Coordinators, Special Education Teachers, and School Based Behavioral Health and Autism Personnel

FROM: Christina M. Kishimoto
Superintendent 

SUBJECT: **Functional Behavior Assessment/Behavior Support Plan Signature Page Procedures**

The Functional Behavior Assessment (FBA) is an assessment designed to identify the function or cause of serious behavior problems. It requires the collection and analysis of both student as well as environmental data and is a process that may occur over a period of time. Once completed, the results are utilized by the team for that individual student, i.e. Individualized Education Plan (IEP) Team, 504 Team, Student Support Team, or Student Intervention Team, etc, to identify targeted interventions that comprise the Behavior Support Plan (BSP).

The process of conducting a FBA or/and developing and implementing a BSP is a team effort. It is imperative that individuals who are knowledgeable of the student (including the parent) and professionals who are knowledgeable about behavior change make up the team.

To ensure fidelity of this team process, please include the attached FBA and BSP signature page to your FBA and BSP reports. Be sure to include all team members' names, signatures, titles, and active professional licensure. Applicable professional licensure may be held from the Hawaii Teacher Standards Board for teachers and school counselors; Hawaii Department of Commerce and Consumer Affairs for Mental Health Counselors, Social Workers, Clinical Psychologists, Marriage and Family Therapists, and Behavior Analysts; National School Psychologist Association for School Psychologists; or related professional licensure granted from other states or national boards.

Should you have any questions, please contact Dr. Wing Kan Hui, Educational Specialist, Student Support Section, at (808) 305-9787 or via email at wing_kan_hui@notes.k12.hi.us.

CMK:ar

Attachment

c: Assistant Superintendents
Superintendent's Office Directors
State Public Charter School Commission
Office of Curriculum, Instruction and Student Support

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER



STATE OF HAWAII
DEPARTMENT OF EDUCATION

Functional Behavior Assessment (FBA)/Behavior Support Plan (BSP)
Signature Page
Current School Year 20__/20__

Student Name: _____ Date of Birth: _____ Grade: _____ Eligibility: _____

School: _____ School ID: _____ Date of Report: _____

Team Members: Record names, signatures and licensure status of all individuals who contributed and shared responsibility for gathering and reviewing FBA/BSP data.

- FBA
- BSP

Name:	Position/Title	Signature	*License Type	License #

Applicable professional licensure may be held from the Hawaii Teacher Standards Board for teachers and school counselors; Hawaii Department of Commerce and Consumer Affairs for Mental Health Counselors, Social Workers, Clinical Psychologists, Marriage and Family Therapists, and Behavior Analysts; National School Psychologist Association for School Psychologists; or related professional licensure granted from other states or national boards.

December 4, 2017 (revised letter)

Original letter sent: 12/1/2017

██████████
On Tuesday, November 28, 2017, I met with Dr. Amanda N. Kelly, BCBA-D, LBA and Ms. ██████████, BCBA, LBA to address ethical concerns Dr. Kelly had regarding my actions as a State of Hawaii, Department of Education (DOE), Autism Consulting Teacher (ACT) who is pursuing certification towards becoming a behavior analyst.

Dr. Kelly brought to my attention, and the attention of my supervisor, actions that I engaged in, which led her to be concerned. She described situations in which I failed to advocate for appropriate steps to be followed when supporting teams with behavior assessments. Dr. Kelly shared she was specifically concerned that I had:

1. Allowed or encouraged others to change assessment dates on Functional Behavior Assessments (FBAs) and Behavior Support Plans (BSP), without first having an updated assessment conducted (BACB 1.04, 2.03, 2.05, 2.09, 3.01, 4.07)
2. Allowed or encouraged others to complete Functional Behavior Assessments, without first obtaining appropriate parental consents (BACB 1.04, 2.03, 2.05, 2.09, 4.04, 4.05)
3. Allowed or encouraged others to complete FBAs and develop BSPs, without advocating for Licensed Behavior Analysts to be team members, as outlined in Hawai'i Behavior Analyst Licensure Law, Chapter 465-D (BACB 1.04, 2.03, 2.05, 2.09, 3.01, 4.07)

The following are areas of the Behavior Analyst Certification Code (BACB), Professional and Ethical Compliance Codes, which were brought to my attention by Dr. Amanda N. Kelly:

1.04 Integrity. (a) Behavior analysts are truthful and honest and arrange the environment to promote truthful and honest behavior in others. (b) Behavior analysts do not implement contingencies that would cause others to engage in fraudulent, illegal, or unethical conduct. (e) If behavior analysts' ethical responsibilities conflict with law or any policy of an organization with which they are affiliated, behavior analysts make known their commitment to this Code and take steps to resolve the conflict in a responsible manner in accordance with law. (BACB 2014, rev. 2016 p.4)

2.03 Consultation. (a) Behavior analysts arrange for appropriate consultations and referrals based principally on the best interests of their clients, with appropriate consent, and subject to other relevant considerations, including applicable law and contractual obligations. (BACB 2014, rev. 2016 p.6)

2.05 Rights and Prerogatives of Clients. (a) The rights of the client are paramount and behavior analysts support clients' legal rights and prerogatives. (BACB 2014, rev. 2016 pp. 7-8)

2.09 Treatment/Intervention Efficacy. (a) Clients have a right to effective treatment (i.e., based on the research literature and adapted to the individual client). Behavior analysts always have the obligation to advocate for and educate the client about scientifically supported, most-effective treatment procedures. Effective treatment procedures have been validated as having both long-term and short-term benefits to clients and society. (BACB 2014, rev. 2016 pp. 8-9)

3.01 Behavior-Analytic Assessment. (a) Behavior analysts conduct current assessments prior to making recommendations or developing behavior-change programs. The type of assessment used is determined by client's needs and consent, environmental parameters, and other contextual variables. When behavior analysts are developing a behavior-reduction program, they must first conduct a functional assessment. (b) Behavior analysts have an obligation to collect and graphically display data, using behavior-analytic conventions, in a manner that allows for decisions and recommendations for behavior-change program development. (BACB 2014, rev. 2016 p.11)

4.04 Approving Behavior-Change Programs. Behavior analysts must obtain the client's written approval of the behavior-change program before implementation or making significant modifications (e.g., change in goals, use of new procedures). (BACB 2014, rev. 2016 p.12)

4.05 Describing Behavior-Change Program Objectives. Behavior analysts describe, in writing, the objectives of the behavior-change program to the client before attempting to implement the program. To the extent possible, a risk-benefit analysis should be conducted on the procedures to be implemented to reach the objective. The description of program objectives and the means by which they will be accomplished is an ongoing process throughout the duration of the client-practitioner relationship. (BACB 2014, rev. 2016 p.12)

4.07 Environmental Conditions that Interfere with Implementation. (a) If environmental conditions prevent implementation of a behavior-change program, behavior analysts recommend that other professional assistance (e.g., assessment, consultation or therapeutic intervention by other professionals) be sought. (b) If environmental conditions hinder implementation of the behavior-change program, behavior analysts seek to eliminate the environmental constraints, or identify in writing the obstacles to doing so. (BACB 2014, rev. 2016 p.12).

Per our conversation with Dr. Kelly she emphasized that I am required to hold myself accountable to the BACB Professional and Ethical Compliance Codes. Moving forward, to ensure that I am adhering with the BACB Professional and Ethical Compliance Code I have committed to taking the following actions:

1. Whenever functional behavior assessments or behavior plans are discussed, I will inform others of their rights and the rights of our students, as understood in Chapter 465-D (BACB 1.04, 2.05, 2.09)

2. Whenever assessments are to be conducted by teams, which I am a member of, appropriate written consents will be obtained from parents and/or legal guardians (BACB 2.03, 2.05, 2.09, 3.01, 4.04)
3. To reconcile any errors I may have made, I will be requesting to reconvene the teams, in which I have been involved, where the FBA and/or BSP were conducted without appropriate provisions. I will request to have my responsibility and roles on these teams to be actively supervised by Ms. [REDACTED] (BCBA, LBA) (BACB, 1.04, 4.05)
4. When there are inaccuracies or actions which I feel are in direct violation with local and federal laws, I will voice my concerns to my employer, in writing (BACB 4.07). In addition, I will work in collaboration with my DOE supervising employer and Ms. [REDACTED], my supervising behavior analyst, to identify a solution to these barriers that satisfies all parties.

I remain committed to my role as an Autism Consulting Teacher with the DOE and I appreciate your support of my efforts to become a behavior analyst. If you have any questions or concerns regarding this letter of clarification, please do not hesitate to let me know. My supervising behavior analyst, Ms. [REDACTED], and me would be more than happy to meet with you at your earliest convenience.

Sincerely,
[REDACTED]

Cc: [REDACTED], BCBA, LBA
Amanda N. Kelly, PhD, BCBA-D, LBA



**KAISER
PERMANENTE.**

[REDACTED]

12/27/2017

[REDACTED]

[REDACTED]

[REDACTED] 0306

Pt has services with BAYADA. Unfortunately per your DOE rules, the therapist is not allowed in the CLASSROOM. I think this would be the BEST place for the therapist to help [REDACTED] for his continued escalations and behavioral issues. It is difficult for the BAYADA therapist to work with the pt. in a community setting after school. The mom and mom's other children have to be there for the up to 15 hours of the time [REDACTED] has services for. The siblings can be distracting, of course, for [REDACTED]. As a result, IF BAYADA therapist can not be in the classroom (the class BAYADA aide would be the most preferable option for all concerned) it is important that [REDACTED] leave at NOON to get his services and to have a medical absence from NOON onward for his public school.

Sincerely,

WALKO, EILEEN B (M.D.)

HILO CLINIC
PEDIATRICS
1292 Waiianuenue Avenue
Hilo HI 96720
Dept Phone: 808-934-4000
kaiserpermanente.org

1/18/2018

Good Afternoon,

Unfortunately, I am unable to attend today's Board of Education meeting in person. Please accept this letter as my written testimony in place of presenting live.

Since September 2017, I have spoken to the Hawai'i Board of Education about my concerns as an advocate for families and providers in the state, specifically recipients and providers of Applied Behavior Analysis (ABA) services. For months, families have testified and shared their stories, as have teachers, siblings, and self-advocates. Although we have asked questions several times (e.g., "How many licensed behavior analysts are employed by the DOE"), we have not received any direct answers to our questions. Rather, we receive retaliatory responses for our advocacy efforts, specifically the cancelling of contracts, or denial of services for students themselves as a result of actions and statements made by Ms. Debra Farmer, DOE Special Education Administrator. As a result of inadequate action and lack of meaningful support, the community is moving forward and a class-action lawsuit will be brought against the state, as originally stated in my testimony on 11/7/2017.

The last time the HIBOE met, 12/5/2017 I asked several questions:

- How many licensed behavior analysts do you have on staff,
- How many are working in the capacity of an LBA,
- How many students have ABA written on their IEPs, and
- What dissemination efforts were taken to inform IEP teams and families about these available services

On January 5, 2018, the Hawai'i Department of Education released a legislative report titled: "Report on Behavior Analyst and Certification Requirements Implementation". This report speaks to some of the questions that I have asked in the past. However, the document also contains information that is incorrect and misleading. I have selected just a few of these errors to bring to your attention today.

DOE Statement: "...the recognized scope of practice of teachers and other professionals overlap with the practice of behavior analysis. Licensed teachers and other licensed educational professionals are exempt per HRS 465-7(a)(1)."

REPLY: Teachers are not licensed by the Department of Commerce and Consumer Protection (DCCA), which means they are not regulated by RICO (Regulated Industries Complaints Office). As stated in Chapter 465-D, a teacher "directly implements intervention or assessment plans under supervision *and does not* design intervention or assessment plans."

DOE Statement: There are approximately 1,000 ASD students who require intensive instruction, as indicated by the need for one-to-one support. These students may require ABA as an IEP service provided by an LBA and Registered Behavior Technician (RBT).

REPLY: The DOE website lists 1,820 students who have qualified for an IEP under a classification of autism.

- How many of these students have been recommended Applied Behavior Analysis (ABA)?
- How many of these students have ABA included in their Individualized Educational Programs (IEP)?
- How many of these students have a Licensed Behavior Analyst (LBA) as a member of their IEP team?
- How many of these students have a Registered Behavior Technician (RBT) as a member of their IEP team?
- How many students without an autism diagnosis have a Behavior Support Plan (BSP) as part of the IEP programming? Of those students, how many have a Licensed Behavior Analyst as a member of their IEP team?

DOE Statement: "Increased HIDEOE LBA and RBT personnel- The HIDEOE employs 154 RBTs (credentialed and in training) and 54 LBAs (licensed and in training).

REPLY: The purpose of the behavior analyst licensure law was to increase consumer protection by creating an easily recognizable license that allows a person to practice behavior analysis. While students of behavior analysis are allowed to practice (under the supervision of a licensed behavior analyst), they may not "purport to be a behavior analyst" per HRS 465-7(a)(1)."

HIDEOE BACB Credentialed Personnel				
District/ Complex Area	# of LBAs	# of LBA Candidates	# of RBTs	# of RBT Candidates
Honolulu District	1	0	0	10
Central District	1	4	1	21
Leeward District	0	15	0	44
Windward District	4	8	5	29
Hawaii District	0	4	0	30
Maui District	5	7	2	3
Kauai District	1	0	0	5
STATE	3	1	1	3
Total	15	39	9	145

Looking at the information provided by the HIDEOE (table titled "HIDEOE BACB Credentialed Personnel"), it would be more accurate for the Department to state that they have 15 Licensed Behavior Analysts (LBA) and 9 Registered Behavior Technicians (RBT) currently, two years into implementation of Chapter 465-D. It should be noted during the 2016 Legislative session Suzanna Mulcahy reported to Representative Della Belatti, that there were 20 Board Certified Behavior Analysts in the DOE and "many more in the pipe". It appears that there are now 5 LESS behavior analysts than were reported 2 years ago. This is certainly a concerning trend.

Even if someone possess the credential of Registered Behavior Technician (RBT), they may not call themselves an RBT or claim they are practicing as an RBT, unless they meet all supervision and related requirements. Currently, RBTs are required to have at least 5% of their hours supervised by a Licensed Behavior Analyst (LBA), who agrees to be the "Responsible Certificiant" for the RBT (<http://www.bacb.com>).

DOE Statement: “Many states have determined that the ABA licensure standard is consistent with the accepted standards of their respective educational professionals. These states have also recognized that the ABA licensure standard could prohibit public and private school employees from performing their full scope of work. As a result, 14 states have either limited or completely exempted schools and educational professionals from this law.

REPLY: This information is false and/or misleading. Many states that have licensure passed these laws 8-10 years ago. When we look at states that pushed autism insurance through early on, we will see low age and dollar caps. This is not because those states did not feel it was important, or that the research does not exist demonstrating efficacy, it was done for political reasons. In all states where autism insurance laws placed low age or dollar caps, they have revised, repealed, or redrafted language since, reflecting what later states have done.

In addition, because a state does not require licensure in school settings, does not mean schools are not providing Applied Behavior Analysis (ABA) by Licensed Behavior Analysts (LBAs). Massachusetts is very clearly one of those states. As a matter of fact, in order to pull funds from Mass Health (for school-based claiming) for ABA services delivered in the school setting, the state requires “the practitioner is required to be licensed by the Board of Registration of Allied Mental Health and Human Services Professions as an Applied Behavior Analyst (ABA), or if prior to January 6, 2016, may be a Board Certified Behavior Analyst (BCBA). In addition, services may be reimbursed if provided by a licensed physician, psychologist, or psychiatrist providing ABA within the scope of his or her licensure; or an Assistant Applied Behavior Analyst (AABA) or other paraprofessional working under the supervision of a licensed ABA. If prior to January 6, 2016, AABA or paraprofessionals may be working under the supervision of a BCBA.”
<http://www.mass.gov/eohhs/docs/masshealth/bull-2015/sbm-29.pdf>

At the same time the 2018 legislative report was released on the DOE website, the report that was intended for the 2017 legislative session was also added to the HIDOE website. Although the report is dated 12/29/2016, it should be publicly acknowledged that this report was not posted until 12/2017.

Reports for the 2017 Legislature

REPORTS ON BILLS AND RESOLUTIONS passed in the 2015 and 2016 Regular Session, Hawaii State Legislature.

	Authorizing Instrument	Subject	Report or Action Requested
1	Act 107 SB 1311, CD1 (2016)	Requires the DOE to report to the Legislature on implementing measures to comply with the behavior analyst licensure and certification requirements.	
2	Act 109 HB 0820, CD1 (2015)	Relating to Public Early Childhood Education	View report

As always, I am here to help. Now, more than ever, is the time to unite and work together.

Amanda N Kelly, PhD, BCBA-D, LBA
 For Our Keiki | www.fourourkeiki.webs.com
fourourkeiki@gmail.com | 808-298-2658

Student's Name: [REDACTED]

Page 18 of 20

8/11/2016 In response to the Complaint Investigation on Case #1 [REDACTED] the Team agreed to provide 1614 minutes of Teacher Consult services that were not provided during the fourth quarter of school year 2015-2016. These services will be provided by December 2016 by a BCBA/BISS.

Please note the Supplementary Aids and Services - Program Modifications and Supports for School Personnel Tab would not accept the December 2016 date. Any of the 1614 minutes of Teacher Consult Service not used at the time of the Annual Individualized Education Program development date will be included on the next Annual Individualized Education Program.

Mrs. [REDACTED] would like Applied Behavior Analysis to be identified in the Supplementary Aids and Services, Program Modification and Supports for School Personnel section, however, it is not our practice to name specific sciences and/or programs.

Malaea_Wetzel/HALEIWA/HI... 7/18/17

To: Dr. Cc: K

Details



Hi Amanda and Mr. and Mrs. [REDACTED]

Thank you for resending your note to me. I appreciate you sharing that you are currently working with state leadership to help resolve the matter. Unfortunately, in my experience as a DOE administrator, I have NOT encountered any medical/school partnerships. I am aware of other schools working with doctors for medically fragile students, but I have never had those experiences. As for ABA services, personally, I do not know of any other situations. So I apologize, this is very foreign territory for me. Like you, I have been seeking guidance -- but my guidance comes from Joanne, who I am sure consults with Debbie Farmer.

I will wait to see what guidance you receive from Debbie or if I receive something on my side, I will let you know.

Thank you,
Malaea



→ 11/17/17

Parents requested that Behavior Analysis be added under the data collection methods section in the (goals and objectives sections of the) IEP. The team discussed the recent updates to Hawai'i law about including Applied Behavior Analysis (ABA) in the IEP. The Autism Consultant Teacher [ACT], Dr. Lissa Goya indicated that the Hawai'i DOE does not do ABA during the school day. The insurance funded behavior analyst clarified new Hawaii law that stated behavior analytic strategies (for example, but not limited to: data collection methods, reinforcements, FBA/BSP, data analysis) should be reflected on the IEP when it's an integral part of education, also citing the REB vs. HDOE case as a point of reference. At present time, Dr. Goya is pursuing coursework to become a Behavior Analyst and is being supervised by Wendi Park, BCBA/LBA, therefore, utilizing Behavior Analysis as a data collection method is appropriate.

FIN-Jo

From: dr.barbaralee@gmail.com
Sent: Thursday, February 22, 2018 10:05 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Barbara D. Lee Psy.D.
430 Kaha St.
Kailua, HI 96734-2002

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in STRONG SUPPORT of HB2271_HD2 RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

I support House Bill 2271 HD2 which incorporates an amendment recommended by Hawaii Psychological Association (HPA) to clarify Psychologists' scope of practice in the area of Behavior Analysis. The current version of this bill addresses the need to provide behavioral intervention to a large number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

A large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Barbara D. Lee, Psy.D.
8082559449

HB-2271-HD-2

Submitted on: 2/22/2018 7:04:52 AM

Testimony for FIN on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Charles M. Lepkowsky, Ph.D.	Individual	Support	No

Comments:

As a licensed Hawaii psychologist, I support House Bill 2271 HD2.

HB2271 HD2 incorporates an amendment recommended by Hawaii Psychological Association (HPA) to clarify Psychologists' scope of practice in the area of Behavior Analysis. The current version of this bill facilitates provision of behavioral intervention to a larger number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings.

HB2271 HD2 also prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

Thank you for the opportunity to provide testimony on this important topic.

Charles M. Lepkowsky, PhD.

PSY1529

FIN-Jo

From: dtomita@gmail.com
Sent: Thursday, February 22, 2018 10:00 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Dawn Tomita Psy.D.
1090 Ala Napunani St, Apt 118
Honolulu, HI 96818-1789

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

FIN-Jo

From: afwagner@hawaii.edu
Sent: Thursday, February 22, 2018 9:45 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Allison Wagner
1315 Kalakaua Ave, Apt. 1808
Honolulu, HI 96826-1948

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

FIN-Jo

From: andrea.hiura@doh.hawaii.gov
Sent: Thursday, February 22, 2018 9:30 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Andrea Hiura
42-470 Kalaniana'ole Hwy.
Kailua, HI 96734-4373

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

FIN-Jo

From: tammy@3.1416.org
Sent: Thursday, February 22, 2018 9:25 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Tammy R. Bopp Psy.D.
1134 Kinau St. #701
Honolulu, HI 96814-1110

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Tammy R. Bopp, Psy.D.
808 282-7301

FIN-Jo

From: fahybailey@gmail.com
Sent: Thursday, February 22, 2018 9:20 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Fahy Bailey
PO Box 657
Kilauea, HI 96754-0657

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Fahy Bailey, PhD
8086522928

FIN-Jo

From: gt33@mac.com
Sent: Thursday, February 22, 2018 9:10 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Graham Taylor
520 Lunalilo Home Rd. 2404
Honolulu, HI 96825-1723

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Dr. Graham Taylor
808-383-4456

FIN-Jo

From: cynthia0537@sbcglobal.net
Sent: Thursday, February 22, 2018 9:05 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Cynthia F Tucker PsyD
354 Uluniu Street , Suite 410
Kailua, HI 96734-2534

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

FIN-Jo

From: ppost717@gmail.com
Sent: Thursday, February 22, 2018 9:05 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Petrina B Post PsyD
1920A Waimano Home Rd
Pearl City, HI 96782-1468

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Petrina B Post, PsyD
8082188261

FIN-Jo

From: junewching@gmail.com
Sent: Thursday, February 22, 2018 9:00 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

June Ching PhD
936 Waiholo Street
Honolulu, HI 96821-1226

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

June Ching, PhD
808-949-9502

FIN-Jo

From: kkuikahi@gmail.com
Sent: Thursday, February 22, 2018 9:00 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Kahanaaloha Kuikahi-Duncan
3144 Elua St. #2
Lihue, HI 96766-1211

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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Sincerely,

Kahanaaloha Kuikahi-Duncan
8084300377

FIN-Jo

From: hale1599@pacificu.edu
Sent: Thursday, February 22, 2018 8:55 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Katlyn Hale
81-6229 HIND RD APT 203
CAPTAIN COOK, HI 96704-8110

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in STRONG SUPPORT of HB2271_HD2 RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

I support House Bill 2271 HD2 which incorporates an amendment recommended by Hawaii Psychological Association (HPA) to clarify Psychologists' scope of practice in the area of Behavior Analysis. The current version of this bill addresses the need to provide behavioral intervention to a large number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

A large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Katlyn Hale
8087477860

FIN-Jo

From: gailsilva003@gmail.com
Sent: Thursday, February 22, 2018 8:55 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Gail D. Silva Psy.D.
45-452 Waikalua Pl
Kaneohe, HI 96744-2790

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Gail D. Silva, Psy.D.
808-561-0667

FIN-Jo

From: drjeffstern@gmail.com
Sent: Thursday, February 22, 2018 8:50 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Jeffrey Ph.D.
1433 Kamehameha IV Rd.
Honolulu, HI 96819-2583

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in STRONG SUPPORT of HB2271_HD2 RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

I served on the task force that resulted in the passage of Luke's Law. I spoke on behalf of the Hawaii Psychological Association supporting our colleagues with BCBA certificates providing services to children with Autism, but was surprised to see restrictions to our scope of practice (as psychologists) emerge out of the legislation. I am confident that the passage of HB2271 HD2 (with amendments proposed by the Hawaii Psychological Association that clarify psychologists' scope of services in regards to ABA) will adequately address this inadvertent limitation of our scope of practice.

I support House Bill 2271 HD2. A large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

The current version of this bill addresses the need to provide behavioral intervention to a large number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

Mahalo for your time,

Jeff Stern

Jeffrey D. Stern, Ph.D.
Psychologist
Past President, Hawaii Psychological Association

Sincerely,

Jeffrey D. Stern, Ph.D.
8083873703

FIN-Jo

From: kellar@hawaii.edu
Sent: Thursday, February 22, 2018 8:40 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Michael Kellar
435-E Haleloa Place
Honolulu, HI 96821-2251

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in STRONG SUPPORT of HB2271_HD2 RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

FIN-Jo

From: maliathompson@hotmail.com
Sent: Thursday, February 22, 2018 8:35 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Malia Ginoza
7761 waikapu loop
Honolulu, HI 96825-3026

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Malia Ginoza
8084785633

FIN-Jo

From: minke@hawaii.edu
Sent: Thursday, February 22, 2018 8:25 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Karl Minke
700 Richards St. Apt. 2205
Honolulu, HI 96813-4621

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in STRONG SUPPORT of HB2271_HD2 RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

I support House Bill HB2271-HD2 with the amendment recommended by the Hawaii Psychological Association (HPA). I am past Chair of the Department of Psychology, U.H. Manoa and past Director of Clinical Studies for the same department. In addition, I am author or co-author on a number of the early studies demonstrating the effectiveness of behavioral interventions, serving as the empirical basis for the later specialty known as "Applied Behavior Analysis." Most clinical psychologists are well trained in the practice of behavioral interventions and the supervision of assistants such as postdoctoral fellows, students and unlicensed master's level clinicians as well as paraprofessionals, direct support workers, and family members in the implementation of a behavioral program. The proposed amendment clarifies psychologists' scope of practice as including the practice and supervision of behavioral interventions and would prevent an inappropriate narrowing of the behavioral health workforce to individuals following a specific theoretical orientation within the broader, evidence based, cognitive-behavioral approach used by psychologists today .

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Karl Minke, Ph.D
University of Hawaii, Manoa, retired

Sincerely,

Karl Minke

FIN-Jo

From: conovero@hawaii.edu
Sent: Thursday, February 22, 2018 8:25 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Olivia Conover
544 11th Avenue
Honolulu, HI 96816-2233

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
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Testimony in STRONG SUPPORT of HB2271_HD2 RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

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A large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Olivia Conover
6092890857

FIN-Jo

From: kimberly.mizo@doh.hawaii.gov
Sent: Thursday, February 22, 2018 8:15 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Kimberly Mizo
1417 Ahihi St.
Honolulu, HI 96817-1972

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Kimberly Mizo
8082927140

FIN-Jo

From: jcwhite54@gmail.com
Sent: Thursday, February 22, 2018 8:10 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Judith White
P.O. Box 1719
Kapaa, HI 96746-5719

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Judith C. White
8083465856

FIN-Jo

From: torimoto@gmail.com
Sent: Thursday, February 22, 2018 8:05 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Trina Orimoto
3206 M
Honolulu, HI 96822

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
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Sincerely,

FIN-Jo

From: nrobello@gmail.com
Sent: Thursday, February 22, 2018 8:00 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Nicole Aurellano PsyD
92-1295 Hookeha St.
Kapolei, HI 96707-1572

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Nicole Aurellano, PsyD
8083481553

FIN-Jo

From: dshook@hawaii.edu
Sent: Thursday, February 22, 2018 8:00 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Devon Shook
2444 Dole Street
Honolulu, HI 96822-2399

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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As a trainee in clinical psychology with a direct contract with the DOE to provide services to schools, legislation that would preclude my ability to provide services to some of the most vulnerable and in need in Hawaii would be devastating. This amendment would allow those students to receive the services they need and allow large contracts provided to the DOE to function properly.

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Devon Shook
301-641-4416

FIN-Jo

From: jalmgren54@gmail.com
Sent: Thursday, February 22, 2018 7:55 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Jared Almgren
1654 Liholiho St.
Honolulu, HI 96822-2910

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

FIN-Jo

From: amvince8@hawaii.edu
Sent: Thursday, February 22, 2018 7:50 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Amanda Vincent
1654 Liholiho St.
Honolulu, HI 96822-2910

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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Sincerely,

FIN-Jo

From: teresacookbcba@gmail.com
Sent: Thursday, February 22, 2018 7:50 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Teresa Cook-Guercio
214 Hartcourt Ave
Jerseyville, IL 62052-2053

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Teresa Cook-Guercio
618-946-2068

FIN-Jo

From: smacieland@gmail.com
Sent: Thursday, February 22, 2018 7:40 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Simone Maciejewski
1110 University Ave
Honolulu, HI 96826-1540

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

FIN-Jo

From: brooke37@hawaii.edu
Sent: Thursday, February 22, 2018 7:40 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Brooke Bennett
2440 Date street, Apt 1104
Honolulu, HI 96826-4628

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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Licensing restrictions are already contributing to the slow production of psychologists using evidence-based practice. Our field cannot meet the needs of the public at current rates and adding this restriction would only further worsen this problem. Language clarification is needed to assure that all qualified and competent psychologists are able to contribute their skill set to the treatment of autism.

A large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

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Sincerely,

Brooke Bennett

FIN-Jo

From: rkim@tcgoc.com
Sent: Thursday, February 22, 2018 7:35 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Richard Kim
3615 Harding Ave, Suite 509
Honolulu, HI 96816-3757

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in STRONG SUPPORT of HB2271_HD2 RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

I support House Bill 2271 HD2 which incorporates an amendment recommended by Hawaii Psychological Association (HPA) to clarify Psychologists' scope of practice in the area of Behavior Analysis. The current version of this bill addresses the need to provide behavioral intervention to a large number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

A large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Richard J Kim
8087391992

FIN-Jo

From: drhamada810@gmail.com
Sent: Thursday, February 22, 2018 7:15 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Roger Hamada Ph.D.
92-1248 Kaleo Place
Kapolei, HI 96707-1535

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Roger Hamada, Ph.D.
808-753-7148

FIN-Jo

From: chavezdr@me.com
Sent: Thursday, February 22, 2018 6:35 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Deborah Chavez
73-4685 Kohanaiki Road
Kailua Kona, HI 96740-9206

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Deborah Chavez
8086405933

FIN-Jo

From: iirie@waimanalohealth.org
Sent: Thursday, February 22, 2018 6:30 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Ivan Irie
730 Hausten St.
Honolulu, HI 96826-3092

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
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Sincerely,

Ivan Irie
8083210712

FIN-Jo

From: stephenchoy@hotmail.com
Sent: Thursday, February 22, 2018 6:05 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Stephen Choy
1314 S king
Honolulu, HI 96814-1956

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
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Sincerely,

Stephen Choy PhD
808 593 8484

FIN-Jo

From: logande@gmail.com
Sent: Thursday, February 22, 2018 6:05 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Diane Logan
PO Box 5488
Kailua Kona, HI 96745-5488

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
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Sincerely,

Diane Logan
8087855443

FIN-Jo

From: ryan.terao@gmail.com
Sent: Thursday, February 22, 2018 5:55 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Ryan Terao
47-116 Halemanu Place
Kaneohe, HI 96744-5517

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Ryan Terao
8082234302

FIN-Jo

From: drmarieterry@gmail.com
Sent: Thursday, February 22, 2018 5:50 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Marie Terry-Bivens Psy.D.
P o box 321
Anahola, HI 96703-0321

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Marie Terry-Bivens, Psy.D.
8083327190

FIN-Jo

From: jadairleland@gmail.com
Sent: Thursday, February 22, 2018 4:55 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Jean Adair-Leland
1487 Hiikala., 13
Honolulu, HI 96816-5633

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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Sincerely,

Jean Adair-Leland
8083845172

FIN-Jo

From: sarahwilliamspsy@gmail.com
Sent: Thursday, February 22, 2018 4:30 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Sarah Monique Williams
760skihei rd
Kihei, HI 96753

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Sarah Monique Williams
7739106009

FIN-Jo

From: n.sidun@hawaiiintel.net
Sent: Thursday, February 22, 2018 2:20 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Nancy Sidun
1195 Kamehame Drive
Honolulu, HI 96825-3504

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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Sincerely,

FIN-Jo

From: cmedlin@saybrook.edu
Sent: Thursday, February 22, 2018 2:15 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Crystal Medlin
68 - 1887 Pau Nani Street
Waikoloa, HI 96738-5442

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

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Sincerely,

FIN-Jo

From: julietakishima@gmail.com
Sent: Thursday, February 22, 2018 1:20 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Julie Takishima-Lacasa
819 Kainoa Place
Honolulu, HI 96821-1737

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Julie Y. Takishima-Lacasa, PhD
8082717748

HB-2271-HD-2

Submitted on: 2/22/2018 10:06:15 AM

Testimony for FIN on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Burdt	Individual	Support	No

Comments:

Support with amendments. I support the amendments submitted by the Hawaii Association for Behavior Analysis (HABA).

HB-2271-HD-2

Submitted on: 2/22/2018 10:44:12 AM

Testimony for FIN on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Ninci	Individual	Support	No

Comments:

I support changes to Chapter 465-D, which clarify that schools must comply. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language submitted by the Hawai'i Psychological Association. **I stand in strong support of our teachers and our keiki and respectfully ask that you adopt the amendments as proposed by the Hawai'i Association for Behavior Analysis (HABA).** Families and our keiki deserve a transparent and consistent standard of ABA support. I believe the amendments proposed by HABA will help us to achieve that. Our keiki's future depends on us!!

Jennifer Ninci, PhD, BCBA-D, LBA

Honolulu, Hawaii

Date: February 21, 2018

To: Rep. Sylvia Luke, Chair and Rep. Ty J.K. Cullen, Vice Chair

Hearing: Friday, February 23, 2018, 11:00 am, Conference Room 429

From: Richard J. Kravetz, Ph.D.
(808) 258-2250

Re: Testimony in Strong Support of HB2271_HD2, Relating to the Practice of Behavior Analysis

As a behaviorally-trained psychologist who has worked in Hawaii for over 30 years, I strongly support HB2271 HD2 which incorporates an amendment from the Hawaii Psychological Association that clarifies the scope of Psychologists' practice of Behavior Analysis. This bill as amended will help assure that in addition to Licensed Behavior Analysts (LBA's), competent, behaviorally-trained psychologists and other licensed professionals can continue to be utilized by the DOE to assess, design, implement and supervise paraprofessionals in providing behavioral interventions for students needing this service.

This should be done without the loss of quality feared by parents as a result of apparent pressure from the LBA's guild organization. As stated by Gina Green Ph.D., BCBA-D, Chief Executive Officer of the Association of Professional Behavioral Analysts:

“(a) the behavior analyst licensure law clearly permits licensed psychologists and other appropriately credentialed professionals to practice ABA without being licensed as behavior analysts, provided that behavior analysis is in their profession’s scope of practice and the scope of the individual psychologist’s documented training and competence; and (b) licensed psychologists and other professionals already have the right to supervise trainees, paraprofessionals, and others in accordance with the licensure laws and regulations of their respective professions.”

Members of the LBA's local guild have promulgated the idea that ACT 199 means that only an LBA and the persons they supervise will be able to “legally” design and implement a behavioral intervention in the school setting. The amendments in the current bill will help clarify to families, state agencies, insurance companies and even some licensed or credentialed professionals that it is “not illegal” for them to continue to design, implement and supervise ABA services when that is and has been within their recognized scope of practice, competence and training. As G. Roy Mayer, author of multiple textbooks on applied behavior analysis, wisely noted in considering whether a school counselor could consult with a teacher on designing a behavior plan to help a student make friends - “You don’t need an elephant gun when a flyswatter will work”.

Being able to use ABA-trained mental health professionals, such as psychologists, licensed mental health counselors, social workers, and marriage family therapists will continue to give students, school staff and their families access to professionals who have training in mental health. This is particularly important in properly addressing the needs of youth with autism who frequently (30-40%) have co-occurring diagnoses of anxiety disorder, clinical depression, externalizing disorders, and are at high risk for suicide. Students in need of behavioral interventions who are not on the autism spectrum often have mental health issues as well, which can be diagnosed by psychologists and other mental health professionals. Timely diagnoses is more likely to lead to behavioral and other treatments that take into account the student's diagnose(s), which will result in more effective service, with students recovering or significantly improving sooner rather than later.

Thank you for the opportunity to share my concerns.

FIN-Jo

From: priyakl@hawaii.edu
Sent: Thursday, February 22, 2018 10:40 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Priya McLennan
2500 Dole St.
Honolulu, HI 96822-2349

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

FIN-Jo

From: mariabriones@hawaiiantel.net
Sent: Thursday, February 22, 2018 10:35 AM
To: FINTestimony
Subject: Testimony in SUPPORT of HB 2271_HD2

Maria Briones
3176 Poipu Rd #5
Koloa, HI 96756-9521

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in STRONG SUPPORT of HB2271_HD2 RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

I am a clinical psychologist in private practice in Koloa, HI and have been providing mental health services to children, adults and families and consultation to schools on Kauai for over 20 years. I support House Bill 2271 HD2 which incorporates an amendment recommended by Hawaii Psychological Association (HPA) to clarify Psychologists' scope of practice in the area of Behavior Analysis. The current version of this bill addresses the need to provide behavioral intervention to a large number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Maria Briones, PhD
8086359074

HB-2271-HD-2

Submitted on: 2/22/2018 1:37:40 PM

Testimony for FIN on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lee Evslin	Individual	Support	No

Comments:

HOUSE COMMITTEE ON FINANCE

Representative Sylvia Luke, Chair

Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am

Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in STRONG SUPPORT of HB2271_HD2

RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

I am a retired pediatrician and healthcare administrator from Kauai. I support House Bill 2271 HD2 which incorporates an amendment recommended by Hawaii Psychological Association (HPA) to clarify Psychologists' scope of practice in the area of Behavior Analysis.

HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

A large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

Thank you for the opportunity to provide testimony on this important topic.

Lee A. Evslin, MD

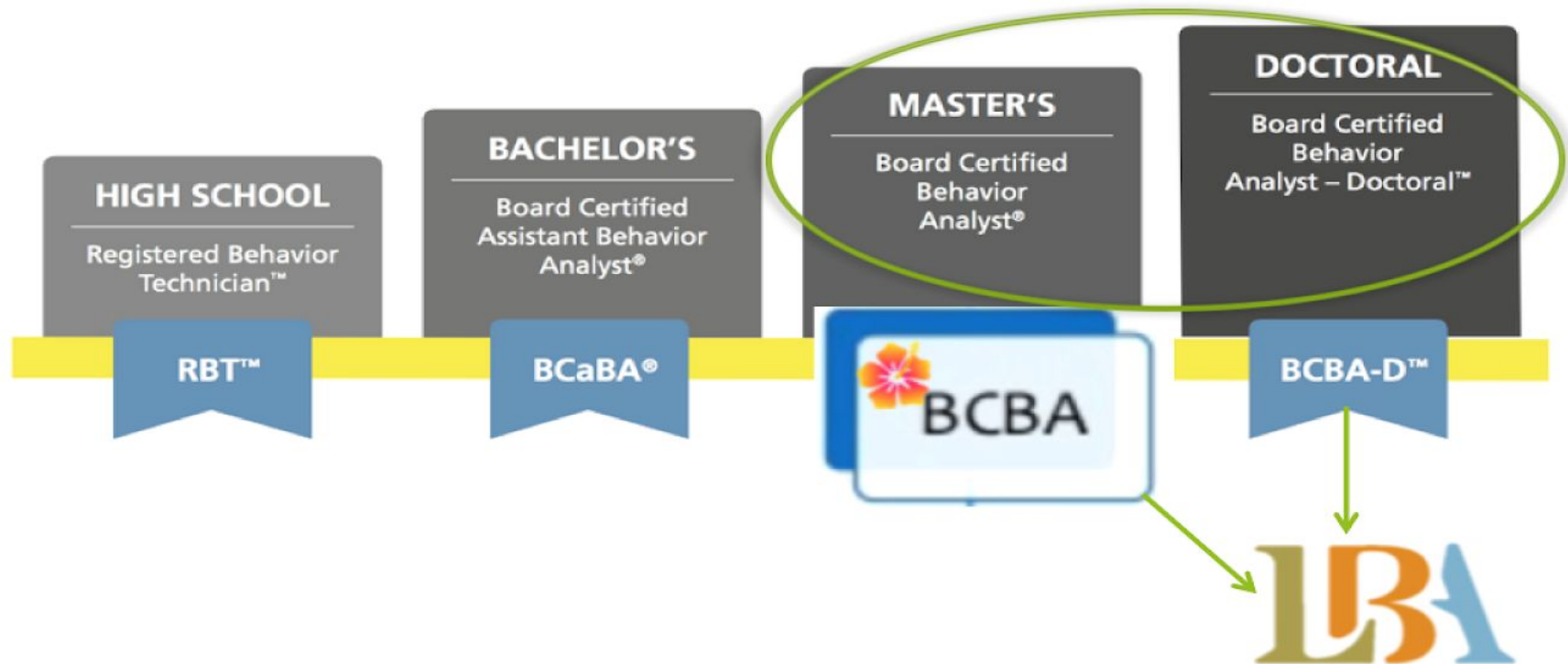
Fellow the American Academy of Pediatrics



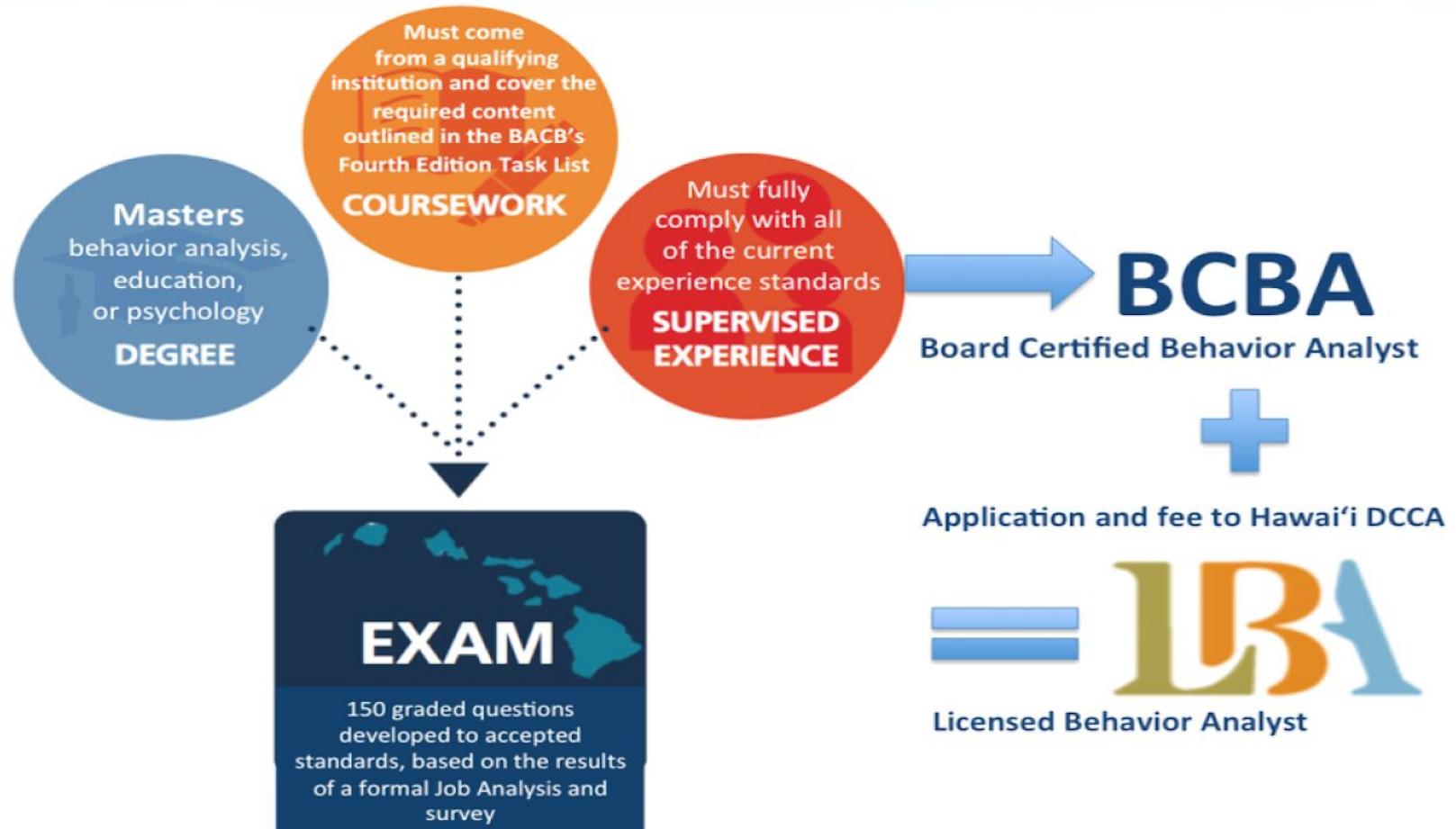
Information current as of 2/16/2018

Behavior Analyst Certification Board (BACB)

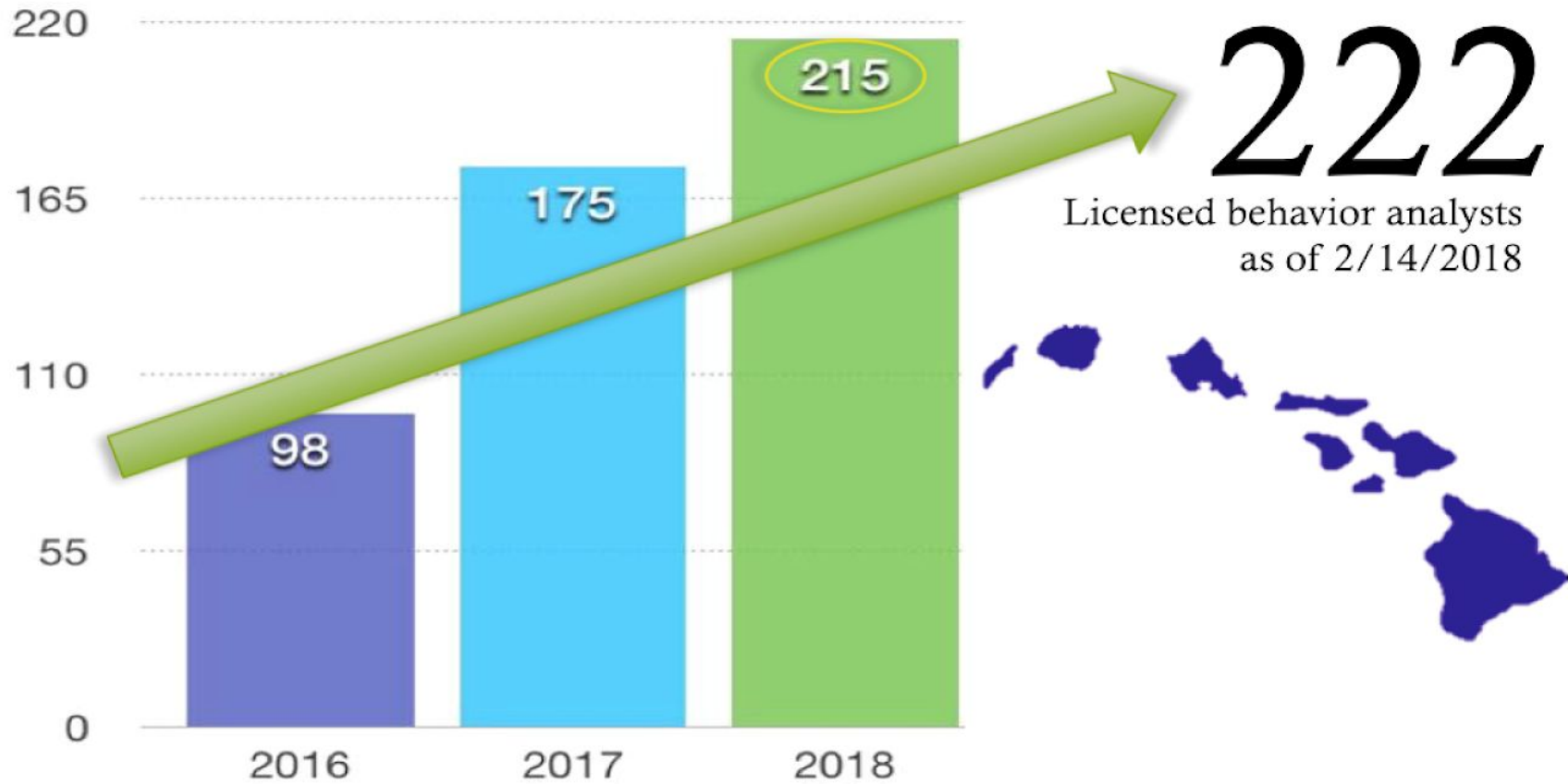
The BACB credentials and recognizes practitioners at four levels:



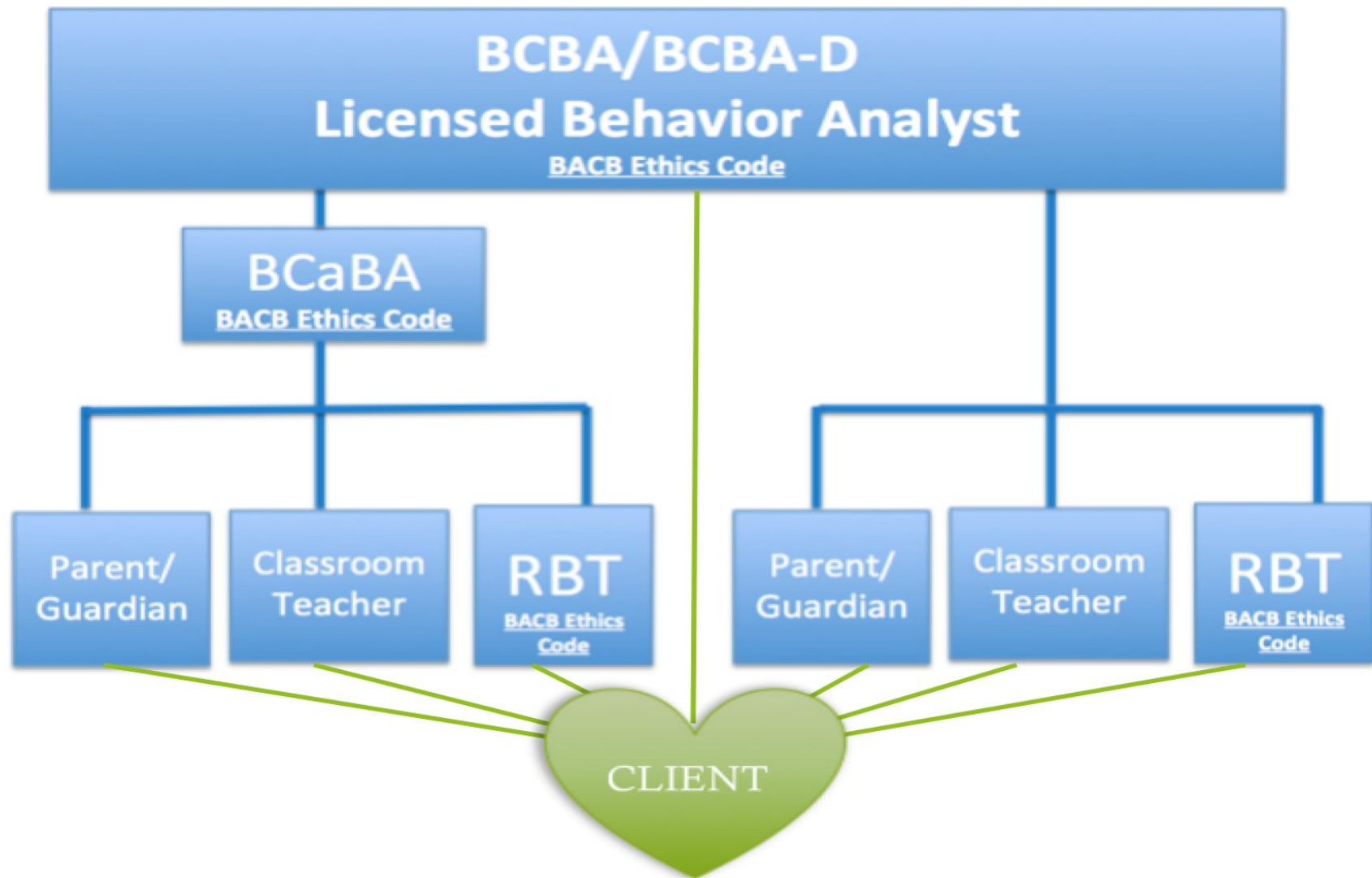
Primary requirements for certification by the Behavior Analyst Certification Board (BACB)



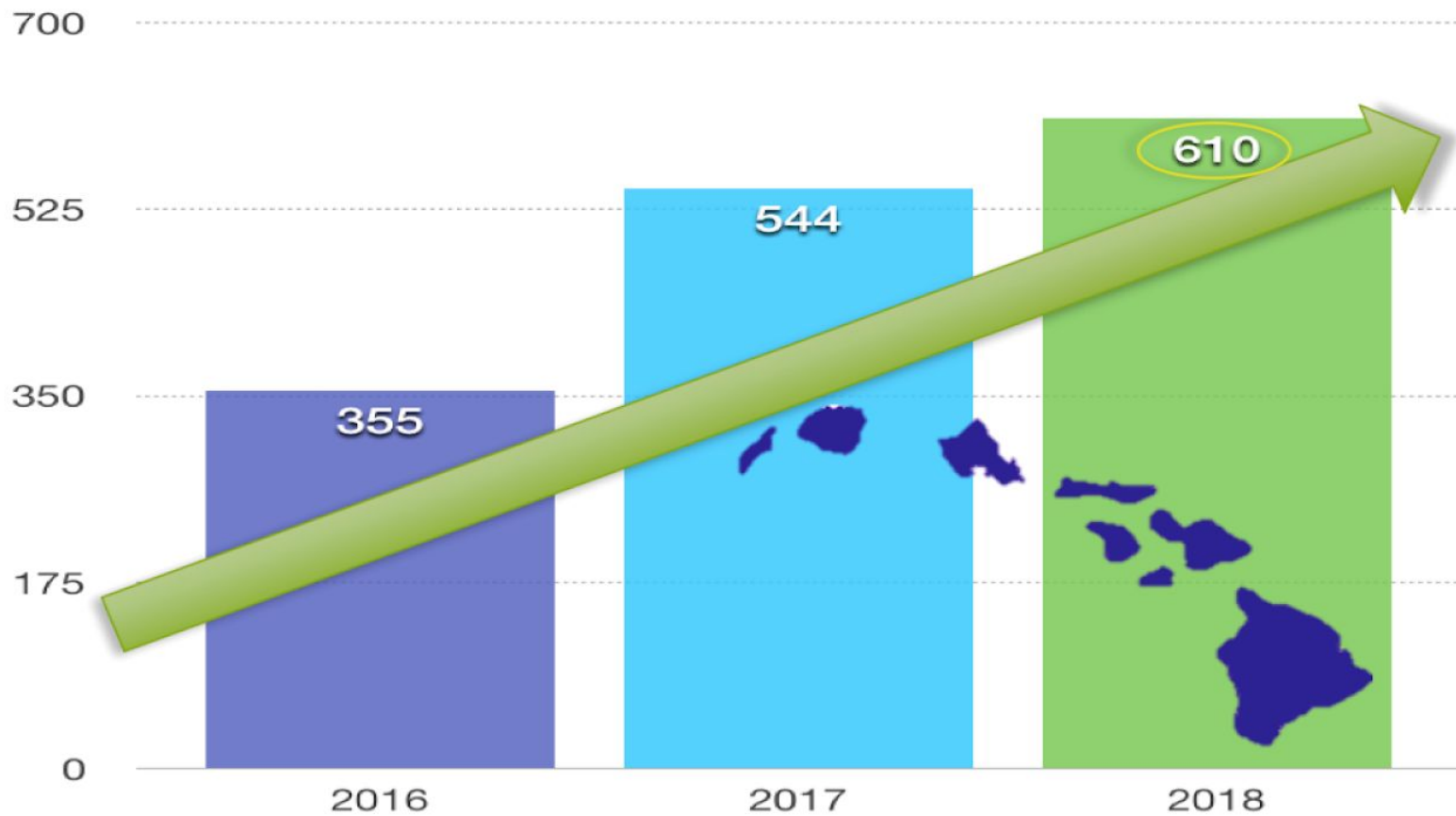
Growth of Licensed Behavior Analysts in Hawai'i



Data as reported at HI DCCA <https://pvl.ehawaii.gov>
dated reported for January 1st of each year

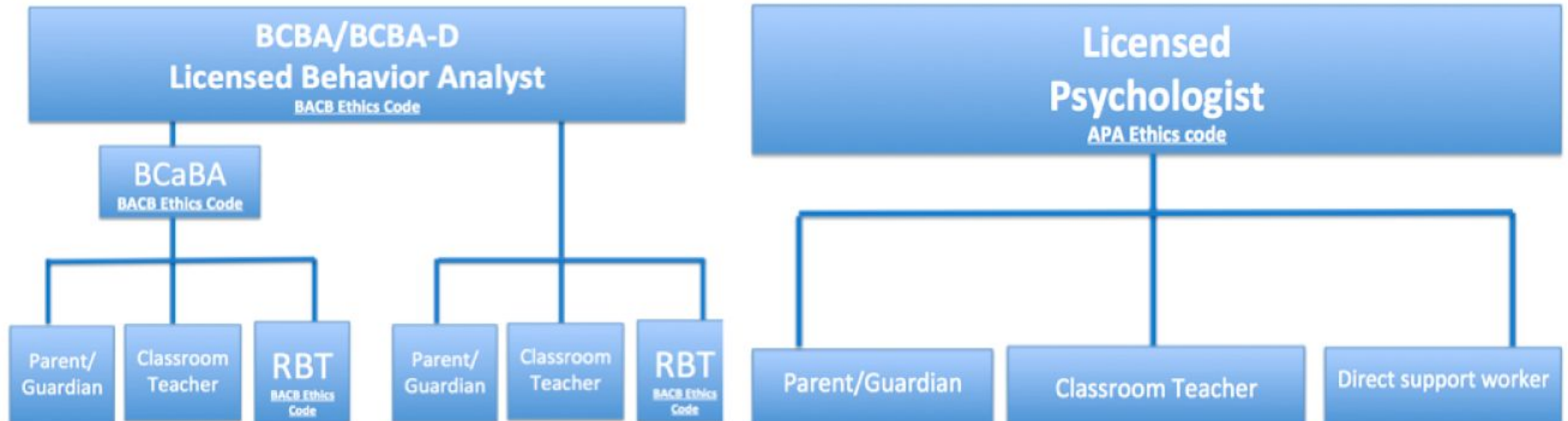


Growth of Registered Behavior Technicians in Hawai'i



Data as reported on www.BACB.com
data reported for January 1st of each year

Consumer Protection



Direct Support Worker (1:1)	Registered Behavior Technician (RBT) (Source: www.BACB.com)	Hawai'i DOE Paraprofessional (Source: HIDOE)
Job Responsibilities	A paraprofessional who practices under the close, ongoing supervision of a (LBA) BCBA/BCBA-D, BCaBA, or psychologist with the ABPP credential.	A paraprofessional who provides support services “under the direct supervision of a highly qualified teacher or professional practitioner.”
Degree	High school diploma	High school diploma plus 48-semester credits of baccalaureate level course, OR associates degree in arts or science at baccalaureate level
Training in Applied Behavior Analysis	40 hours of explicit ABA training, related to the BACB RBT Task List	-----
Demonstrated Competency	Skills demonstration performed with client, conducted by Licensed Behavior Analyst (LBA)	-----
Ethics Code	Ethics Code (BACB) , background check required	-----
Examination	Pearson Vue exam The RBT examination is comprised of 75 multiple-choice questions. Each question has four possible answers. Examination content is based on the RBT Task List. Candidates sitting for the RBT examination will usually answer 85 questions total. Candidates are given a total of one and a half hours (90 minutes) to complete the examination.	ParaPro Assessment The test has 90 multiple-choice questions, approximately two-thirds of which focus on basic skills and knowledge. The remaining one-third focus on applying skills in the classroom. All test questions are in English.
Ongoing Supervision	5% of hours worked by RBT must be overseen by a masters level LBA, some group supervision allowed, minimum monthly supervision requirements	NONE SPECIFIED, as needed
Supervisor	Licensed behavior analyst (LBA) attached to each RBT; Responsible Certificant refers to an individual who serves in the capacity of either organizational compliance officer or direct supervisor of one or more Registered Behavior Technicians.	“A highly qualified teacher or professional practitioner.”



Hawai'i Association for Behavior Analysis

Information current as of 2/16/2018

ABA in DOE (across the US)

Alabama (Montgomery County Public Schools)

"Behavior analysis services are provided by a district-wide board certified behavior analyst (BCBA). The behavior analyst provides comprehensive behavioral assessment and consultation services for students with severe or persistent behavioral challenges. Once a student has been referred, the behavior analyst conducts a functional behavior assessment (FBA) to assist in the understanding of the relationship between the student's behavior and the purpose of the behavior in relationship to environmental factors. Various environmental settings, (e.g. home, school, community) are investigated and analyzed to assist school personnel in understanding and evaluating the student's problem behaviors within a larger context. Next, a behavior intervention plan (BIP) is designed to outline specific prevention and response strategies for the identified behavior. The behavior analyst ensures that all elements of the BIP are humane, respectful, and cause the least amount of disruption to the school structure as possible. Data are collected throughout the consultation process, and programmatic changes are made as necessary to ensure continued progress."

California (Port View Preparatory)

"Currently, Applied Behavior Analysis is one of the only empirically validated interventions used to create and support the learning curriculum and environments for individuals with Autism Spectrum Disorders. Therefore, principles and strategies of Applied Behavior Analysis are utilized throughout the school day and all staff are trained in Applied Behavior Analysis and how to apply ABA to a school setting. Such an environment requires supervision by qualified Behavior Analysts and therefore, Port View Prep® employs Board Certified Behavior Analysts (BCBA), including a doctorate-level BCBA-D, to supervise the programs that help students navigate and better understand their world via structured therapies designed to achieve positive behavioral results and actions. Port View Prep ensures that every student receives an Individualized Behavior Intervention plan that was developed by a BCBA and reviewed by a BCBA-D. These Behavior Intervention plans are developed based on results of a comprehensive Functional Behavior Assessments that take place upon enrollment. Our staff of ABA therapists implement Behavior Intervention Plans throughout each school day and focus on utilizing antecedent strategies and reinforcement to achieve desired learning outcomes and to minimize and ultimately eliminate negative behaviors and habits."

California (Ventura County Public Schools)

Ventura County Special Education supports the philosophical tenets of Applied Behavior Analysis (ABA) as described extensively in the professional literature. Some typical definitions are: "Applied Behavioral Analysis (ABA) is a systematic process of studying and modifying observable behavior through a manipulation of the environment." Prizant, Barry M., PhD, CCC-SLP, Center for the Study of Human Development, Brown University, RI

"Applied behavior analysis has been empirically validated across numerous interventions that have the potential to change the way public education functions as a whole" (Fielding, et al., 2003).

"Behavior analysts are trained to develop, deliver, and monitor educational programming that is driven by the results it produces with students. Collaborative consultation with the moment-to-moment coaching it entails can assist educators [in creating] their own evidence-based practices (Hursh, 2007, p. 44)" (Fielding, 2013).

Connecticut (Waterbury Public Schools)

"As a result, Waterbury has continued to develop an intensive individualized program for children with Autism Spectrum Disorder at all levels. This program is a continuation of ABA practices and principals. There is collaboration between individuals working at all levels, so that the program has continuity at all levels. In addition, this year a part-time Board Certified Behavior Analyst (BCBA) will be hired to assist staff with educational and behavioral programming for autistic students (2008-2009)."

Connecticut (West Hartford Public Schools)

"Behavior services are provided throughout the district by West Hartford's Behavioral Specialists. A referral procedure is initiated with a record review, visits and observations, contact with parents, and a consultation with the student's general education teacher and special education support staff. Specific intervention may be provided, documented and monitored. The consultant will participate in strategies, SATs, 504 meetings and PPTs as needed. In addition, the district employs four full time Board Certified Behavior Analysts (BCBA). District BCBA's support students and staff through consultation, behavior analysis, development of behavior support plans, and staff training."

Florida (Collier Public Schools)

"Behavior Specialists are trained in Applied Behavior Analysis (ABA) techniques, classroom management strategies, individual behavior intervention plan development, data collection techniques, discrete trail training, and strategies for positive behavior support. Collier County Public Schools currently employs Behavior Specialists, Board Certified Behavior Analysts, Board Certified Associate Behavior Analysts and School Psychologists to provide these services. Behavioral Specialists are available to provide services at cluster school sites for students with Autism Spectrum Disorders (ASD) and Emotional/Behavioral Disabilities (E/BD) who demonstrate behaviors which significantly impede their learning. These Specialists work collaboratively with educators, administrators, other school personnel and families to ensure that students with severe behavior difficulties receive effective interventions. To impact student change, such as an increase in achievement, direct observations and measurement of behaviors occur in the classroom and other educational settings. By looking at the data, Behavior Specialists assist the Individual Education Planning (IEP) team in designing interventions which will

result in increased student achievement. In addition to the cluster school sites, all schools provide positive behavior support services to students who may have behaviors that are interfering with learning. School Psychologists work collaboratively with school teams in developing appropriate interventions based on individual student needs."

Florida (Orange County Public Schools)

"Behavior Analysts consult and collaborate with school based behavior teams to design, implement, train and evaluate formal Behavior Intervention Plans. The formal Behavior Intervention Plans are written using information collected using a Functional Assessment or Analysis. These plans may include complex reinforcement schedules and/or restrictive behavior procedures in order to decrease maladaptive behavior. Typically, most of their professional time is spent supporting students with emotional/behavioral, intellectual or physical disabilities. These are the students who display the most complex behavior problems. In addition, Behavior Analysts also conduct a variety of trainings throughout the district. Some of the trainings include: ABA Principles, Instructional Methodologies, Teachers' Guide to Behavior Assessment, Restraint/Seclusion overview, Collaboration with Outside Agencies, VB-MAPP and Data Collection. Currently there are 7 District Based Behavior Analysts serving students within OCPS."

Florida (St. Lucie Public Schools)

"The Behavior Services Department uses the science of Applied Behavior Analysis to teach students the skills they need to be successful in the educational setting. Behavior Analysts serve schools as Support Professionals providing consultation to Problem Solving, Student Study and Individual Educational Planning Teams. Behavior Analysts assist school staff in classroom setup, instructional methods and staff training. They address the function, or reason for a student's maladaptive behavior and attempt to teach one that is functionally equivalent. In other words, the goal is to teach the student socially appropriate ways to access their educational environment. Skills such as learning to wait, asking for help and building peer relationships are just some of the areas that may be addressed. These abilities are crucial to a student's educational success. On some occasions, students need more intensive interventions than classroom consultation. In that case, Behavior Analysts will complete a Functional Behavior Assessment and write specific Behavior Intervention Plans for a student."

Hawai'i (Across All Islands - HIDOE)

Currently our keiki in the Hawai'i DOE are being denied access to licensed behavior analysts and therefore access to FAPE under I.D.E.A.

Indiana (Clear Creek Elementary)

(Mark Howard ICASE 2017 Presentation) "Understand applied behavior analysis (ABA) and its history, recognize one way in which ABA has been applied in the public school setting, demonstrate understanding of paraprofessional training in an ABA classroom, explore collaborative relationships between ABA centers and public

schools, understand challenges and limitations of implementing intensive ABA in public school settings and compare the differences between the application of ABA in public schools and in ABA/autism centers, explore additional evidence-based practices complimentary to ABA, and review student specific student outcomes."

Massachusetts (Bedford Public Schools)

"The Board Certified Behavior Analyst (BCBA) will train and collaborate with all staff, in order to support students with behavioral challenges throughout the school day. The BCBA will evaluate, observe, support and train students and staff in the development and implementation of behavioral strategies and programs, as appropriate and necessary. Data collection and observations are essential to the BCBA's ability to complete individual Functional Behavioral Analysis (FBA) and Behavioral Intervention Plans (BIP) with greater effectiveness."

Massachusetts (Boston Public Schools)

"Increased numbers of students identified annually and successfully implemented, students Receiving ABA Services, increased internal staff capacity and decreased contracted service providers, provided 275 hours of Professional Development for over 300 teachers, paraprofessionals, related service providers, and administrators, conducted 26 site visits to substantially separate classrooms in collaboration with school leaders and provided verbal and written feedback for classroom improvement, provided ABA services in 69 schools."

Massachusetts (Braintree Public Schools)

"The Elementary ABA program is designed to meet the academic, social and behavioral special needs of students with a diagnosis of Autism Spectrum Disabilities. Students in this program generally function in the significant range of the disability. The degree and scope of the expressive and receptive language development of students in this program may vary widely but are generally deficient. Social and behavioral growth may be poorly developed."

Massachusetts (Cambridge Public Schools)

"Applied Behavioral Analysis (ABA) Specialists design goals and objectives to address the learning needs of students on the Autism Spectrum who require discrete trial programming. ABA Specialists gather behavioral data on students and complete Functional Behavior Assessments (FBA), and may develop individual or group Behavior Intervention Plans to gradually diminish negative behaviors and increase positive behaviors. They also support learning and facilitate opportunities for a student's integration into general education classrooms when needed."

Massachusetts (Canton Public Schools)

"Individualized programming for children with Autism Spectrum Disorders using the principles of applied behavior analysis to increase skill acquisition and decrease maladaptive behaviors. Regular review of data and programming, training of staff and regular consultation to classroom and families is provided by a Board Certified Behavior Analyst (BCBA). Services include: Functional Behavior Assessment (FBA),

assessments for school or transportation refusal, classroom-wide behavior support, Individualized behavior support, consult to academic instruction, and parent training. Comprehensive programming for children with ASD using the principles of applied behavior analysis to increase skill acquisition and decrease maladaptive behavior includes review of data and programming, training of staff, and regular consultation to the classroom by a BCBA".

Massachusetts (Clinton Public Schools)

I appreciate your patience, but I wanted all to know that students have been receiving services and that we do, indeed, have BCBA support in the Clinton Public Schools. Kathleen Buchanan | Director of Special Education

Massachusetts (Danvers Public Schools)

"ASD Class" – The students in this program are students with Autism Spectrum Disorder (ASD) requiring intensive specialized instruction who might otherwise not be able to learn in a public setting. The staff is highly trained in ASD, ABA (Applied Behavioral Analysis) and de-escalation strategies. The highly qualified lead teacher is Special Education Certified. Each student is paired with a paraprofessional. A BCBA consults with the staff regularly. The students are mainstreamed as much as possible depending on their individual needs."

Massachusetts (Milton Public Schools)

"Applied Behavior Analysis (ABA) is a very structured and systematic teaching approach which breaks down learning into small discrete units, which are taught in small steps. Data is collected to monitor individual progress. The District contracts with New England Center for Children (NECC) to provide services to significantly disabled children with Autism Spectrum Disorders. Specifically designed to meet the educational and social needs of children with autism, the Partners model utilizes the instructional curriculum, training and supervision systems that have been developed at NECC. All programs are derived from the NECC Curriculum and NECC's Autism Curriculum Encyclopedia. Individual 1: 1 Applied Behavior Analysis (ABA) and Discrete Trial Training are employed, along with opportunities for supported inclusion in regular education classrooms throughout the school day. Parents are encouraged to participate in a two hour a month home training program conducted at the student's home provided by the student's NECC-trained tutor to review, model and discuss home issues."

Massachusetts (Holyoke Public Schools)

"Holyoke Public Schools provides a continuum of services for students with autism from preschool through high school. Our IEP teams determine the most appropriate programs and services, based on each student's level of need. Our students are educated in the least restrictive environment, and we follow a team-based approach to provide the most comprehensive services, delivered by a variety of service providers. Parents are the most important members of our teams."

Massachusetts (Newton Public Schools)

"Guide to Special Education Programs and Related Services: An inclusion based intensive approach to Applied Behavior Analysis (ABA) instruction. The services include a combination of supported inclusion, discrete trial sessions, small group activities and incidental teaching strategies to students. The program is based on the principles of Applied Behavior Analysis and Positive Behavior Supports with a focus on the use of individualized Behavior Support Plans incorporating function - based strategies including functional communication training (FCT) and positive reinforcement systems."

Massachusetts (Salem Public Schools)

"Typically developing peers are educated alongside students with some significant communication and social challenges who may have a diagnosis in the Autism Spectrum or other global delays within a highly structured, safe and learning environment. The peers attend the program during the mornings allowing more intensive services to be provided in the afternoons to the students on IEPs. The curriculum includes language lessons incorporated into early literacy, science, social studies, math, life skills, and therapies. Social and play skills instruction is integrated throughout the curriculum. The principles of Applied Behavioral Analysis are embedded in the instruction. The use of positive reinforcement, success oriented activities and the utilization of sensory integration strategies provide students a functional framework to focus on personal goals. Special needs students and their families may participate in home-school services and some individual discrete trials as part of their program if deemed appropriate per their IEP."

Massachusetts (Sharon Public Schools)

"Sharon Public Schools currently support the needs of students with Autism Spectrum related disabilities in one of our 3 full-year district wide ASD Programs (Heights and Middle). These students may also have difficulties in physical functioning, sensory motor skills, adaptive functioning, fine motor skills and/or self-help skills and focus on a highly specialized and individualized program using the principals of Applied Behavior Analysis.

Often, students placed within the ASD Program model complete most of their academic content in a smaller learning environment using Discrete Trial Instruction or ABA -Based Learning, and enjoy social experiences within the larger school community. Some students experience inclusion opportunities for academic or social connections for part or most of their school day. Staffing includes: Staffing includes: special education teacher/BCBA, speech/language therapists, occupational and physical therapists, guidance counselors and psychologists. Individual Team decisions determine the student's daily schedule and level of supports needed within the ASD and general education settings."

Massachusetts (SEEM Collaborative)

"The SEEM Collaborative provides a full range of services to students within our member district schools. Each student receives the blend of services needed to best support his or her unique needs and to enable academic, social, and emotional advancement. SEEM staff work closely with member district staff and parents to assess student progress and determine future treatments and placements. Applied Behavior Analysis: Applied Behavior Analysis (ABA) is the science of systematically studying variables that influence behavior (Sulzer-Azaroff and Mayer, 1991). SEEM Collaborative currently employs several Board Certified Behavior Analysts (BCBAs), who provide and supervise ABA services, for students ages 3-22. Five main areas of service are provided: consultation to SEEM Collaborative schools; consultation to member and non-member public school districts; direct and consultative home services; assessments; and ABA-based trainings. SEEM Collaborative provides district-based professional learning workshops in the following areas: Behavior Analysis (ABA), English Language Education, Social Emotional, Leading Educational Access Program (LEAP), Transition, Assistive Technology, and Special Education."

Massachusetts (Watertown Public Schools)

Experience working with students on the Spectrum, implementing programs, and collecting data under the supervision of a BCBA, implement services and collect data under the supervision of a BCBA, provide home-based services, attend school-based professional development.

Massachusetts (Westwood Public Schools)

"Students in the Focus program require highly individualized, consistent, intensive special education and related services. The methodology and/or supports may include: Applied Behavior Analysis (ABA), direct teaching, small group functional academics, communication skills, daily living skills, orientation and mobility, functional vision use and highly specialized assistive technology. Integrated approaches are utilized to assure medical, orthopedic and augmentative communication techniques are cohesively adjusted for optimal student learning. Inclusive opportunities, through reverse inclusion and purposeful participation within general education environments allow students to be a part of the school community. Community based instructional opportunities may be available for generalization of skills such as socialization, community awareness and exposure, functional mobility and safety skills.

Staffing: Each classroom is staffed with a special education teacher (MADESE certified in early childhood) and instructional assistants as needed. An Applied Behavior Analysis (ABA) Tutor provides services both in and out of the classrooms, as needed. A Board Certified Behavior Analyst (BCBA) consults to the program weekly."

Maine (MADSEC)

"Building Sustainable ABA Programming in the Public School Setting - Why develop ABA programs in the public schools? The successes and challenges of developing

intensive special education services within the public school. Implementing services in community schools using public school staff and resources is a cost effective and tremendously beneficial."

New Jersey (Public Schools)

In August 2014, The New Jersey DOE's Office of Special Education Programs (OSEP) announced the creation of a job code for Board Certified Behavior Analysts (BCBAs).

New Jersey (Summit Public Schools)

"A full continuum of special education programs is available to students who have been evaluated by the Child Study Team and found to be eligible for special education and related services. When a student is determined eligible, an Individualized Educational Plan (IEP) is developed. The IEP describes, in detail, the student's special education program and is implemented after parents have given written consent. The goal of special education is to provide students who have been evaluated by the Child Study Team and found eligible for special education and related services with the opportunity for academic as well as personal growth and development. Each student is encouraged to seek the highest level of excellence in the least restrictive environment.

When a student is determined eligible for special education and related services, an Individualized Education Program (IEP) is developed by the IEP team. The IEP team, including the teachers, parents, case manager, and the student, when appropriate, determines the program that meets the student's learning needs. The IEP describes, in detail, the student's special education program and is implemented after the parents have given written consent.

To the extent possible, classified students are scheduled in general education classes in all areas of the curriculum. Some students may be scheduled part of the day in classes taught or supported by special education teachers, while others receive all instruction in the general education setting with the appropriate supplementary aids and services."

New Jersey (Voorhees Township Public Schools)

"My name is Mrs. Demski and I am the Voorhees School District's Behavior Specialist. This is my fourth year working for the district. I am a Board Certified Behavior Analyst. I earned my bachelor's degree in psychology at Saint Joseph's University in Philadelphia. I earned my master's degree in Psychology with a concentration in applied behavior analysis from University of Maryland Baltimore County. I am a member of the Association for Behavior Analysis".

New York (AHRC)

"ABA is a significant component of all NYC schools. In our preschools, there are dedicated ABA classrooms for students with autism. Educational programming, behavioral support, and classroom arrangement all reflect best practice ABA. The Program Coordinators' and BCBAs comprehensive data collection plans and forms

help provide consistent monitoring of students' progress. To ensure high-quality programming, staff receives pre-service and in-service training in ABA practices. ABA classrooms are continuously observed to guarantee that the students with ASD in these environments receive the appropriate instruction" (NY 2017).

North Dakota (Fargo Public School District)

"The Board Certified Behavior Analyst (BCBA) provides behavior analysis services and behavior management plans for both students who receive special education and students who are receiving supports through the Multi-tiered System of Supports (Tiers 2 and 3). The BCBA will be the supervisor for the school district's Positive Behavior Interventionist and Technician program throughout the elementary schools. The BCBA will also be responsible for providing professional development opportunities for certified and non-certified Fargo Public Schools staff, participate in district level committees."

Pennsylvania (ABAinPA)

"The ABA in PA Initiative is a 501 (c)(3) nonprofit advocacy organization made up a parents, industry professionals, and lawmakers dedicated to change the future for all children in Pennsylvania with Autism Spectrum Disorder (ASD) by ensuring access to Applied Behavior Analysis (ABA) therapy via Medical Assistance. The ABA in PA Initiative aims to bring the autism community together as one united voice to urge Pennsylvania and private sector to listen to our concerns and take immediate action to address the service gap for ABA. It is our firm belief that, working together, we can assure that our children get the care they need, when they need it!"

Pennsylvania (Department of Education)

"The Pennsylvania Department of Education addressed the need for a competency-based program for trained staff in applied behavior analysis by initiating the credentialing process in behavior analysis. As a result, the development of a training program designed around Functional Behavioral Assessment in public school settings has emerged. A practical tool for school teams, the Functional Behavioral Assessment Worksheet, has been developed using Applied Behavior Analysis principles and procedures. This article discusses the uses and benefits of the Functional Behavior Assessment Worksheet."

Rhode Island (Barrington Public Schools)

"Social emotional resources and positive behavioral supports are provided through a tiered continuum and are accessible to all elementary school students. They are developed and monitored through the collaborative effort of several school-based teams which meet on a regular basis: the MTSS, RTI, PBIS, and School Improvement teams. The MTSS teams additionally participate in district wide meetings four times a year. The teams are multidisciplinary in nature and may include regular and special educators, a school psychologist, a school social worker, a behavior analyst, a speech and language pathologist, the guidance counselor, and an administrator. Other therapists, teacher assistants and the school nurse may be involved on some teams."

Virginia (Alexandria Public Schools)

"Autism Spectrum Disorder (ASD) affects behaviors such as social interaction, communication and development of relationships with others. Support for teachers who provide instruction to students with Autism Spectrum Disorders in Alexandria City Public Schools is provided by an Autism Resource Specialist and a Board Certified Behavior Analyst (BCBA). Tenets of Best Practice: Effective instruction for students on the Autism Spectrum should include the following: Intervention approaches should be individualized to match a child's current developmental level and his or her profile of learning strengths and weaknesses, intervention for young children should be based on our current knowledge of child development, an intervention approach should directly address the core characteristics of ASD, intervention approaches should demonstrate a logical consistency with their long-term goals and teaching protocols, and intervention approaches should be derived from a range of sources."

Virginia (Fairfax County Public Schools)

"Our program supports the special education instruction of students with autism and related disorders."

Virginia (DOE - 2015)

"While neither the federal nor Virginia Regulations address other uses of FBAs and BIPs, both sets of regulations require that, as a part of IEP development, when a student's behavior impedes his learning or that of others, the IEP team must consider the use of positive behavioral interventions, strategies and supports to address the behavior. A BIP is, by regulatory definition, one means of addressing interfering behaviors. As a result, although not directly addressed in the regulations, the VDOE has taken the position that, when an IEP team has conducted an FBA and developed a BIP for a student with a disability whose behavior interferes with his learning or that of others, that BIP must be treated as a part of and implemented with the same fidelity as the remainder of the IEP. Practice recommendations contained in this document are based on applied behavior analysis principles. Information is presented for school employees, as long as they do not represent themselves as Licensed Behavior Analysts or Board Certified Behavior Analysts (BCBA) and do not practice behavior analysis professionally unless they obtain one of those licenses. The BCBAs are practitioners who have met the qualifications set by the national Behavior Analyst Certification Board (BACB). The terms and guidance contained in this document are not identical to BCBA practice or the qualifications set by the national Behavior Analyst Certification Board (BACB)."

West Virginia (Charles Town Public Schools)

"Jefferson County Public Schools partner with Private Behavioral Healthcare Provider to Serve Children with Autism (2013) - Grafton Integrated Health Network (Grafton) and Jefferson County schools have partnered to provide services for children with autism in TA Lowery Elementary classroom in Charles Town, West Virginia. Historically, local school systems would identify resources to serve children with significant behavioral, intellectual and developmental challenges

within their schools and on occasion, would transport children to facilities outside of their state when necessary. In the spring of 2013, Grafton leaders approached Jefferson County Public Schools about a possible collaboration to serve students within the schools at Jefferson County. Jefferson County public school officials responded enthusiastically to this project and their willingness to collaborate on this partnership confirms their strong commitment to students, families and teachers within their locality."

For more information and access to direct links, visit: www.forourkeiki.webs.com

HB-2271-HD-2

Submitted on: 2/22/2018 10:11:16 AM

Testimony for FIN on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeanette White	Individual	Oppose	No

Comments:

2/23/2018 HB2271, HD2

Good morning,

Chair Luke, Vice Chair Cullen and members of the House Committee on Finance,

My name is Jeanette White. I'm writing on my behalf of my 5 year old son.

At 3 years old, in public preschool, my son was restrained in a Rifton chair to prevent him from getting out of his seat. I didn't know it is for children that can't support themselves sitting up and not as a restraint. I only found out from the Autism Consultant Teacher (ACT) from the DES office when she came for a home visit. Nobody shared this info with our family. It was only after we asked. We were led to believe this was okay and it was completely normal.

How long would this have gone on had we not asked? Where was the psychologist to oversee the teacher and assist her on how to help my son? Who in the DOE was around to protect my son? A year later when my son finally received a para-professional in the classroom for support, who was there to help with a Behavior Intervention Plan? Only an unlicensed Behavior Health Specialist. Where was the licensed psychologist to help come up with a plan and over see an unlicensed/credentialed para-pro?

One day, I received an email from his teacher telling me that my son scratched the para-pro. Why was my son woken up early to attend an unnecessary assembly when they know he does not do well after a short nap? A properly trained and licensed behavior analyst would tell you it's better to forgo the assembly if it isn't necessary for him to attend then to have him lash out at the para-pro and his classmates at the assembly. This is just one example of why we need properly trained and Licensed Behavior Analysts and Registered Behavior Technicians to help my son and the classroom teachers.

Would you allow any unlicensed and untrained individual to perform any kind of procedure on you or your family member? I would not. Please don't allow this to happen to my son.

Senator Dela Cruz and Representative Fukumoto have been such a great help in contacting Superintendent Kishimoto to try to get us help with the DOE, but our issues remain unresolved.

I STRONGLY OPPOSE HB2271, HD2. Please help protect my son who will be a consumer of these services by UNCREDENTIALLED AND UNLICENSED direct support workers.

Sincerely,

Jeanette White

Email: jeanettew1@yahoo.com

From: drchloebuckley@gmail.com
To: [FINTestimony](#)
Subject: Testimony in SUPPORT of HB 2271_HD2
Date: Thursday, February 22, 2018 1:50:04 PM

Chloe Buckley
401 Kamake'e St. Suite 405
Honolulu, HI 96814-4261

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in **STRONG SUPPORT** of HB2271_HD2
RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

Aloha, I support House Bill 2271 HD2 which incorporates an amendment recommended by Hawaii Psychological Association (HPA) to clarify Psychologists' scope of practice in the area of Behavior Analysis. The current version of this bill addresses the need to provide behavioral intervention to a large number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

A large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Chloe Buckley, Ph.D.
8082773295

From: drjudyrocap@gmail.com
To: [FINTestimony](#)
Subject: Testimony in SUPPORT of HB 2271_HD2
Date: Thursday, February 22, 2018 1:45:05 PM

Judith Rocap
1231 Ala Alii St., #18
Honolulu, HI 96818-1880

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in **STRONG SUPPORT** of HB2271_HD2
RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

I support House Bill 2271 HD2 which incorporates an amendment recommended by Hawaii Psychological Association (HPA) to clarify Psychologists' scope of practice in the area of Behavior Analysis. The current version of this bill addresses the need to provide behavioral intervention to a large number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps assure that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

Many children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and other emotional and behavioral disorders.

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Judith Rocab
8084971644

From: kadooka.chu@gmail.com
To: [FINTestimony](#)
Subject: Testimony in SUPPORT of HB 2271_HD2
Date: Thursday, February 22, 2018 1:40:05 PM

Adrienne Kadooka
98-1236 KUAWA ST
AIEA, HI 96701-3427

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in **STRONG SUPPORT** of HB2271_HD2
RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

I support House Bill 2271 HD2 which incorporates an amendment recommended by Hawaii Psychological Association (HPA) to clarify Psychologists' scope of practice in the area of Behavior Analysis. The current version of this bill addresses the need to provide behavioral intervention to a large number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

A large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Adrienne Kadooka

From: drmechristopher@gmail.com
To: [FINTestimony](#)
Subject: Testimony in SUPPORT of HB 2271_HD2
Date: Thursday, February 22, 2018 1:15:06 PM

Michael Christopher
3734 Harding Avenue
Honolulu, HI 96816-3729

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in **STRONG SUPPORT** of HB2271_HD2
RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

I support House Bill 2271 HD2 which incorporates an amendment recommended by Hawaii Psychological Association (HPA) to clarify Psychologists' scope of practice in the area of Behavior Analysis. The current version of this bill addresses the need to provide behavioral intervention to a large number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

A large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Michael Christopher
8087343904

From: cynthia.janthony.phd@gmail.com
To: [FINTestimony](#)
Subject: Testimony in SUPPORT of HB 2271_HD2
Date: Thursday, February 22, 2018 12:55:04 PM

Cynthia J'Anthony
3061 Pualei Circle #302
Honolulu, HI 96815-4978

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in **STRONG SUPPORT** of HB2271_HD2
RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

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A large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Cynthia
8087785755



LATE

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

Date: 02/23/2018
Time: 11:00 AM
Location: 308
Committee: House Finance

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: HB 2271, HD2 RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS.

Purpose of Bill:

Department's Position:

Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance:

The Department of Education (Department) appreciates this opportunity to testify on HB 2271 HD2 as we continue to seek clarification on the scope and application of Chapter 465D in a school setting.

The Department's work to provide students with applied behavior analysis (ABA) in a school setting is a work in progress. We respectfully ask that this committee pass HB 2271 HD2 to allow for continued dialogue.

The Department is committed to continuing our discussions with the Hawaii State Teachers Association, Hawaii Government Employees Association, parents and other stakeholders about ABA as we must accomplish this work together. Students are our top priority and all parties are committed to finding common ground to improve our responsiveness to Hawaii's families.

HB 2271 HD2: Impact to Personnel

The Felix Consent Decree and Luke's Law have both served to ensure the Department provides a menu of services delivered by school based behavior health specialists and licensed and credentialed professionals to best meet the needs of students.

A school based behavior health specialist is a masters level mental health professional who provides mental and behavioral health counseling and intervention services supporting all students. These services are provided in the framework of a Positive Behavior Intervention System or as an Individualized Education Program (IEP)-related service. Within the

Department, these specialists are bargaining unit members of the Hawaii Government Employees Association.

HB 2271 HD2 would require the Department to:

- Review minimum requirements of approximately 800 Department employees (e.g., school based behavior health [SBBH] employees), which would result in displacement, reassignment and/or requiring employees to seek additional licensing. These employees serve about 10,000 students, 4,545 of whom have IEPs;
- Initiate displacement and/or reassignment of the SBBH employees. This would require the Department to procure licensed contractors to provide services to students; and
- Procure contractors to provide supervision for direct support workers (e.g., educational assistants) as defined in Section 2 (3)(B) who require supervision by a licensed behavior analyst. In Hawaii, a majority of registered behavior technicians (RBTs) are already working for or employed by private health care providers.

The Department continues to build capacity of existing personnel (refer to Table I). Based on original versions of this measure, the Department estimated 38 licensed behavior analysts (LBAs) and 575 registered behavior technicians will be needed based on 575 total students who are receiving ABA services. Pursuant to HB 2271 HD2, the Department anticipates the number of students receiving services will increase. This increase will require additional LBAs and RBTs to meet student service needs.

Costs. The cost of obtaining a Board Certified Behavior Analyst (BCBA) certification for LBAs has been estimated at \$20,000 per individual. This includes both graduate level coursework and required hours of supervision. RBT certification runs about \$1,100 per individual and comprises both didactic and performance training. It should be noted that a RBT must be supervised by a LBA in order to retain their credential. The cost is approximately \$12,600 annually per RBT.

Based on HB 2271, the Department anticipated initial program implementation costs to be approximately \$2.0M with additional post-implementation costs to sustain internal capacity. However, pursuant to HB 2271 HD2, the scope of students provided ABA services has been expanded which will likely translate to costs exceeding previous estimates. Further, the Department will need to procure services for students in need of SBBH services, as SBBH staff lacking or pending licensure will not be able to deliver those services.

Previous versions of this measure:

HB 2271. Clarified the scope of licensure for individuals engaged in the practice of behavior analysis in a school setting and ensures services identified in a student's IEP are provided by licensed and credentialed professionals.

HB 2271 HD1. Afforded the Department additional time to July 1, 2021 to address the work of a direct support worker as detailed in Section 2 (3)(B).

HB 2271 HD2: Challenges

- Limits the practice of behavior analysis in a public school system to a licensed behavior analyst only. Only these licensed behavior analysts would be able to deliver any behavioral intervention services to students with or without disabilities.

The Department recognizes the practice of behavioral analysis in the school setting for all students is valuable. However, required licensure requirements for the Department should be limited to practitioners designing and implementing an applied behavior analysis program for students who exhibit extreme behaviors and for whom less intensive interventions were unsuccessful.

As of February 1, 2018, 1909 students with Autism Spectrum Disorder (ASD) are enrolled in Hawaii public schools. Three hundred thirty-five (335) of the total 1909 ASD students, or 17.5 percent, have IEPs that include ABA services. All 335 of those students are receiving an ABA program. An additional 240 students who are non-ASD also receive ABA services per their IEP to support their learning. Given the broad application of HB 2271 HD2 in providing services to all students, the Department anticipates the scope of students who receive services will expand. Notably, due to the lack of licensed individuals statewide, the Department would not be able to satisfy the needs of all students.

- Broadens definition of the practice of behavior analysis, which limits teachers, school counselors, and other educators, not licensed as a behavior analyst, from effectively managing and supporting student learning.
- Restricts supervision of direct support workers (e.g., educational assistants). Direct support workers who implements a behavior analysis program as defined in Section 2 (3)(B) would only be able to be supervised by a licensed behavior analyst.

Thank you for this opportunity to provide testimony on HB 2271 HD2.

Table I. Building internal capacity.

The Department needs additional time to build its internal capacity of licensed behavior analysts (LBA) and credentialed paraprofessionals that provide evidence-based interventions as part of an ABA program.

HIDOE BACB (Behavior Analyst Certification Board) Credentialed Personnel				
District/ Complex Area	# of LBAs	# of Individuals in a BCBA* Training Program	# of RBTs	# of Individuals in a RBT Training Program
Honolulu District	1	0	0	10
Central District	1	4	1	21
Leeward District	0	15	0	44
Windward District	4	8	5	29
Hawaii District	0	4	0	30
Maui District	5	7	2	3
Kauai District	1	0	0	5
STATE	3	1	1	3

Total	15	39	9	145
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The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.

LATE

HB-2271-HD-2

Submitted on: 2/22/2018 6:30:17 PM

Testimony for FIN on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
William N. Arakaki	Department of Education	Support	No

Comments:

Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance:

As a Complex Area Superintendent, I would like to express my appreciation to the House Committee on Finance for hearing HB 2271 HD2.

I support the efforts of the Hawaii State Department of Education to provide students with applied behavior analysis in a school setting.

As the Department seeks clarification on the scope and application of Chapter 465D in a school setting, I am hopeful you will pass out this measure to allow for continued dialogue.

I am committed to Hawaii's keiki and families, and thank you for this opportunity to submit testimony on this measure.

Sincerely,

William N. Arakaki

Complex Area Superintendent

Kapaa-Kauai-Waimea

LATE

From: c.kehaulani@gmail.com
To: [FINTestimony](#)
Subject: Testimony in SUPPORT of HB 2271_HD2
Date: Thursday, February 22, 2018 5:00:05 PM

Christina Uemur
PO Box 334
Lawai, HI 96765-0334

February 22, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in **STRONG SUPPORT** of HB2271_HD2
RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

I support House Bill 2271 HD2 which incorporates an amendment recommended by Hawaii Psychological Association (HPA) to clarify Psychologists' scope of practice in the area of Behavior Analysis. The current version of this bill addresses the need to provide behavioral intervention to a large number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

A large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Christina Uemura
8086348201

LATE

HB-2271-HD-2

Submitted on: 2/22/2018 9:52:40 PM
Testimony for FIN on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Nancy Atmospera-Walch	Individual	Support	No

Comments:

Attached is my complete Testimony.

Honorable Representatives, I am truly asking you respectfully to support and pass HB 2271 HD2 as the Bill “broaden the exemption of licensed or credentialed practitioners practicing within their own recognized scopes of practice,” and by supporting HB 2271 HD 2, you will continue to follow the Developmental Disabilities Division Waiver Program Standard Operating Procedures.

However, I am begging all of you to CHANGE the effective date of HB 2271 HD 2 from July 1, 3000 to January 1, 2019 as the HRS 465-D will become effective in 2019.

Respectfully submitted,

(electronically signed /Nancy Atmospera-Walch)

Dr. Nancy Atmospera-Walch
DNP, MPH, MCHES, LNHA, CCHN, CMC, BSN, RN
President, AIM Healthcare Institute
President, ADVANTAGE Health Care Provider

February 23, 2018

LATE

Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance:

As a District Resource teacher, I would like to express my appreciation to the House Committee on Finance for hearing HB 2271 HD2.

I support the efforts of the Hawaii State Department of Education to provide students with applied behavior analysis in a school setting.

As the Department seeks clarification on the scope and application of Chapter 465D in a school setting, I am hopeful you will pass out this measure to allow for continued dialogue.

I am committed to Hawaii's keiki and families, and thank you for this opportunity to submit testimony on this measure.

Sincerely,
Alicia P. Miyashiro
Inclusive Practices Resource Teacher
Kauai Complex Area

LATE

HB-2271-HD-2

Submitted on: 2/22/2018 11:08:21 PM

Testimony for FIN on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dawna Moriarty	Individual	Oppose	No

Comments:

Aloha,

On July 4th, 2017 the BBC news published an online article about the Maori language of New Zealand expanding its vocabulary by 200 words and phrases to describe mental health among other issues. One of the key words that means the most to me to learn is "Takiwatanga", meaning "his or her own time and space" as the Maori's description of Autism.

I've known since his birth that my son was in his own time and space. It took the rest of the world five and half years to realize it too. He was "so smart", "too sweet", and "just normal enough" that no one wanted to see it until the most difficult of his behaviors in our settings happened in theirs.

Screaming, self-harm, physical aggression, and elopement which resulted in his school losing him for 45 minutes all had to happen before a skills trainer was provided by the DOE. The grace by which my child was returned by a retired couple in the neighborhood can never be thanked enough.

I'll say it again and please, read each word slower... It took losing my five year old child for 45 minutes, cops called, all disposable staff dispersed to help look for him, and me trying to drive 13 horrific miles to get from work to school before he was seen as a priority by the DOE.

Meanwhile my insurance had allotted six hours of ABA therapy based off what "data" the school had provided prior to the elopement and an initial analysis by the only ABA services taking clients on the island of Oahu at that time. Those six hours are precious and not one of them can be used in class. Not one.

Instead, a "skills trainer" with half as much knowledge as an ASD mother armed with google is assigned to him from bell to bell. Equally as upsetting is the low wages these trainers are paid. Additionally, there is no obligation from the DOE to provide any continuity of skills trainers. Which is vital for ASD children. This is not a reflection of the good-intentions and big heart the skills trainers I've met have, but a hard stare at the severe lack of understanding, training, and ability to allow ASD children opportunities to advance.

The talents, gifts, and attributes of all children would benefit greatly from many changes within our DOE, but today I can only testify on this change. Those 'In their own time and space' need specialists early, often, and in all settings to properly direct behaviors and teach appropriate skills to help them function in the surrounding world.

Mahalo,

Dawna Moriarty

From: val@jesusanswers.com
To: [FINTestimony](#)
Subject: Testimony in SUPPORT of HB 2271_HD2
Date: Friday, February 23, 2018 8:15:16 AM

LATE

Valerie Willman
P.O. Box 25
Eleele, HI 96705-0025

February 23, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in **STRONG SUPPORT** of HB2271_HD2
RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

I support House Bill 2271 HD2 which incorporates an amendment recommended by Hawaii Psychological Association (HPA) to clarify Psychologists' scope of practice in the area of Behavior Analysis. The current version of this bill addresses the need to provide behavioral intervention to a large number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

A large percentage of children with autism and other disorders have mental health related problems. Their teachers and families would benefit from having access to professionals, such as psychologists, who are trained to design and implement behavioral interventions and have knowledge of emotional and behavioral disorders, including anxiety, clinical depression, and externalizing disorders.

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Dr. Valerie Willman
8086450742

LATE

From: dr.greta.kugler@gmail.com
To: [FINTestimony](#)
Subject: Testimony in SUPPORT of HB 2271_HD2
Date: Thursday, February 22, 2018 11:05:18 PM

Greta Kugler
4-1101 Kuhio Hwy, Unit 1271
Kapaa, HI 96746-4651

February 23, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in **STRONG SUPPORT** of HB2271_HD2
RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

I Thoroughly Support House Bill 2271 HD2 which incorporates an amendment recommended by Hawaii Psychological Association (HPA) to clarify Psychologists' scope of practice in the area of Behavior Analysis. The current version of this bill addresses the need to provide behavioral intervention to a large number of students with behavioral challenges in the Department of Education (DOE). HPA's recommended amendment helps by assuring that competent, behaviorally-trained clinicians from psychology and other licensed professions and their supervisees - as well as Licensed Behavior Analysts and their supervisees - can be utilized by the DOE to provide behavior plans and can serve Hawaii families in a variety of other settings. This prevents an unnecessary narrowing of the behavioral health workforce and a monopoly by one certifying agency by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

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Thank you for the opportunity to provide testimony on this important topic!

Sincerely,

Greta L. Kugler, PsyD

LATE

From: jayaschapiro@gmail.com
To: [FINTestimony](#)
Subject: Testimony in SUPPORT of HB 2271_HD2
Date: Thursday, February 22, 2018 8:30:11 PM

Dr. Schapiro
2474 Liliuokalani Street
Kilauea, HI 96754-9675

February 23, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Dr. Schapiro
9177339828



From: hwtanner@gmail.com
To: [FINTestimony](#)
Subject: Testimony in SUPPORT of HB 2271_HD2
Date: Thursday, February 22, 2018 8:30:09 PM

Halona Tanner
46-213 Kalali St.
Kaneohe, HI 96744-4128

February 23, 2018

Sylvia Luke
Chair, House Committee on Finance

Dear Representative Luke:

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, February 23, 2018, 11:00 am
Conference Room 429, State Capitol, 415 South Beretania Street

Testimony in **STRONG SUPPORT** of HB2271_HD2
RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

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Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Halona Tanner, Psy.D.
8082821081