

JOSH GREEN, M.D.  
GOVERNOR



KEITH T. HAYASHI  
SUPERINTENDENT

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

**Date:** 03/21/2023  
**Time:** 02:10 PM  
**Location:** 309 VIA VIDEOCONFERENCE  
**Committee:** House Education

**Department:** Education

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

**Title of Bill:** SB 0105 RELATING TO EDUCATION.

**Purpose of Bill:** Changes the Department of Education's quarterly report requirement on autism spectrum disorder to an annual report.

**Department's Position:**

The Hawaii State Department of Education (Department) supports SB 105 which requests changing the mandated reporting requirement for Act 205, Session Laws of Hawaii 2018, from quarterly to annually.

An annual report will better represent data regarding services provided to students across the Department throughout the year. A yearly report provides a more useful representation of significant trends as quarterly reports often do not differ significantly as Applied Behavior Analysis (ABA) services have stabilized within the Department.

The Department stands ready to provide data on ABA services as needed upon request.

Thank you for the opportunity to provide testimony in support of SB 105.

**SB-105**

Submitted on: 3/21/2023 12:52:44 AM

Testimony for EDN on 3/21/2023 2:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Elento	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Rep. Nakashima, Chair, Rep. Sayama, Vice Chair, and Members of the House Committee on Consumer Protection & Commerce,

The description of SB105 is misleading as it does not include a substantive change to the statute that this bill seems to intend to change, in addition to reducing the number of reports to the Legislative required per year.

The DOE cannot accurately report the number of children who have been diagnosed with autism if the statute changes to include only students who have been made eligible for IDEA under the category of autism (and what about Sec . 504 requirements?).

Students diagnosed with autism by medical professionals, such as my child, have —

1. been determined by the DOE to not have autism for “educational purposes”
2. been identified in another IDEA eligibility category even though requirements of other eligibility categories are equally met
3. elected to receive IDEA services or revoked consent to the continuation of special education
4. entitled to medically-necessary ABA services under Medicaid’s EPSDT requirements and state statute. The DOE is a Medicaid provider and so are private service providers who are not allowed to provide services to students on campus.
5. are hidden from reports, services and budgets.

I am concerned of the Superintendent’s statements made in the Department’s testimony to the Senate Judiciary:

“quarterly reports often do not differ significantly as Applied Behavior Analysis (ABA) services have stabilized within the Department.”

“The Department stands ready to provide data on ABA services as needed upon request.”

My son has been without required ABA services for almost three months now. I am still aware of another student stuck in a loop of being diagnosed with autism by medical personnel and the behavioral and ABA needs are still not being fully evaluated or provided by the DOE because IDEA eligibility has already been established for the student in a non-autism category. Is this the kind of data that should be expected from the DOE?

Hold this bill. The current statute does not need to be changed.

Thank you for the opportunity to provide testimony **In Opposition to SB105.**