

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 1314, RELATING TO YOUTH MENTAL HEALTH.

BEFORE THE:

HOUSE COMMITTEE ON EDUCATION

DATE: Thursday, January 30, 2025 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Anne T. Horiuchi or Randall M. Wat, Deputy Attorneys General

Chair Woodson and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

This bill requires all department, private, and public charter schools to:
(1) develop plans to execute mental health check-ins with students grades six through twelve; (2) develop procedures for responding to discovered issues; (3) complete a check-in at least once per semester; and (4) document these mental health check-ins in the student's permanent file. This bill has the potential to turn an educational agency into a health care provider by imposing certain health and mental health service requirements. Because these requirements are outside the scope of the Department of Education's expertise, providing health care services could expose the department to potential liability and litigation.

Under the duties imposed by this bill, schools could be held liable if they fail to properly identify and address a student's mental health issue. If a student experiencing mental health issues were to suffer from or engage in harmful behaviors, the school could potentially be held responsible. This issue is compounded when schools may need to assess and monitor the mental health of thousands of students, many of whom have nuanced ongoing needs.

To allow schools to make good faith efforts in implementing these mental health check-ins, the Department suggests including a broad liability waiver at the end of each

proposed section. As such, the following language should be added to 302A-__ after page 2, line 20; to 302C-__ after page 3, line 14; and to 302D-__ after page 4, line 7:

(c) Any person, school, or private contractor of a school who acts or fails to act in accordance with the requirements of this section shall be immune from any civil or criminal liability arising from these acts or omissions, except where the person's, school's, or contractor's conduct would constitute gross negligence, willful and wanton misconduct, or intentional misconduct.

This suggested wording would help ensure that the schools, their personnel, and any private contractors hired by schools to conduct the check-ins can support student mental health needs without the fear that schools are taking on the duties normally applicable to health care providers. To the extent that private entities, nonprofit organizations, or governing boards associated with private schools or public charter schools might be exposed to liability, those entities could be included in the liability waiver added to 302C-__ and 302D-__, respectively.

Thank you for the opportunity to provide comments on this bill.



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

Date: 01/30/2025

Time: 02:00 PM

Location: 309 VIA VIDEOCONFERENCE

Committee: House Education

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Bill Title: HB 1314 RELATING TO YOUTH MENTAL HEALTH.

Purpose of Bill: Requires that all schools develop plans to execute mental health check-ins with their students grades six through twelve.

Department's Position:

The Hawaii State Department of Education (Department) respectfully provides comments on HB 1314.

The Department supports the intent to require schools to develop mental health check-in plans for students in grades six through twelve. Currently, the Department addresses mental health needs through the Student Support Process (SSP), a team-based framework that monitors student well-being. When a student reports mental health challenges, the SSP is initiated, and an emotional impairment rating scale (i.e., Behavior Intervention Monitoring Assessment System [BIMAS]) may be conducted. The BIMAS evaluates a student's emotional and behavioral health by gathering input from individuals such as teachers, parents, and caregivers, helping identify issues such as anxiety, depression, and aggression. The results guide targeted interventions and support strategies.

The school team analyzes data, including BIMAS results, to identify mental, emotional, and physical health concerns. The school team then creates individualized support plans, including counseling, behavioral strategies, or referrals to additional resources. The process is cyclical, ensuring that support is regularly monitored and adjusted to meet students' evolving needs.

Given the Department's existing processes and procedures, we believe the proposed requirements in HB 1314 are not needed. The Department remains committed to a data-driven approach that ensures students receive timely and effective mental health support.

Thank you for the opportunity to provide testimony on this measure.



HAWAI`I YOUTH SERVICES NETWORK

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Judith F. Clark, Executive
Director

Network Membership

Access to Independence
Big Brothers Big Sisters Hawai`i
Bobby Benson Center
Child and Family Service
Coalition for a Drug-Free Hawai`i
Domestic Violence Action Center
EPIC `Ohana, Inc.
Friends of the Children's Justice
Center of Maui
Get Ready Hawai`i
Hale Kipa, Inc.
Hale `Opio Kaua`i, Inc.
Hawai`i Children's Action
Network
Hawai`i Health & Harm
Reduction Center
Hawaii Island Community`
Health Center
Ho`ola Na Pua
Ho`okele Coalition of Kaua`i
Ka Hale Pomaika`i
Kokua Kalihi Valley
Kaua`i Planning and Action
Alliance
Lines for Life Youth Line
Maui Youth and Family Services
Na Pu`uwai Molokai Native
Hawaiian Health Care
Systems
P.A.R.E.N.T.S., Inc.
Parents and Children Together
PHOCUSED
Piha Wellness and Healing
Planned Parenthood of the
Great Northwest, Hawaii
Alaska, Kentucky, Indiana
Residential Youth Services
& Empowerment (RYSE)
Salvation Army Family
Intervention Services
Sex Abuse Treatment Center
Susannah Wesley Community
Center
The Catalyst Group

January 28, 2025

To: Representative Justin Woodson, Chair,
And members of the Committee on Education

Representative Gregg Takayama, Chair,
And members of the Committee on Health

COMMENTS ON HB 1314 RELATING TO YOUTH MENTAL HEALTH

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports the intent of HB 1314 Relating to Youth Mental Health.

Periodic school-based mental health check-ins with students can identify mental health concerns and trauma before they become serious and enable students to access mental health services.

In order to be effective, the Department of Education needs to identify select assessment tools. The teachers and counselors who administer the tools will need training. This requires funding and this bill does not include any funding allocation or mechanism.

And critically, we must have a robust system of mental health resources statewide to provide services to students and families who need them. At this time, we know that mental health resources are limited and not always accessible, particularly on neighbor islands.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark, MPH
Executive Director



**Testimony to the House Joint Committee on Education and Health
Thursday, January 30, 2025; 2:00 p.m.
State Capitol, Conference Room 309
Via Videoconference**

RE: HOUSE BILL NO. 1314, RELATING TO YOUTH MENTAL HEALTH.

Chair Woodson, Chair Takayama, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** House Bill No. 1314, RELATING TO YOUTH MENTAL HEALTH.

By way of background, the HPCA represents Hawaii's Federally Qualified Health Centers (FQHCs). FQHCs provide desperately needed medical services at the frontlines to over 150,000 patients each year who live in rural and underserved communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of healthcare.

This bill, as received by your Committee, would require public, private, and charter schools to develop plans to execute mental health check-ins with students grades six through twelve.

This bill would take effect on approval.

Hawaii's statewide public education system is student-centered and grounded on the principle of equity. Equity depends squarely on the State's ability to ensure that all children have the opportunity to pursue and excel in learning. The biggest challenge to children who are experiencing chronic absenteeism from public schools is health care. As a community, we must do more to ensure that our students have access to health care so that serious issues may be addressed early on.

Testimony on House Bill No. 1314

Thursday, January 30, 2025; 2:00 p.m.

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The COVID-19 pandemic and the subsequent closure of schools had created additional stress for Hawaii's children and their families. Ever present inflation, stagnant wages, and higher crime levels have all led to consequential impacts to families and especially the youth. FQHCs throughout the State have found an increase in the incidence of mental health issues. This is also seen in our schools where teachers and administrators have confirmed an increased in violence, absenteeism, and lower morale.

FQHCs have been providing and will continue to provide essential health care, including mental health services, to the complex of schools at or near their campuses. However, there is a serious lack of mental health professionals to adequately address the increased need for mental health services. Because of this, it is unclear whether Hawaii's public, private, and charter schools would have the professional expertise to adequately implement a mandatory check-in procedure. Such a requirement would also undoubtedly require additional staffing resources to do this

Despite this, conceptually, we believe this measure merits further discussion and to that extent, the HPCA urges your favorable consideration.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or eabe@hawaiiipca.net.

LATE

HB-1314

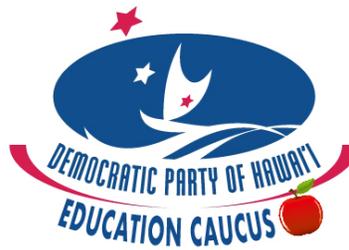
Submitted on: 1/29/2025 6:05:10 PM

Testimony for EDN on 1/30/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leslie Baunach	Hawaii Association of School Psychologists	Support	Written Testimony Only

Comments:

We support HB1314.



LATE

HOUSE BILL 1314, RELATING TO YOUTH MENTAL HEALTH

JANUARY 30, 2025 · EDN HEARING

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus **supports** HB 1314, relating to youth mental health, which requires that all schools develop plans to execute mental health check-ins with their students grades six through twelve.

Mental health is just as important as physical health. This is especially true for our keiki. According to the 2022 Kids Count Data Book, however, about 2,200 more children in Hawai'i struggled with anxiety and depression in 2020, a 23 percent increase compared with 2016. The report also estimated that 5.9 percent of children aged 3 to 17 had anxiety or depression in 2020, compared with 4.8 percent in 2016.

Moreover, according to Hawai'i Health Matters, **1 in 3 Hawai'i public school students in grades 6 to 12 felt so sad or hopeless almost every day for two weeks or more in a row that they stopped doing some of their usual activities.** Unfortunately, less than 25 percent of those teens received the help they needed.

In 2023, Hawai'i received more than \$4 million in federal funds to expand mental health services for youth, including roughly \$1.4 million for Hawai'i's Department of Health, \$800,000 for the Honolulu division of DOH, \$1.25 million for the alcohol and drug abuse division of DOH in Kapolei,

and \$400,000 for the Health and Harm Reduction Center. The legislature has also increased funding for mental health services in recent years, such as by establishing a mobile mental health clinic pilot project on multiple islands in 2023.

Nonetheless, mental health resources remain small when compared to the amount of funding devoted to physical health, both locally and nationally. To uplift our children's mental wellness and resiliency, we must devote additional support for youth mental health programs and services and continue making our response to the youth mental health crisis a top priority for our state.

Contact: educationcaucusdph@gmail.com

HB-1314

Submitted on: 1/28/2025 11:20:57 AM

Testimony for EDN on 1/30/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bronson Teixeira	Individual	Support	Written Testimony Only

Comments:

I support this measure

HB-1314

Submitted on: 1/28/2025 9:27:07 PM

Testimony for EDN on 1/30/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Olderr	Individual	Support	Written Testimony Only

Comments:

I support this this bill. Before the COVID pandemic, students were in a mental health crisis. They grow up in a world where, any day, their school could be shot up, the environment they are being dealt with is being destroyed, and at any moment, their rights can be stripped away. This takes a toll on the youth, and we must step in and help them overcome their problems one day at a time. Since most Keiki spend their time at school, it is the perfect place for mental health checks. Plus, this bill could normalize the idea of Keiki going out and seeking mental health care independently. It's a win-win situation, so I hope you support this bill.

LATE

HB-1314

Submitted on: 1/29/2025 6:22:44 PM

Testimony for EDN on 1/30/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Karlen Ross	Individual	Support	Written Testimony Only

Comments:

I write in strong support of HB1314 as it relates to the mental health of our public school students. It has been well established that today's young adults now face pressures and challenges that we did not have to deal with in our youth, and we have a responsibility to watch out for their interests in the schools, a place they spend most of their day. Thank you for your consideration.

LATE

HB-1314

Submitted on: 1/29/2025 11:30:51 PM

Testimony for EDN on 1/30/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brett Kulbis	Individual	Oppose	Written Testimony Only

Comments:

Chair Woodson, Chair Takayama and Committee Members,

My name is Brett Kulbis, I'm a 26yr Navy Veteran and Retired Civil Servant. I live in Ewa Beach.

I STRONGLY OPPOSE HB-1314.

This bill is an affront to parental rights. Parents have the right to consent to medical and mental health treatments for their children. This bill circumvents those rights.

This bill is also in clear contradiction to the State Department of Education's 'Here to Help' program which states it will "Collaborate with parents..." Nothing in this bill speaks of collaboration with parents.

I would also remind you that the United States Supreme Court has long held that parental rights are "among those fundamental liberty interests protected by the Fourteenth Amendment to the Constitution."

Respectfully, I STRONGLY encourage you to vote NO on HB-1314.