



S E A C
Special Education Advisory Council
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**Special Education
Advisory Council**

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Senator Rosalyn H. Baker, Chair
Committee on Commerce, Consumer Protection and Health
Hawaii State Capitol
Honolulu, HI 96813

RE: S.B. 2925 - Relating to the Practice of Behavior Analysis

Dear Chairs Kidani and Baker and Members of the Committees,

The Special Education Advisory Council (SEAC), Hawaii's State Advisory Panel under the Individuals with Disabilities Education Act (IDEA), **supports the intent** of S.B. 2925 with recommended changes as follows:

- 1) The definition and scope of the practice of behavior analysis as it appears in Chapter 465D will be clarified **for application in a school setting**, so that is neither overly broad nor overly restrictive.
- 2) An additional extension of time to January, 2021 will be given to the Department of Education to build its internal capacity of licensed behavior analysts (LBAs) and registered behavior technicians (RBTs) necessary to deliver Applied Behavior Analysis (ABA) services to students defined in the scope of practice in order to come into full compliance with Chapter 465D.
- 3) The Department will utilize contracted LBAs and RBTs, as necessary, when internal capacity is insufficient, to ensure that students with autism and other developmental disabilities who have ABA services included in their Individualized Education Program receive those services in a timely manner.
- 4) The Department will form a work group to include SEAC and other key stakeholders to assist in planning, developing capacity, implementing and evaluating its response to Chapter 465D.

SEAC testified in support of health insurance parity for Autism Spectrum Disorders in 2012, 2013, and 2014. Despite the efforts of



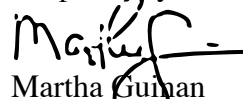
multiple stakeholders, all of these measures failed to pass. However, in 2014 a bill to create a cost study to identify the potential cost of insurers to cover autism spectrum disorders did pass with SEAC support. That lead finally, in 2015, to the passage Luke's Law requiring mandated health insurance coverage of autism diagnosis and treatment. That same year, the licensure law (Act 199, now Chapter 465D) was drafted to satisfy the requirement of the health insurance industry that medical coverage for autism be provided by behavior analysts who were fully licensed.

From the relatively narrow scope of Applied Behavioral Analysis as a 'gold standard' for the treatment of children with autism and other significant developmental disabilities, SEAC has seen the definition of the "practice of behavior analysis" in Chapter 465D interpreted so broadly by some groups as to include virtually all students, regardless of their disability, who have a need for a functional behavioral assessment to address behavioral issues that are impeding their academic and functional achievement. This overbroad interpretation is causing confusion in the field and has resulted in referrals to the Department of Commerce and Consumer Affairs (DCCA) for questionable violations of the licensure statute.

SEAC acknowledges that while all special education teachers (and many general education teachers) receive preservice training in the delivery of a multi-tiered approach to teaching, including basic behavioral interventions to support learning, not every teacher has the required skillset to deliver ABA services to a subset of students with complex behavioral and communication needs. At the same time, some teachers and SBBH staff, notably teachers who have gone through the severe autism teacher licensure program at the University of Hawaii and SBBH psychologists, are capable of and within the scope of their practice in conducting functional behavioral assessments and behavior intervention plans without the need for additional licensure.

Thank you for the opportunity to provide testimony. Should you have any questions, we would be happy to answer them. We look forward to working together with DOE and other key stakeholders in addressing issues that have been raised in this bill and ensuring that students receive appropriate services.

Respectfully,


Martha Guinan
SEAC Chair


Ivalee Sinclair
Legislative Committee Chair