



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

OFFICE OF THE SUPERINTENDENT

December 28, 2020

The Honorable Ronald D. Kouchi, President
and Members of the Senate
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki, Speaker
and Members of the House of Representatives
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the quarterly report on "Autism Spectrum Disorder and Applied Behavior Analysis" ending September 30, 2020, pursuant to Section 465D, Hawaii Revised Statutes. In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at: <http://www.hawaiipublicschools.org/VisionForSuccess/SchoolDataAndReports/StateReports/Pages/Legislative-reports.aspx>.

Sincerely,

A handwritten signature in blue ink, appearing to read "CK", is written over a light blue horizontal line.

Dr. Christina M. Kishimoto
Superintendent

CMK:ak
Enclosure

c: Legislative Reference Bureau
Office of Student Support Services



State of Hawaii
Department of Education

**Quarterly Report on Act 205 (2018)
Autism Spectrum Disorder and Applied
Behavior Analysis**

December 2020

Section 465D, Hawaii Revised Statutes, requires the Hawaii State Department of Education to provide a quarterly report on students diagnosed with autism spectrum disorder, students requiring applied behavioral analysis, staffing, and Medicaid reimbursements (Quarterly report ending on September 30, 2020).

Introduction

Section 465D, Hawaii Revised Statutes (HRS) defines what Applied Behavior Analysis (ABA) is and delineates who can design and implement ABA services.

The purpose of Section 465D, HRS, is to:

- 1) Clarify and standardize the terminology used to refer to behavior analysis and the practice of ABA;
- 2) Broaden the exemption of certain individuals and licensed or credentialed practitioners practicing within their own recognized scopes of practice; and
- 3) Require the Department to create an implementation plan to seek reimbursement of any Medicaid-billable ABA the Hawaii State Department of Education (Department) may provide to students diagnosed with autism spectrum disorder (ASD).¹

This report to the Legislature and the Hawaii State Board of Education is in accordance with Section 465D's reporting requirements and serves as the 3rd quarter report.

1) The number of students diagnosed with ASD

The Department does not know how many current students have been diagnosed with ASD as parent(s)/legal guardian(s) may not provide schools with this information. Furthermore, although a school may be provided with a student's medical diagnosis for the purpose of special education eligibility and evaluation, the Department does not have a database that tracks this information. Instead, the Department tracks the number of students currently eligible for the Individuals with Disabilities Education Act (IDEA) services under the ASD category. The official December 2019 ASD count is 2,088. (Office of Special Education Program 2019 Child Count).

2) The number of students with ASD as part of their IEP

Please refer to the response in bullet 1.

3) The number of students requiring ABA

Within the Department, 510 students receive ABA services as determined by their IEP team with 393 eligible as ASD.

¹The United States Department of Education regards ABA as a methodology and, as such, must be considered in the context of methodologies derived from other disciplines (Musgrove, M., 2015). Section 465D requires that ABA services in the Department are needed when a "student's behavior impedes their learning or the learning of others" and requires that the ABA Program be designed, monitored, and implemented by qualified ABA providers.

4) Staffing updates and needs

New behavior analytic positions have been established throughout the Department in accordance with Chapter 465D, HRS. These include Behavioral Technician, Behavior Analyst, and Behavior Analyst Teacher positions.

Updates

Department employees in Behavioral Technician position	35
Department Educational Assistants pursuing Registered Behavior Technician credentialing	42
Department employees in Behavior Analyst position	3
Department employees in Behavior Analyst Teacher position	12
Department employees pursuing graduate studies in Behavior Analysis and under Licensed Behavior Analyst supervision	36
Licensed psychologist doing ABA work	3
Contracted ABA Paraprofessionals/Registered Behavior (full-time & part-time) Technicians Credentialed under State ABA Contract	570
Contracted Licensed Psychologists/Licensed Behavior Analysts (full-time & part-time) Credentialed under State ABA Contract	95

Needs

	Qualified ABA Professionals Required for Assessment, Program Development and Supervision of Qualified ABA Paraprofessionals plus Training, Mentoring, Quality Control, and Program Oversight.	Qualified ABA Paraprofessionals Required to Implement
Number of Staff Needed	37	475

5) Medicaid reimbursement schedules and amounts

The Department’s School-Based Medicaid Claiming Program (SBMCP) continues to be impacted by the ongoing Coronavirus Disease 2019 (COVID-19) emergency and the corresponding prevention of many Department in-person services, alternate learning modes, and safety measures implemented by our schools for the safety of our students and staff. The Department’s Medicaid Reimbursement Section (MRS) restarted Medicaid direct service claims submission in December 2019 with a test claim. Claims submissions continued for Medicaid eligible services rendered prior to the March 4, 2020 COVID-19 Emergency Proclamation and the corresponding prevention of many Department in-person services through mid-May 2020, resulting in a gross reimbursement total for Fiscal Year 2020 of \$830,401. Direct service billing restarted in September 2020 for Fiscal Year 2021. Current gross reimbursement through November 9, 2020 is \$282,148.80.

The Department continues to concentrate its efforts on a tri-level (state, complex area, and school) basis to disseminate information, educate, and encourage compliance with Medicaid billing requirements. The Department's MRS has recently expanded its outreach and education initiatives through the implementation of new internal and external websites. Staff is available and responsive to concerns and questions and offers information and mini-training sessions as needed with the goal of maximizing submission of consent forms in support of the Medicaid reimbursement program.

The Department has received approximately 9,500 parental consent forms and continues to update this number as schools slowly reopen. On July 17, 2020, the Department's MRS conducted system-wide training regarding parental consent and other Medicaid billing requirements, including the introduction of a new form and procedure that may assist the Department in obtaining diagnosis and physician information. In addition, the Department staff continues to better monitor consent form submittals, verify accuracy and completeness, and follow-up as necessary to ensure forms received meet federal and the Department requirements.

The Department has also begun the expansion of its SBMCP from direct service claiming to include administrative claiming. This new phase in the Department's SBMCP is being developed in collaboration with the Department's partners, the Hawaii State Department of Human Services Med-QUEST Division and the Department's third-party administrator, the University of Massachusetts School of Medicine. The Department's MRS staff is excited to continue working with our partners towards maximization and expansion of the Department SBMCP as our schools reopen and our students return to school.

6) Licensure Updates

The Department can bill for medically-necessary related services directly provided to Medicaid-eligible students by School-Based Behavioral Health licensed healthcare providers. Please refer to the response in item 4 for a list of current and needed positions.

7) Any other information pertinent to the implementation of this Section 465D, HRS

The current COVID-19 pandemic has presented unprecedented challenges for public school systems across the nation. The Exceptional Support Branch of the Office of Student Support Services, complex areas, and school teams continue to work together to ensure that each student with a disability is provided the special education and related services identified in the student's Individualized Education Program, including ABA services, to the greatest extent possible through the various instructional models currently being utilized. The Department remains committed to navigating the ever-evolving circumstances COVID-19 presents to ensure ABA services continue to be provided to our students in accordance with Section 465D, HRS.