

**Date:** 02/03/2010

**Committee:** House Education

**Department:** Education

**Person Testifying:** Kathryn S. Matayoshi, Interim Superintendent of Education

**Title of Bill:** HB 2071 Relating to Education

**Purpose of Bill:** Provides a specific set of student rights and creates a mechanism by which the Department of Education's success at upholding these rights may be monitored and improved upon.

**Department's Position:** The Department does not support HB 2071. The Department already has policies in place to address the six student rights.

1. BOE #4010 A Student Code of Conduct policy. Developed collaboratively by the Hawaii State Student Council which is composed of student representatives from each school district; BOE; DOE; HSTA; HGEA; and the PTSA. Policy #4010 addresses attendance, punctuality, works habits, respect for self and others, respect for authority, respect for property, and freedom from fear.
2. BOE #4050 Student Rights and Due Process policy states: "Students in public schools of Hawaii shall be accorded the rights of personal and academic freedom guaranteed to them as citizens of our state and country."
3. Hawaii Administrative Rules Chapter 37 states: "A school lunch program shall be provided in the public schools for the purposes of providing students with a nutritious meal at a minimum cost...."
4. BOE #4160 Students' School Day policy states: " The students' day shall be based on no less than 30 hours per week...."
5. BOE #4200 Student Safety and Welfare Policy states: "The

Department of Education shall provide a caring environment conducive to the physical, mental, social, and emotional well-being of students while they are participating in school activities. Attention shall be given to the personal safety of each student during these activities and such attention shall include instruction in safety practices and attitudes; proper maintenance of buildings, grounds, and equipment; establishment and enforcement of proper rules of conduct at each school."

6. Hawaii State Constitution, Article X, Section 2 already allows for a nonvoting student member on the Board of Education. The BOE student representative except for voting privileges has all the responsibilities of other board members and is kept informed of all BOE business including collective bargaining information.

The Hawaii State Student Council has reviewed HB2071 and has decided not to support HB 2071 and companion SB2348.



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The Twenty-Fifth Legislature, State of Hawaii  
Hawaii State House of Representatives  
Committee on Education

Testimony by  
Hawaii Government Employees Association  
February 03, 2010

H.B. 2071 – RELATING TO  
EDUCATION

The Hawaii Government Employees' Association, AFSCME Local 152, AFL-CIO  
opposes HB 2071.

While we appreciate the efforts of the legislature with respect to a student bill of rights, this is a policy issue that should be left to the board of education. In particular, we do not agree that students shall be provided independent representation in the form of an appointed public high school student during collective bargaining negotiations that impact the public schools. The employer negotiation team should keep the interest of students in mind as they negotiate with the exclusive representatives.

We appreciate the opportunity to testify on H.B. 2071.

Respectfully submitted,

Leiomalama Desha  
Executive Assistant

Dear Representatives Takumi and Berg, and Education Committee Members:

I am Clare Hanusz, a lawyer in Honolulu, but today I am testifying as a member of Save Our Schools Hawaii, and as the mother of two children who are currently attending public school on Oahu. Our group is completely made up of concerned parents who have children in public schools around the state, and we would like to offer our support for HB 2071, which would provide student representation during collective bargaining negotiations, and would provide a mechanism for students to learn how well the school system is doing in providing Hawaii's keiki with a quality education.

As parents who have made a conscious choice to place our children in public schools, we applaud any effort by the state to improve the quality of education. We especially support this bill because it provides a voice to the one group that has been absent in the debate over the provision of public education.

Recent research released by the OECD cites a clear link between the ability of a nation-state to succeed economically and the quality of education it provides. Released on January 25, 2010, "The High Cost of Low Educational Performance", the OECD reports that the future cost of investing in sectors outside of education can be enormous. In other words, investing in business rather than education today results in a lower GDP tomorrow.

We hope that by including the voices here of those students who may help the state's economy in years to come, you and others in the legislature and elsewhere will be encouraged to consider the impact that reducing the number of school days has on children in Hawai'i.

In early December, we put out the call to find out what students thought about furlough Fridays and education in general. Over 500 submissions have poured in thus far, from Kindergarten to college students, and from Wai'anāe to Hawaii Kai. There are some common themes: stress from increased workload without teacher instruction; loss of learning, or as one student put it, "brain cells falling out of my head"; failure, or as one special ed student from Farrington put it, "I have dyslexia, and so now teachers are doubling up on their work and it's getting really hard, and I start to fail"; worry about the future and diminished potential.

When furlough Fridays began, students were angry. As the furloughs continued, kids began to come up with creative ideas to raise money for school, and to cope. Now that we have lived with them for a semester, kids are sad, stressed, and worried about their future. The submissions we received were full of messages like "I care, do you care?" We fear we are in danger of losing the next generation.

## berg1-Matthew

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 02, 2010 3:58 PM  
**To:** EDNtestimony  
**Cc:** threestars@hawaii.rr.com  
**Subject:** Testimony for HB2071 on 2/3/2010 2:00:00 PM

Testimony for EDN 2/3/2010 2:00:00 PM HB2071

Conference room: 309  
Testifier position: comments only  
Testifier will be present: No  
Submitted by: Linda Elento  
Organization: Individual  
Address:  
Phone: 235-7610  
E-mail: [threestars@hawaii.rr.com](mailto:threestars@hawaii.rr.com)  
Submitted on: 2/2/2010

**Comments:**

Dear Chair Sakamoto, Vice Chair Kidani, and members of EDH:

Before voting on this bill, I ask that you consider adding a section to give children with disabilities the right to inclusion: to meaningfully participate with typically-developing students in the entire course of a school day, not just part of the day. (Schools are getting away with saying the students are included because they are included in recess, lunch and art class only during a school day.)

According to DEC/NAEYC, "The defining features of inclusion that can be used to identify high quality early childhood programs and services are access, participation, and supports."

"Establish a system of services and supports that reflects the needs of children with varying types of disabilities and learning characteristics, with inclusion as the driving principle and foundation for all of these services and supports."

Thank you for the opportunity to share this information.

February 2, 2010

Committee on Education (EDN), House of Representatives  
State Capitol  
415 South Beretania Street  
Conference Room 309  
Attn: Chair Takumi

**Re: Support: HB 2071, Relating To Education**  
**Hearing Date: February 3, 2010**

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Dear Chair Takumi, Vice-Chair Berg and Members of the Committee:

My name is Randy Baldemor, and I write to express strong support of HB 2071 - the student bill of rights.

HB 2071 acknowledges and affirms basic student rights. Many of these rights are unassailable.

Some might question why there needs to be an acknowledgement of such rights in the first place. But recent history has shown how easily it is to overlook the interests of students. The circumstances leading to the school furloughs revealed the fact that we as a community need to be vigilant in protecting the quality of our children's education.

With the school furloughs, the children and the parents are the primary victims. Student learning has been compromised by closed door collective bargaining negotiations in which students had no opportunity to express their concerns. This bill will ensure that students have some basic safeguards and protections.

The bill will also help to ensure that the student rights are monitored on an annual basis. The community has a right to know whether the education system is preserving student rights and this bill provides an impartial mechanism for evaluating the system's effectiveness. Importantly, the A, B, C, D, F grading system is in a form that will be very easy for the community to understand. It is a grading system with which we can all identify. Through such an easily understandable system, we invite parents and the community to be more engaged.

By aligning priorities to student interests, we signal and reaffirm the fact that we are a community that values our children and their important role in Hawai'i's future. We set a basic foundation for a more prosperous Hawai'i - one where every child has hope and opportunity to achieve their dreams.