

**Date:** 03/09/2010

**Committee:** House Education  
House Higher Education

**Department:** Education

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

**Title of Bill:** SB 2349, SD2 Relating to Extracurricular Activities

**Purpose of Bill:** Allows home-schooled students to participate on an equal basis in extracurricular activities offered at the public school they would otherwise be required to attend.

**Department's Position:** The Department of Education supports SB 2349, SD 2 but recommends elimination of the words "during or" cited in the definition of "extracurricular activity" as described in section "c". This is to minimize confusion of activities that are instructional programs within the school day.

Date of Hearing: March 9, 2010  
Committee: House Committee on Education  
House Committee on Higher Education

Person testifying: Neal Takamori, President  
ADCA (Athletic Directors and Coaches Association of Hawaii)

Testimony on SB 2349

On behalf of the Athletic Directors and Coaches Association of Hawaii (ADCA), we are opposed SB 2349.

There are many concerns that are not addressed in the bill that will create tremendous conflicts and problems if not addressed. The following are some of the concerns.

1. **Philosophy:** When parents choose to home school their children, they not making a conscious choice to opt out of the public education experience, which includes extra curricular activities of which athletics are a part of, and provide their children with an alternative educational program. Isn't the participation in athletics a privilege and not a right as established in many court cases around the nation?
2. **Funding:** Public Schools are funded by the Student Weighted Formula. What will be the formula for funding athletics for home schoolers? How will it be determined? Currently, allocation to the DOE is based on per pupil enrollment in schools. Will schools get additional funding? What about the class dues students are required to pay that support extra curricular activities or the costs of participation of a student in a single sport?
3. **Eligibility:** Public school students must abide by the 2.0 GPA rule and other DOE and School standards, rules, and policies. Who will monitor the Home School and the child? Are we creating a double standard with home schooled children as opposed to public schooled children? (example: a child is failing all his courses which renders him ineligible to participate in athletics and extra-curricular activities. The parents decide to home school him to enable him to participate, because under their grading, he can receive all passing grades.) We can foresee a multitude of potential abuses. In Florida, entire golf and tennis tennis teams were comprised of home-schoolers.  
Establishing years of participation would be a problem (National Federation rules is 4 consecutive years from entering the 9<sup>th</sup> grade). We can verify the records of a student in public school but will have problems of accountability in verifying home schoolers.
4. **DOE Standards, Rules, and Policies:** Who monitors this? A public school environment is more accountable for consistency and fairness for all students. The DOE does not accept credits from Home Schoolers. I believe largely due to the lack of accountability with academic standards.
5. We have **State transfer rules**. Who will monitor this rule: example... if a home schooler participated at another school?
6. There are many other senerios that concern the athletic directors across the State, including athletic directors from the private schools that do not allow home schoolers to participate at their schools. A major concern against this bill is the opportunity for illegal recruitment.
7. In addition, there are numerous community leagues and activities that home schoolers can participate in.

8. Special Notes: This Legislature is currently evaluating some bills addressing:

- a. consistent curricula and assessment (SB 2567)
- b. “highly qualified teachers” to teach students
- c. Financial accountability

TO THE HOUSE COMMITTEE ON EDUCATION  
TWENTY-FIFTH LEGISLATURE  
Regular Session of 2010  
Tuesday, March 9, 2010  
2:30 p.m.

**TESTIMONY ON SENATE BILL NO. 2349 SD 2 –  
RELATING TO EXTRACURRICULAR ACTIVITIES**

TO THE HONORABLE ROY TAKUMI, CHAIR, AND COMMITTEE MEMBERS

My name is Drake Boyer and I am a homeschooled student in my sophomore year. I am testifying in strong support of Senate Bill No. 2349, which would allow homeschooled students to participate in extracurricular activities such as sports, cheerleading, music, etc.

The problem with current law in Hawaii is that homeschooled students are not able to fully pursue their goals at a high school level. Six-time Pro Bowler Jason Taylor was able to compete with his local high school football team in Pennsylvania even though he was homeschooled in his 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> grade years. More recently, Tim Tebow of the Florida Gators football team and winner of the 2007 Heisman Trophy, the most prestigious award in college football, was homeschooled his entire life! Just nine years before his freshman year of high school, the state of Florida passed a law to allow homeschooled students to participate in extracurricular activities at their local schools. It took only sixteen years to produce a homeschool Heisman Trophy winner. Imagine what talent Hawaii may be losing out on!

I personally have been affected by the current law preventing homeschoolers from participating in extracurricular activities. As my teammates on the Kuikahi Volleyball Club and other island players improve their skills during this current high school season, I am left to sit in the stands and wonder, what if...

I thank this committee for the opportunity to present testimony on this matter and ask that this bill be passed.

TO THE HOUSE COMMITTEE ON EDUCATION  
TWENTY-FIFTH LEGISLATURE

Regular Session of 2010

Tuesday, March 9, 2010

2:30 p.m.

**TESTIMONY ON SENATE BILL NO. 2349 SD 2 –  
RELATING TO EXTRACURRICULAR ACTIVITIES**

TO THE HONORABLE ROY TAKUMI, CHAIR, AND COMMITTEE MEMBERS

My name is Elli Boyer and I am an 8<sup>th</sup> grade homeschooled student from Makakilo. I am testifying in strong support of Senate Bill 2349 SD 2 which allows homeschooled students to participate in extracurricular activities such as sports, cheerleading and band.

I support this bill because I believe that homeschool participants and players can enhance different clubs and teams with their skills and abilities. They can also bring a new perspective of schooling to their fellow public school peers. If this bill were passed, homeschoolers would have the opportunity to be team players and interact with other kids that have the same passion for their sport and other activities as they do. I enjoy being taught at home, but with homeschooling, it is difficult to play team sports because there are not enough other kids that are being homeschooled to make up an entire team or play in their own league.

I currently belong to a private volleyball club called Impact. In the fall, when the Hawaii schools have their girls' volleyball season, all club practices must end. I am not able to continue building my skills like my teammates because homeschoolers are not allowed to participate in the school league.

I thank the committee for opportunity to share my testimony and ask that you pass SB 2349 SD 2 to allow homeschoolers to participate in extracurricular activities.

TO THE HOUSE COMMITTEE ON EDUCATION  
TWENTY-FIFTH LEGISLATURE

Regular Session of 2010

Tuesday, March 9, 2010

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**TESTIMONY ON SENATE BILL NO. 2349 SD 2 –  
RELATING TO EXTRACURRICULAR ACTIVITIES**

TO THE HONORABLE ROY TAKUMI, CHAIR, AND COMMITTEE MEMBERS

My name is Cissy Boyer and I am a homeschool mother and resident of Makakilo. My husband and I have two children which we have homeschooled all their lives: a son in the 10<sup>th</sup> grade and a daughter in the 8<sup>th</sup> grade. I am strongly in favor of SB 2349 SD 2 which would allow homeschooled students the opportunity to participate in extracurricular activities with their designated public school. It is true that as parents, we have chosen to educate our children on our own. Along with that decision, comes the reality that present Hawaii state law does not allow us certain opportunities, specifically within the public school system.

It is a requirement in Hawaii that families that wish to homeschool must notify their designated public school of this decision. In addition, at the end of each school year, parents are required to submit a portfolio of the year's work or have their child take a standardized test and submit the results. We have always chosen to do the outside testing as a way to gage how our children are learning. I am proud to report that both our students have consistently scored in the 90 percentile each and every year since kindergarten. Our high schooler is also a member of the homeschool National Honor Society.

When most families I know have made the decision to homeschool, it is because they are passionate and take serious the job of raising their children. As parents, we are truly concerned about the attitude and behavior of our kids as well as the academic achievements. We make great sacrifices for one parent to stay home and might even decide to give up "extras" in order

to survive in Hawaii on one income. But most of these families are devoted to nurturing their children to excel in areas that they show interest or have an aptitude in.

Of course there is potential for various abuses to the system if homeschoolers were allowed to participate at their perspective neighborhood schools. As expected, we, as their parents are the ones giving out grades to our own children. Legitimate questions of validity may occur. It must be noted, however, that colleges are now aggressively pursuing homeschool students to come to their campuses to contribute to their institutions. If these colleges accept grades (and test scores) administered by parents, why not public schools? I have also heard the argument that allowing homeschoolers to participate in the schools might bring up recruitment issues for kids that were especially gifted. (This is not a typical situation.) Added financial strain on an already depleted education budget could also be a concern. I know our family would be willing to contribute our fair share of the financial requirement.

As a homeschool family, we realize that there are private clubs, teams and organizations that our children can join – and we have taken full advantage of many of these opportunities. Unfortunately for my two kids that are members of private volleyball clubs, when the Hawaii school league is in session, all private teams cease training until the season has concluded. It is during this time that my children are forced to train on their own or watch from the sidelines.

In conclusion, passage of this bill could be a win-win for all involved: the schools get additional students that could actually enhance their programs, the homeschool families get to participate in added activities, but most importantly, our keiki in Hawaii get to grow and excel in areas that they have true passion and abilities.

Thank you for hearing my testimony on SB 2349 SD 2. As a homeschool parent for the past eleven years, I would be happy to participate in any further discussions involving this proposed legislation. I can be contacted at 387-2072.

John Chung  
1120 Nehoa St.  
Honolulu, Hawaii, 96822  
Testimony Before the  
HOUSE COMMITTEE ON EDUCATION  
March, 9 2010  
Room 309, State Capitol  
Testimony Relating to Senate Bill 2349

:

I would like to offer testimony opposing Senate Bill 2349, Relating to Extracurricular Activities. This bill requires the Department of Education to allow children that are home schooled to participate in extra curricular activities at the public school they would otherwise be required to attend.

My name is John Chung and I am the Athletic Director at Roosevelt High School. I strongly oppose SB 2349 because of the inequities that this bill will provide for those that are home schooled. This bill will also provide loopholes to parents that are more concerned with having their child participate in athletics versus doing well academically.

At all public schools, we grade check our student athletes. Besides grades, we also look at the student's attendance, attitude and behavior in the classroom. These factors will determine whether or not a student can participate. How will we get an accurate account of the home schooled student's behavior if we have to rely on the parent to provide this information to us? Will the parent tell us that their child is being insubordinate to them? If parents will be responsible for submitting their children's grades to us, how will we know if the grades are accurate? I am not saying that the parents will submit a passing grade so their child will be eligible, but how can we make sure that it won't happen. Our students at Roosevelt are graded by six different teachers. Each may have their own grading system. A home schooled student will be graded by only one person. Is this fair to the public school student?

Another inequity that may arise if home schooled children are allowed to participate is that a parent may take their child out of the public school setting and decide to home school them a few weeks prior to the end of the quarter or semester. This may be done in order to make them eligible for competition. I don't think that this bill addresses that issue.

If SB 2349 is passed it may also lead to students moving to districts to play for a certain school. This may happen because of grades or because they want to play for a certain school. If that happens I don't think that it would be fair for someone who is home schooled to take a spot on a team from someone who is attending the school on a daily basis.



Prior to entering their child in high school, parents have a choice that they must make. Do I enroll my child in a private school, public school or do I choose to home school my child. Depending on what the parent decides, will determine what is offered to their child. Some private schools have programs that some public schools don't have. That's one reason that some parents send their children to a private school. My point is that parents have the right to choose home schooling. They must understand that if they choose that route to educate their child then certain programs may not be available to them. They know this prior to choosing this type of education.

Home schooled students currently do have an opportunity to participate in athletics. Just about every community has a Parks and Recreation league. Besides that, there are many club teams that offer basically the same level of participation as the high schools. Being that home schooled students will not be subjected to specific school rules and regulations, I truly believe that the Park and Recreation leagues will meet the needs of the home schooled student.

Sincerely,

John Chung

NOTICE OF HEARING

DATE: Tuesday, March 9, 2010  
TIME: 2:30 p.m.  
PLACE: Conference Room 309  
State Capitol  
415 South Beretania Street

In Opposition to  
**SB 2349, SD1 (SSCR2144): Relating to Extracurricular Activities**

Testimony submitted by Laynie Sueyasu, Athletic Director, James B. Castle High School

I would like to state my strong opposition to SB 2349, SD1. There are several reasons that this measure should not be passed:

1. **Beliefs:** Historically and presently, there is a major philosophical difference in students who are home schooled and the public school attendees. Parents chose to provide the education best fit for their children that were other than that for the general population. This was a conscious choice to exclude their child from the public school environment and we have honored their decision over the years to facilitate that exception from compulsory school attendance.
2. **Eligibility:** Participation in co-curricular activities by a public school attendee requires meeting prerequisites before and during the period of the activity—course and grade requirements based on the Hawaii Content and Performance Standards, obligation-free, behavioral expectations according to Chapter 19, and in certain activities to ensure fair competition, residency requirements. There is no fair, unbiased, and equivalent method of gathering information to determine or monitor the eligibility of a home-schooled child.

Home-schooled students have many opportunities to participate in voluntary community activities that do not require external controls and monitoring, other than those that are self imposed, for children from elementary through high school—Honolulu Youth Symphony, Theatre for Youth, Little/Big League baseball and softball, football, year round clubs for volleyball, basketball, soccer, swimming, track and field, and bowling, USTA for tennis, Junior Golf, online advanced courses, and many more.

3. **Resources:** Schools are allocated general funds to secure the necessary resources to operate school activities by the Weighted Student Formula and vary from school to school depending on their characteristics. These funds are based on only those students that enroll and attend the school from the official enrollment count date in August. Schools must secure supplemental finances in order to operate programs that are not adequately funded by the

system. Additionally, students attending public school have mandatory dues to support their class activities and in most cases must fund-raise for their class or specific activity to minimize their expenses. There is no viable fee structure and accounting system for non-attendees that would be fair and equitable without additional resources and/or strain on school personnel to monitor and hold participants accountable.

We all pay taxes for government services. But, we do not choose what our individual payments support. If we were to calculate which portion of our individual taxes pays for public education, the figures would be insignificant. It is our collective funds that you as decision makers determine to which service has the priority. Therefore, the task at the individual school to calculate how much home-schooled children should pay to participate in any one activity is analogous and would be enormous.

There would be major negative impact on public schools, a strain on our limited resources and funds, and inequitable requirements for our attending students, should this bill pass. Thank you for allowing me to submit my input.



## **ATHLETIC DEPARTMENT**

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Senate Twenty-Fifth Legislature

## **COMMITTEE ON EDUCATION**

Rep. Roy Takumi, Chair  
Rep. Lyle B. Berg, Vice Chair

## **COMMITTEE ON HIGHER EDUCATION**

Rep. Jerry Chang, Chair  
Rep. Mark. M. Nakashima, Vice Chair

Testimony: SB 2576, SD1(SSCR2573)  
Relating to Extracurricular Activities

I am Leroy Simms Jr., the Athletic Director of Hilo High School, a board member of the Athletic Directors and Coaches Association (A.D.C.A.) representing the Big Island and I am OPPOSING, SB 2576, SD1 (SSCR2573), Relating to Extracurricular Activities that would allow home-schooled students to participate on an equal basis in extracurricular activities offered at the public school they would otherwise be required to attend if they meet certain requirements.

While the requirements of the DOE would be to consult with the A.D.C.A. of Hawaii during its rule-making process which would take effect 7/1/2050 is a step in the right direction, to support legislation for participation in extracurricular activities for a special interest group would be counter productive to the privileges of participation that others have the benefit of.

Furthermore, the injurious outcomes that our state athletic associations of the Big Island Interscholastic Federation, Maui Interscholastic League, Oahu Interscholastic Association, Kauai Interscholastic Federation, as even the Interscholastic League of Honolulu have experienced over the years due to having transferring student athletes move from one school to another has been negative, unfavorable and challenging the very integrity of high school athletics in many of our districts.

To integrate home schooled student athletes into the issue undermines the current state of eligibility processes, including and not limited to; academics, liability, league, state or school fees and dues, recruiting, and eligibility, while providing an additional set advantages to them.

Currently, I alone, since October of 2009, have two major transfer issues of high profile student athletes who play baseball which are being deliberated by personal advocates, along with the DOE, BOE and the HHSAA. Each of the families have warned us of legal interventions.

This school year as to date I have had over twenty three transfers of student athletes, each requiring a well brought-up, amount of time, energy and other resources to determine their eligibility as student athletes mediating their outcomes.

I urge you to OPPOSE , SB 2576, SD1 (SSCR2573), Relating to Extracurricular Activities that would allow home-schooled students to participate on an equal basis in extracurricular activities offered at the public school they would otherwise be required to attend if they meet certain requirements.

Thank you for allowing me to provide you with this testimony. I would respectfully be available to respond to you and your questions or concerns at your convenience. Please feel free to contact me regarding this matter.