

SB2452

Date: 02/03/2010

Committee: Senate Education and Housing

Department: Education

Person Testifying: Kathryn Matayoshi, Interim Superintendent of Education

Title of Bill: SB 2452 RELATING TO TRANSPORTATION OF SCHOOL CHILDREN.

Purpose of Bill: Requires the Department of Education to provide suitable transportation to and from school and for educational field trips for all children in grades kindergarten to twelve and in special education classes.

Department's Position: The Department of Education has concerns about this bill, which would make the provision of student transportation mandatory instead of optional. The Department does not presently provide transportation to and from school for children attending public schools in the Honolulu district, unless the students require curb-to-curb services, and it leaves to individual schools the responsibility for arranging transportation for educational field trips. If the effect of the bill would be to require the Department to provide school bus service in the Honolulu district, it would require additional funds. If the effect of the bill would not require the Department to provide school bus service in the Honolulu district or where adequate public transit service exists, or to provide a subsidy for educational field trips, the bill would not have any effect on the Department's operations and the Department would not have a position on the bill.



Via E-mail: EDHTestimony@Capitol.hawaii.gov
Committee: Committee on Education and Housing
Hearing Date/Time: Wednesday, February 3, 2010, 1:15 p.m.
Place: Room 225
Re: Testimony of the ACLU of Hawaii Supporting SB 2452, Relating to Transportation of School Children

Dear Chair Sakamoto and Members of the Committee on Education and Housing:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of SB 2452, which requires the Department of Education to provide suitable transportation for children for school and field trips.

The lack of adequate transportation is a significant barrier to educational success for many children, and particularly for homeless and low-income families. During the course of litigating *Kaleuati v. Tonda* (the class-action suit challenging the Department of Education's failure to implement the federal McKinney-Vento Homeless Assistance Act), we received testimony from homeless families explaining how young children and parents routinely spent two hours – each way – to get to and from school. We also heard from young children forced to walk on dangerous highways, in the dark, just to get to school on time. There are many children and families that spent extraordinary amounts of time, money, and energy just to get to school, and we urge the Legislature to remove these barriers to ensure equal educational opportunities for all of Hawaii's children.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel M. Gluck". The signature is fluid and cursive.

Daniel M. Gluck
Senior Staff Attorney
ACLU of Hawaii

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February 3, 2010

**TESTIMONY BEFORE THE SENATE COMMITTEE ON
EDUCATION & HOUSING
ON SB 2452 RELATING TO TRANSPORTATION OF CHILDREN**

Thank you Chair Sakamoto and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) which has over 400 transportation related members throughout the state of Hawaii.

HTA supports this bill.

Educational field trips adds so much to the classroom lesson, and all students should have the opportunity to experience them no matter where they go to school.

However, transportation opportunities are not equal and those students without, or with less, opportunities need to be provided for.

Thank you.

Hawai'i Needs School Bus Service

Testimony by Ken LeVasseur – 239-5875
Advocate for Parents and Children on School Bus Issues

REGARDING

SB 2452

Please require school bus service for our school children. The statistics on school bus safety are not refutable by anyone. Riding a school bus to and from school is much safer than any other form of transport. Students being forced onto already overcrowded city busses that do not go directly to schools, exposes these children to unprecedented potential for harm by elements of our society that are kept away from schools and school busses. Think of the liability! Yet this is what the Board of Education / Department of Education is doing! Something has to be done! The BOE needs guidance from the Legislature.

- Pedophiles are not prohibited from riding city busses.
- The DOE is creating enormous liability issues by giving out free city bus passes to low income students and facilitating a serious truancy issue.
- Will low income students effectively get to and from school on time, or will some students come home later in the evening because they have a free bus pass courtesy of the DOE?
- Those free city bus passes are also good to go to the mall or beach, etc.
- The city does not currently have enough money, busses or drivers to expand service.
- The plan will threaten the Federal Transit Administration grants that OTS gets to operate the city bus because federal law prohibits city busses from substituting for school bus service.
- A special bus pass, only good to go to and from school, would threaten the FTA funds even more because it documents the plan to slash school bus service.
- This violation is in:

Code of Federal Regulations

Title 49--Transportation

CHAPTER VI--FEDERAL TRANSIT ADMINISTRATION, DEPARTMENT OF
TRANSPORTATION

PART 605--SCHOOL BUS OPERATIONS

- Approximately, 600-800 school children a year are killed during school bus service hours in the US because they were not on school buses, (NRC study, 2002, etc.).
- Half of those students were in cars driven by high school age siblings.
- Traffic gridlock around schools will be worsened by more parents and siblings driving students to school.

- Students who walk and ride bicycles will encounter the increasingly dangerous area around their campus that will be created by gridlock.
- With no school bus service, school bus contractors will have to sell their school busses to pay creditors. There will be very few school busses left in Hawai'i. Once gone, there will be no way to get them back unless you spend a lot more money.
- Grades K-5 are required by law to ride school buses for excursions. With no school buses in the islands, Hawai'i's elementary students will not be able to go on excursions any more.
- For the upper grades, the allowed motorcoaches cost three times as much. Middle and High school students will not have enough money to take excursions or travel for sports.

Please do not allow the BOE / DOE to reduce school bus service. The Legislature could also move Student Transportation out of the DOE and put it under the Department of Transportation? Student Transportation was once in the Department of Accounting and General Services and was moved into the DOE almost a decade ago. At least the DOT understands safety and mass transit! There is even another bill in the Senate that could pay for school bus service out of part of the fuel tax (SB 2789). Please pass this bill to preserve school bus service!

Mahalo.

Hawaii School Bus Association
47-114 Waihua Road
Kaneohe, HI 96744
Phone: (808)239-6755
Fax: (808)239-9221

February 2, 2010

Senator Norman Sakamoto, Chair
Senator Michelle Kidani, Vice Chair
Committee on Education and Housing
Hawaii State Capitol, Room 225
Honolulu, HI 96813

RE: SB2452, Relating to Transportation of School Children

Dear Chair Sakamoto, Vice Chair Kidani and Members of the Committee:

The issue of whether or not the school bus is the safest, most efficient, most environmentally friendly way to transport children to and from school is not in doubt. It is.

That there is a need to transport children to and from school is not at issue either. The need clearly exists.

The law, however, now states that the Department of Education *may* provide suitable transportation to and from school and for educational field trips for all children in the public schools.

The law further states that the department has the authority to adopt such policies and etc., as it deems necessary to provide suitable transportation.

Because the law is discretionary, because of that three letter permissive word "m a y," the Department of Education can do away with school bus service whenever it chooses, and it has clearly and unequivocally, set in motion plans to do so. In fact, over the past year, the Board of Education has devoted dozens of policy making hours to the question of whether or not to do away with the school bus service on Oahu and statewide. The Department of Education staff has been tasked with writing many recommendations on the issue. The issue is still up in the air.

The legislature has to make itself understood on what in fact is the policy for our state on this issue. Because the Board of Education and the Department of Education have both clearly indicated that they will sacrifice the safety of the children to save money, and that they are doing it, not because it is good policy, they know that it is bad policy, but because the law says that by the use of the word "may," that they can.

Senator Norman Sakamoto, Chair
Senator Michelle Kidani Vice Chair
Committee on Education and Housing
February 2, 2010
Page 2

I hasten to point out that it only dire circumstance which drives them to these decisions. They didn't want to have the shortest school year in the United States, or in any developed or developing country. They don't want to have one of the shortest school days in the United States or in any developed or developing country. They don't want to have one of the most unsafe, unsuitable transportation systems for our school children the United States, or in any developed or developing country—but they feel that they have no choice, because the money isn't there to adequately operate our public schools safely and well.

And because they feel that they have to do what they are doing, they do it. Even though they know that it s bad policy and that other laws and policies are diametrically opposed to what they are feeling forced to do.

It is incumbent on the Legislature of the State of Hawaii to not pass this buck and to make the policy clear and unambiguous. We will have a school system that works and the department ***"shall"*** provide suitable transportation to and from school.

Thank you for the opportunity to testify.

Sincerely,

Leatrice Gomes
President

sakamoto2 - Erin

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 31, 2010 1:26 PM
To: EDH Testimony
Cc: Cetaman@aol.com
Subject: Testimony for SB2452 on 2/3/2010 1:15:00 PM

Testimony for EDH 2/3/2010 1:15:00 PM SB2452

Conference room: 225
Testifier position: support
Testifier will be present: No
Submitted by: Kenneth LeVasseur
Organization: Individual
Address: 47-389 Ahaolelo Road Kaneohe, HI 96744
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E-mail: Cetaman@aol.com
Submitted on: 1/31/2010

Comments: