

SB2790

Date of Hearing: Friday, February 19, 2010

Committee: Senate Committee on Education and
Housing

Person Testifying: Garrett Toguchi, Chairperson, Board of Education

Title of Bill: S.B. No. 2790, Relating to Education

Purpose of Bill: Requires timely notification to parents and legal guardians by an instructional staff member or school administrator on potentially controversial issues that are scheduled to be discussed in the classroom or through another school activity. Specifies procedures for potentially controversial issues to be discussed in the classroom or through a school activity. Requires the Board of Education to establish penalties for non-notification to parents and legal guardians.

Board's Position: Chairperson Sakamoto, Vice Chairperson Kidani, and members of the Senate Committee on Education and Housing, thank you for the opportunity to submit testimony on S.B. No. 2790.

The Board of Education (Board) opposes this bill. Existing Board Policy 2210, "Controversial Issues Policy," specifies that the depth of discussions shall be determined by the maturity of the students, and that student discussion of issues that generate opposing points of view are considered a normal part of the learning process. The discussion and sharing of issues support critical thinking skills and help students to become more informed citizens. Discussion that reflects all points of

view with objectivity contribute to the recognition of opposing viewpoints, the importance of fact, and the ability to study, question, and interpret relevant facts.

Department of Education Regulations 2210.1, "Controversial Issues Regulations," address parent notification of potentially controversial issues and procedures for schools to follow. The Department also has processes and procedures for addressing personnel issues.

For these reasons, the Board believes that this bill is unnecessary.

Thank you for the opportunity to testify on this measure.



**STATE OF HAWAII
BOARD OF EDUCATION**

P. O. BOX 2360
HONOLULU, HAWAII 96804

Senate Committee on Education and Housing
Hearing: Friday, March 19, 2010 at 1:30 p.m. in Room 225
Testimony in **Strong Opposition to SB2790**, Relating to Education

Chair Sakamoto, Vice-Chair Kidani & Members of the Committee:

Passing SB2790 will negatively impact public education in the following ways: stifle the learning process and the development of critical thinking skills; give teachers more paperwork and less teaching time; and impose excessive costs to schools that must provide every single adverse student a unique controversy-free alternative learning activity.

Board Policy 2210, Controversial Issues Policy, states, in relevant part: "Student discussion of issues which generate opposing points of view shall be considered a normal part of the learning process in every area of the school program. . . . Stress shall be placed on learning how to make judgments based on facts." (Emphasis added.)

Whereas the Board considers discussions with "opposing points of view" a normal part of the learning process, SB2790 would deem all such academic discussions as abnormal and something parents should be able to protect their children from.

Excellent teachers encourage educational opportunities to arise organically. Ideally teachers will create environments where students can ask questions and other students feel comfortable exchanging their insights. If a discussion with opposing viewpoints begins to take place, SB2790 would force teachers to stop all such discussions for fear that they will be sanctioned, have their license revoked or forced to take a leave of absence.

If every parent were prompted to demand a controversy-free education suited for their particular sensibilities, the costs to schools would be staggering. Imagine how many separate classrooms would be needed to ensure there was no cross contamination of what one parent might consider a safe "alternative learning activity" with what another parent might consider to be just as "potentially controversial".

The Department of Education General Learner Outcomes include "the ability to demonstrate critical thinking". Without opposing points of view, there would be nothing to critique and nothing to think critically about.

I urge this committee to oppose SB2790 because it is antithetical to learning, overly broad and excessively costly. Thank you for your thoughtful consideration.

Kim Coco Iwamoto, Esq.
State of Hawaii Board of Education Member, Oahu-at-Large

Date: 02/19/2010

Committee: Senate Education and Housing

Department: Education

Person Testifying: Kathryn Matayoshi, Interim Superintendent of Education

Title of Bill: SB 2790 Relating to Education

Purpose of Bill: Requires timely notification of parents and guardians and procedures for when potentially controversial issues are to be discussed in school.

Department's Position: The Department of Education (Department) does not support S.B. No. 2790. Board Policy 2210 and Department Regulations 2210.1 adequately address parent notification of potentially controversial issues and procedures for the school to follow. Regarding penalties for instructional staff or school administrators, the Department has processes and procedures in place addressing personnel issues. BOE Policy 5110 addresses disciplinary action for teachers. Because of the current efforts by the Board of Education and the Department, we believe that the Bill is not necessary.

February 12, 2010

To: Senator Norman Sakamoto, Chair
And members of the Committee on Education

From: Judith F. Clark, MPH
Executive Director

Testimony in Opposition to SB 2790 Relating to Education

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, opposes SB2790.

HYSN opposes this bill because:

- It is unnecessary because adequate regulations are already in place within the Department of Education and they are consistently enforced;
- It could deter schools from teaching any topic that could possibly be considered controversial by a few individuals in subjects such as science and history (e.g., theory of evolution or history of the Hawaiian Monarchy).

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark
Executive Director
Hawaii Youth Services Network
677 Ala Moana Blvd., Suite 702
Honolulu, HI 96813
531-2198

For hearing on Friday, February 19, 2010; 1:30 p.m. in Room 225



Senator Norman Sakamoto, Chair
Senator Michelle Kidani, Vice Chair
Senate Committee on Education and Housing

Aloha Chair Sakamoto and Vice Chair Kidani,

We respectfully submit testimony in **opposition to SB2790** that requires parental consent when a teacher is to discuss a controversial topic.

We are concerned with the overly broad scope of the language of this bill. SB2790 defines "Controversial issue" as any topic that "can reasonably be expected to generate opposing points of view or considerable discomfort or agitation."

In addition to the broad scope, the bill seems overly punitive, setting out heightened requirements that include written notification, timelines for notifications, and sanctions. The sanctions are particularly troubling. In our opinion, requiring sanctions against teachers and instructional staff that effect licensure and require mandatory leaves of absence **would have a chilling effect on teaching.**

Given that the bill's language is broad, vague *and* punitive, we are fairly certain that teachers and principals would decline to teach any topic that might be controversial to someone. Those topics most certainly would include medically accurate sex education. This is troubling since Hawai'i has witnessed a rise in teen pregnancy and STD's in recent years. But sex education is not the only controversial issue out there. A discussion of Islam, global warming, evolution and even universal healthcare might provoke someone's ire.

As a final point, SB 2790 is unnecessary. Both BOE and the Department of Education (DOE) have adopted rules regarding controversial issues. BOE Policy # 2210 and DOE Regulation 2210.1 together require that prior to class discussion of a potentially controversial issue instructional staff must consult with the school principal and send parents written notification. Parents have the right to deny their child's participation in the lesson.

Since this policy is already in place and does give parents the right to opt out it seems unfair and indeed dangerous to consider putting a further damper on diversity and debate in our public educational system. Democracy requires an educated electorate. Without exposing our public school children to a broad variety of issues, opinions and scientific facts real education will become the province of those privileged few who attend quality private academic institutions.

Please do not pass this bill out of committee.

Regards,

(original signed)

Democratic Party of Hawai'i Women's Caucus



**Strong Opposition to HB 2790
RELATING TO EDUCATION**

Senate Committee on Education and Housing

February 19, 2010, Hawai`i State Capitol, Room 225, 1:30 p.m.

To: Sen. Norman Sakamoto, Chair and Sen. Michelle Kidani, Vice Chair
Members of the Senate Committee on Education and Housing

From: Ron Menor, Chair, NaFFAA Region XII

Description: Requires timely notification of parents and guardians and procedures for when potentially controversial issues are to be discussed in school.

Dear Sen. Sakamoto, Sen. Kidani, and Senate Committee Members of Education and Housing:

As Chair of the National Federation of Filipino American Associations Region XII, I submit strong opposition to this bill. NaFFAA respects the concerns of parents who care about their children's education. However, the consequences of this bill are punitive to teachers, administrators, and students, who on a daily basis engage in discussion or study of controversial issues, defined as having opposing views. In essence, the direction of this bill leads to restriction of academic freedom and censorship, which endangers the schooling of an informed and civil society that is capable of communicating effectively in order to resolve controversy. For these important reasons, NaFFAA opposes any measures that will stifle critical thinking and learning about our complex world in Hawai`i's public schools.

NaFFAA Region XII represents the interests of Filipinos in Hawai`i, Guam, and the Commonwealth of Northern Marianas Islands. NaFFAA Region XII is an affiliate of the National NaFFAA. Washington policy-makers, private industry and national advocacy groups recognize NaFFAA as the Voice of Filipinos and Filipino Americans throughout the United States. We are a non-partisan, non-profit national affiliation of more than five hundred Filipino-American institutions and umbrella organizations that span twelve regions throughout the continental United States and U.S. Pacific territories.

Thank you for the opportunity to provide testimony in opposition to this bill.

Sincerely,

Ron Menor, Chair, NaFFAA Region XII



OAHU FILIPINO COMMUNITY COUNCIL

P.O. Box 17531 · Honolulu · Hawaii 96817

Testimony in Strong Opposition to HB 2790

RELATING TO EDUCATION

Senate Committee on Education and Housing

February 19, 2010, Hawai'i State Capitol, Room 225, 1:30 p.m.

To: Sen. Norman Sakamoto, Chair
Sen. Michelle Kidani, Vice Chair
Committee Members

Dear Senator Sakamoto, Senator Kidani, and Members of the Senate Committee on Education and Housing:

My name is Danny Villaruz, president of the Oahu Filipino Community Council. OFCC is an umbrella organization that represents a network of non-profit civic groups with a unified vision to improve the lives of our Filipino communities.

OFCC strongly opposes this bill because it seeks to censure and punish our respected educators for not informing parents of controversial issues discussed in classrooms in a timely way. On the contrary, schools are supposed to be a place that teaches our children how to become informed and responsible citizens, who can make rational decisions about controversial issues.

While the intent of concerned parents may be worthy, parent-teacher conferences, not legislation, is the venue for their issues.

I respectfully ask that you hold this bill in your committee. Thank you for the opportunity to submit our testimony.

Sincerely,

Danny Villaruz
President
Oahu Filipino Community Council

Unit Organizations

Alliance of Residential
Carehome Administrators
Aloha Saguibsib Cultural
Foundation, Inc.
Annac ti Bado iti Hawaii
Annac ti Batac
Annac ti Caoayan 2002
Annac ti Kailokuan iti
America
Annac ti Sinait iti Hawaii
Asingan Organization of
Hawaii
Badoc-Pinili Aid
Association of Hawaii
Banna Association of
Hawaii
Bannatiran Association of
Hawaii
Batangas Association of
Hawaii
Bulacan Circle of Hawaii
Caballeros de Dimasalang
Cabugao Sons & Daughters
of Hawaii
Candonians of Hawaii
Caoayan ISAH
Cavitenians of Hawaii
Dingras Association of
Hawaii
Divine Word College
Alumni Association
FilAm Sports USA
Fil American Citizens
League
Filipino Business Women's
Club
Filipino Nurses Organization
of Hawaii
Filipino Women's Civic
Club
GUMIL Hawaii
GUMIL Oahu
Hawaii Filipino Women's
Club
Hawaii Council of Bilingual
Educators
ILAH
Ilocos Norteniens of
America
INCAT Alumni Association
of Hawaii
International Filipino
Society of Hawaii
Kalayaan Phil.-Hi. Int.
La Union Circle of
Hawaii
Lingayen Gulf Club of
Hawaii

Unit Organizations

Magsingal Association of
Hawaii
Narvacan/San Antonio Club of
Hawaii
Nueva Vizcaya Association of
Hawaii
Pasuquinos Association of
Hawaii
Philippine Cultural Foundation
Philippine Nurses
Association of Hawaii
Piddig Association of Hawaii
Sanchez Mira Association of
Hawaii
San Manuel Pangasinan
Association of Hawaii
San Nicolaneos USA
San Nicolas Goodwill
Foundation
San Nicolas Teachers of
Hawaii
Santa Lucia Association of
Hawaii
Sarrat Association of Hawaii
Sarrat International Inc.
Sinait Nt. High School Alumni
of Hawaii
Solsona of Hawaii
Tarlac Mutual Club of Hawaii
TPCP
Kalihi Ballroom, Inc.
Sadiri ti San Nicolas iti Hawaii
Samar Leyte Association of
Hawaii
Sampaguita/Sunflower Club of
Hawaii
San Juan Association of
Hawaii
San Nicolas Nat. High
Santa Marians of Hawaii
School Alumni
Santa Nicolas Nat. High
School Bingao Annex
Tagalog Association of Oahu
United Bacarreneos of Hawaii
United Group of Home
Operators
United Pangasinan of Hawaii
United Urdaneta Club of
Hawaii
United Vintarinians of Hawaii
Vigan Association of Hawaii



UNITED FILIPINO COUNCIL OF HAWAII

P.O. BOX 498, Honolulu, Hawaii 96809-0498

Strong Opposition to HB 2790 RELATING TO EDUCATION

Senate Committee on Education and Housing
February 19, 2010, Hawai`i State Capitol, Room 225, 1:30 p.m.

To: Sen. Norman Sakamoto, Chair
Sen. Michelle Kidani, Vice Chair
Members of the Senate Committee on Education and Housing

From: Eddie Agas, President, United Filipino Council of Hawaii

Dear Sen. Sakamoto, Sen. Kidani, and Committee Members:

I submit this testimony to strongly oppose this bill. My name is Eddie Agas. I am the president of the United Filipino Council of Hawaii (UFCH). We are an umbrella organization with member civic groups from six island councils. UFCH membership is comprised of nearly 5,000 individual members.

UFCH has adopted a resolution to address disparities in the Filipino community, including education, which affects all of Hawai`i's children. While we are all for family values, we also uphold academic freedom and recognize the professional judgment of Hawai`i public school educators and administrators. Because today's world is full of complex issues, we want our children to be well informed, and to develop critical thinking skills. We want our children to make healthy and wise decisions based on skills to research and decipher accurate information on any issue. Most of all, we want our children to be able to understand the respective values and diverse viewpoints on any given issue, in order for them to better understand their own family values and themselves.

Given the educational values above, we oppose this bill because it penalizes teachers and administrators for impractical, logistical policies and procedures for informing parents when controversial topics that involve opposing views will be presented. Every class discussion will have opposing views. That is what education is all about. Please do not further demoralize our hardworking educators and students by punishing them for learning how to think critically about the world around them. If parents have concerns, measures are in place for parent-teacher conferences.

Thank you for the opportunity to provide testimony to oppose this bill.

Respectfully submitted,

Eddie Agas
President
United Filipino Council of Hawaii

Filipino American Citizens League

Jake Manegdeg, President
P. O. Box 270126 * Honolulu, Hawai'i 96827

Strong Opposition to HB 2790 RELATING TO EDUCATION

Senate Committee on Education and Housing
February 19, 2010, Hawai'i State Capitol, Room 225, 1:30 p.m.

To: Sen. Norman Sakamoto, Chair
Sen. Michelle Kidani, Vice Chair
Members of the Senate Committee on Education and Housing

From: Jake Manegdeg, President, Filipino American Citizens League

My name is Jake Manegdeg. I am the president of the Filipino American Citizens League. The Filipino American Citizens League was formed over ten years ago to contribute to the advancement of civil rights and social justice for minority groups, underserved populations, and vulnerable communities through education, advocacy, and social action.

I submit this testimony to strongly oppose this bill because it lowers the standard and quality of education by mandating teachers and administrators to seek notification of parents whenever controversial issues are presented in school or risk disciplinary actions or even termination. This degree of scrutiny and punishment in our public schools for dealing with controversial issues is ridiculous. If there is no freedom and discourse for controversy, how are we preparing our students with the proper skills to handle a complex world that by definition is controversial?

Please do not pass this repressive bill. To pass it is to foster a mind-controlling and fearful learning climate. Democracy demands that students learn how to constructively and respectfully deal with controversial issues. Our educational system should be supporting this skill building, not suppressing it. Parents can do well by continuing the discussions at home, and not teaching their children to shun controversy, but to be open-minded and skilled in expressing their views at home and in school. Is this why our government today is at a stalemate in resolving the controversial issues of education today? Thank you for the opportunity to submit this testimony.

Very Sincerely,

Jake Manegdeg
President
Filipino American Citizens League

Strong Opposition to HB 2790

RELATING TO EDUCATION

Senate Committee on Education and Housing

February 19, 2010, Hawai'i State Capitol, Room 225, 1:30 p.m.

To: Sen. Norman Sakamoto, Chair

Sen. Michelle Kidani, Vice Chair

Members of the Senate Committee on Education and Housing

From: Mila Medallon-Kaahanui, President, Filipino Coalition for Solidarity

My name is Mila Medallon-Kaahanui. I am the president of the Filipino Coalition for Solidarity, a civil rights advocacy group formed in 1990 for the advancement of social justice for Filipinos through education, advocacy and social action.

I submit this testimony to strongly oppose this bill which mandates teachers and school administrators to seek notification of parents whenever controversial issues are presented in school or risk disciplinary action actions or even termination. This degree of scrutiny and punishment in our public schools restricts freedom and discourse on controversial issues.

Please do not pass this onerous bill. Students should be afforded the opportunity to learn in a least restrictive and repressive environment and, most importantly, learn how to deal with controversial issues in a constructive manner. Thank you very much.

Sincerely,

MILA MEDALLON-KAAHANUI, President

Filipino Coalition for Solidarity

808 372-8332



1350 S. King Street • Suite 309 • Honolulu, Hawaii 96814 • www.pphi.org • Phone: 808-589-1156 • Fax: 808-589-1404

February 19, 2010

Testimony in Opposition: SB 2790 Related to Education

To: Senator Norman Sakamoto, Chair, Senator Michelle Kidani, Vice Chair, and Members of the Senate Committee on Education

From: Katie Reardon, Vice President of Government & Public Affairs

Re: Testimony in Support of SB 2083 and Proposing Amendment

Planned Parenthood of Hawaii (PPH) opposes SB 2790 Related to Education. This bill charges the Board of Education (BOE) to draft new policies regarding the teaching of controversial issues in school. The bill sets out heightened requirements to be included in the BOE Controversial Issue policy, including written notification requirements, timelines for notifications, and sanctions for teachers and school personnel.

The policy proposed by SB 2790 is vague. The bill defines a “controversial issue” as any topic that “can reasonably be expected to generate opposing points of view or considerable discomfort or agitation.” Teachers and principals will have difficulty determining whether a given subject may come under the broad definition of “controversial issue.” Many subjects that do not currently require parental notification may be considered controversial under the proposed definition. Under the proposed definition, history lessons regarding war and world issues, lessons related to Hawaii and Statehood, science lessons about biology and evolution, civics lessons, and discussions of current events may all be considered “controversial issues.” Teachers and principals would have to comply with cumbersome parental notification procedures in order to discuss a wider range of topics.

Furthermore, the sanctions contained in SB 2790 will discourage or even restrict important classroom discussions. Critical issues, such as sexual health education, are currently considered “controversial issues” and teachers follow both BOE and Department of Education (DOE) policies before such classroom discussions take place. SB 2970 adds sanctions to those policies, including effects on licensure and mandatory leaves of absence. These harsh sanctions will no doubt quell the discussion of controversial issues at school. Teachers may choose to forgo discussing necessary issues with students for fear of being sanctioned. The end result will be the stifling of ideas and discussion in the classroom. Students will no doubt miss out on valuable learning opportunities.

Finally, SB 2790 is unnecessary. Both BOE and DOE have adopted rules regarding controversial issues. BOE Policy # 2210 and DOE Regulation 2210.1 together require that prior to class discussion of a potentially controversial issue, instructional staff must consult with the school principal and send parents written notification. Parents have the right to deny their child’s participation in the lesson. In furtherance of regulation 2210.1 BOE has issued a Memorandum and Form Letter that informs parents how they may opt-out of a controversial lesson or discussion. Copies are attached to this testimony. Each time PPH conducts sexual health classes in public schools, these policies are complied with. We are not aware of any problem or complaint arising from our classes or the existing policies.

Honolulu Health Center

1350 S. King Street, Suite 310
Honolulu, HI 96814
808-589-1149

Kailua Kona Health Center

75-184 Hualalai Road, Suite 205
Kailua Kona, HI 96740
808-329-8211

Kahului (Maui) Health Center

140 Ho’ohana Street, Suite 303
Kahului, HI 96732
808-871-1176
(A Maui United Way Agency)

PPH agrees that parents need to have access to information about what their children are taught at school. Parents play the most important role in educating their children and teaching them values. However, we find that while SB 2790 may intend to protect parents, it only serves to limit important class room discussions and is harmful to both teachers and students. We oppose SB 2790 and ask you to vote no. Thank you for your consideration.

Title: Controversial Issues

Series : 2200 SERIES-INSTRUCTION

Policy #: 2210

CONTROVERSIAL ISSUES POLICY

Student discussion of issues which generate opposing points of view shall be considered a normal part of the learning process in every area of the school program. The depth of the discussion shall be determined by the maturity of the students.

Teachers shall refer students to resources reflecting all points of view. Discussions, including contributions made by the teacher or resource person, shall be maintained on an objective, factual basis. Stress shall be placed on learning how to make judgments based on facts.

Former Code No.6126

Former Policy Approved: 1947

Amended: 7/60, 10/70, 3/88 (renumbered)

July 25, 2006

TO: Complex Area Superintendents, Principals, and Teachers

FROM: Gerald Okamoto

SUBJECT: Notice on BOE Policy #2210 on Controversial Issues

This memo is intended to provide formal notification to all teachers and school administrators regarding Board of Education Policy #2210 and Department of Education Regulations 2210.1, as it relates to Controversial Issues and to remind all teachers and school administrators of the requirement to follow all Board of Education policies.

Before engaging in any lesson or activity that may touch upon potentially controversial matters, teachers must discuss the potentially controversial matters with his or her principal to determine whether a letter concerning a potential controversial topic should be sent out to parents or legal guardians.

Regulation 2210.1 requires instructional staff or administration to notify parents or legal guardians of controversial issues that will be discussed in the classroom or through other school activities. This notification may be done through a general letter about the lesson or activity. A sample is attached for your review and utilization. The parents may also, on their own volition, write a letter to the school administrators or teacher to have their child excluded from a specific lesson or activity. (emphasis added) If such a letter is received, the student must be provided with an alternative learning activity. The parent or legal guardian has an obligation to notify the school administrator or teacher prior to the lesson or activity.

Principals are asked to review the policy and guidelines relevant to BOE Policy #2210 with each of their teachers and go over the procedures for handling controversial issues.

Complex Area Superintendents should make themselves available as a resource to principals on this particular topic.

Should you have any questions regarding the regulations on this matter, please feel free to call the Instructional Services Branch of OCISS at 733-9141, ext 200, and for questions concerning adhering to this policy, please call your PRO.

Thank you!

Enclosure

c: Patricia Hamamoto
Assistant Superintendents
Directors, Office of the Superintendent

ON SCHOOL LETTERHEAD

[DATE]

Dear Parent/Guardians:

I will be [introducing/instructing/teaching/surveying] [brief description of the subject matter or survey] in the next few weeks. This research proven approach addresses [state what it addresses].

The objectives for student learning are as follows:

[List objectives]

The curriculum [or survey] is aligned with the Hawaii [state content or performance standard].

Parents or legal guardians may preview the curriculum prior to my start date of [Date]. If you are interested in reviewing this matter with me prior to the start date, please call me at the number listed below. If I do not hear from you by the start date, I will assume that you have no questions about the curriculum or survey.

Even if you have previously signed a prior form concerning opting out of any or all curriculum or subject matter, you must still sign this form should you decide to have your child excluded from participating in this event, instruction, or activity. Any and all prior forms concerning this or similar matters are no longer valid and this new form must be signed in order to opt out of this particular event, instruction, or activity. If I do not receive a signed and dated form by the beginning of the instruction date, it will be assumed that your child has approval to participate in the curriculum or survey.

Should you have any questions, please feel free to call me at [teacher's phone number].

Sincerely,

Teacher's signature

Principal's signature

Student's name (printed)

Parent/Guardian's signature

Date



Committee: Committee on Education and Housing
Hearing Date/Time: Friday, February 19, 2009, 1:30 p.m.
Place: Room 225
Re: Testimony of the ACLU of Hawaii in Opposition to S.B. 2790, Relating to Education

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

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in opposition to S.B. 2790, which seeks to require teachers to notify parents any time they might discuss a “controversial” topic.

This bill would require parental notification any time a teacher wishes to discuss “a topic that can be reasonably expected to generate opposing points of view.” This broad definition would apply to almost every single class having anything to do with literature, history, science, or social studies of any kind. Books like *The Color Purple*, *The Catcher in the Rye*, *The Adventures of Huckleberry Finn*, and *Nineteen Eighty-Four* are staples of high school literature courses precisely because the books spur debate, invite multiple points of view, and encourage Hawaii’s students to think critically. Social studies teachers leading students through a discussion of the Civil War would not be doing their jobs well if students heard only one point of view. Economics classes that focus on the current economic crisis would necessarily create “controversy” under the definition of this bill, given the divide in Congress over the propriety of stimulus packages. In sum, “controversial” topics are so common in school that teachers would have to send letters to parents every single day. Requiring teachers to take so much time away from their lesson plans and instruction time is wasteful and unnecessary.

Board of Education Policy 2210 provides that “[s]tudent discussion of issues which generate opposing points of view shall be considered a normal part of the learning process in every area of the school program.” The Legislature should find ways to foster and encourage students to listen to and evaluate opposing points of view, and should not attempt to sanitize classroom discussions through measures like SB 2790.

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.

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

Hon. Sen. Sakamoto, Chair, EDH Committee
and Members Thereof
February 19, 2010
Page 2 of 2

Thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. M. Gluck', written in a cursive style.

Daniel M. Gluck
Senior Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

From: Jo-Ann M. Adams [jadamsesq@aol.com]
Sent: Wednesday, February 17, 2010 9:01 AM
To: EDH Testimony
Subject: In Opposition to SB2790

TO THE COMMITTEE ON EDUCATION AND HOUSING

Chair: Senator Norman Sakamoto
Vice Chair: Senator Michelle Kidani

Hearing: Friday, February 19, 2010 at 1:30 PM
Place: Conference Room 225

IN OPPOSITION TO SB2790 -- Relating to Education

The point of the government-supported public schools is to have a well-informed electorate. We educate our children so they will become knowledgeable, engaged citizens. How do you become engaged? By holding in-depth discussions on complicated, controversial topics.

This bill will have a chilling effect on teachers committed to creating citizens who think and discuss the important issues of the day.

There is a segment of our society that is committed to ignoring science and avoiding complex issues - making unilateral, simplistic pronouncements about what we should learn, how we should live, and what we should believe. While they are entitled to their opinion, their opinion should not become the policy of the public schools much less codified in our statutes.

This topic touches on one of the reasons that I believe the public schools are in so much trouble. We have eroded the concepts of *in loco parentis*. When I was growing up (fifty years ago), my parents made it clear that once my foot was on the campus, I was under the jurisdiction and control of the school. The school decided what I would learn, what was acceptable behavior, how I would be punished, etc. We have allowed this fundamental principle to become so eroded that we allow the schools to be buffeted about by conflicting parental views. It's no wonder that the schools have a hard time getting students to learn and maintaining control in the classroom when they feel they have to accommodate the individual preferences of thousands of parents!

SB2790 extends the insanity. Now parents not only want to control what the students learn, they want to be able to pull a teacher's professional license if the teacher covers a subject that the parents find personally objectionable.

We need to strengthen the concept of *in loco parentis* - not weaken it. When a student sets foot on campus, the school is authorized to act in the best interests of the student as the school sees fit. We must stop allowing parents antithetical to education, who want to live in the Dark Ages and implement inquisitions and witch hunts, from bullying our school teachers and its administrators.

Public schools benefit the public good and are in the public interest. Censorship, inquisitions and witch hunts are not.

Jo-Ann M. Adams, Esq.

LAW OFFICES OF JO-ANN M. ADAMS, LLLC
Seven Waterfront Plaza, Suite 400, Honolulu, Hawaii
Mailing Address: PO Box 75472, Honolulu, HI 96836
Telephone: (808) 528-2100 Fax: (866) 370-0259

sakamoto2 - Erin

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 16, 2010 7:34 PM
To: EDH Testimony
Cc: merway@hawaii.rr.com
Subject: Testimony for SB2790 on 2/19/2010 1:30:00 PM

Testimony for EDH 2/19/2010 1:30:00 PM SB2790

Conference room: 225
Testifier position: oppose
Testifier will be present: No
Submitted by: Marjorie Erway
Organization: Individual
Address: PO Box 2807 Kailua Kona, HI
Phone: 324-4624
E-mail: merway@hawaii.rr.com
Submitted on: 2/16/2010

Comments:

The policy proposed by SB 2790 is vague and teachers/principals will have difficulty determining whether a given subject may come under the broad definition of "controversial issue." This bill is UNNECESSARY. Both the BOE and DOE have adopted rules regarding controversial issues.
I urge you to OPPOSE this bill.
Mahalo for your consideration.

sakamoto2 - Erin

From: John Bickel [jbickel15@yahoo.com]
Sent: Wednesday, February 17, 2010 10:30 AM
To: EDH Testimony
Subject: SB2790

Senate Committee on Education, Conference Room 225

What: Public Hearing on SB 2790, Related to Education

When: Friday February 19, 2010 at 1:30 PM

Honorable Chair Sakamoto and Committee Members:

I wish to testify against SB2790 which would inhibit the teaching of controversial subjects in public schools. I taught in public schools in Hawaii for twelve years and currently teach in the private sector. What is controversial? I am currently teaching about the Holocaust. Some say it didn't exist. The topic is so controversial that the College Board refuses to make an essay question out of it for the Advanced Placement European History exam. Should I not teach about the Holocaust? More importantly this should point out that in some way most of the science and social studies curriculum can be seen as controversial. I enjoyed and still enjoy a level of academic freedom that I believe makes me a better teachers. Don't mess with a system that works.

John Bickel

2415 Ala Wai Blvd. 901

Honolulu, HI 96815

sakamoto2 - Erin

From: Melinda Wood [mwood17@hawaii.rr.com]
Sent: Thursday, February 18, 2010 12:53 PM
To: EDH Testimony
Subject: SB 2790 - opposed

TO: Chair Norman Sakamoto and Vice Chair Michelle Kidani

I am opposed to SB 2790 regarding Controversial Issues in Education.
There are a number of practical and philosophical reasons for my opposition.

On a practical level, the DOE is suffering enough under the current budget cuts and should not be subjected to another required policy change that is vague, difficult to enforce, and possibly quite punitive in nature. How much more regulation do you think we can impose on our teachers and principals without causing them to throw up their hands in despair and find new careers?

On a philosophical level, I believe that education by its very nature should help students explore controversial issues by developing critical thinking skills, examining rhetorical strategies used in argumentation, and improving communication skills. A look at previously controversial topics such as slavery, war crimes, and race are now taught routinely in education, as are the topics of women's right to vote and go to college. I do not think that sticking to safe topics and rote learning serves our students well as we prepare them to deal with the complexities of life in the 21st century.

There are already policies and regulations in place that address how to handle controversial topics, and our teachers and principals are quite capable of doing their jobs without this bill. I fear that approval of SB 2790 will only serve to stifle some of the most important aspects of education and those who work with our young people.

Thank you for your time and consideration.

Melinda Wood
1505 Alexander St. #604
Honolulu 96822

TO THE SENATE COMMITTEE ON EDUCATION AND HOUSING
TWENTY-FIFTH LEGISLATURE

Regular Session of 2010

Friday, February 19, 2010

1:30 PM

TESTIMONY ON SENATE BILL NO. 2790 – RELATING EDUCATION

TO THE HONORABLE NORMAN SAKAMOTO, CHAIR, MICHELLE KIDANI, VICE
CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Jennifer Fuchikami and I am a full time college student. I support Senate Bill 2790, which will require schools to notify parents and guardians when “controversial issues” are discussed in public schools.

Parents and legal guardians have the responsibility to raise, nurture and guide their children. As many parents and educators know, though children may be of the same age or grade, their comprehension and maturity level can vary. A parent or guardian, having one of the closest relationships our society has – the bond between parent/guardian and child – will almost always have a deeper understanding of their child than that of a teacher or other educator and therefore, should have the right, responsibility, and option to choose to have his or her child opt-out of certain discussions and activities as the parent sees fit – whether because of the family’s religious or moral values or simply if the parent/guardian feels that the child “isn’t ready” to learn about such topics (e.g., certain sex education).

At the very least, this could be a way of building trust between the parents and the school. Parents trust our public education system to educate our most precious resource, our keiki. When schools do not work together with parents/guardians, this bond can be severely strained. For example, as reported the by Associated Press, on March 21, 2008 a graphic sex education skit performed at Kahuku High and Intermediate School intended to “promote safe practices during prom night” was viewed at assembly by students grades 7-12. One parent described it as “semi-pornographic” with explanations about oral sex and making a substitute condom with plastic wrap. The Honolulu Advertiser reported that some students and even teachers walked out during the play because it was “so graphic and disturbing.” Remember, this was viewed by children as young as twelve (7th graders). The principal later admitted that she had “failed to preview it” and did not provide parental consent forms to allow

parents or guardians to have their children opt-out of the assembly. Passing this bill will prevent oversights like this from happening again.

Situations such as this greatly try the necessary partnership that parents/guardians and schools must have. Do our schools not care about a parent's or guardian's concerns? Of course they do, and I believe that this bill will further build and support the essential collaboration that parents, guardians, and our education system must have to oversee the education of Hawaii's children.

I thank the committee for taking the time to read my opinion on this measure and highly urge you to pass this bill.