



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

**Date:** 03/11/2013

**Committee:** House Education

**Department:** Education

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

**Title of Bill:** SB 0049,SD2(sscr817) RELATING TO EDUCATION

**Purpose of Bill:** Amends or repeals various provisions of Chapter 302A, Hawaii Revised Statutes, for housekeeping and other purposes.

**Department's Position:**

The Department of Education (DOE) **supports** this measure. We have recommendations and proposed minor technical amendments:

1. Sections 17, 18 and 19: Pertaining to criminal history record checks, the DOE does need these provisions in law. Accordingly, DOE strongly recommends that the repeals in these sections be removed.
2. Section 20: Pertaining to licensed teachers, the DOE does need this provision in law. Therefore, the DOE strongly recommends that the repeals in this section be removed.
3. Section 10: § 302A-1145 -- in the last sentence, the word "admitted" is used. Rather than "admitted," the terminology should be changed to "enrolled."

Thank you for the opportunity to provide testimony.



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**TESTIMONY FOR SENATE BILL 49, SENATE DRAFT 2, RELATING TO  
EDUCATION**

**House Committee on Education  
Hon. Roy M. Takumi, Chair  
Hon. Takashi Ohno, Vice Chair**

**Monday, March 11, 2013, 2:00 PM  
State Capitol, Conference Room 414**

Honorable Chair Takumi and committee members:

I am Kris Coffield, representing the IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in support of, with a proposed amendment for Senate Bill 49, relating to education.

As a political action group that is active in criminal law, we understand the need to maintain statutory clarity and consonance whenever possible. Accordingly, we applaud the committee for taking steps, year after year, to cleanse HRS Chapter 302A of unnecessary and duplicative subsections.

That said, we are concerned about this measure's repeal of HRS 302A-1001, our state's statute against student bias in state-funded education programs. Anti-discrimination laws have been enacted throughout the HRS, including anti-bias protections regarding employment and public accommodations. We assume that the latter (public accommodations law under HRS 489-3) and Article X, Section 1 of the Hawaii State Constitution undergird the repeal of 302A-1001. Section 489-3 currently states: “**§489-3 Discriminatory practices prohibition.** Unfair discriminatory practices that deny, or attempt to deny, a person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation on the basis of race, sex, including gender identity or expression, sexual orientation, color, religion, ancestry, or disability are prohibited.” Article X, Section 1 prohibits “discrimination in public education institutions because of race, religion, sex or ancestry.”

While the State Constitution and public accommodations law may protect a more expansive list of persons from prejudicial acts than 302A-1001, we would prefer that committee consider expanding 302A-1001 to include identity categories currently contained in the public accommodations law, as well as some that are left out, such as sexual orientation, ethnicity, national origin, age, economic status, and familial status.

Mahalo for the opportunity to testify in support of this bill.

Sincerely,  
Kris Coffield  
*Legislative Director*  
IMUAlliance