

SB49

Relating to Education

EDU, WAM



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

Date: 01/28/2013

Committee: Senate Education

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 0049 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, with certain recommendations and proposed minor technical amendments:

1. Section 2 of the bill provides exemptions for central services assessments in Section 36-27, Hawaii Revised Statutes (HRS). We recommend that the Committee consider similar exemptions that could be provided in Section 36-30, HRS, for administrative expense assessments.
2. Section 5 of the bill provides numerous definitions of terms, which must be updated to current educational terminology. Therefore, we recommend the following technical amendments to the terms:
 - a. Admit or Admitted: This is a term associated with the present electronic student information system (eSIS). As we move to a new student information system (SIS) in the near future, this term may not be used in the new SIS. We recommend deleting this definition. Also, as common practice in the schools, the term "register" or "enroll" is used to refer to the process of accepting and placing a child on the school's roster based on documentation presented by the parent or guardian.
 - b. Certificate: We recommend that this term be changed to "Teacher Certificate," to avoid confusion with student certificate or any other certificate mentioned in Section 302A, HRS. The definition as stated is acceptable.
 - c. License: I recommend that this term be changed to "Teacher or Teaching License" to avoid confusion with other licenses mentioned in Section 302A, HRS. The definition as stated is acceptable.
 - d. Enroll or Enrollment: As common practice in the schools, the term can be used interchangeably with the term register or registration which is the process of accepting and placing a child on the school's roster based on documentation presented by the parent or guardian. If this term is to be kept, we recommend that the definition be changed to the description in this paragraph.
 - e. Attend or Attendance: This is used to denote a child's presence or participation in classes on campus or other school activity on campus, such as appointments with a counselor

or in an in-school suspension activity. It can also be used to denote participation in an off-campus activity such as field trips, work study program, student conference, or other activities approved by the principal. Whether it is on-campus or off-campus, the student's whereabouts are recorded/accounted for. The DOE annually releases to the schools a memo and procedures on taking attendance. We recommend that the definition of "Attend or Attendance" be changed to reflect verifiable participation or non-participation in classes or school activities on campus or in an approved off-campus activity. Our Office of Curriculum, Instruction and Student Support can assist the Committee to develop a more appropriate definition.

WRITTEN ONLY

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEE ON EDUCATION
ON
SENATE BILL NO. 49

January 28, 2013

RELATING TO EDUCATION

Senate Bill No. 49 amends and repeals various sections of Chapter 302A, Hawaii Revised Statutes, for housekeeping and other purposes. This bill also proposes to exempt from the central service assessment for special funds pursuant to Section 36-27, Hawaii Revised Statutes, the Hawaii 3R's school repair and maintenance fund and the After-School Plus Program special fund.

The department recommends against any exemption from the central services assessment as a matter of financial consistency to administrate and cover the cost of managing the financial accounting required of such an undertaking.



HAWAI‘I EDUCATIONAL POLICY CENTER TESTIMONY

Presented by Jim Shon, Director
Hawaii Educational Policy Center
January 28, 2013

COMMITTEE: Senate Education
DATE: January 28, 2013
TIME: 1:15 pm
PLACE: Conference Room 414

RE: SB 49 RELATING TO EDUCATION

POSITION: The Hawaii Educational Policy Center Supports this bill.

General Comments. HEPC supports the ongoing efforts to update our education statutes. HEPC would respectfully raise an ongoing issue with this bill and others.

Frequently HRS 302A refers to “all public schools.” SB 302A was originally written before there were charter schools, and thus the distinction of HDOE acting as a State Education Agency (SEA) vs. a Local Education Agency (LEA) might not have been important.

However, with the advent of HRS 302B relating to charter schools, this distinction becomes more relevant. It may be useful, perhaps during the interim, to review HRS 302A and other sections of Hawaii law to determine whether the statute was indented to apply to all public schools, both HDOE and charters, or only HDOE schools. We note that often specific charter exemptions for the applications of law are becoming more common.

Acting as Hawaii’s SEA, HDOE accepts federal funds which often require applicability to both department and charter public schools. The SEA vs. LEA roles overlap, but not entirely. When HDOE acts as an SEA is often not clear. For SB 49, it may be helpful to review sections that appear to refer to “all” and change this to “department schools.”

Thank you for the opportunity to testify. HEPC stands ready to provide analysis and research for bills and issues before the Legislature.



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Legislative Director

TESTIMONY FOR SENATE BILL 49, RELATING TO EDUCATION

Senate Committee on Education
Hon. Jill N. Tokuda, Chair
Hon. Michelle N. Kidani, Vice Chair

Monday, January 28, 2013, 1:15 PM
State Capitol, Conference Room 414

Honorable Chair Tokuda and committee members:

I am Kris Coffield, representing the IMUAlliance, 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 existence of the latter (public accommodations law under HRS 489-3) is the justification for 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."

While the 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 all identity categories currently contained in the public accommodations law, as well as some that are left out, such as ethnicity, national origin, age, economic status, and familial status. Failing this, we encourage the committee to urge your Senate Judiciary Committee colleagues to revise the public accommodations law to safeguard against these potential biases.

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

Sincerely,
Kris Coffield
Legislative Director
IMUAlliance

Testimony on SB49, RELATING TO EDUCATION
Monday, January 28, 2013
1:15 pm, State Capitol Room 414

By LYNN HAMMONDS, EXECUTIVE DIRECTOR, HAWAII TEACHER STANDARDS BOARD

January 28, 2013

Dear Chair Tokuda:

I am writing in support of HB2527, HD2 which amends or repeals various provisions of Chapter 302A, Hawaii Revised Statutes, for housekeeping and other purposes.

I would like to respectfully suggest the following revisions:

Page 11, line 21: The Hawaii Teacher Standards Board does not issue any "certificates", only licenses and permits. Below, "certificate" has been removed and the definition of "license" has been amended.

From this:

SECTION 5. Section 302A-101, Hawaii Revised Statutes, is amended by adding five new definitions to be appropriately inserted and to read as follows:

"Admit" or "admitted" means a student has met all of the department's requirements to attend school and is recorded in the student information system.

"Attend" or "attendance" means a student is physically present in school.

"Certificate" means a certificate issued by the Hawaii teacher standards board to indicate the subject area and grade level for which a teacher has met all employment requirements and is qualified to teach.

"Enroll" or "enrollment" means a student is recorded on a list to be admitted to a school, pending satisfaction of admission requirements.

"License" means a license issued by the Hawaii teacher standards board to authorize the licensee to teach in the State.

To this:

SECTION 5. Section 302A-101, Hawaii Revised Statutes, is amended by adding five new definitions to be appropriately inserted and to read as follows:

"Admit" or "admitted" means a student has met all of the department's requirements to attend school and is recorded in the student information system.

"Attend" or "attendance" means a student is physically present in school.

"Certificate" means a certificate issued by the Hawaii teacher standards board to indicate the subject area and grade level for which a teacher has met all employment requirements and is qualified to teach.

"Enroll" or "enrollment" means a student is recorded on a list to be admitted to a school, pending satisfaction of admission requirements.

"License" means a license issued by the Hawaii teacher standards board to indicate the subject area and grade level for which a teacher has met all licensure requirements and is qualified to teach, and which authorizes the licensee to teach in the State.

Page 13, Line 3: A Hawaii teaching license may also be "forfeited" and this should be added to the included "suspended" and "revoked" statuses already included. For the same reason as in Section 5, "certificate" should be deleted, as the Hawaii Teacher Standards Board does not issue certificates.

From this:

SECTION 7. Section 302A-603, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:
"(b) Beginning with the 1997-1998 school year, whoever serves in the department as a teacher, paid under the salary schedule contained in the unit 5 collective bargaining agreement, without holding an unrevoked **or** unsuspended license or ~~credential~~ certificate issued under sections 302A-801 to 302A-808, shall be fined not more than \$500."

To this:

SECTION 7. Section 302A-603, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:
"(b) Beginning with the 1997-1998 school year, whoever serves in the department as a teacher, paid under the salary schedule contained in the unit 5 collective bargaining agreement, without holding an unforfeited, unrevoked **or** unsuspended license ~~or~~ ~~credential~~ certificate issued under sections 302A-801 to 302A-808, shall be fined not more than \$500."

Thank you for this opportunity to testify.