



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

Date: 02/05/2016
Time: 02:00 PM
Location: 309
Committee: House Education

Department: Education
Person Testifying: Kathryn S. Matayoshi, Superintendent of Education
Title of Bill: HB 2431 RELATING TO ETHICS.

Purpose of Bill:

Department's Position:

The Department of Education supports HB 2431, which exempts teachers involved in educational trips from certain provisions of the State Ethics Code.

In its Advisory Opinion dated August 4, 2015, the Hawaii Ethics Commission concluded that acceptance by teachers and other DOE employees of free travel and other free benefits from private tour companies violated five sections or subsections of the State Ethics Code.

These sections include:

1. The "Gifts Law", HRS 84-11
2. The "Gifts Reporting Law", HRS 84-11.5
3. The "Fair Treatment Law", HRS 84-13
4. Conflicts of Interest, HRS 84-14(a)(2)
5. Conflicts of Interest, HRS 84-14(d)

Although the liberal construction of the State Ethics Code was intended to promote high standards of ethical conduct in state government, broad application of the Ethics Code has resulted in unfortunate consequences for students. If teachers and other employees of the Department are prohibited from accepting free travel, an important educational opportunity may be denied Hawaii's public school students.

The statutory revisions proposed in HB 2431 would address all of the major sections of the Ethics Code that the Ethics Commission has said may prohibit the acceptance of

free travel by teacher-chaperones. The Department respectfully requests that this measure be amended to include other employees of the Department, such as counselors, administrators, and coaches, who also voluntarily commit their own time to chaperone student travelers.

Thank you for the opportunity to testify.



HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

HOUSE COMMITTEE ON EDUCATION
The Honorable Roy M. Takumi, Chair
The Honorable Takashi Ohno, Vice Chair

H.B. No. 2431, Relating to Ethics

Hearing: Friday, February 5, 2016, 2:00 p.m.

The State Ethics Commission (“Commission”) **opposes** H.B. No. 2431. This bill amends the State Ethics Code, Chapter 84, Hawaii Revised Statutes (“HRS”) to exempt a public school teacher from certain provisions of the State Ethics Code, Chapter 84, Hawaii Revised Statutes (“HRS”). This bill appears intended to allow a teacher who plans, organizes, or serves as a chaperone on a student educational trip to receive a travel benefit, incentive, or gift from a tour company to be used in conjunction with the same trip.

H.B. No. 2431 appears intended to respond to the concerns the Commission raised in Advisory Opinion No. 2015-1 issued on August 19, 2015, regarding the issue of Department of Education (“DOE”) teachers receiving free travel from tour companies the teachers select to organize student educational trips. The advisory opinion is attached. The Commission explained that the State Ethics Code likely prohibits teachers from accepting free travel from the tour companies because of the way the trips are organized and arranged, where the teachers plan a trip, personally select a tour company through which to organize the trip, design the trip itinerary with the tour company, decide which teachers will travel with the students, and solicit students and their parents to participate in the trip using promotional material prepared by the tour company. The trip is not part of the school curriculum and travel arrangements are made directly with the tour companies. In their DOE capacities, the teachers generate a substantial amount of revenue for the tour companies and receive free travel based on the number students/parents who purchase tour packages from the tour companies. Under the current structure, the teachers’ acceptance of free travel from the tour companies raises concerns under the conflicts of interests law, the fair treatment law (misuse of position), and the gifts law.

The Commission’s advice regarding student trips chaperoned by teachers appears to have been misunderstood. The Commission has never stated that the State Ethics Code prohibits student trips from occurring or that the State Ethics Code prohibits teachers from serving as chaperones on these trips. The Commission has advised the DOE that, because of the way student trips are currently structured, the State Ethics Code likely prohibits teachers from accepting free travel and other benefits from tour

companies.

It is unnecessary to change the State Ethics Code so that teachers may accept free travel from tour companies, the value of which for certain trips may exceed \$6,000. If the DOE believes that the trips are part of the DOE student learning experience and should continue, the DOE can develop a process that addresses the Commission's concerns and protects its teachers from taking action that may violate the State Ethics Code. Specifically, the DOE can create a process which the trips are organized and arranged that does not involve the teachers who will chaperone the students. For example, if a school administration offers students the opportunity to participate in an educational trip, selects a tour company to organize the trip, selects the teachers to serve as chaperones, and provides information about the trip to the parents, the administration can accept the free travel which will be used by the selected teacher chaperones. In those circumstances, the State Ethics Code likely would not prohibit the teacher from accepting the free travel from the DOE. In short, the DOE must restructure the trips so that the teacher who receives the free travel does not engage in conduct that may be contrary to the State Ethics Code.

Both the DOE and the Board of Education ("BOE") made efforts to address the concerns the Commission raised in Advisory Opinion No. 2015-1. Shortly after the advisory opinion was issued, the DOE drafted proposed policy and guidelines for student travel for review and comment by the Commission's staff. The DOE's early drafts of the proposed policy and guidelines indicated that the DOE would be able to structure student travel to be consistent with the State Ethics Code. During the course of discussions between the DOE and the Commission's staff regarding the DOE's draft policy and guidelines, the BOE convened a committee to review the issue of student travel. The BOE adopted its committee's recommendation that student trips be organized as either "school sponsored trips" or "private trips," and established procedures for each type of trip. The BOE's structure appeared to address many of the Commission's concerns. The DOE and BOE's efforts indicate that it is possible to structure student trips to be consistent with the State Ethics Code without having to amend the State Ethics Code.

As mandated by the Hawaii Constitution, Article XIV, the State Ethics Code is established "so that public confidence in public servants will be preserved." Exceptions to the State Ethics Code should be made sparingly; too many exceptions weaken the statute. Moreover, for the reasons previously stated, it is not necessary to change the law.



HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

ADVISORY OPINION NO. 2015-1

The Hawaii State Ethics Commission (“Commission”) has learned that it is a longstanding practice for Department of Education (“DOE”) teachers and other DOE employees (collectively, “teachers”) who serve as chaperones on student educational trips to be offered free travel and other benefits from tour companies through which the teachers plan and organize these trips.

The State Ethics Code, Chapter 84, Hawaii Revised Statutes (“HRS”), prohibits teachers from accepting free travel and other benefits from tour companies for serving as chaperones on student educational trips, where the teachers are directly involved in planning a trip and selecting a tour company to help organize the trip, promoting the trip to students and their parents, deciding who will chaperone the students, and/or requesting DOE approval of the trip.

I. Facts

Based on the Commission’s understanding of the facts, a teacher or group of teachers plans and organizes an educational trip for students. The trips that are the subject of this Advisory Opinion (also referred to as “student educational trips”) are organized and arranged as follows:

- The teachers decide to offer students the opportunity to participate in an educational trip and decide on a particular destination.
- The trip usually relates to a particular subject such as history or foreign language. The trip is not mandatory or a required part of the curriculum but, rather, an “enrichment” activity offered to interested students and their parents.
- The trip usually is scheduled to occur around the time of a school break, such as Spring Break or summer.
- Teachers who are interested in and/or willing to accompany the students and serve as chaperones plan and organize the trip.
- The teachers select a particular tour company to help organize the trip. When selecting the tour company, the teachers do not appear to follow formal state procurement procedures. The choice of tour company appears to be based on the teachers’ own subjective criteria.

- The teachers select a particular tour package offered by the tour company or work with the tour company to develop a trip itinerary.
- The teachers generate interest in and promote the trip to students and their parents. Typically, this involves meeting with the parents and disseminating and presenting informational and promotional material about the trip prepared by the tour company.
- The tour company may prepare a letter to the students' parents from a particular teacher, on the tour company's letterhead, to generate interest in the trip. The teacher's name may appear as the signatory of the letter. In addition to providing information about the trip, the letter may include an endorsement of the tour company by stating that the teacher chose that particular tour company due to the quality and affordability of that company's services.
- The tour company may also prepare a PowerPoint slide show promoting the trip, which the teachers present at an informational meeting with parents. The slide show may bear the tour company's logo and identify a particular teacher as the person who will be leading the student travel group. The tour company customarily offers one free travel package to a teacher per a certain number of paying travelers. For example, for a trip to the East Coast, the ratio may be one free travel package per 10 paying travelers; whereas for a trip to Europe, the ratio may be one free travel package per six paying travelers.
- The travel package typically covers airfare, hotel accommodations, meals, overnight hotel security, illness and accident insurance coverage, entrance fees to the sites visited, and gratuities. Some tour companies provide emergency and/or other types of assistance during the trip as part of the travel package.
- The fair market value of a teacher's travel package is several thousand dollars, e.g., \$3,500 or more for a tour of East Coast cities, and \$5,500 or more for a tour of European countries.
- Travelers who must pay for the trip include the students, parents who want to accompany their children on the trip, and other members of the students' families, if they are invited to join the travel group. Paying travelers also may include a teacher's spouse and/or family members.
- The tour company may also offer a teacher additional benefits. For example, the tour company may offer a teacher who will be leading a student travel group for the first time a free weekend "orientation" trip to the mainland, to experience a tour firsthand and obtain additional information from the tour

company. The tour company may also offer a teacher a stipend for the trip, “points” that can be earned and applied toward obtaining other benefits from the tour company, or a personal gift, such as an iPad.

- The students may conduct fundraising activities to help pay for their travel expenses.
- Teachers must obtain approval for the trip from their school principal and complex area superintendent. In requesting the approval, the teachers must articulate an educational purpose for the trip.

II. Application of the State Ethics Code

Based on the Commission’s understanding of how student educational trips are currently organized and arranged, it is the Commission’s opinion that the State Ethics Code prohibits teachers from accepting free travel and other benefits from the tour companies. Several sections of the State Ethics Code apply.

A. Gifts Law, HRS section 84-11

The gifts law, HRS section 84-11, prohibits an employee from soliciting, accepting, or receiving any gift, including travel, under circumstances where it can reasonably be inferred that the gift is intended to influence the employee in performing the employee’s official duties or is intended to reward the employee for official action.¹ Because the gifts law is based on an appearance of impropriety, it is immaterial whether the employee is actually influenced by the gift or whether the donor of the gift actually intended to influence the employee. If it appears to a reasonable person that the gift is given to influence or reward the employee for official action, the employee is prohibited from accepting the gift.

¹ HRS section 84-11 states:

No legislator or employee shall solicit, accept, or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the legislator or employee in the performance of the legislator's or employee's official duties or is intended as a reward for any official action on the legislator's or employee's part.

“Official action” is “a decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.”² Official action includes providing input to decisions even if one is not the final decision maker, exercising judgment, expressing opinions, giving advice, and taking other action that is non-ministerial in nature.

Teachers who participate in planning and organizing a student educational trip engage in official action that includes: selecting a tour company with which to plan and organize the trip, planning the trip itinerary, promoting and recommending the trip to students/parents, deciding who will chaperone the students, and requesting DOE approval for the trip by justifying the purpose of the trip to the principal and complex area superintendent.

The Commission believes it is reasonable to infer that the free travel and other benefits offered to teachers by a tour company are intended as both an incentive for the teachers to promote the trip to as many students/parents as possible and a reward for the teachers’ efforts in generating revenue for the tour company. Therefore, the free travel and other benefits are prohibited gifts.

In the Commission’s view, the “educational purpose” of the trip that may be proffered by the teachers does not outweigh or negate the inference that free travel and other benefits are intended to influence or reward the teachers for official action.

Many teachers have emphasized that the trip is a “working trip” for them, and they do not construe the free travel and other benefits provided to them by a tour company as “gifts.” The Commission does not doubt that a teacher who serves as a chaperone takes on additional work responsibilities. At the same time, however, the free travel package has substantial monetary value that provides a personal benefit to the teacher by allowing the teacher to travel for free. Additional personal benefits the teacher may receive from a tour company also have significant monetary value. The Commission emphasizes that the free travel and other benefits constitute prohibited gifts because of the way the trips are currently organized and arranged.

B. Gifts Reporting Law, HRS section 84-11.5

The gifts reporting law, HRS section 84-11.5, requires an employee to report a gift to the State Ethics Commission on a gifts disclosure statement filed by June 30 of each year, if: (1) the value of the gift or gifts received from a single source, singly or in the aggregate, exceeds \$200; (2) the source of the gift has interests that may be affected by official action by the employee; and (3) the law does not exempt the gift

² HRS section 84-3.

from the reporting requirement.³ A teacher who accepts a free trip and other benefits from a tour company for serving as a chaperone on a student educational trip must report these items on a gifts disclosure statement.

The Commission emphasizes that reporting the free travel and other benefits on a gifts disclosure statement does not mean that the teacher was allowed to accept them

³ HRS section 84-11.5 states:

- (a) Every legislator and employee shall file a gifts disclosure statement with the state ethics commission on June 30 of each year if all the following conditions are met:
 - (1) The legislator or employee, or spouse or dependent child of a legislator or employee, received directly or indirectly from one source any gift or gifts valued singly or in the aggregate in excess of \$200, whether the gift is in the form of money, service, goods, or in any other form;
 - (2) The source of the gift or gifts have interests that may be affected by official action or lack of action by the legislator or employee; and
 - (3) The gift is not exempted by subsection (d) from reporting requirements under this subsection.
- (b) The report shall cover the period from June 1 of the preceding calendar year through June 1 of the year of the report.
- (c) The gifts disclosure statement shall contain the following information:
 - (1) A description of the gift;
 - (2) A good faith estimate of the value of the gift;
 - (3) The date the gift was received; and
 - (4) The name of the person, business entity, or organization from whom, or on behalf of whom, the gift was received.
- (d) Excluded from the reporting requirements of this section are the following:
 - (1) Gifts received by will or intestate succession;
 - (2) Gifts received by way of distribution of any inter vivos or testamentary trust established by a spouse or ancestor;
 - (3) Gifts from a spouse, fiancé, fiancée, any relative within four degrees of consanguinity or the spouse, fiancé, or fiancée of such a relative. A gift from any such person is a reportable gift if the person is acting as an agent or intermediary for any person not covered by this paragraph;
 - (4) Political campaign contributions that comply with state law;
 - (5) Anything available to or distributed to the public generally without regard to the official status of the recipient;
 - (6) Gifts that, within thirty days after receipt, are returned to the giver or delivered to a public body or to a bona fide educational or charitable organization without the donation being claimed as a charitable contribution for tax purposes; and
 - (7) Exchanges of approximately equal value on holidays, birthday, or special occasions.
- (e) Failure of a legislator or employee to file a gifts disclosure statement as required by this section shall be a violation of this chapter.
- (f) This section shall not affect the applicability of section 84-11.

from the tour company. In other words, if the free travel and other benefits were prohibited gifts in the first place, reporting them on a gifts disclosure statement does not “cure” a violation of the gifts law.⁴

C. Fair Treatment Law, HRS section 84-13

The fair treatment law, HRS section 84-13, prohibits an employee from using or attempting to use the employee’s official position to secure unwarranted advantages or benefits for himself or herself or anyone else. A teacher’s personal and direct involvement in selecting a particular tour company to help organize a trip, promoting the trip, deciding that he or she will serve as a chaperone, and securing DOE approval for the trip raises concerns that the teacher may be misusing the teacher’s official position to secure free travel and other personal benefits for himself or herself. Under these circumstances, the free travel and other benefits appear to be unwarranted benefits the teacher obtains in violation of HRS section 84-13.

D. Conflicts of Interests Law, HRS section 84-14

When an employee takes official action that personally benefits the employee, concerns arise that the employee’s state work is influenced by personal interests. This undermines public confidence in government. The State Ethics Code is intended to prevent an employee from being involved in official action that places the employee in a conflict of interest with his or her state position.

1. HRS section 84-14(a)(2)

HRS section 84-14(a)(2), part of the conflicts of interests law, prohibits an employee from taking official action directly affecting a private undertaking in which the employee is engaged as a representative or in some other agency capacity.⁵

A trip that a teacher organizes and arranges through a particular tour company using the tour company’s letterhead, PowerPoint presentation, and/or other promotional material prepared by the tour company appears to be a private undertaking in which the teacher in essence is a representative of the tour company. By taking official action directly affecting this undertaking in his or her capacity as a teacher, i.e., selecting the

⁴ See HRS section 84-11.5(f).

⁵ HRS section 84-14(a)(2) states:

No employee shall take any official action directly affecting . . . [a] private undertaking in which the employee is engaged as legal counsel, advisor, consultant, representative, or other agency capacity.

tour company, planning the trip itinerary, promoting the trip, deciding who will serve as chaperones, and/or requesting DOE approval of the trip, the teacher has a conflict of interest under HRS section 84-14(a)(2). Under these circumstances, the teacher's acceptance of free travel and other benefits from the tour company is prohibited under the State Ethics Code.

HRS section 84-14(d)

HRS section 84-14(d), another part of the conflicts of interests law, prohibits an employee from assisting or representing a business for compensation on a matter in which the employee participates or will participate in the employee's state capacity, or on a matter before the employee's own state agency.⁶

In the Commission's view, the free travel and other benefits a teacher receives from a tour company is "compensation"⁷ for assisting or representing the tour company on a matter in which the teacher participates in his or her DOE (state) capacity. By promoting the trip to the students and their parents, the teacher assists or represents the tour company in generating revenue for the tour company and is "compensated" by the tour company for these efforts. The teacher also is "compensated" for securing approval for the tour company's trip from the DOE, i.e., assisting or representing the tour company on a matter before the DOE.⁸ The teacher's acceptance of free travel and other benefits from the tour company under these circumstances is a conflict of interest and, therefore, prohibited under HRS section 84-14(d).

⁶ HRS section 84-14(d) states:

No legislator or employee shall assist any person or business or act in a representative capacity for a fee or other compensation to secure passage of a bill or to obtain a contract, claim, or other transaction or proposal in which the legislator or employee has participated or will participate as a legislator or employee, nor shall the legislator or employee assist any person or business or act in a representative capacity for a fee or other compensation on such bill, contract, claim, or other transaction or proposal before the legislature or agency of which the legislator or employee is an employee or legislator.

⁷ HRS section 84-3 defines "compensation" as "any money, thing of value, or economic benefit conferred on or received by any person in return for services rendered or to be rendered by oneself or another."

⁸ It is possible that the free travel and other benefits (i.e., "compensation") a teacher receives from a tour company may be considered as "income" the teacher earns for services rendered. The Commission notes that the Internal Revenue Service ("IRS") may recognize the fair market value of the free travel and other benefits as "income" the teacher must report to the IRS for tax purposes. See Taxable and Nontaxable Income, Publication 525 (2014), Department of the Treasury, IRS.

III. Upcoming Trips

The Commission is aware that teachers have been offered free travel and other benefits by tour companies for a number of upcoming trips that are scheduled or are being planned, including trips for which students have already paid. For the reasons discussed above, the teachers are prohibited from accepting the free travel and other benefits from the tour companies.

The State Ethics Code does not prohibit the trips from occurring, nor does the State Ethics Code prohibit the teachers from serving as chaperones on the trips. However, if the teachers are directly involved in planning and organizing the trips with the tour companies and engage in the official action described above, the State Ethics Code prohibits the teachers from accepting free travel and other benefits from the tour companies.

IV. Trips That Already Occurred

The Commission is aware that teachers have received free travel and other benefits from tour companies for trips that already occurred. The Commission has decided to take no administrative action⁹ against teachers for accepting free travel and other benefits from tour companies for student educational trips that already occurred. However, in accordance with the gifts reporting law, teachers who accepted free travel and other benefits from the tour companies must report the travel and other benefits that they received on a gifts disclosure statement filed with the Commission.¹⁰

V. Summary

The Commission emphasizes that the State Ethics Code does not prohibit student educational trips from occurring, nor does the State Ethics Code prohibit teachers from serving as chaperones on these trips. However, the State Ethics Code prohibits the teachers from accepting free travel and other benefits from the tour

⁹ The Commission may take administrative action by issuing a charge against an employee for alleged violations of the State Ethics Code. A charge commences formal proceedings against an employee that may lead to an administrative hearing and penalties that may include a fine. See HRS section 84-31.

¹⁰ The Commission issued a memorandum to all teachers, dated August 4, 2015, which addresses trips that already occurred. The memorandum states that the Commission will take no administrative action against teachers for accepting free travel and other benefits from tour companies for student educational trips that were completed before July 31, 2015. The memorandum also explains that teachers who accepted free travel and other benefits from tour companies after June 1, 2014, must file a gifts disclosure statement with the Commission to report those gifts.

companies if the teachers engage in official action vis-a-vis the tour companies as described above. In short, because of the way the trips are currently organized and arranged, the State Ethics Code prohibits teachers from accepting free travel and other benefits from the tour companies.

The Commission has offered to assist the DOE in reviewing policies and procedures to address the State Ethics Code concerns associated with the teachers' acceptance of free travel and other benefits, including possible ways to fund the teachers' travel for upcoming student educational trips.

Dated: Honolulu, Hawaii, August 19, 2015.

HAWAII STATE ETHICS COMMISSION

Susan N. DeGuzman, Chair
David O'Neal, Vice Chair
Ruth D. Tschumy, Commissioner
Melinda Wood, Commissioner
Reynaldo D. Graulty, Commissioner



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

TESTIMONY FOR HOUSE BILL 2431, RELATING TO ETHICS

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

Friday, February 5, 2016, 2:00 PM
State Capitol, Conference Room 309

Honorable Chair Takumi and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 350 members. On behalf of our members, we offer this testimony in strong support of House Bill 2431, relating to ethics.

According to three of the Hawaii State Department of Education's general learner outcomes, public school students are to become community contributors, complex thinkers, and effective communicators. Each of these GLOs requires and advances a cosmopolitan outlook on the world, in which curricular questions are integrated with real-life experiences that promote critical thinking and collaborative problem-solving.

Perhaps nowhere is this better advanced than in field trips involving the application of learned content and skills in extracurricular settings. From the musicianship of mainland band performances to the civic engagement of We The People competitions, group educational travel provides academic enrichment that broadens local students' learning beyond Hawai'i, increasing achievement through global knowledge formation. In some cases, this global perspective is literal, such as when teachers coordinate trips in foreign countries to forge cultural exchanges. No amount of textbook reading, internet research, or art history study can replace the experience of reliving the storming of the Bastille in the French language or gazing upon Michelangelo's *The Last Judgement* on the ceiling of the Sistine Chapel. Teachers spend countless hours instructing students on how to appreciate different

historical, cultural, narrative, and linguistic spaces. School-sponsored trips, as the Board of Education has deemed them, deepen that appreciation into understanding.

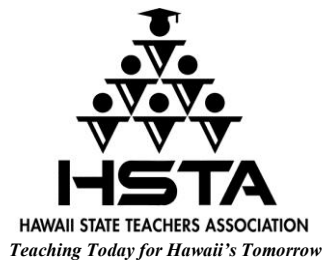
Yet, last year, the Hawaii State Ethics Commission raised conflict-of-interest concerns regarding school-sponsored trips, prohibiting teachers from accepting free travel and accommodations from tour companies while serving as chaperones. According to the Ethics Commission, teachers who coordinate optional trips through tour companies, including their own travel costs, are functioning as agents for private travel enterprises to entice bookings from parents, while simultaneously accepting illicit individual benefits. In essence, the Ethics Commission is suggesting that our state's hardworking teachers are reviewing travel company brochures, thinking, "Oh, I've always wanted to go to Washington D.C. in March," then arranging school-sponsored trips as a cover for personal vacations.

Nothing could be further from the truth. In reality, teachers spend weeks, and sometimes months, planning each school-sponsored trips, ensuring that they are aligned with and extend classroom lessons, communicating with parents, coordinating with students, and, of course, chaperoning the trips themselves. Notably, chaperoning a trip is a 24/7 task, in which teachers are constantly preparing content, supervising conduct, purchasing supplies, and providing safety for their pupils.

Moreover, teachers perform these functions at no cost. Already the worst paid education professionals in the country (ranking fifty-first out of fifty states and the District of Columbia for starting and median teacher salary adjusted for cost of living, according to a 2015 WalletHub study), teachers who coordinate and chaperone student travel are, in effect, working for free—even working themselves into debt, given their need to subsidize a significant portion of their own travel costs, like meals. School-sponsored trips are not vacations. They're educational experiences that bring core classroom content to life, delivering what cannot be captured in a standard—the humanity, sublimity, historicity, and worldliness that turn students into lifelong learners.

We must free our teachers and students from the yoke of common corporate standards and the tyranny of toxic testing. In turn, we should offer educational opportunities that allow our educators and children to critically engage with the world around them, both within our island community and beyond our shores, fostering intellectual voyages that will chart our state's course through the 21st Century. Mahalo for the opportunity to testify in strong support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance



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TESTIMONY BEFORE THE HOUSE COMMITTEE ON
EDUCATION

RE: HB 2431 - RELATING TO ETHICS

FRIDAY, FEBRUARY 5, 2016

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Takumi and Members of the Committee:

The Hawaii State Teachers Association **supports HB 2431**, relating to ethics.

If passed, this bill will allow teachers to engage in extracurricular service without having to incur extra costs to pay for their own travel expenses. Each year, educators donate their time to prepare field trips that broaden learning beyond the classroom. Educators give up their own free time to provide students with these trips, which often entail chaperone costs paid by parents. In the past, parents were willing to pay these costs because they saw the educational value of “school-sponsored trips.” These field trips were optional; parents did not *expect* teachers to sacrifice time outside of the workday or work for free.

Yet, last year, the State Ethics Commission ruled that teachers could no longer accept “free travel” to accompany students on school-sponsored trips. This ruling been devastating for teachers who coordinate extracurricular learning excursions, from band trips to visits to our nation’s capital to forays into foreign countries. The Ethics Commission’s ruling led to the cancellation of trips that had been planned for months, if not years. In the wake of this summer’s ruling, teachers immediately put planned trips on hold. For example, Kapolei High School’s band director, Daryl Agena, halted plans to take his students to the mainland to perform, as they had done at Disneyland in 2014. Additional trips have not been officially cancelled because teachers stopped planning altogether them in the aftermath of the commission’s decision.

It has been suggested that the ethics problem raised by the commission can be solved by asking school administrators to coordinate school-sponsored trips on teachers' behalf. Unfortunately, administrators are already overtasked with managing innumerable tasks, like unnecessarily cumbersome teacher evaluations. More importantly, administrators are not intimately familiar with student needs or the nexus between school-sponsored trips and classroom curricula, and thus would not be well equipped formulate travel plans that bring classroom material to life.

Hawaii teachers, being the lowest paid in the nation, cannot afford to pay for travel expenses out of their own pockets. If we delay on exempting teachers for travel or conferences, however, thousands of students will be denied worthwhile educational experiences. Accordingly, the Hawaii State Teachers Association asks your committee to **support** this bill.

HB2431

Submitted on: 2/2/2016

Testimony for EDN on Feb 5, 2016 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
John Bickel	Individual	Support	No

Comments: As a former public school teacher who took the Roosevelt Speech and Debate team to the National Tournament in Phoenix in 1999, I know it is a big commitment for a teacher to take the time and effort to make the trip happen. Currently I teach in a private school. I do admissions interviews. One of the questions I ask is what accomplishment are you most proud of. The answer I get a lot is a school trip. To discourage teacher travel with students is only harming the education of young people. Please support this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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To: EDNtestimony@capitol.hawaii.gov

Heading: Testimony in support of HB2431

Testimony for Committee on Education Friday, February 5, 2016 2:00pm

Honorable Chair Takumi and committee members,

I've been a public school teacher in Hawaii for a quarter of a century. My name is Debbie Anderson. I teach on the Big Island, formerly at Honokaa High and Intermediate, currently at Waiakea Intermediate School. I am writing testimony to urge you to support HB2431.

Serves is the key word in HB2431. By definition, salaried professionals work outside our normal business hours and public duties and responsibilities. We can provide many examples of public school teachers working beyond the call: extracurricular, co-curricular and related to developing professional leadership, to name a few types of duties.

As a parent entrusting my child to a specific teacher as a 24-hour chaperone on an educational trip, I want to ensure that teachers I trust continue to provide this type of learning opportunities for children. Teachers take very seriously this type of responsibility. They spend months preparing for the learning of their students while on these trips. Planning, coordinating, and implementing meaningful study tours is intensive, requires careful coordination, and 24-hour supervision of students. Calculating out the actual reimbursement, teachers are making less than minimum wage, just as coaches like us coach for the love of athletes. Without the travel costs covered by the tour companies for teachers, they would not be able to afford to go, and thus, their students would also not be able to go. We should be thanking our teachers for providing these life experiences for our students, not treating them like they are doing something wrong. Teachers would not be unethical and tie voluntary participation to influence an official duty such as grading. Please support HB2431 and let teachers continue to provide these opportunities for our students.

Often we use the phrase co-curricular to describe activities which are "consistent or complementary" to our existing job duties or description. Grammy award winning educator Gary Washburn and the Honokaa Jazz Band are performing artists, and thus travel to many locales to experience Fine Arts performances as part of learning and preparation for future career and lifelong artistic endeavors. Honokaa Student Activities Coordinator (SAC) Angella Brandt has travelled to Guam to promote the Relay for Life program which helps develop student leaders toward practical community activism. These are just a couple of examples with which you are familiar already. Our state benefits from ensuring that teachers are recognized for providing outstanding service opportunities beyond normal working hours. Please support HB2431 to encourage teachers to continue to provide opportunities for our students.

Within our profession, we promote teacher leadership in many different ways, including as a facet of National Board Certification. As a Nationally Board Certified Teacher (NBCT), I received approval for "reasonably related" out of state travel from our Complex Area Superintendent Art Souza, and then Governor Linda Lingle. For six summers from 2008-2013, I was contracted by an assessment company working for the National Board for Professional Teaching Standards (NBPTS) as an Assessor and/or Trainer. The slight remuneration I received did not cover the expenses I incurred to participate. I volunteered to join the NBPTS Direct Recruiting Efforts to Attract Minorities (DREAM) Team, to design Candidate Support Programs (CSP) appropriate to Hawaii. I applied these experiences to bring a Targeted High Needs Initiative (THNI) grant, which supported providing *TakeOne!* National Board Entry coursework to fifteen locations, primarily targeting access for the most remote locations, some at no cost. As a result, now we have NBCT teacher-leaders serving on every major island, in Hana, Kahuku, etc. Hawaii has received National recognition for similar team efforts. Designing this type of supplemental professional development program would not be possible without legislative provision. Please support HB2431 so teachers can continue to develop professionally and provide greater service to Hawaii.

As Educators, we thank you for your time and public service on the House Committee on Education.

Sincerely,

Debbie Anderson, NBCT

Testimony for Committee of Education

Friday, February 5, 2016

2:00 p.m.

Honorable Chair Takumi and committee members,

My name is Mireille Ellsworth. This is my 12th year as a public school teacher in Hawaii. I teach English and Drama at Waiakea High School.

I am writing testimony to urge you to support HB2431.

When I heard about the Ethics Commission ruling that teachers would not be allowed to travel with students at a company's expense in exchange for organizing and supervising students, I was appalled! I have been considering taking students on a Broadway Tour and began researching the various companies who are experts at helping coordinate these trips. The companies do much of the legwork that would be time-prohibitive for me, as a busy teacher, to arrange. When teachers take students on these trips, it is at great risk because they are taking on a big responsibility doing so. Also, it is not a vacation or a pleasure trip. It is work to take care of all the minute details of such an excursion. To think a teacher would sacrifice even more by paying their own way is irrational. Why would anyone choose to take on such a task and still have to pay his or her own way? The teacher might as well just travel for pleasure if he or she is going to have to pay for it!

Also, as a high school student, I was afforded the opportunity to travel with teachers to amazing places like Greece, England, India, Nepal, and even the USSR (yes, it was still a communist country then). The literature of the Odyssey and Iliad as well as Lord Byron's poems came alive for me as I visited the Greek Islands. I saw poverty in India and Nepal that made me appreciate what I had as an American. I experienced the stark contrast of the communist way of life from that of the U.S. and share those experiences with my students to this day, especially when teaching Orwell's Animal Farm! Travel is the best education, and it truly impacts not only the student who travels, but the classmates of that student who benefit from the perspectives he or she brings back.

I applaud the maker of this bill to facilitate this enriching experience for Hawaii's keiki who deserve to see the world and gain a global perspective which enhances our local community when they return with the knowledge and wisdom they have gained. We must do everything in our power as citizens and nurturers of future generations to encourage such amazing learning experiences, and this bill does just that.

Thank you for the opportunity to share my experiences for your consideration. I urge you to support HB1713!

Mireille Ellsworth,
English & Drama Teacher,
Waiakea High School

Honorable Chair Takumi and committee members,

My name is Amy Perruso. This is my sixteenth year as a public school teacher in Hawaii. I teach AP social studies at Mililani High School. I am writing testimony to urge you to support HB2431.

I travel with my students for two main purposes. The first is to enable my students to engage in environmental restoration on Kahoolawe. The second is to allow my students to compete in national competitions such as History Day, We the People: The Citizen and the Constitution, and Civic Renewal Project. However, this kind of work, which should be strongly supported by the state, now meets with nothing but roadblocks and headaches.

I used to encourage other teachers to get their students involved in these incredibly rich experiences, because I saw the impact they had on my students. However, since the Ethics Commission ruling last year, I hesitate to other teachers to engage in similar kinds of activities with their students. Not only would I be asking my fellow teachers to **sacrifice** their personal time, but I would also be asking them to engage in work that will be met not with support by the state, but with suspicion of wrongdoing, obstructionism and endless paperwork? Does this seem right?

It seems to me that not only do we have to deal with the incredibly wrongheaded ruling by the Ethics Commission in ways that undo the damage done to teacher- driven work around student travel, but we need to move further to recognize and support teachers who dedicate their free time, energy and resources to support their students beyond the classroom walls. These teachers bring learning alive and make it meaningful and worthwhile.

Thankfully, the parents of our students understand the value of these trips and appreciate dedicated teachers who provide these opportunities for their children. Actually, perhaps we should thank Les Kondo for raising awareness of the unpaid “labor of love” that is teaching in the public school system of Hawaii. I have not seen, since the 2001 strike, such consensus of public opinion supporting teachers in their efforts to help students. Our students and their parents are extremely disappointed and are hoping that you, our legislators, will help fight for us, the teachers, the students, and the parents to allow these valuable learning experiences to continue.

Please support HB2431 and let teachers continue to provide these opportunities for our students.

Thank you for your time,

Dr. Amy Perruso
NBCT
Mililani High School

Testimony for Committee on Education

Friday, February 5, 2016

2:00pm

Honorable Chair Takumi and committee members,

My name is Hope McKeen. This is my 10th year as a public school teacher in Hawaii. I teach K-5 at Ka 'Umeke Kā'eo Public charter school.

I am writing testimony to urge you to support HB2431.

Planning, coordinating, and implementing meaningful study tours is intensive, requires careful coordination, and 24-hour supervision of students. Teachers take this responsibility very seriously. They spend months preparing for the learning of their students while on these trips. Without the travel costs covered by the tour companies for teachers, they would not be able to afford to go, and thus, their students would also not be able to go.

The parents of our students understand the value of these trips and appreciate dedicated teachers providing these opportunities for their children. Our students and their parents are extremely disappointed and are hoping that you, our legislators, will help fight for us, the teachers, the students, and the parents to allow these valuable learning experiences to continue.

We should be thanking our teachers for providing these life experiences for our students, not treating them like they are doing something wrong. Please support HB2431 and let teachers continue to provide these opportunities for our students.

Thank you for your time.

I hope we can count on you for your support,

Hope McKeen

Ka 'Umeke Kā'eo

pualanimckeen@gmail.com

Dear Chair Takumi

My name is Morgan Stevens. This is my 3rd year as a public school teacher in Hawaii. I teach 6th grade all subjects at Ke Kula 'o 'Ehunuikaimalino

I am writing testimony to urge you to support HB2431.

Planning, coordinating, and implementing meaningful study tours is intensive, requires careful coordination, and 24-hour supervision of students. Teachers take this responsibility very seriously. They spend months preparing for the learning of their students while on these trips. Without the travel costs covered by the tour companies for teachers, they would not be able to afford to go, and thus, their students would also not be able to go.

The parents of our students understand the value of these trips and appreciate dedicated teachers providing these opportunities for their children. Our students and their parents are extremely disappointed and are hoping that you, our legislators, will help fight for us, the teachers, the students, and the parents to allow these valuable learning experiences to continue.

We should be thanking our teachers for providing these life experiences for our students, not treating them like they are doing something wrong. Please support HB1713 and let teachers continue to provide these opportunities for our students.

Thank you for your time.
I hope we can count on you for your support,

--

Morgan Stevens

808 260 0368

Kumu | Papa 'Eono | Ke Kula o 'Ehunuikaimalino | 808 313 3131

HB2431

Submitted on: 2/4/2016

Testimony for EDN on Feb 5, 2016 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Stephenie Blakemore	Individual	Comments Only	No

Comments: Teachers work 24/7 when travel expenses are covered for trips with students. They are with the students throughout travel times to and from an event location, as well as during activities such as meals, and the events themselves. They are always making sure students are safe, etc. It is important to support those teachers who are willing to give up personal time so that students can experience important lessons while traveling to conferences and participating in cultural trips abroad and on the mainland. Mahalo

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Testimony for Committee on Education

Friday, February 5, 2016

2:00pm

Honorable Chair Takumi and committee members,

My name is Tracy Monroe. This is my 16th year as a public school teacher in Hawaii. I teach Social Studies at Ilima Intermediate school.

I am writing testimony to urge you to support HB2431.

Planning, coordinating, and implementing meaningful study tours is intensive, requires careful coordination, and 24-hour supervision of students. Teachers take this responsibility very seriously. They spend months preparing for the learning of their students while on these trips. Without the travel costs covered by the tour companies for teachers, they would not be able to afford to go, and thus, their students would also not be able to go.

The parents of our students understand the value of these trips and appreciate dedicated teachers providing these opportunities for their children. Our students and their parents are extremely disappointed and are hoping that you, our legislators, will help fight for us, the teachers, the students, and the parents to allow these valuable learning experiences to continue.

We should be thanking our teachers for providing these life experiences for our students, not treating them like they are doing something wrong. Please support HB2431 and let teachers continue to provide these opportunities for our students.

Thank you for your time.

I hope we can count on you for your support,

Tracy Monroe
Ilima Intermediate
tracymonroe50@gmail.com

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Tracy Monroe
Ilima Intermediate Social Studies
2015 Hawaii Hope Street Group Fellow

“Those who know, do. Those that understand, teach.”
— Aristotle

HB2431

My name is Natasha Taketa, and I am a music teacher at McKinley high school. I am in support of this bill for teacher travel. My colleague, the band director, and I have been traveling as a part of our programs. We take our classes to perform for our community at yearly events, festivals with other bands, orchestras, and choirs, adjudication so that our groups can be graded and ranked by professional musicians and judges, student recruitment at other schools, our school events like football and basket ball games, and the list goes on. I find it difficult and limiting to provide these opportunities for our students and our programs if we teachers are required to pay for each trip. We do not make enough money to be able to pay for all the traveling that we do. I also feel that we shouldn't have to pay out of our pockets to do our job. Please support this bill on behalf of all the teachers who travel to provide the many opportunities for our students.

Sent from my iPhone

HB2431

Submitted on: 2/5/2016

Testimony for EDN on Feb 5, 2016 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Edward B. Garcia	Individual	Support	No

Comments: Honorable Chair Takumi and the Education Committee Members, I am writing testimony to urge you to support HB 2431. I have been an educator for 22 years serving in the capacities of a teacher and counselor. I am currently 6th grade Keyboarding teacher @ Iao Intermediate School on Maui. As a teacher, planning, coordinating, and implementing meaningful lessons are intensive, requires many hours of work to make it successful for our students. Teachers take this responsibility very seriously. As for our activities such as student and club trips, we spend months preparing for the learning of their students while on these trips. We spend countless hours fundraising and soliciting donations from community members. Without the travel costs covered by the tour companies for teachers, they would not be able to afford to go, and thus, their students would also not be able to go. We as teachers, parents, and our students understand the value of these trips. We appreciate dedicated teachers and community members in providing these opportunities for their children. As educators and stakeholders in our respective communities, our students and their parents would be appreciated and hopes that you, our legislators, will help support us, the teachers, the students, and the parents to allow these valuable learning experiences to continue. I am thankful for teachers like me for providing these life experiences for our students, not inhibiting them like them from the valuable experiences. Please support HB 2431 and let teachers continue to provide these opportunities for our students. Thank you reading my testimony and for your time. I can count on you for your support for the HB 2431. Edward B. Garcia 'Iao Intermediate School 6th Grade Keyboarding Teacher Former HSTA Teacher Lobbyist

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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