

SB2601

Measure Title: RELATING TO ETHICS.

Report Title: State Ethics Code; Extracurricular Service; Exemption

Description: Exempts extracurricular service of employees from the state ethics code if certain conditions are met. Defines detached remuneration and extracurricular service.

Companion: [HB1713](#)

Package: None

Current Referral: EDU, JDL

Introducer(s): KIDANI, DELA CRUZ, GALUTERIA, HARIMOTO, NISHIHARA, SHIMABUKURO, WAKAI



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

Date: 02/05/2016
Time: 01:25 PM
Location: 229
Committee: Senate Education

Department: Education
Person Testifying: Kathryn S. Matayoshi, Superintendent of Education
Title of Bill: SB 2601 RELATING TO ETHICS.
Purpose of Bill: Exempts extracurricular service of employees from the state ethics code if certain conditions are met. Defines detached remuneration and extracurricular service.

Department's Position:

The Department of Education supports the intent of SB 2601, which exempts extracurricular service of employees from the State Ethics Code if certain conditions are met.

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 SB 2601 would recognize the indispensable role teachers play in making educational travel possible. This measure would permit teachers and other State employees who provide extracurricular services such as travel planning and chaperoning to accept limited remuneration in the form of free travel.

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

SENATE COMMITTEE ON EDUCATION
The Honorable Michelle N. Kidani, Chair
The Honorable Breene Harimoto, Vice Chair

S.B. No. 2601, Relating to Ethics

Hearing: Friday, February 5, 2016, 1:25 p.m.

The State Ethics Commission (“Commission”) **opposes** S.B. No. 2601. This bill creates a blanket exemption to all ethics laws in Part II (Code of Ethics) of the State Ethics Code, Chapter 84, Hawaii Revised Statutes, for employees who engage in “extracurricular service” that is related to their state duties. The Commission opposes this bill because it is unnecessary, overly broad, and contrary to the stated purpose of the State Ethics Code. The bill will have the unintended effect of allowing state employees from all agencies to circumvent the ethics laws while performing “extracurricular service.”

S.B. No. 2601 appears intended to respond to the concerns the Commission raised in Advisory Opinion No. 2015-1 (attached), regarding the issue of Department of Education (“DOE”) teachers receiving free travel from tour companies the teachers select to organize student trips. In the advisory opinion, 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.

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 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.

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 by 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, the administration selects a tour company to organize the trip, the administration selects the teachers to serve as chaperones, and the administration 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 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.

The Commission also opposes S.B. No. 2601 because the bill is overly broad. Because the "extracurricular services" contemplated by the bill are so broadly defined, it appears that virtually any activity by any employee, so long as it is somewhat related to an employee's state job duties, may be sufficient to justify the employee's acceptance of something of personal benefit or economic value to the employee. For example, an employee may be interested in a certain product that could be useful to the employee's state agency. The employee meets with a vendor to learn about the product over an expensive dinner or golf that is paid for by the vendor. It appears that the employee would be permitted to accept the dinner or golf as "detached remuneration" for meeting with the vendor. S.B. No. 2601 could have the unintended effect of allowing employees

to secure substantial personal benefits while performing services relating to their state jobs.

The Commission further opposes S.B. No. 2601 because it exempts employees who engage in “extracurricular service” from all of the laws in Part II of the State Ethics Code, including but not limited the laws pertaining to gifts, reporting of gifts, confidential information, fair treatment, conflicts of interests, and contracts. S.B. No. 2601 will have the unintended effect of allowing state employees from all agencies to circumvent the ethics laws while performing “extracurricular service.” For example, under S.B. No. 2601, an employee’s “extracurricular service” may involve completing a questionnaire for a private company (for pay), where the company seeks to do business with the employee’s state agency and asks the employee to provide detailed information about the agency, including the agency’s confidential casework. The provision in the State Ethics Code that prohibits the disclosure of confidential information would not apply to the employee in this situation.

Finally, as mandated by the Hawaii Constitution, Article XIV, the State Ethics Code is established “so that public confidence in public servants will be preserved.” It appears that S.B. No. 2601 would permit employees to engage in conduct that would erode the public’s confidence in state government.



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

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: burgharc@gmail.com
Subject: Submitted testimony for SB2601 on Feb 5, 2016 13:25PM
Date: Thursday, February 04, 2016 2:54:27 PM

SB2601

Submitted on: 2/4/2016

Testimony for EDU on Feb 5, 2016 13:25PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Support	No

Comments: The legislature keeps making statements that they are supporting the children of Hawai'i. Here's a chance to make it happen. Please pass this bill to continue the trips and extended learning provided. My support is extended to all the bills related to the ethics and educational tours.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

To: EDUtestimony@capitol.hawaii.gov

Heading: Testimony in support of SB2601, SB2602, and SB2425

Testimony for Committee on Education Friday, February 5, 2016 1:25pm

Honorable Chair Kidani 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 SB2601, SB2602, and SB2425.

Serves is the key word in these SBs. 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 these SBs 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 these SBs 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 SB2601, SB2602, and SB2425 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 Senate Committee on Education.

Sincerely,

Debbie Anderson, NBCT

From:
To:
Subject:
Date:

Testimony for Committee on Education
Friday, February 5, 2016
1:25pm

Honorable Chair Kidani and committee members,

My name is Eunice Espinosa. This is my thirteenth year as a public school teacher in Hawaii. I teach Spanish at Pearl City High school.

I am writing testimony to urge you to support SB2601, SB2602, and SB2425.

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 SB2601, SB2602, SB2425 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,

Eunice Espinosa
Pearl City High School

From: [Jason Chin](#)
To: [EDU Testimony](#)
Subject: Testimony for SB2601, SB2602, and SB2425
Date: Thursday, February 04, 2016 5:27:11 PM

Honorable Chair Kidani and committee members,

My name is Jason Chin This is my 12th year as a public school teacher in Hawaii. I teach band at Kawanakoa Middle School.

I am writing testimony to urge you to support SB2601, SB2602, and SB2425.

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 students for these trips, coordinate lessons, extra meetings for students and parents, and plan follow-up lessons and events to culminate the event. These school-initiated educational field trips deserve to have the support of the state government, and requiring teachers to pay out of pocket to coordinate these trips is inconsistent with the practices within other departments. In an ideal world, the schools would pay for teacher travel costs, however, many of us will do the altruistic thing and instead have that money go towards classroom supplies or positions and services within the school. The benefit of allowing teachers to travel on these school field trips with the financial assistance of the travel agencies and their vendors provides is far greater than the perceived detrimental effects of a technical violation of ethics rules.

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 SB2601, SB2602, SB2425 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,

Jason Chin
Kawanakoa Middle School
jchinsaxophone@gmail.com

From:
To:
Subject:
Date:

Honorable Chair Kidani and committee members,

My name is Jennifer Hashimoto and this is my fifth year as a public school teacher in Hawaii. I teach AP World History and the AVID Elective at James Campbell High School.

I am writing testimony to urge you to support SB2601, SB2602, and SB2425.

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.

In March 2014, I led a group of 15 students from Campbell High School on a trip to Europe (London, Paris, Florence, and Rome) with EF Tours. I spent the year prior researching, planning, recruiting, and preparing for the trip. When recruiting, I emphasized (with both the students and the parents) that the trip was an educational one and not just a sightseeing tour. Our specific itinerary was selected to provide the most opportunities for the students to experience places they learned about in class in a short amount of time (Spring Break) and aligned with aspects of the HICPS III History and AP World History curriculum. All of the time spent planning and preparing for the trip was my own - including several evening meetings with the parents. Before leaving, I prepared packets for each of the students with additional information about the places we were visiting, including maps, lessons on how to travel on the London Underground, major highlights, commonly used foreign language phrases, etc. - all put together with my own money and on my own time. I also purchased small thank you gifts for the different city guides and bus drivers that we had during our time abroad. From the moment we met at the airport on the first day until the last person was picked up when we returned - I was 'on duty'. While EF Tours did provide a dedicated tour guide for the duration of the trip, I was responsible for the safety and well-being of the 15 students who were traveling with me. This trip was a great opportunity - not only for my students but also as an educator. I learned a lot from the various tour guides, brought back wonderful stories to share with future students and was so excited to see the 'light bulb' moments when they were able to connect what they were seeing with something they'd read about or seen in pictures.

Given the wonderful experience I had, in the fall of 2014, I began planning for and researching for a trip to take place this coming March (2016). However, given the uncertainty with the Ethics Commission ruling, I ended up canceling the trip this past September (2015). In April, at the request of the Ethics Commission, I filled out their 40+ question survey regarding my trip - explaining the purpose and procedures followed when planning the trip

and did not receive a response back from them until November. I tried to follow up with them in August to see if my trip would still be feasible but was told that they would get back to me after they met. Since I was not sure if the trip would be approved, much to the disappointment of those who planned on traveling, I made the tough decision to cancel the trip rather than leave things in limbo. It was a good thing that I did because according to correspondence from the Ethics Commission and the DOE, and despite being aligned with HICPS III and AP World History curriculum, I was told that my trip did not meet the qualification guidelines and that all teacher chaperones would have to pay for their own travel costs.

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. Given the amount of work involved in planning and supervising a trip abroad, I do not feel it is right to ask teachers to pay to work. I was also told that teachers would not be able to participate in any fundraisers to help defray the costs of travel. That is extremely frustrating and disappointing, especially since many teachers are living on limited means as it is.

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. For many students, traveling abroad with the school is their only opportunity to do so. Through travel, not only can students learn about the history and culture of a place, but they also learn critical thinking, social skills, and independence. Please help to provide these valuable learning opportunities for our students.

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 SB2601, SB2602, SB2425 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,

Jennifer Hashimoto

James Campbell High School

From: [Jodi Kunimitsu](#)
To: [EDU Testimony](#)
Subject: SB2601, SB2602, and SB2425
Date: Thursday, February 04, 2016 4:13:39 PM

Aloha Chair Kidani and the Senate Education Committee,

My name is Jodi Kunimitsu and I am a teacher at Maui High School. I am writing in strong support of SB 2601, SB 2602, and SB 2425, regarding teacher travel.

In my 13 years of teaching, I have known many teachers who have used their own personal time to take students on trips, which gave students educational experiences that they would never be able to get in the classroom. Some examples of these trips include: taking students to Washington, D.C. for the Close Up program; taking band students to perform in the Rose Bowl parade and the Macy's Thanksgiving Day parade; media program students going to STN competitions on the mainland; science teachers taking their students to compete in the science fair; and CTE teachers taking their students to compete in National Academy competitions (Skills USA, DECA, etc.).

Teachers get excited about bringing their students on these trips - NOT because they see it as a "free" trip - but because they are happy to see their students getting an experience that they will not be able to provide them in the classroom. Many of these teachers use their personal days to make these trips happen. Some give up their fall, winter, spring, or summer breaks/intercessions. Teachers know that when they take students on these trips, they have a HUGE responsibility to ensure the safety of their students. It is really a 24-hour job to be a chaperone for students who go on these trips.

It is ridiculous that teachers who sacrifice so much to give their students these memorable educational experiences are now being treated as "thieves" for accepting funding for their trip. To say that it is unethical for them to have their trip paid for, is just wrong. What would be unethical is for teachers to take these students on the trip for the educational experience and not be concerned about their safety. If a teacher pays for their own trip, does that now make them solely responsible for themselves and not for the students? Or will there be a double-standard: pay for your own trip and you are liable for the students?

Please recognize that teachers need to be treated as professionals - especially those who make personal sacrifices for their students. They already give up their time and are underpaid....now they need to shell out more of their own money to help their students have memorable educational experiences.

I am asking for your support in passing SB 2601, SB 2602, and SB 2425. Thank you for your time and consideration.

Mahalo,
Jodi Kunimitsu

Kihei, Hawaii

From:
To:
Subject:
Date:

February 4, 2016

Honorable Chair Kidani and committee members,

My name is Kamilla Mā'i'i. This is my 12th year as a public school teacher in Hawaii. I teach grade eight English Language Arts at Kaimuki Middle School. I am writing testimony to urge you to support SB2601, SB2602, and SB2425.

I have extended interdisciplinary learning of Common Core Standards across the core and elective subjects beyond the four walls of my classroom through spring break *Study Tours*. Educators such as myself, parents, students and community members see the value in today's increasingly interconnected world and the importance to prepare students with a global education. We recognize that students who will be successful in the next phase of their lives are going to have a significant advantage if they gain cultural awareness, creative and critical thinking, and international understanding. This is my passion; and this is why I give up my spring break and invite students to explore their curriculum in a more relevant and meaningful way--through travel. My experience in doing so is that students gain more confidence, life skills, and are then able to join the next generation of globally competent citizens.

As a teacher chaperone for national and international field trips--Study Tours, I spend numerous hours preparing students to gain the most from their study tour in biweekly training sessions. Students learn how to be safe and healthy travelers, how to budget their spending money and practice working cooperatively and collaboratively with others. We practice these skills focusing on: respect, building positive relationships, responsibility, and resiliency. Additionally, Students conduct short focused research and learn about foreign cultures and languages with the aid of guest speakers.

Before, during and after the Study Tour, I am working towards the success of the Study Tour for all involved parties--giving up my personal time and using my own finances. This includes creating a student travel handbook, writing a daily blog for parents when on tour, and creating a memory CD or DVD after returning home. What I do is truly a labor of love--I do this for my students. If I had to pay for my own basic travel expenses such as airfare and hotel, I would not be able to afford this on my Hawai'i teacher salary. As it is, I currently pay for my own: passport, travel insurance, baggage fees, some meals, special events and more. As suggested by other parties involved, fundraising for the opportunity for me to work beyond my regular work week on my own time is not doable for me or my other teacher chaperones.

I am deeply saddened by the Ethics Committee new travel policy for DOE teachers. When the ruling first surfaced, I was very concerned how the change would negatively impact my students and their families. I previously scheduled a study tour to Italy during spring break 2016 and currently have 25 student participants. Therefore, I was forced to restructure this year's spring study tour as a *private trip*— non DOE sponsored or supported as nearly all parents have paid their child's trip fees in full.

The study tours that I provide are intrinsically motivating for students to stay in school and do well in their classes both socially and academically. I'm saddened that the opportunity for students on our campus to travel and learn was taken away this school year because their teacher chaperones could not afford to pay their own travel expenses and cancelled the trips.

Mahalo for the opportunity to share my concerns and share my heart for my students and their education--

I hope we can count on you for your support,

NAME: Kamilla E. Mā'i'i

SCHOOL: Kaimuki Middle School

Kamilla E. Ma'i'i, 8th Grade Language Arts
Kaimuki Middle School
631 18th Avenue
Honolulu, HI 96816
Telephone (808) 733-4800
FAX (808) 733-4810

From: [Kareen](#)
To: [EDU Testimony](#)
Subject: Testimony in Support of SB2601, SB2602, SB2425
Date: Thursday, February 04, 2016 4:58:34 PM

Honorable Chair Kidani and committee members,

My name is Kareen Takushi. This is my 20th year as a public school teacher in Hawaii. I teach Grade 4 at Kipapa Elementary School.

I am writing testimony to urge you to support SB2601, SB2602, and SB2425.

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 SB2601, SB2602, SB2425 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,

Kareen Takushi
Kipapa Elementary School
puloku05@yahoo.com

Sent from my iPhone

Testimony for Committee on Education
Friday, February 5, 2016
1:25pm

Honorable Chair Kidani and committee members,

My name is Lisa Lessing. This is my 27th year as a public school teacher in Hawaii. I teach U.S History at Kahuku High and Intermediate school.

I am writing testimony to urge you to support SB2601, SB2602, and SB2425.

I have been involved in a National History Day competition for the last 20 years. It is like Science Fair with District, State and a National competition. I have sent students to the national competition where they have won money for college as well as numerous accolades. The real magic is the education they receive visiting museums, meeting their Senator and Congressperson and interacting with the other students who have come from around the country. This trip is chaperoned by teachers who are on duty 24 hours a day. It is not a good time for us. I do not sleep for 10 days and always get sick when I come back. Other states actually PAY their teachers overtime for this same trip..... because that is what it is....overtime. During my summer I am spending my own time providing this experience for our youth. I get free airfare and a room....that is it. I cannot afford two thousand dollars out of my own pocket to work 10 extra days. I make no money on the trip and use my own time. Please do not take these educational opportunities away from our youth. I will not be chaperoning if I have to pay my own air fair.

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 SB2601, SB2602, SB2425 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,

NAME Lisa Lessing
SCHOOL Kahuku High and
Intermediate

From: lorrieuji@hawaii.rr.com
To: [EDU Testimony](#)
Subject: Testimony in support of SB2601, SB2602, and SB2425
Date: Thursday, February 04, 2016 4:41:11 PM

Honorable Chair Kidani and committee members,

My name is Lorrie Ujimori. This is my 17th year as a public school teacher in Hawaii. I teach Beginning and Intermediate Band at Mililani Middle school.

I am writing testimony to urge you to support SB2601, SB2602, and SB2425.

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.

We also provide opportunities for our students to fund-raise for these trips, but as a participant, teachers are not allowed to fund-raise. Even if people want to donate money for our travel purpose, we are not allowed to accept. Should not we at least be able to get the same opportunities as the students?

Our time on these study tours allows the teacher to learn other techniques and to appreciate their students. During this past year, I have felt very embarrassed by the way the teachers have been portrayed. When I go on study tours, I am away from my family, I have to find day care for my own kids, I have to lesson plans for a substitute teacher that may not know how to play any music.

I have enjoyed the past 17 years of teaching and traveling with the students. It give the students the opportunity to see the world outside of this island. For some students it may be the only way that their child can travel because it is only 1 and not the whole family. It also inspires them to go to college and achieve beyond what they thought possible through seeing different occupations in music and production. This is why I plan the trips, for the students. It is not a vacation.

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 SB2601, SB2602, SB2425 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,

Lorrie Ujimori

Mililani Middle School

lorrieuji@hawaii.rr.com

From: [Michal Nowicki](#)
To: [EDU Testimony](#)
Subject: Testimony in support of SB2601, SB2602, and SB2425
Date: Thursday, February 04, 2016 12:06:30 PM

Honorable Chair Kidani and committee members,

My name is Michal Nowicki. This is my 8th year as a public school teacher in Hawaii. I teach mathematics and computer science to 6th and 12th graders at University Laboratory School in Honolulu. I have also taught French language at Waipahu High School in the past. As a student, I had the opportunity to participate in study tours and trips that were extremely beneficial to my growth and appreciation of academic content that was presented in an authentic context. Having taught foreign language, I see enormous potential for students who participate in well organized and planned trips. Having taught mathematics, I see how much opportunity there is outside of the classroom to make learning of this important subject more relevant.

I am writing testimony to urge you to support SB2601, SB2602, and SB2425.

Planning, coordinating, and implementing meaningful study tours is intensive, requires careful coordination, and 24-hour supervision of students. Teachers take this responsibility very seriously and they do not get extra compensation for all additional work that goes into organizing study tours. Teachers 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. I believe that many students and their parents are extremely disappointed and are hoping that you, our legislators, will help fight for teachers, students, and parents to allow these valuable learning experiences to continue.

We should be thanking our teachers for providing life experiences for our students, not treating them like they are doing something wrong. Please support SB2601, SB2602, SB2425 and let teachers continue to design, organize, and provide great opportunities for our students to learn outside of their classroom.

Thank you for your time.

I hope we can count on you for your support,

Michal Nowicki
University Laboratory School

michal.nowicki@gmail.com

From:
To:
Subject:
Date:

Testimony for Committee of Education

Friday, February 5, 2016

1:25 p.m.

Honorable Chair Kidani 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 SB2601.

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 SB2601!

Mireille Ellsworth,
English & Drama Teacher,
Waiakea High School