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PRESENTATION OF THE DEPARTMENT OF  
COMMERCE AND CONSUMER AFFAIRS  
TO THE HOUSE COMMITTEE ON EDUCATION  
AND  
TO THE HOUSE COMMITTEE ON HIGHER EDUCATION  
TWENTY-NINTH STATE LEGISLATURE  
REGULAR SESSION OF 2017  
FEBRUARY 6, 2017  
2:00 P.M.  
TESTIMONY ON HOUSE BILL NO. 189  
RELATING TO POST-SECONDARY EDUCATION

TO THE HONORABLE ROY M. TAKUMI, CHAIR,  
THE HONORABLE JUSTIN H. WOODSON, CHAIR,  
THE HONORABLE SHARON E. HAR, VICE CHAIR,  
THE HONORABLE MARK J. HASHEM, VICE-CHAIR,  
AND MEMBERS OF THE COMMITTEES:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on House Bill No. 189, Relating to Post-Secondary Education. My name is Bobbi Lum-Mew, Program Administrator for the Department's Hawaii Post-Secondary Education Authorization Program ("HPEAP"). HPEAP offers the following comments with concerns on this bill.

The purpose of House Bill No. 189 appears to be to provide a mechanism for a flight school which is accredited and which is approved by the Federal Aviation

Administration, to obtain state approval of its operations. Because this school does not offer associate or baccalaureate degrees, it does not come under HPEAP's jurisdiction. Under Hawaii Revised Statutes ("HRS") Chapter 305J, HPEAP only authorizes private college or universities that offer these types of degrees.

The Hawaii Department of Education licenses private trade, vocational or technical schools which do not offer degrees. Although there is an exception for flying schools qualified under the Federal Aviation Administration, the Hawaii Department of Education has the discretion to regulate any school which falls under an exception.

Hawaii Revised Statutes §302A-424 states as follows:

***[§302A-424] Regulation of other schools and classes.*** *The department, at its discretion, may regulate schools, classes, or courses excepted from the definition of "private trade, vocational, or technical school". [L 1996, c 89, pt of §2]*

As such, there already is a mechanism in place for a flight school to obtain state approval without making any changes to existing law. The Department notes that there is another bill, House Bill No. 190, Relating to Private Flight Schools, that has been introduced to specifically address the Hawaii Department of Education's responsibilities.

Thank you for the opportunity to comment with concerns on House Bill No. 189.

## EDNtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 3, 2017 6:30 PM  
**To:** EDNtestimony  
**Cc:** mlopes@hscadv.org  
**Subject:** \*Submitted testimony for HB189 on Feb 6, 2017 14:00PM\*

### **HB189**

Submitted on: 2/3/2017

Testimony for EDN/HED on Feb 6, 2017 14:00PM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marci Lopes	Individual	Support	No

#### Comments:

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