

February 5, 2018

COMMITTEE ON EDUCATION and COMMITTEE ON LABOR  
Conference Room 229 Hawaii State Capitol  
415 South Beretania Street

Aloha Chair Tokuda, Chair Kidani, and Senators:

According to the State of Hawaii [Department of Human Resources Development](http://dhrd.hawaii.gov/state-hr-professionals/lro/brief-history/) <http://dhrd.hawaii.gov/state-hr-professionals/lro/brief-history/>:

“Article XII, Section 2, of the Hawai‘i State Constitution in 1950 provided that persons in public employment have the right to organize and to present and make known their grievances and proposals to the State, or any political subdivision or any department or agency. The State Constitutional Convention of 1968 amended Section 2 of Article XII and the people of Hawai‘i adopted the amendment during the November 1968 elections to provide that persons in public employment shall have the right to organize for the purpose of collective bargaining as prescribed by law. The phrase “as prescribed by law” was a mandate to the Legislature to implement collective bargaining for public employees. Acting under this mandate, the Legislature studied and reviewed numerous public employee bargaining bills during the 1969 and 1970 sessions. The 1970 Legislature passed Senate Bill 1696-70, as amended, or the Hawai‘i Public Employment Collective Bargaining Law, Chapter 89, Hawai‘i Revised Statutes to effectuate the constitutional purpose.”

Unit 5 (Hawaii State Teachers Association-HSTA), currently includes Teachers, School Counselors, and School Librarians. Although other types of counselors and librarians are within other units, those specific to schools (and can only work in schools) are included within the teacher’s unit. *School Psychologists* are also ONLY allowed to work within public schools and as such should not be lumped within UNIT 13 Psychologists. Per chapter 465, there is currently no licensing option for School Psychologists. Other Department of Education employees within UNIT 13, such as Speech/Language Pathologists, Occupational Therapists, Physical Therapists, and Clinical Psychologists, can all obtain licensing through DCCA and are then able to work outside of the Department of Education.

Since School Psychologists are specialists that are specific to working in schools, just like school teachers (versus university professors) and school counselors (versus licensed mental health counselors), the Hawaii Association of School Psychologists (HASP) moves that School Psychologists within the state of Hawaii be moved to Unit 5 (HSTA), a more appropriate collective bargaining unit. This would allow for School Psychologists contracts to be negotiated by HSTA with the Superintendent and Board of Education. Currently our contracts are not negotiated with anyone in the Department of Education, which has been detrimental in recruiting and retaining School Psychologists.

After the Felix Consent Decree, School Psychologists were placed within Unit 13 and there is no documentation that we were ever actually given a choice in the matter, as there was not a School Psychologist position, nor any School Psychologists employed at that time. We are asking for your assistance in helping HASP and the School Psychologists in Hawaii to become part of an *appropriate* collective bargaining unit, which will aid in recruitment, retention, and proper credentialing of School Psychologists in the state, thus further helping Hawaii’s keiki.

Respectfully Submitted,

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Leslie Baunach, MA/CAS, NCSP  
HASP Treasurer and Legislative Representative

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Re SB2042 SD1

School Psychologists Collective Bargaining Unit 5 (HSTA)

2/4/2018

Aloha.

This is to serve as testimony in favor of the proposed senate bill 2042 SD1 which would move school psychologists from their current Unit 13 (HGEA) to Unit 5 (HSTA). I am a nationally certified school psychologist and have been working for the Hawaii State Department of Education, serving the island of Maui for nearly six years.

Our first priority is to serve our children, schools, and communities. Working under Unit 13 stipulates that we work all year with vacation and sick days to use at will. This has resulted in a climate where vacations are taken during the school calendar and people must report to work when school is not in session. In switching to Unit 5, school psychologists would adhere more closely to school staff calendars and thus be present when school is in session; thus putting children and families first.

The second issue that would be addressed is with recruitment and retention of school psychologists. It is an inarguable fact that we are always short-staffed because it is difficult to recruit and retain qualified personnel. This is due to our distance from the mainland, the lack of school psychology training programs in Hawai'i, the low pay and high cost of living, and the fact that we work year round. When trying to recruit, the pay scale and the schedule are the two greatest deterrents to the hiring process. Time and time again, I have spoken with possible new hires that decline as soon as they learn that we are not on the school calendar schedule. We have also lost very qualified school psychologists due to the fact that they want the "teachers' calendar." Many school psychologists went into training programs with the expectation of working the traditional school calendar as that is the norm across America. The fact that Hawaii cannot meet this expectation effectively reduces our candidate pool and is a detriment to our staffing.

Because we are always short-staffed, the services we can provide become more and more limited each year. Many school psychologists are only able to provide skeletal services or even limit their practice to only testing for special education. We are capable of doing so much more for our schools and being stretched so thin results in limiting our practice.

Lastly, we do not feel adequately represented by our current Unit (13) (HGEA). It is clear with our past conversations with HGEA, that they are not prepared and do not understand the world of education. They do not have our best interests at the forefront and cannot effectively communicate with us or with the Department of Education on our behalf. We have started conversations with them that have taken many months for them to respond. There is always a

very long wait until they speak with the DOE, and they consistently put aside our concerns for those more pressing concerns of other (e.g. the hospital). As a profession, we must work within the education system; we cannot work for ourselves. Thus, we need to be represented by a union that represents people who must work within the education system. School psychologists belong to HSTA, as it is on the mainland. This makes the most sense and is the most appropriate Unit for us.

I urge you to support passage of SB2042 SD1.

Respectfully submitted,

Ivana Šain, MSE, PD  
Nationally Certified School Psychologist

Testimony Support regarding SB2042  
Moving School Psychologists from HGEA to HSTA  
February 5, 2018

Aloha,

I am a Nationally Certified School Psychologist from the island of Maui and am writing in **support** of SB2042 to move School Psychologists from Hawaii Government Employees Association (HGEA) to the appropriate union of Hawaii State Teachers Association (HSTA).

Being a part of HSTA would allow our profession to be represented by a union who understands the unique challenges that Hawaii's Department of Education (DOE) educators are met with, such as recruitment and retention of School Psychologists in Hawaii. It has been made clear through my interactions with HGEA that we were placed incorrectly within their union, and that HSTA is the more appropriate union for School Psychologists. The only logical choice is for School Psychologists, who work solely within the *school* system, to be included in a union who represents personnel within the schools.

We are fortunate to have the opportunity to be represented by HSTA at this time, and I urge you to support us in this move.

Mahalo for your kokua.

Holly Hoke, Ed.S., NCSP  
School Psychologist

Jared Kono, Ed.S., P.P.S.  
School Psychologist  
Hawaii State Department of Education  
Maui District  
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Ladies and Gentlemen

My name is Jared Kono. I am a School Psychologist with the Hawaii State Department of Education - Maui District Office. I am strongly in support of SB 2042, SD1. School Psychologists work within the Department of Education and assigned to a work with the various schools through the State. I firmly believe we should be represented by the Hawaii State Teachers Association (HSTA) for many reasons.

1. School Psychologists primarily work and collaborate with teachers and other school faculty with the student as the primary focus.
2. We would be better served by HSTA because they serve educational personnel and their staff have an educational background. For this reason, they would have a better understanding of our needs and issues.
3. The Hawaii Government Employees Association (HGEA) consists of 8 units. Each unit is comprised of hundreds of different positions from the Department of Transportation (DOT), Department of Land and Natural Resources (DLNR), Department of Health (DOH) and many more. Their focus is broad and includes many positions not typical in a school environment. School Psychologists are within unit 13 (Professional and Scientific). It would be better for us to be included with other DOE "specialty" positions, such as Speech-Language Pathologists, Occupational Therapists and Behavioral Health Specialists, but instead, we are included with Engineers, Biologists and many more positions which have nothing to do with the education.

In my personal experience, HGEA claims to have our best interest but have proven on multiple occasions have been non responsive and no action. I believe their lack of action is a result of their lack of knowledge of our position and responsibilities within the school system. Like the teachers, our primary focus is the well being of the student. I believe HSTA would have a better understanding of our needs and issues.

In November 2015, I tried to get the School Psychologists on the teacher schedule because during the breaks when there are no teachers, no counselors, and most importantly no students we cannot do our job properly. I had to constantly chase after HGEA for answers. If they even answered it was often met with vague responses or "it's still in the process" which shows me again a lack of understanding of our position and needs within the school system.

I strongly believe we belong with the HSTA. We would be better served there based on our position within the school system and our primary focus on the student. I fully support SB 2042, SD1. Thank you for allowing me to testify.



**SB-2042-SD-1**

Submitted on: 2/4/2018 12:02:28 PM

Testimony for LBR on 2/5/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Emily A Mathis		Support	No

Comments:

Dear Sir/Madam,

My name is Emily Mathis and I am currently a School Psychologist for the Hawaii Department of Education. I am in support of the bill in order to allow School Psychologists to move to a more appropriate union. This is needed in order for the School Psychologists to be represented based on our needs as employees exclusively within the Department of Education, as our practice is constricted to within the school system. Allowing us to be represented by a more appropriate union will lead to our needs being better understood and collectively we will be able to unify with our team members within the school settings.

This move would also allow Hawaii to improve recruitment for School Psychologists to support the schools and children of Hawaii as well as ensure greater ability to retain School Psychologists to be a part of the fabric and community of Hawaii. Without appropriate representation of a union our needs as professional School Psychologists are not adequately addressed making the feasibility of living and working in Hawaii as a School Psychologist very difficult. This turn over in staffing and shortage of staffing creates difficulty to have continuity in our profession and schools to best support the students.

Thank you,

Emily Mathis

Nationally Certified School Psychologist

**SB-2042-SD-1**

Submitted on: 2/4/2018 1:02:58 PM

Testimony for LBR on 2/5/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lynne Paet		Support	No

Comments:

I am writing this testimony in support of SB2042. I believe that Hawaii State Teachers Association (HSTA) is a much more appropriate union to represent school psychologists as we work directly within the schools specifically with students, teachers, support staff, administrators, and parents. HSTA's vision statement reads as follows: "United in the pursuit of excellence for Hawaii's public schools." This vision is what school psychologists strive for and hope to achieve; however, we cannot accomplish this under our current union (HGEA Unit 13) as it is comprised of professional and scientific employees many of whom do not work within the Department of Education. I believe HSTA has a better understanding of education as well as the concerns and needs of its members. That being said, HSTA would be a better advocate for school psychologists to aid in recruitment, to increase the retention rate of school psychologist across Hawaii, to help the State create positions that are competitive with the "mainland," and to help schools better understand the role and function of a school psychologist. Being that HSTA was created by and for educators, their main goal is education-based while HGEA Unit 13 must represent the needs of a variety of job roles which limits their ability to focus on our needs and the needs of the children of Hawaii. In addition, recent dealings with HGEA have been somewhat disappointing as there have been a lack of response and follow through from union representatives despite multiple attempts to contact them regarding specific contract and job concerns. School psychologists have a specialized education background and a unique skills set that I believe HSTA can support and encourage as we have a shared vision unlike that with HGEA Unit 13. It is my opinion that the addition of school psychologist to HSTA will only strengthen and support Hawaii's public schools and help provide a better education for its students.