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Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Judiciary
Thursday, February 21, 2019
9:00 a.m.
State Capitol, Conference Room 016**

**On the following measure:
S.B. 980, RELATING TO EDUCATION**

WRITTEN TESTIMONY ONLY

Chair Rhoads and Members of the Committee:

My name is Catherine Awakuni Colón, and I am the Director of the Department of Commerce and Consumer Affairs (DCCA or Department). The Department offers comments on this bill.

This bill defines, for the purpose of compulsory education, a private school to be an education institution that teaches K-12 and that is licensed or accredited by the Hawaii Association of Independent Schools (HAIS) or the Western Association of Schools and Colleges (WASC).

The Department supports efforts to ensure student safety and quality education. Because the DCCA had interacted with HAIS last session on H.B. 2680 (Relating to Education), HAIS contacted the DCCA last December to renew discussions about DCCA oversight. HAIS indicated it was concerned that some, if not many, small private schools in Hawaii do not meet the State's health and safety requirements for schools

(e.g., fire safety inspection, certificate of occupancy, or, if serving food, a health department certificate). HAIS also provided the DCCA with a list of independent private and parochial schools of which HAIS is currently aware. Based on that list and the bill draft received, the DCCA recommended that HAIS conduct outreach to affected schools before finalizing a regulatory model, to avoid unintended consequences and to obtain feedback from stakeholders.

On February 4, 2019, HAIS and the Hawaii Council of Private Schools (HCPS) testified on this measure before the Senate Committee on Education. That testimony may create the impression that the DCCA at one time mandated licensing of private schools or that the Department made licensing optional but encouraged. To be clear, the DCCA has no oversight of K-12 private schools, and that HAIS' work through an MOU with the Department of Education is solely between those agencies.

Although this bill as drafted does not involve the DCCA, the Department notes that the Committee may wish to include HCPS as an additional licensing organization, since HAIS and the HCPS work collaboratively on private school oversight. In addition, the DCCA continues to recommend conducting outreach to affected schools so that this measure can be appropriately tailored to allow time for compliance.

Thank you for the opportunity to testify on this bill.



TO: The Honorable Karl Rhoads, Chair
The Honorable Glenn Wakai, Vice Chair

FROM: Philip J. Bossert, Executive Director
Hawaii Association of Independent Schools

RE: SB 980 - RELATING TO EDUCATION
In Support

DATE: Thursday, February 21, 2019
9:00 am, Conference Room 016

Aloha Chair Rhoads, Vice Chair Wakai and members of the Committee,

The Hawaii Association of Independent Schools (HAIS) strongly supports SB 980.

HAIS is a membership organization that currently represents 92 of Hawaii's independent schools; and, in collaboration with the Western Association of Schools & Colleges (WASC) accredits 52 of those 92 institutions. The other 40 institutions are either licensed by HAIS's subsidiary organization, the Hawaii Council of Private Schools (HCPS) but choose not to be accredited by HAIS/WASC, or they are accredited by some other educational accrediting body, such as those representing Catholic schools, Lutheran schools, Christian schools, etc.

In 1995, Act 188 deregulated HDOE's licensing of Hawaii private schools. The legislature requested that HAIS form a new subsidiary organization to take over the responsibility from the Hawaii Dept. of Education (HDOE) for licensing of private schools in Hawaii. In a 1998 memorandum of agreement between HDOE and HAIS, HCPS was formed by HAIS to license Hawaii private schools and to ensure that all of Hawaii's private and parochial schools were healthy, safe and sustainable institutions providing a sound education program for Hawaii's children.

HCPS has performed this licensing function since 1998. However, whereas licensing of private schools was mandated prior to 1998 when performed by HDOE, licensing was made "optional but encouraged" when this responsibility was passed on to HAIS/HCPS. As a result, HCPS currently licenses approximately 90 of the nearly 160 schools in Hawaii operating as private educational programs. An HCPS-licensed school must meet established licensing criteria, which address safety and health, a viable educational program, facilities, governance, administration, faculty/staff, admissions, and finances. Other than DHS which licenses approximately 30 private preschools in Hawaii, there is no organization in Hawaii currently checking on the status of these criteria for the other 40+ private schools unless they are being accredited by some other accrediting organization and that accreditation process includes the checklist of items required for licensing in Hawaii.

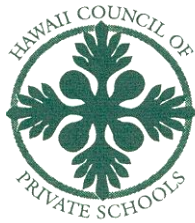
Hawaii currently has a robust and comprehensive system in place — the Hawaii Council of Private Schools — that allows our industry to self-regulate. We recommend that this remain the approved private school licensing procedure, but that the licensing requirement be changed from “optional” to “mandated”, leaving accreditation as optional. The proposed language of SB 980 will accomplish this, and it will add no additional expense or workload to any state agency. HCPS will continue to be responsible for all licensing activities.

HAI and HCPS believe it is problematic that there is no requirement which holds unlicensed private schools to current industry standards that are verified by a recognized third-party evaluator. Making licensing optional sends a message that the State does not really care if the schools that provide K-12 education for almost 40,000 students are safe, healthy, educationally sound and financially viable learning environments.

We do not believe that HCPS needs to be the only entity providing that verification, and that such evaluation can be performed as part of the accrediting process carried out by other recognized accrediting bodies as long as it incorporates the licensing checklist.

Thus, we strongly support SB 980 that will require licensure of all private schools through an entity recognized by the State of Hawaii.

Thank you.



TO: The Honorable Karl Rhoads, Chair
The Honorable Glenn Wakai, Vice Chair

FROM: Edna L. Hussey, Board Chair
Hawaii Council of Private Schools

RE: SB 980 - RELATING TO EDUCATION
In Support

DATE: Thursday, February 21, 2019
9:00 a.m., Conference Room 016

Aloha e Chair Rhoads and Vice Chair Wakai:

The Hawaii Council of Private Schools, LLC, a subsidiary of the Hawaii Association of Independent Schools, strongly supports SB 980.

In 1995, Act 188 deregulated HDOE's licensing of Hawaii private schools. In a 1998 memorandum of agreement between HDOE and HAIS, HCPS was formed by HAIS to license Hawaii private schools and to ensure that transcripts and credits earned at HCPS-licensed schools would continue to be recognized and accepted as valid.

In April 1999, Senate Concurrent Resolution 186 recognized the Hawaii Council of Private Schools as a "viable organization in Hawaii" and further included this language: "The Department of Education has formally recognized the Hawaii Council of Private Schools as the agency responsible for the licensing of all private schools and the Department of Education will recognize work done at schools licensed by the Hawaii Council of Private Schools as substantially equal to work done in Hawai'i's public schools." Senate Concurrent Resolution 186 further identified the Hawaii Council of Private Schools as "the regulatory agency for private schools" and requested at that time the Hawaii Council of Private Schools prepare biennial reports to the Legislature regarding the Council's duties, functions, processes, and procedures for licensing private schools. Licensing standards and procedures are public information on the Hawaii Association of Independent Schools website.

There are approximately 90 licensed private schools among nearly 160 schools in Hawaii operating as educational programs. An HCPS-licensed school must meet established licensing criteria, which address safety and health, a viable educational program, facilities, governance, administration, faculty/staff, admissions, and finances. A school must be re-licensed upon the expiration of term of license.

The HCPS licensing process is a robust and comprehensive system that has been in place since 1998 and allows our industry to self-license. What is worrisome in our state is that there are no laws that hold unlicensed private schools to our industry standards. We believe all parents should have assurances, including those who choose to send their children to private schools, that those schools provide a safe environment for all children to learn.

For these reasons, the Hawaii Council of Private Schools, in conjunction with the Hawaii Association of Independent Schools, strongly supports SB 980 and its intent to require the licensing of all private schools through an entity already recognized by the State Legislature 1998 as the regulatory agency for private schools in Hawaii.

Thank you.

LATE

SB-980

Submitted on: 2/20/2019 5:43:35 PM

Testimony for JDC on 2/21/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Oppose	No

Comments:

Dear Honorable Committee Members:

Please oppose SB980, as there is no reason to make private schools compulsory.

Making private schools compulsory could make attending religious schools mandatory, since those are often the schools that are "private." This has the potential to violate our constitutional guarantees of freedom from government-sponsored religion, thus opening the state up to expensive litigation in defense of this type of legislation.

Since DOE public schools are accredited by the Western Association of Schools and Colleges, they are a perfectly acceptable, if not preferable, venue for compulsory attendance.

This bill is nothing more than an attempt to reverse declining enrollment of private schools.

If private schools want to reverse declining enrollment, perhaps they could start by reducing their typically exorbitant fees.

Thank you for the opportunity to present my testimony.

Andrea Quinn

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