



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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**Testimony COMMENTING on H.B. 2149  
RELATING TO INDIVIDUAL SPORTS**

REPRESENTATIVE JUSTIN H. WOODSON, CHAIR  
HOUSE COMMITTEE ON LOWER AND HIGHER EDUCATION

Hearing Date: 2/6/2020

Room Number: 309

1 **Fiscal Implications:** The Department of Health defers to the Department of Education on policy  
2 implementation and fiscal implications related to H.B. 2149 and to the priorities in the  
3 Governor's Executive Biennium Budget request.

4 **Department Testimony:** The Department strongly recommends any home schooled child, who  
5 wishes to participate in an individual sport, meet the same health requirements required of any  
6 student attending school in Hawaii, outlined in [HRS §§302A-1154 through 1163](#). Introduction  
7 of an infectious disease such as measles or pertussis (whooping cough) into an environment  
8 where children congregate, such as sporting events and competitions, could lead to outbreaks,  
9 jeopardizing the health of the students, school faculty/staff, and our community should  
10 transmission occur. Further, if a disease outbreak were to occur in a school setting, the  
11 Department of Health would be responsible for costs associated with the outbreak investigation  
12 and of any vaccines administered with the intent of preventing disease transmission.

13 **Offered Amendments:** The Department respectfully recommends the following amendment to  
14 H.B. 2149, "(2) Meets the health requirements for school entrance as delineated in HRS  
15 §§302A-1154 through 1163 prior to participation in school-based individual sports as well as  
16 meets the participation requirements and restrictions for an individual sport, including  
17 maintaining appropriate grade point averages, paying appropriate fees, and signing a release and  
18 express assumption of risk waiver; provided that the requirements or restrictions shall not be  
19 inconsistent with this section;

20 Thank you for the opportunity to testify.

Rep. Woodson, Chair  
Lower and Higher Education Committee

Avery MacPherson

Thursday, February 6, 2020

Support for HB2149

My name is Avery MacPherson. I am in the 8th grade and I am 13 years old. I have been homeschooled since kindergarten. I am in support of HB2149 because I think homeschoolers should be able to compete in athletic events as unattached competitors. I would like to have the chance to compete in individual sports when I am in high school next year. I also think it is a good opportunity for homeschoolers and public school students to support each other.

Rep. Woodson, Chair  
Lower and Higher Education Committee

Kadyn MacPherson

Thursday, February 6, 2020

Support for HB2149

My name is Kadyn MacPherson. I am in 9th grade and am 15 years old. I have been homeschooled since kindergarten. I am currently the only homeschooled springboard diver prepared to compete on the varsity level on Oahu, and likely in the state of Hawaii. I am in support of HB2149 because I know it will be a great opportunity for homeschoolers in Hawaii to participate in competitions like public and private schoolers get to do. Homeschoolers who are dedicated to sports should have the same opportunities to compete as other students. Throughout my competition experience in club diving, I have noticed how competition helps develop your ability to deal with stress and nerves. It would be good for homeschoolers to have more opportunities for competition, especially in diving since there are only about two meets a year on Oahu. This way they can develop those skills to help them in stressful situations that will come in life.

Rep. Woodson, Chair  
Lower and Higher Education Committee

Connor MacPherson

Thursday, February 6, 2020

Support for HB2149

My name is Connor MacPherson. I am a senior in high school and I have been homeschooled since kindergarten. In my applications to various colleges, I have realized that participation in organized sports is a very important part of being a well-rounded applicant. As a homeschooler, I am not allowed to compete with other students in high school athletics, but HB2149 is able to change that for other homeschooled athletes. Being a homeschooled track runner, I am only able to participate in club track during the summer. Being able to run in meets during the school track season would allow for more competition experience as well as being able to build community with other athletes. I know that I always push myself harder when I am racing other athletes. Allowing homeschoolers to compete would give all athletes motivation and opportunity to push themselves to reach their greatest potential.

Rep. Woodson, Chair  
Lower and Higher Education Committee

Kara MacPherson

Thursday, February 6, 2020

Support for HB2149

Thank you for your time in considering HB2149.

I am a homeschooling mother of four children, aged 9, 13, 15, and 18. We chose to homeschool because we moved frequently as a military family. My husband's career in the Air Force took us to nine states and two countries on two different continents over his 24 years of service. The social and academic difficulty of having to be pulled out of and dumped into different schools on such a frequent basis is something we wanted to avoid. As a certified teacher with a BA and MA in Education, I felt qualified and called to school my children and to give them consistency in this area of life, when so much else was up in the air due to no fault of our own but just because my husband was willingly serving his country. To be penalized by not having access to athletic events for doing what is best for our children is heartbreaking.

My oldest son, a senior this year, is a track runner. While he does have the opportunity to compete in the active club program here on Oahu, being able to participate in school meets as well would have given him the chance to build community with a different set of athletes and challenge himself more. Psychology tells us that healthy levels of competition motivate people to work harder toward their goals. Including homeschoolers would raise the level of competition and encourage all athletes to train harder, thereby benefiting everyone.

My oldest daughter, a freshman this year, is a springboard diver, the only homeschooled varsity-level springboard diver in the state of Hawaii, to my knowledge. Her opportunities for competition on Oahu are very few, only about two a year, whereas when she travels to the mainland for regional, zone, and national competitions, the athletes against whom she is competing have up to twenty meets per year! The difference in level of preparation is staggering; the opportunity to practice dealing with the nerves of a competition situation, to handle how to continue when you have had the adrenaline rush of a personal-best dive or the disappointment of not hitting a dive you

had counted on doing well - these are all things that can only be trained in competition format.

Almost every year, legislation is introduced at the state level to allow homeschoolers to participate in public school sports and extracurricular activities. It is resoundingly defeated each time with strong opposition from public school administrators. The way our law is currently written, the Board of Education may adopt rules for the government of all teachers, educational officers, other personnel, and pupils, and for carrying out the transaction of its business (HI Rev Stat § 302A-1112). The Board of Education Rule §8-12-13 (d) states that "The parent(s) submitting a notice to home school a child shall be responsible for the child's total educational program including athletics and other co-curricular activities."

I believe that reasoning raised in opposition to these previous legislation proposals are valid, and those reasons were carefully considered in the drafting of HB2149. I think the arrangement of allowing homeschoolers who train independently and fund their own athletic programs to participate in competitions as unattached athletes would be a good compromise that would address all of the opposition that the public school administrators have had to homeschooler participation on public school teams.

Opposition typically has addressed three main areas:

1. Funding - Homeschooling families would remain responsible for funding the training, uniform, athletic association fees, and any other related costs for their athletes. At no time would public funds be requested or used on a homeschooled athlete's preparation for competition.
2. Accountability - Homeschool-generated transcripts are accepted by military enlistment offices, colleges and universities nation-wide (including Ivy League schools), workplace applications, car insurance companies, and many more official places. My son just this year used his homeschool-generated transcript to apply for congressional nominations for military academies (he was awarded FOUR), to apply to the United States Air Force Academy, the United States Military Academy at West Point, the United States Naval Academy, and the University of Hawaii. Surely if these reputable schools and businesses can trust a homeschool-generated transcript, our state athletic association can.
3. Liability - I have had a lawyer draft a liability waiver that could be used for homeschooled athletes who are participating as unattached competitors if that would be needed.

The idea for this bill has been formed through over two years of conversations with Hawaii high school coaches, athletic directors, principals, athletic association staff, and members of the public, private, and homeschooling communities.

Initially, I contacted the PAC-5 representative at Interscholastic League of Honolulu, thinking the entire basis of the PAC-5 organization was exactly what I was attempting to accomplish for homeschoolers. Unfortunately, PAC-5 is bound by the ILH Bylaws, which specifically state in the 2.1 Enrollment section "(C) Home-schooled students are not eligible for ILH activities."

I have spoken with Blaine Gaison (the ILH Executive Director) on two occasions, to try to ascertain if there could be a way to change the bylaws to allow for homeschoolers to compete in ILH-sponsored events and he is completely closed to the idea, even though I was supported by Kale Ane (the ILH Swimming and Diving Coordinator, and the Punahou head football coach).

I tried to form my own private school but Hawaii requires a minimum of 14 students to establish a private school by the Standards and Procedures for Licensing of Hawaii Private Schools through the Hawaii Association of Independent Schools. California allows homeschooling parents to submit a Private School Affidavit and classify as a private school so I thought that might be an option, but it is not permissible here in Hawaii (unless you have a very large family I guess!).

Next, I attempted to work with the Oahu Interscholastic Association to amend their bylaws to allow for homeschooled students to compete as unattached athletes. While a proposal was put forward by James Sunday from Radford High School in August of 2019, it did not pass the OIA Executive Council and was never put on the minutes of the next meeting for discussion.

Finally, this past fall, I contacted my district representative, Lisa Kitagawa, to see if there was anything she could suggest. Her support and conscientious research into this issue have been inspiring!

Different states deal with this issue in varied ways. Some states leave it up to the districts to decide whether homeschooled students can participate in public school activities (Massachusetts, Montana, Oklahoma). Some require homeschooled students to enroll in a specific number of classes at the public school in order to be allowed to participate in athletics (Indiana, Michigan, Idaho, Alabama). Some just allow homeschooled students to join athletic teams and participate in activities like band and

orchestra without restriction on their attendance at any public school (Minnesota, Colorado, Arizona, Ohio, Florida). Some states allow homeschooled students to participate in private schools' athletic programs but not public schools' (Virginia). There really is not precedent for the situation this bill is proposing, but given the history of opposition to laws like these states have, HB2149 is a strong option for Hawaii's consideration.

Thank you again for your time in reviewing this testimony. Please join me in supporting HB2149 to make competition opportunities available to homeschooled high schoolers in the state of Hawaii!



**HB-2149**

Submitted on: 2/5/2020 7:38:09 AM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan K. Stewart M.D.	Individual	Support	No

## Comments:

My name is Dennis W. Rowe M.D. I have been a Maui Interscholastic League diving coach for the past 30 years. I support HB2149 because it allows equal access to athletic events for all students in our community. It can improve the level of competition for both the homeschooled athlete and the private and public school athletes they will be competing against. I feel this will be of benefit to all. Thank you for this opportunity to support HB2149.

**HB-2149**

Submitted on: 2/5/2020 1:16:42 AM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marissa Treskon	Individual	Support	No

Comments:

I am the mother of three children in public school. I strongly support HB 2149. Homeschooled high schoolers should have the opportunity to compete in athletic competitions to further round out their education. I ask that you give these children that opportunity. Thank you.

**HB-2149**

Submitted on: 2/5/2020 10:30:43 AM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rodd Johnson	Individual	Support	No

Comments:

Rep. Woodson, Chair

Lower and Higher Education Committee

Rodd Johnson

94-656 Nuao Place

Waipahu, HI 96797-4141

Thursday, February 6, 2020, Submitted February 5, 2020

Support for HB2149

My name is Rodd Johnson and I am a Recreational Diving Coach at one of the local pools. Having witnessed the dedication and hard work of divers that are home schooled for many years, I support HB2149 because I believe home schooled athletes, should have equal access to individual athletic competitions in the State of Hawaii. Passing Bill HB2149 gives individual home schooled athletes access and equality to public & private competitive activities on an fair, equal and honest basis. Thank you for the opportunity to support HB2149.

Thank you for your time and consideration, sincerely

Rodd Johnson

**HB-2149**

Submitted on: 2/5/2020 10:55:52 AM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thaddeus Pham	Individual	Support	No

Comments:

Aloha,

As someone with school-aged family members involved in school sports, I **support HB2149 with an amendment** that homeschooled students must comply with school health requirements (HAR 11-157) if a student participates in sports activities at a public school.

- Extracurricular activities at schools provide an opportunity to be exposed to vaccine-preventable diseases unless all participants are fully immunized.
- Immunization protects students who may not be able to receive vaccines because of immunity challenges.
- Vaccines are safe and protect from multitude of diseases, like flu, chickenpox and measles.

Please include this amendment in the bill. Thank you for ensuring that our keiki are playing and learning in a safe and disease-free environment.

**HB-2149**

Submitted on: 2/5/2020 11:30:49 AM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Arthur Grant Stoddard	Individual	Support	No

Comments:

I believe that home school children should be able to compete in individual sports in unattached category.

Arthur Grant Stoddard



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

**LATE**

**Date:** 02/06/2020

**Time:** 02:10 PM

**Location:** 309

**Committee:** House Lower & Higher  
Education

**Department:** Education

**Person Testifying:** Dr. Christina M. Kishimoto, Superintendent of Education

**Title of Bill:** HB 2149 RELATING TO INDIVIDUAL SPORTS.

**Purpose of Bill:** Allows home-schooled, high school-age students to participate as unattached competitors in individual sports available to the public school that the student would otherwise be required to attend.

**Department's Position:**

The Department of Education (Department) respectfully provides comments on H 2149.

The Department and school leadership continue to voice strong concerns about the ongoing academic progress monitoring of home-schooled students as mandated by this measure as students must maintain a certain Grade Point Average (GPA) in order to participate in extra-curricular activities, including sports.

Significantly, in the Board of Education's report to the 2014 Legislature, the home school representatives noted that indicative of a parent's choice to home school is the desire to individually select curriculum, thus determining a means to evaluate progress will be difficult. This additional administrative oversight necessary to monitor varied home school curriculum will add to the principals' responsibilities and workload.

This sentiment is further echoed in HAR §8-12-2: "Home schooling' means a viable educational option where a parent instructs the parent's own child" and pursuant to HAR §8-12-13, when a parent submits an intent to home school, the parent is responsible for "the child's total educational program including athletics and other co-curricular activities." Individual schools and complex areas do not have the authority to allow home schooled students to participate in any of their activities.

Finally, the public school system does not receive any funding for home-schooled students since they are not counted in public school enrollment counts. Schools would not receive funding through the weighted student formula for home schooled students. Developing and establishing a fee schedule for home-schooled students' participation in extracurricular activities would be an

additional responsibility placed on the Department.

The Department is cognizant of Hawaii's keiki who are home schooled. Equal to parents of the students of the public school system, the parents of students who are home schooled are dedicated and passionate about their children's education and make an academic choice for them which the Department fully respects and supports. The Department respectfully requests consideration and clarification of the concerns raised herein should this bill be moved forward.

Thank you for the opportunity to provide testimony on HB 2149.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).

**LATE**

**HB-2149**

Submitted on: 2/5/2020 4:43:06 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
KRISTINA KITAOKA	Individual	Support	No

Comments:



**HB-2149**

Submitted on: 2/5/2020 8:09:59 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeffrey Temple Stabile, Jr.	Tropic Lightning Diving Team	Support	No

Comments:

My name is Jeff Stabile, coach of the sports club "Tropic Lightning Diving Team, a USA Diving-Hawaii Association club that focuses on the sport of springboard diving. Diving is an individual sport that sees high school diving as a major source of participation and an entryway into the sport on a larger basis. It a small sport that would benefit from having more athletes involved, and interscholastic competition is one of the most accessible venues available to Hawaii-based divers.

HB2149 allows the sport to grow with more potential participants, while not adding to any public entity's financial burdens, as all coaching and attendant fees for participation would be paid by the families of the home-schooled student athletes involved.

While my testimony centers on my sport of involvement, I see that other sports (track and field, and tennis, for example) could similarly benefit from the passage of HB2149, in addition to providing benefits to home-schooled athletes by providing them opportunities to pursue interscholastic competition.

Thank you for your time, and best of luck in considering this bill and taking the best possible action.

**LATE**

**HB-2149**

Submitted on: 2/5/2020 10:49:53 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Annemarie Hohne	Individual	Support	No

Comments:

Rep. Woodson, Chair

Lower and Higher Education Committee

Annemarie Hohne

Thursday, February 6, 2020

Support for HB2149

My name is Annemarie Hohne and I am a home school parent. I support HB2149 because I believe homeschoolers should have equal access to athletic competitions in the state of Hawaii.

Thank you for the opportunity to support HB2149.

**LATE**

**hashem1 - Kenneth**

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**From:** Dan & June Mather <dmather@hawaii.rr.com>  
**Sent:** Wednesday, February 5, 2020 6:17 PM  
**To:** LHEtestimony  
**Subject:** HB2149

Representative Woodson, Chair  
Lower and High Education Committee

Wednesday, February 5, 2020

My name is June Mather. As a representative of Christian Homeschoolers of Hawaii (CHOH), I am submitting testimony to support HB2149. Bills to allow homeschool students access to public school team sports have not been received favorably in the past because of a number of issues. HB2149, which focuses on individual sports, addresses those issues by requiring homeschooled students to pay for their own training, uniforms, coaching and other costs for competition. In addition, students are required to sign a liability waiver and abide by the academic requirements. HB2149 will give homeschool students the opportunity to participate in athletic competitions as unattached athletes. Please support HB2149. Thank you for your consideration.

Respectfully Submitted,  
June Mather

RE: HB 2149  
Date: Feb. 6, 2020  
Conf. Rm. 309

## LATE TESTIMONY

Aloha Chairman Woodson and Committee Members,

**I am in SUPPORT of HB2149.**

I am a former homeschool parent of more than 24 yrs and actually helped pass the Ch. 12 Rule that governs homeschoolers today. I continue to do what I can for the homeschool community here in Hawaii.

Homeschoolers have not been able to participate in sports through the public school system yet. The law was passed in 1988 and finally I believe this bill will support those students who are eager to participate as individuals in a variety of sports events. Parents are willing to meet all the requirements including paying for training, fees etc. out of their own pockets. That is commitment! This bill would not cause any financial burden on the part of schools or athletic organizations.

The time has come to give homeschool students, equal opportunity in "individual sports" events.

Mahalo,  
Lora Burbage