



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

**Date:** 02/04/2020

**Time:** 02:30 PM

**Location:** 309

**Committee:** House Lower & Higher  
Education

**Department:** Education

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

**Title of Bill:** HB 2204 RELATING TO SAFETY EQUIPMENT.

**Purpose of Bill:** Requires Department of Education school football programs to ensure that each non-new football helmet used in a football program is reconditioned and recertified at least once every 2 years. Establishes fines and other penalties for failure to properly recertify football helmets. Establishes the football helmet recertification special fund.

**Department's Position:**

The Department of Education (Department) offers comments on HB 2204.

The Department is responsible for the management of athletic equipment needed to participate in sports activities statewide (BOE Policy 305-1 Student Safety and Welfare). The Department's Office of Curriculum and Instructional Design (OCID) also produces an annual memo reiterating the importance of inspecting and maintaining equipment and facilities.

Currently, there are 41 high schools in the Department fielding football teams. As a result of the Board Policy and concurrent annual memo, 38 high schools are reconditioning their football helmets every year (more often than the manufacturer recommends) and 3 high schools are reconditioning helmets every two years (as recommended by the manufacturer).

The Department is also concerned with the implementation of the required inspections prior to a football game. The National Federation of State High School Associations (NFHS) rules on football requires the official to verify with the head coach that the players are using proper equipment. The helmets shall be certified with the National Operating Committee on Standards for Athletic Equipment (NOCSAE). It is the head coach's responsibility to verify that players are properly equipped. If there is a question of required and/or illegal equipment, then the umpire would have the final determination. This process of verifying with the head coach is aligned with BOE Policy 305-1 and the OCID memo. It is not feasible for a referee(s) to inspect every helmet prior to the start of a football game and to retain the helmet until the end of the game resulting in the player being disqualified from the competition before the start of the game.

Additionally, the Department has concerns about the process of schools being fined for

infractions, the collection of the fines, and the subsequent distribution of the collected fines.

Thank you for the opportunity to provide testimony on HB 2204.

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).

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

ROBERT YU  
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON LOWER & HIGHER EDUCATION  
ON  
HOUSE BILL NO. 2204

**February 4, 2020**  
**2:30 p.m.**  
**Room 309**

**RELATING TO SAFETY EQUIPMENT**

The Department of Budget and Finance offers comments on the creation of the Football Helmet Recertification Special Fund (FHRSF).

House Bill (H.B.) No. 2204: requires the Department of Education's school football programs to ensure that each non-new football helmet used in a football program be reconditioned and recertified at least once every two years; establishes fines and other penalties for failure to properly recertify football helmets; and establishes the FHRSF. The special fund would generate revenues through fines; however, the bill does not contain an appropriation for the special fund.

As a matter of general policy, the department does not support the creation of any special fund that does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work, and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and

the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. In regards to H.B. No. 2204, it is difficult to determine whether the proposed special fund would be self-sustaining or why the program cannot be implemented under the general fund appropriation process.

Thank you for your consideration of our comments.

**HB-2204**

Submitted on: 1/31/2020 5:02:35 PM

Testimony for LHE on 2/4/2020 2:30:00 PM

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

Comments:

In SUPPORT of HB2204 and SB2271

Statement from Kaulana Costa:

Aloha my name is Kaulana Costa with Hawaiian Recon LLC. We are Hawaii's NOCSAE licensed and NAERA certified football helmet reconditioner. As of now, it is a policy within the State of Hawaii to recondition and recertify every other year. The coaches are "required" to check helmets, however there are hundreds of current football players using unsafe and out dated helmets on the field that I have seen myself. This should no longer be a policy. It needs to become a law and have an agency or liaison(s) to inspect and hold these coaches accountable for reconditioning there football helmets.

We need to keep our keiki protected for they are our future. Mahalo

~ Kaulana Costa

[kcncs@yahoo.com](mailto:kcncs@yahoo.com)

**HB-2204**

Submitted on: 2/3/2020 4:07:51 AM

Testimony for LHE on 2/4/2020 2:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments: