

**HB-613-HD-1**

Submitted on: 2/12/2021 3:35:19 PM

Testimony for EDN on 2/16/2021 2:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Malia Marquez       | Individual          | Support                   | No                        |

Comments:

I strongly support HB 613. Teachers, educators and staff of our schools are the "pohaku" (foundation) to our keiki. They deserve to be taken cared of. Why are we not protecting and supporting our teachers. They go above and beyond for our children, they help to mold the future. By all means the DOE needs to be accountable and use the monies as designated. Please SUPPORT HB 613. It is the pono thing to do. Mahalo for your time. Me ka ha'aha'a.

**HB-613-HD-1**

Submitted on: 2/12/2021 9:36:03 PM

Testimony for EDN on 2/16/2021 2:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Angela Huntemer     | Individual          | Support                   | No                        |

Comments:

The pay for differential for Special Education teachers is something that has been very important to my family. The workload and legal responsibilities of a Special Education teacher are enormous. This Presidents Day weekend will see me spending at least 12 hours developing draft Individual Education Programs for two of my students to meet deadlines for annual meetings next week. I estimate I spend at least an extra 200 hours every year at weekends completing work that cannot be fit into the already full and demanding workweek.

The correct appropriation of CARES funds is important not just on a policy level but we must adhere to guidelines laid out for the use of such funds. DOE and BOE must use federal stimulus funding to avoid layoffs and pay cuts. The stimulus funding should be enough to avoid pay cuts and furloughs for next year. The next stimulus coming from DC means an additional 442 million for education and will be enough continue to operate payroll and programs. Indeed that is EXACTLY what it is designed to do.

Thank you. Angela Huntemer M.Ed.

**HB-613-HD-1**

Submitted on: 2/13/2021 8:38:42 PM

Testimony for EDN on 2/16/2021 2:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Will Caron          | Individual          | Support                   | No                        |

Comments:

Aloha Representatives,

Please continue to support HB613, HD1. Despite the latest round of CARES money that will be injected into our state coffers, and despite movement within this legislature on revenue-generating tax fairness proposals that are critical to shoring up remaining budget gaps, the Governor is still threatening our public schools with massive budget cuts that could result in the loss of 1,300 DOE positions, or a full 7% of staff.

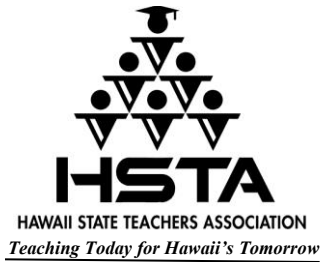
Meanwhile, the DOE is planning on spending \$53 million to outsource our keiki's education to private tutoring companies. This is unacceptable, and it's a slap in the face to both our teachers and our children. We have a teacher shortage because our educators are not being treated with the respect and dignity they deserve. Teachers are leaving the state, and sometimes the professional altogether, as a result.

How is it that we never have enough money to support our teachers, but we find millions of dollars to pay private companies? Our keiki deserve better.

As the Hawaii State Teachers Association has pointed out, these budget cuts seems to be in direct violation of federal law. By accepting federal CARES Act and CRRS Act money, the DOE has an obligation to make sure that DOE employees continue to receive their pay. This is mandated by the CARES Act through "maintenance of effort" provisions which require that funding for public education is maintained at pre-pandemic funding levels.

Thankfully, HB613 appropriates federal CARES funds to the DOE in order to offset budget reductions proposed by the DOE and the governor. However, it explicitly states that the funds won't be appropriated unless the BOE and the superintendent agree that the funds will only be used to pay DOE employees. This is the kind of support our teachers need. This is the kind of commitment to education our children deserve. Please support HB613.

Mahalo!



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Corey Rosenlee  
President

Osa Tui Jr.  
Vice President

Logan Okita  
Secretary-Treasurer

Wilbert Holck  
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON  
EDUCATION

RE: HB 613 HD1 RELATING TO EDUCATION FUNDING

TUESDAY, FEBRUARY 16, 2021

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Woodson, and Members of the Committee

The Hawaii State Teachers Association **strongly supports HB 613.**

HB613 instructs the DOE to comply with “with the provisions of the federal Education Stabilization Fund as set forth in sections 18006, 18008, 315, and 317 of the CARES Act in order to receive and expend CARES Act and CRRS Appropriations Act moneys.” Furthermore, the DOE must use the CARES Act and CRRS Appropriations Act, “to offset any budget reductions that have been identified or proposed by the department of education and the governor that would result in the reduction of personnel who are subject to a collective bargaining agreement executed pursuant to chapter 89, Hawaii 20 Revised Statutes, and who are employed at the school level, including any budget reduction that results in a layoff, furlough, or pay reduction.”

Time is of the essence. HSTA was able to work out a compromise with the Department of Education to delay the TATP until March 8. More than 1,000 DOE employees have been told that their positions have been eliminated at their schools. Using a combination of the additional \$123 million added back to the DOE budget, the \$174 million from the Covid Relief Stimulus Bill, and the remainder of the CARES Act, it is HSTA’s position that the BOE can eliminate all layoffs and eliminate any pay cuts.

As part of the \$164 million cut to the DOE budget, \$132 million was school level cuts to EDN100 and EDN150, and this money should be restored first.



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Sections 315, of the the federal stimulus bill(HR133) states, *“shall, to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.”*

In Connecticut’s Governor in issuing directions to the local education agencies stated, LEAs *“[s]hall continue to employ or restore to employment if already laid off, and pay school staff who are directly employed by the local or regional board of education, including but not limited to teachers, paraprofessionals and other support staff, cafeteria staff, clerical staff and custodial workers, to the greatest extent practicable.”*

*A legal opinion based on that order stated, “The intent behind the Order is clear; school districts should seek to maintain their employees as best they can.”*

Actions need to happen as soon as possible in order to avoid potential long term losses of teachers and other employees and to protect the long term impact to our keiki.

HSTA also believes this is a stop gap measure until Biden’s 1.9 trillion American Rescue Plan passes some time in March. If the same formulas are used Hawaii’s DOE could see close to \$450 million.



Committee on Education  
Representative Justin Woodson, Chair  
Representative Jeanne Kapela, Vice Chair

February 16, 2021

Dear Chair Woodson, Vice Chair Kapela and Committee Members,

**This testimony is in support of HB613 HD1**, which appropriates ESSER funds moneys received by the State from the CARES Act and CRRS Appropriations Act to offset certain budget reductions that are identified or proposed by the DOE and the governor that would result in the reduction of personnel who are subject to a collective bargaining agreement pursuant to HRS Chapter 89, and who are employed at the school level, including any budget reduction that results in a layoff, furlough, or pay reduction. The bill requires the BOE and Superintendent to certify in writing that the BOE, Superintendent, and DOE agree to the conditions established by the Act, including that the funds appropriated shall be used only for salaries and wages of officers and employees who are subject to a collective bargaining agreement and are employed at the school level. The bill also requires that moneys from the appropriation shall lapse at the end of the fiscal biennium.

Throughout the discussions at the BOE on budget reductions and the use of federal funds, HE'E has strongly advocated that along with ensuring health and safety for all, a top priority of the DOE should be maintaining quality instruction in the classroom. This means that positions at the school level, and in particular, in the classroom, should be maintained. Teachers and staff in the classroom are closest to our students and have the greatest influence and impact on our students. Therefore, we suggest that page 4, line 15 read as follows: "level in the classroom;" (Proposed language is underscored.)

Thank you for the opportunity to testify. Our support represents a 75% consensus or more of our voting membership.

Sincerely,

Cheri Nakamura  
HE'E Coalition Director



Academy 21  
American Civil Liberties Union  
After-School All-Stars Hawai'i  
Alliance for Place Based Learning  
\*Castle Complex Community Council  
\*Castle-Kahuku Principal and CAS  
Coalition for Children with Special Needs  
Education Institute of Hawai'i  
\*Faith Action for Community Equity  
Fresh Leadership LLC  
Girl Scouts Hawaii  
Harold K.L. Castle Foundation  
\*HawaiiKidsCAN  
\*Hawai'i Afterschool Alliance  
\*Hawai'i Appleseed Center for Law and Economic Justice  
\*Hawai'i Association of School Psychologists  
Hawai'i Athletic League of Scholars  
\*Hawai'i Charter School Network  
\*Hawai'i Children's Action Network  
Hawa'i Education Association  
Hawai'i Nutrition and Physical Activity Coalition  
\* Hawai'i State PTSA  
Hawai'i State Student Council  
Hawai'i State Teachers Association  
Hawai'i P-20  
Hawai'i 3Rs  
Head Start Collaboration Office  
It's All About Kids  
\*INPEACE  
Joint Venture Education Forum  
Junior Achievement of Hawaii  
Kamehameha Schools  
Kanu Hawai'i  
\*Kaua'i Ho'okele Council  
Keiki to Career Kaua'i  
Kupu A'e  
\*Leaders for the Next Generation  
Learning First  
McREL's Pacific Center for Changing the Odds  
Native Hawaiian Education Council  
Our Public School  
\*Pacific Resources for Education and Learning  
\*Parents and Children Together  
\*Parents for Public Schools Hawai'i  
Special Education Provider Alliance  
\*Teach for America  
The Learning Coalition  
US PACOM  
University of Hawai'i College of Education

*Voting Members (\*) Voting member organizations vote on action items while individual and non-voting participants may collaborate on all efforts within the coalition.*

February 15, 2021

**Testimony in support of HB 613 HD1 Relating to Education**

Honorable Chair Woodson and members of the Committee on Education:

I am writing in support of HB 613 HD1. In times of financial hardship, it is especially important to look carefully at long term implications, as well as the present impact of spending. Committing resources to maintain our staffing infrastructure within the Department of Education is critical to our schools, both in terms of best addressing student needs now and in the future.

Please support this bill.

Thank you for your consideration.

Sincerely,  
Lynn Otaguro  
Oahu, Hawaii





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

**House Committee on Education**

Tuesday, February 16, 2021  
2:00 p.m.  
Via Videoconference  
Hawaii State Capitol, Room 309

**House Bill 613, House Draft 1, Relating to Education**

Dear Chair Woodson, Vice Chair Kapela, and Members of the Committees:

The Board of Education (“Board”) appreciates the intent of HB613 HD1 but has comments. HB613 HD1 would require the Board and Department of Education (“Department”) to use Elementary and Secondary School Emergency Relief Fund (“ESSER funds”) moneys to offset any budget reductions that would result in the reduction of personnel who are subject to a collective bargaining agreement and who are employed at the school level.

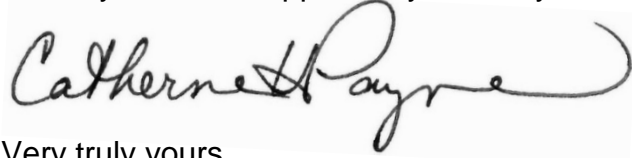
While the Board supports proposed legislation that preserves funding and resources for student learning at the classroom level, the Board has concerns with the Legislature directing the Board how to allocate federal funds, especially because the Board and Department, as the State Educational Agency and Local Educational Agency, are accountable for the proper expenditure of such funds.

Rather than directing the Board and Department on how to expend non-recurring federal funds, it is more suitable for the Legislature to determine how much general funds it can appropriate to maintain as many resources at the classroom level as practicable. Governor David Ige recently proposed to give back approximately \$123 million in general funds to the Department following the Council on Revenue’s revised revenue projections. The Legislature could ensure as minimal impact to the classroom level as possible by appropriating these previously unavailable general funds as necessary.

The Board appreciates the Legislature's eagerness to join the public conversation along with Hawaii State Teachers Association about the best use of the ESSER funds, and

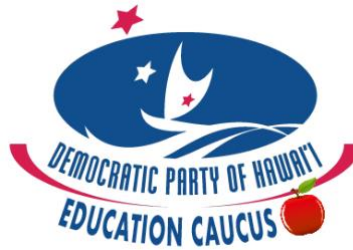
the Board will be opening up that conversation with an opportunity at the Board's February 18 general business meeting for the public to provide comments on the Department's proposed plan.

Thank you for this opportunity to testify on behalf of the Board.

A handwritten signature in black ink that reads "Catherine Payne". The signature is written in a cursive style with a large, sweeping flourish at the end.

Very truly yours,

Catherine Payne  
Chairperson, Board of Education  
Chairperson, 2021 Legislative Ad Hoc Committee



## **HOUSE BILL 613, HD 1, RELATING TO EDUCATION FUNDING**

FEBRUARY 16, 2021 · HOUSE EDUCATION  
COMMITTEE · CHAIR REP. JUSTIN H. WOODSON

**POSITION:** Support.

**RATIONALE:** The Democratic Party of Hawai'i Education Caucus supports HB 613, HD 1, relating to education, which appropriates elementary and secondary school emergency relief fund (ESSER funds) moneys received by the State from the CARES Act and CRRS Appropriations Act to offset any budget reductions that are identified or proposed by the Department of Education and the governor that would result in the reduction of personnel who are subject to a collective bargaining agreement pursuant to chapter 89, HRS, and who are employed at the school level, including any budget reduction that results in a layoff, furlough, or pay reduction; requires the Board of Education and Superintendent of Education to certify in writing that the board of education, superintendent, and department of education agree to the conditions established by the Act, including that the funds appropriated shall be used only for salaries and wages of officers and employees who are subject to a collective bargaining agreement and are employed at the school level; and provides that moneys from the appropriation shall lapse at the end of the fiscal biennium.

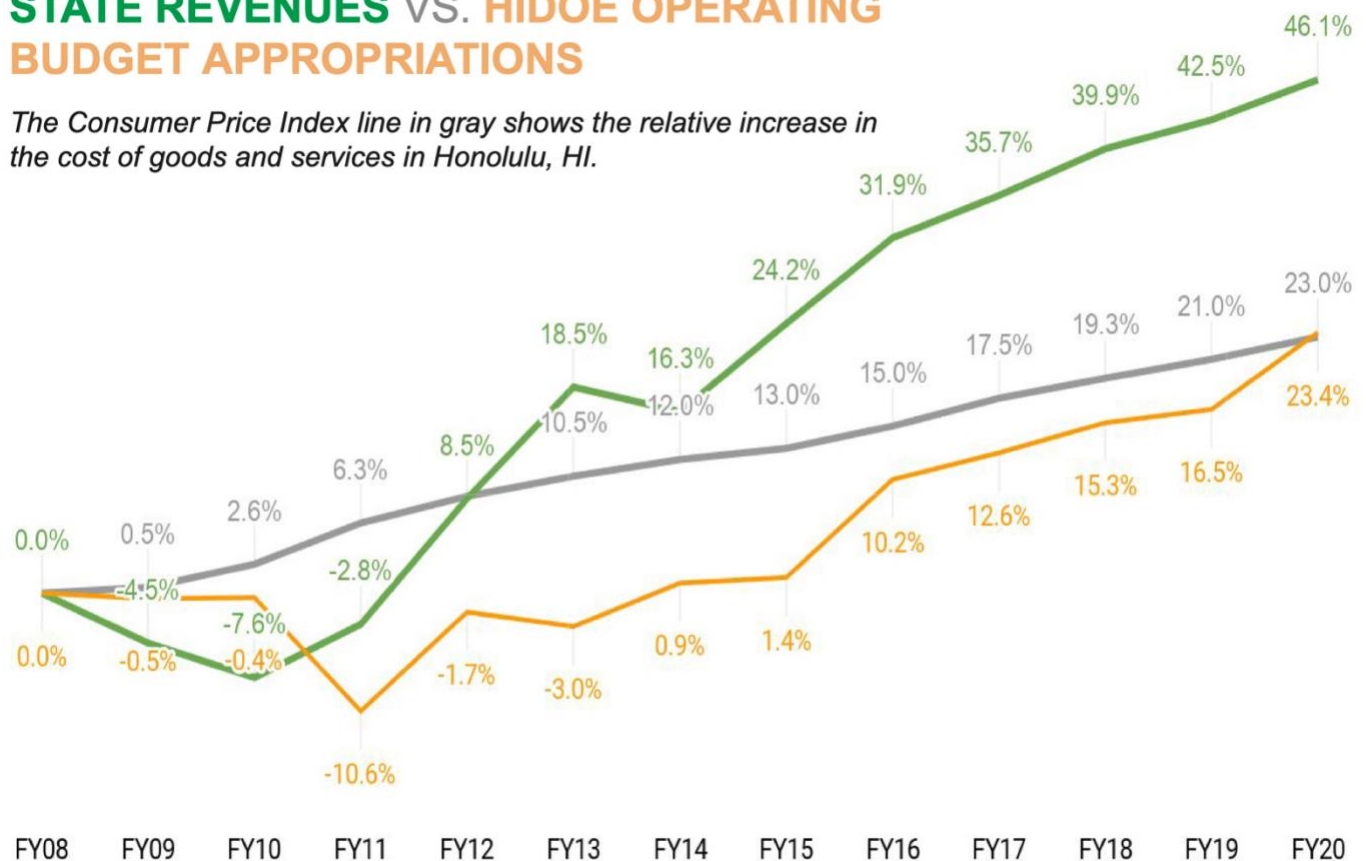
We desperately need to sustain funding for public education. As it has for years, the Aloha State is suffering from a chronic teacher shortage crisis, which could be exacerbated by proposed cuts to the Hawai'i Department of Education's budget amounting to 15 to 21 percent. Approximately

700 teacher positions remain on the chopping block, according to the Hawai'i State Teachers Association, even after Gov. David Ige injected \$123 million into the DOE's budget. Additionally, we continue to lose approximately 50 percent of new hires after five years—the number of teachers exiting the teaching profession has spiked by over 80 percent since 2010.

Prior to the pandemic, the Hawai'i Department of Education saw its budget grow at a pace that was much slower than the rate of increase for general fund revenue. From FY2008 to FY2020, the DOE's budget grew by 23.4 percent, keeping pace with the escalation in the state's cost of living. Yet, general fund revenue grew by 46.1 percent, nearly double the growth reflected in the DOE's budget. This proportional disparity must be rectified, so that our schools and students don't lose out on critical resources or learning opportunities.

## STATE REVENUES VS. HIDEO OPERATING BUDGET APPROPRIATIONS

The Consumer Price Index line in gray shows the relative increase in the cost of goods and services in Honolulu, HI.



FY08-18 Actual Collections per Department of Taxation; FY19 and FY20 based on Council on Revenues May 23, 2019 projection.

**Education must be a top priority for our state.** Hawai'i's public schools are entirely funded at the state level, leaving our education system vulnerable to state funding shortages. Thankfully, federal funding has been made available under the Elementary and Secondary School Emergency Relief Funds established by the CARES Act and the Coronavirus Response and Relief Supplemental Appropriations Act (CRRS Appropriations Act) that will help. Yet, these programs require states to assure that they will maintain support for education programs during fiscal years 2019-2020 and 2020-2021 by meeting certain benchmarks.

Specifically, the DOE must comply with the "maintenance of effort" provisions of the federal Education Stabilization Fund as set forth in sections 18006, 18008, 315, and 317 of the CARES Act in order to receive and spend CARES Act and CRRS Appropriations Act funds, which call for employees who are subject to a collective bargaining agreement to continue to receive their pay; funding for public education to be maintained at the same levels as in fiscal years 2017, 2018, and 2019 for those funds that are part of the CARES Act, and at a proportional level for the CRRS Appropriations Act; and for school staffing levels to be maintained to the greatest extent possible.

We cannot accept furloughs, layoffs or pay cuts as a solution to our state's budget shortfall. We should not balance our budget on the backs of the educators upon whom our learning system depends. Our keiki's and our community's future depends on our resolve.

***Kris Coffield · Chairperson, Democratic Party of Hawai'i Education Caucus · (808) 679-7454 · [kriscoffield@gmail.com](mailto:kriscoffield@gmail.com)***



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

**Date:** 02/16/2021

**Time:** 02:00 PM

**Location:** 309 Via Videoconference

**Committee:** House Education

**Department:** Education

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

**Title of Bill:** HB 0613, HD1 RELATING TO EDUCATION.

**Purpose of Bill:** Appropriates elementary and secondary school emergency relief fund (ESSER funds) moneys received by the State from the CARES Act and CRRS Appropriations Act to offset any budget reductions that are identified or proposed by the department of education and the governor that would result in the reduction of personnel who are subject to a collective bargaining agreement pursuant to chapter 89, HRS, and who are employed at the school level, including any budget reduction that results in a layoff, furlough, or pay reduction. Requires the board of education and superintendent of education to certify in writing that the board of education, superintendent, and department of education agree to the conditions established by the Act, including that the funds appropriated shall be used only for salaries and wages of officers and employees who are subject to a collective bargaining agreement and are employed at the school level. Provides that moneys from the appropriation shall lapse at the end of the fiscal biennium. (HD1)

**Department's Position:**

The Hawaii State Department of Education (Department) respectfully offers comments on HB 613, HD 1, which would direct the Department's use of all unexpended Elementary and Secondary School Emergency Relief (ESSER) grant funds awarded by the U.S. Department of Education.

The Department's top three priorities for this year are:

1. The restoration of the \$100.2 million cut to the base budget;

2. Retaining and maximizing federal relief funds to stabilize public schools; and
3. Exploring with state leaders opportunities to secure a predictable, equitable, and stable source of K-12 funding (<https://www.hawaiipublicschools.org/DOE%20Forms/budget/HIDOELegislativePriorities2020-21.pdf>).

This measure does not address these priorities, as it seeks to direct all ESSER funds to be used only for salaries and wages of officers and employees who are subject to a collective bargaining agreement and are employed at the school level. This would preclude uses for other unmet needs required to support public school students through the pandemic.

Federal education relief funds are intended to address the impact of the ongoing COVID-19 pandemic on public education. The Department has been reporting on a monthly basis its use of the first award of \$43.4 million of ESSER funds:

<https://www.hawaiipublicschools.org/ConnectWithUs/Organization/Budget/Pages/CARES-spending-reports.aspx>

If enacted, this measure would require the Department to cancel existing encumbrances and retract allocation balances for these funds. This would halt the provision of connectivity for students to access the internet off-campus; health and safety measures to mitigate the impact of the COVID-19 pandemic and address the security issues that have been exacerbated by the limited use of school facilities; staff training to support the transition to new ways of teaching, learning, and student support in the current educational landscape; and the acquisition of an improved on-line learning platform to increase the capacity for virtual curriculum and instruction.

The Department has submitted a proposed plan for the use of the second award of \$183.6 million of ESSER II funds to the Board of Education for review and approval:

[https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/02182021\\_GBM\\_Board%20Action%20on%20Department%27s%20Plan%20for%20Federal%20Funds%20in%20the%20New%20COVID-19%20Relief%20Package%20and%20Annual%20Spending%20Bill.pdf](https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/02182021_GBM_Board%20Action%20on%20Department%27s%20Plan%20for%20Federal%20Funds%20in%20the%20New%20COVID-19%20Relief%20Package%20and%20Annual%20Spending%20Bill.pdf)

If this measure is enacted, the Department will be required to seek Emergency Appropriations (not introduced) for state general funds to meet the largely non-recurring expenses for:

- \$79.4 million of current year shortfalls for expenses such as unemployment insurance, workers compensation, school food service, teacher differentials, and licensing and maintenance for information technology systems;
- \$48.6 million for personalized learning supports to address students' academic needs that have been exacerbated by the pandemic;
- \$7.5 million for additional purchases of student computer devices; and
- \$15 million for health and safety measures.

The Department would request an indication from lawmakers on what course of action will be incorporated into the Legislature's financial plan with regards to the current year shortfalls and into HB 200 (the measure introduced as the vehicle for the Executive Branch Biennium Budget for the items proposed to be funded with the federal funds in FY 2021-22).

The Department would also point out that the unexpended balance of ESSER funds would likely be insufficient to off-set the school-level portion of the \$141 million per year cut contained in the Governor's Budget Request that is currently before the Legislature. The inability of the federal funds to meet the shortage this measure seeks to address is complicated by State procedures that require employee fringe costs paid from non-general funds to be passed on to the

non-general fund source. The current rate for budgeting purposes is 50.98%: <https://budget.hawaii.gov/wp-content/uploads/2020/10/FM-20-20-Approved-FY-19-FBR-and-Revised-Interim-FY-21-FBR.pdf>. It may be worthwhile to note that during the Great Recession when federal stabilization funds were allocated to the Department of Education and the University of Hawaii to bridge the gap in general fund support, the Legislature included in the Executive Biennium Budget Bill, Act 162, SLH 2009 the following provision that waived this requirement:

“Section 162. Provided that for the use of Federal Stabilization funds the Department of Education and the University of Hawaii shall not be required to pay fringe benefit costs to the Department of Budget and Finance.”

The Department will consult with the Department of the Attorney General on the planned use of the ESSER funds to ensure compliance with state and federal regulations.

Thank you for the opportunity to provide comments on this measure.

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).



**HB-613-HD-1**

Submitted on: 2/15/2021 2:00:20 PM

Testimony for EDN on 2/16/2021 2:00:00 PM

| Submitted By      | Organization | Testifier Position | Present at Hearing |
|-------------------|--------------|--------------------|--------------------|
| Susan Pcola_Davis | Individual   | Support            | No                 |

Comments:

I strongly support the House Committee on Education for establishing a bill to ensure ESSRII funds are spent to SAVE TEACHERS JOBS!!

In support of employees who are subject to collective bargaining agreements, Units 5 & 6, continue to receive their pay.

The Superintendent seems to have created her own definition of "Maintenance of Effort." This bill clearly spells out the House's intent to protect the funding from the Superintendent's misuse.

Preventing a request for a waiver from the Secretary of Education is of utmost importance. If the waiver is granted then our schools, teachers and students are at risk. The risk itself will be much larger than the learning loss predictions.

Also with a waiver, she will be relieved of securing personnel who are employed at the school level, including any budget reduction that results in a layoff, furlough, or pay reduction.

But the key point of this bill, is securing the funding, release and expenditure from misappropriation by the Department of Education, it's superintendent and the Board of Education UNLESS CERTIFIED IN WRITING.

This certification prevents the spending of the funds on ANYTHING other than salaries and wages of department of education officers and employees who are subject to a collective bargaining agreement.

And ALL the funding will be expended. Not rolled over into some secret fund.

Why the need for such a bill?

The superintendent has time and time again disappointed and embarrassed the State of Hawaii.

Lastly, is there a bill that would prevent her contract for being renewed? If not, then when.

