

OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Ways and Means

From: Cheryl Kakazu Park, Director

Date: February 26, 2021, 9:30 a.m.
Via Videoconference

Re: Testimony on S.B. No. 245
Relating to Education

Thank you for the opportunity to submit testimony on this bill, which would establish a working group to create a state plan to make FAFSA completion, or an opt-out waiver for FAFSA completion, a statewide graduation requirement. The Office of Information Practices (OIP) takes no position on the substance of this bill, but has comments and a **recommendation and proposed amendment** regarding the bill's proposed exemption from the Sunshine Law, part I of chapter 92.

This bill proposes to completely exempt the working group from the Sunshine Law, although it would require it to post some form of minutes with no set requirement as to their level of detail or when they must be posted. It is not obvious why the proposed working group would need a complete exemption from the Sunshine Law to be able to effectively consider the proposal to make FAFSA completion a high school graduation requirement, as the issues it is required to consider do not seem to be ones that would involve discussions of individually identifiable student information on any kind of a regular basis. Further, OIP notes that the proposal to require students to complete the FAFSA to graduate from high school is likely to be of high interest to public high school students and their parents

or guardians, particularly since completing the FAFSA requires a student's parents or guardians to provide extensive financial information and tax return information. It is likely that members of the public will be interested in weighing in on this issue, yet this bill would not allow them to provide testimony to the working group or attend its meetings, but only to read minutes posted at some unspecified time after a meeting has taken place.

OIP notes that the proposed working group includes many government officials and employees who may need to discuss college financial aid issues with one another as part of their usual jobs. If there is a concern that the Sunshine Law's requirements would constrain their ability to talk with one another about financial aid issues as needed for their usual jobs, these Committees could address that by adding a permitted interaction allowing less than a quorum of members to talk about board business together, while still allowing for public participation consistent with the purpose and intent of the Sunshine Law.

Thus, OIP would strongly recommend that these Committees either remove entirely the Sunshine Law exemption at bill page 5, lines 17-21, or replace it with a permitted interaction allowing less than a quorum of members to talk together. If the Committees prefer the option of replacing the exemption with a permitted interaction, OIP would recommend the following language:

Two or more members of the working group, but less than the number of members that would constitute a quorum for the working group, may discuss between themselves matters relating to official business of the working group to enable them to faithfully perform their duties to the working group and the organizations they represent, as long as no

Senate Committee on Ways and Means
February 26, 2021
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commitment to vote is made or sought. Such discussions shall be a permitted interaction under section 92-2.5, Hawaii Revised Statutes.

Thank you for considering our comments and recommendation.



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

Date: 02/26/2021

Time: 09:30 AM

Location: CR 211 & Videoconference

Committee: Senate Ways and Means

Department: Education

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

Title of Bill: SB 0245 RELATING TO EDUCATION.

Purpose of Bill: Requires the Department of Education's existing Free Application for Federal Student Aid (FAFSA) working group to create a state plan to make completion of the FAFSA or an opt-out waiver a statewide graduation requirement by the 2023-2024 school year. Requires a report to the 2022 Legislature.

Department's Position:

The Hawaii State Department of Education (Department) respectfully offers comments on SB 245.

The purpose of SB 245 is to establish a working group to create a state plan to make the Free Application for Federal Student Aid (FAFSA) completion, with the option of an opt-out waiver in lieu of FAFSA completion, a statewide graduation requirement by the 2023-2024 school year.

The Department agrees that there is merit in completing the FAFSA as it supports families' access to college and appreciates the opportunity to further investigate this issue through its existing working group. However, the experience of this existing working group has led to the conclusion that FAFSA completion, or the completion of an opt-out waiver in lieu of FAFSA completion, should not be a requirement for graduation because of the following reasons:

- Earning a diploma is based on student proficiency on educational standards and not based on a parent's behavior such as completing the FAFSA;
- The Department cannot obligate parents to disclose financial information;
- Holding students accountable for a parent decision, especially for undocumented

students or other ineligible students, is concerning;

- Requiring FAFSA completion for all students when not all students are eligible for FAFSA benefits is not in alignment with all other graduation requirements that are for all students; and
- Requiring all students to complete the FAFSA suggests that going to college is the only path to success. Students who choose direct entry into the workforce or military enlistment are not required to complete the FAFSA. The Department encourages student voice and choice on their post-secondary options and it is unreasonable to require all students to complete the FAFSA when not all students choose to enroll in college immediately after high school.

In consideration of an opt-out waiver in lieu of FAFSA completion, there are additional concerns:

- Families may not submit the opt-out waiver and a student would not meet graduation requirements which would be unfair to hold students accountable for adult decisions;
- Allowing an opt-out waiver for FAFSA completion is inconsistent with all other graduation requirements of which students cannot submit an opt-out waiver;
- Allowing an opt-out waiver for graduation sets a bad precedent of opting out of other graduation requirements;
- Families may immediately submit an opt-out waiver for the sake of not wanting to complete the FAFSA, thus preventing the schools from educating and engaging in further conversations with the families to encourage completion; and
- Families immediately may submit the opt-out waiver because it is easier than filling out the application--removing a barrier that would prevent their child(ren) from graduating.

Currently, the Department's FAFSA completion percentage is above the national average. As of February 12, 2021, the Department's FAFSA completion percentage was 44.4% while the national average was 38.9%. We have also experienced a much smaller decrease in the number of applications completed so far this year at 6.1% compared to the much larger national decrease of 9.4%. The current data is consistent with the previous two school years, showing that the Department continuously performs above the national average in FAFSA completion.

Given the Department's experience through its current working group addressing FAFSA completion, the Department respectfully submits that this measure is not needed at this time.

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.



david.miyashiro@hawaiikidscan.org
hawaiikidscan.org

David Miyashiro
Executive Director

February 26, 2021

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

State Capitol
415 South Beretania Street
Honolulu, HI 96813

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee,

HawaiiKidsCAN **strongly supports SB245**, which requires the Department of Education's existing Free Application for Federal Student Aid (FAFSA) working group to create a state plan to make completion of the FAFSA or an opt-out waiver a statewide graduation requirement by the 2023-2024 school year. Requires a report to the 2022 Legislature.

Founded in 2017, HawaiiKidsCAN is a local nonprofit organization committed to ensuring that Hawaii has an excellent and equitable education system that reflects the true voices of our communities and, in turn, has a transformational impact on our children and our state. We strongly believe that all students should have access to excellent educational opportunities, regardless of family income levels and circumstances.

In today's challenging economy, a post-secondary credential is more important than ever, especially two and four year degrees. Unfortunately, just 55% of Hawaii public school graduates from the class of 2018 completers enrolled in postsecondary institutions nationwide (vocational or trade schools, 2- or 4-year colleges) in the fall following graduation.

Students who complete the FAFSA are more likely to enroll in college; 90 percent of students who complete the FAFSA enroll in college directly from high school, compared to just 55 percent of non-completers. Louisiana is a national success story, jumping from 44% in FAFSA completions to nearly 80% due in large part to a graduation requirement. Nearly 1,600 more students enrolled in college as a result versus the previous year, and over 2,500 more students of color, nearly 5,000 more economically disadvantaged students and 400 more students with disabilities enrolled in college in 2018 than did in 2012.

According to official Hawaii DOE materials and cited by the Honolulu Star-Advertiser, Hawaii students missed out on \$10 million in unclaimed federal Pell Grants in 2018, which require the FAFSA. Given family financial hardships brought on by the COVID-19 pandemic, this federal

financial support is life-changing. Furthermore, the FAFSA is a basic requirement to access state financial aid such as the Hawaii Promise Program.

SB245 would establish an unconditional opt-out mechanism to protect personal choice, so no diplomas would be withheld. Rather than forcing anyone to do something they don't want to do, SB245 helps to create a subtle mindset shift around college access by asking students and schools "why not" know financial aid options vs "why should." This is similar to efforts in support of automatic voter registration, which are predicated on the idea of increasing voter participation.

By making FAFSA a graduation requirement, it will only increase the attention and support on the whole college application and enrollment process and increase the ability to support students. A graduation requirement for FAFSA would help enhance quality efforts already happening in the state.

Mahalo for your consideration,

David Miyashiro
Founding Executive Director
HawaiiKidsCAN



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE SENATE COMMITTEES ON WAYS AND MEANS
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 211
FRIDAY, FEBRUARY 26, 2021 AT 9:30 A.M.**

To The Honorable Donovan M. Dela Cruz, Chair;
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair;
Members of the Committee on Ways and Means;

SUPPORT SB245 RELATING TO EDUCATION

Aloha, my name is Pamela Tumpap. I am the President of the Maui Chamber of Commerce, in the county most impacted by the COVID-19 pandemic in terms of our dependence on the visitor industry and corresponding rate of unemployment. I am writing share our support of SB245.

The Maui Chamber of Commerce supports a working group to look at how students who want to go to college and their parents can be encouraged to and receive more help to complete FAFSA. According to the FAFSA website, it takes an average of 55 minutes to complete the form, plus additional hours to collect the needed information. This can be overwhelming for parents and students alike and support and education on this process would be valuable. This is an important effort to capture federal money to get those students to college with better opportunities and will need special resources, outreach and education to parents and students.

However, we feel strongly that failure to complete the FAFSA or opt-out waiver should not bar a student from graduating. During this pandemic especially, parents and students have many things taking up their time and attention and there are many reasons why they may get distracted and forget to turn in paperwork and it would be a disservice to students to not allow them to graduate for failing to turn in the opt-out waiver. We feel the working group should be empowered to create a plan to get more FAFSA's completed in a positive manner without this restriction.

We appreciate the opportunity to testify on this matter and provide comments and ask that this bill be passed.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



**Testimony to the Senate Committee Ways and Means
Friday, February 26, 2021 at 9:30 A.M.
Written Testimony**

RE: SB 245, RELATING TO EDUCATION

Chair Dela Cruz, Vice-Chair Keith-Agaran, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **supports** SB 245 which requires the Department of Education's existing Free Application for Federal Student Aid (FAFSA) working group to create a state plan to make completion of the FAFSA or an opt-out waiver a statewide graduation requirement by the 2023-2024 school year.

The Chamber is Hawaii's leading statewide business advocacy organization, representing 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

In 2018, Hawaii students left \$10 million in unclaimed federal Pell Grants, while nationally, that total was nearly \$2.6 billion in unclaimed federal financial aid for higher education for high school graduates of the class of 2018 as a result of not filling out FAFSA applications despite being eligible. It is estimated that 90% of students who complete the FAFSA will attend college, as opposed to 55% of those who don't. The Hawaii Department of Education has set a goal to have 90% of high school seniors complete the FAFSA for the 2020 year, but there are some worries that this goal will not be met.

Through this working group, the state can take the first step to guaranteeing that we are able to help our students with completing the FAFSA for those considering post-secondary education. Students who might not have thought they could go to college due to financial situations, may now have an opportunity to do so, because of the access to federal aid. We need to help ensure that our students are offered the best education in order to prepare them for college and their future roles in the modern workforce.

Thank you for the opportunity to provide testimony.

SB-245

Submitted on: 2/24/2021 10:51:43 AM

Testimony for WAM on 2/26/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sheldon Tawata	Individual	Oppose	No

Comments:

Thank you again for the opportunity to submit a testimony on Senate Bill 245. My feelings are similar to my testimony back in 2020. I am professional who works in post-secondary education with colleagues at various high schools across the state, and I am very concerned with adding another requirement that comes with added expenses (time and money) to an already taxed organization (the Hawai'i State Department of Education). I know counselors who work tirelessly to encourage students to meet high school graduation requirements, which at times could be as critical as attendance. These individuals put in evenings and weekends to make sure students are on track toward a goal (or goals) that are most appropriate by supporting their students' personal and academic growth. Now with the pandemic forcing students to learn and gather information remotely, it adds another layer of challenges around engagement and motivation. I feel rather than designing a work group, it would be worth acknowledging these counselors as content experts and provide an arena for them to flush out ideas that work best for students whom they see on a regular basis, especially during this pandemic.

Again, this is not to take away from the importance of Financial Aid and Scholarships because these funds to provide amazing opportunities for students to pursue a college degree and to eventually give back to their families and communities. However, to make it a graduation requirement doesn't really address the core issue, in fact it just adds to the workload on both the DOE and the colleges.

My hope is that folks concerned about the status around the completion and disbursement of Financial Aid will pause to take time and listen to those on the front lines for insight and perspective. It doesn't take a Bill to do that, just compassion and patience. There is no monetary cost to that.

SB-245

Submitted on: 2/24/2021 10:56:53 AM

Testimony for WAM on 2/26/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathryn Wild	Individual	Support	No

Comments:

February 26, 2021

Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee,

I have 49 years in public education K-12, college and university, two Native American reservations, foster middle and high school, and women's prison. I fully support SB245.

We want to send our students out into the world with the tools they need to enjoy a full life. SB245 informs and emboldens the student to consider going to college.

*Students who complete the FAFSA are more likely to enroll in college; 90 percent of students who complete the FAFSA enroll in college directly from high school, compared to just 55 percent of non-completers.

*Hawaii students missed out on \$10 million in unclaimed federal Pell Grants in 2018, requiring the FAFSA.

Finance can seem threatening to students who have no family background in financial aid for incoming students. Even if a student is definitely not going to college, the process of filing for FAFSA offers money and finance education. By making FAFSA a graduation requirement, it removes the mystery and goes hand in hand with Hawaii's 21st century progressive education for all.

Mahalo,
Kathryn Wild, PhD

SB-245

Submitted on: 2/24/2021 11:13:49 AM

Testimony for WAM on 2/26/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Stever	Individual	Support	No

Comments:

Please create a state plan to make completion of the FAFSA or an opt-out waiver a statewide graduation requirement by the 2023-2024 school year. thsi will help increase student access to post-secondary education statewide. Mahalo

Sincerely,

Andrew Stever

SB-245

Submitted on: 2/24/2021 11:37:35 AM

Testimony for WAM on 2/26/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Hoppe	Individual	Oppose	No

Comments:

Aloha kākou. I am writing as an individual citizen as well as a professional in education. While I understand the push to encourage FAFSA completion, as well as how it relates potentially toward increases in college enrollment, what is lacking is the data and research that relates FAFSA completion to actual retention in college. How many of those students who enrolled successfully completed college? What is the correlation with FAFSA and college graduation as a result of making FAFSA a graduation requirement? Students who enroll in college also take out federal student loans, then do not complete college which could be placing them in a worse situation than intended by making FAFSA a graduation requirement. More research and more data is needed regarding the benefits of making it mandatory for graduation before we legislate this as a graduation requirement.

Additionally, without fully understanding how much more on-site school staffing is needed to support SB245, and what that cost would be, it would be irresponsible to push through legislation making FAFSA mandatory.

I am also am concerned about tracking down absentee parents to ensure they sign off on an opt-out form. We have many students who live with extended family informally but would need to jump through extra hoops to opt-out of an action that should be a personal choice.

While I 100% back the promotion and efforts to increase FAFSA completion among high school seniors, I do not feel that legislation lacking well-rounded research and data is the appropriate or fiscally responsible way to go about this.

SB-245

Submitted on: 2/24/2021 12:16:03 PM

Testimony for WAM on 2/26/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jacey Waterhouse	Individual	Oppose	No

Comments:

I strongly oppose Senate Bill 245 requiring the Free Application for Federal Student Aid (FAFSA) to become a graduation requirement as it does NOT take into account the external factors that will impact a student's ability and/or immediate need for completion. While the idea has merit on paper, its efforts will be lost without a doubt in its execution and may result in additional negative consequences.

Completion of the FAFSA should NOT have any relevance upon a student earning their high school diploma as it does not directly correlate to student academic performance/achievement. Students/families who struggle to complete their courses with passing marks (already overwhelmed with current expectations), who come from disrupted homes (unable to obtain financial information from parent/guardian), or who are not seeking a traditional post-secondary education (due to religious reasons, plans to join the military, pursuit of trade skills credentialing, need to immediately enter workforce to provide for family), will be negatively impacted. If implemented I fear an increase in student dropouts and the GED path, merely because they've been tasked with yet another obstacle to grapple with.

As a college counselor, I'm an advocate for completing the FAFSA, as are the majority of my peers. Collectively we recognize the importance of the FAFSA. Statistics support this correlation indicating HIDOE has performed above the national average over the past three years due to the support of multiple agencies outside of their own campuses as the Department does not provide the resources (physical, technological and/or human) that require financial guidance expertise. If passed, what additional resources will the Senate allocate to support the already financially strapped HIDOE and charter schools?

Unfortunately adding this requirement, with the hopes of providing financial assistance to students struggling with hardships will not translate to an increase in college enrollment. Louisiana, the first state to require FAFSA completion as a graduation requirement, has not seen a positive impact on college enrollment rates since the implementation of their bill three years ago.

Yes completing the FAFSA is a good thing, but realistically it has NO place as a graduation requirement and certainly should NOT be expected to be completed by ALL students.

SB 245 Making FAFSA Completion a Graduation Requirement

Submitted by Mahina Kamakana-Juario, Counselor 2.24.2021

NOT IN FAVOR OF HB245

FAFSA is a great way for students to find assistance with paying for college and I am all in favor of that, but to make it a graduation requirement for students is just another excuse to hold them hostage or take away their right to make their own decisions.

- Students who come from **disruptive households** or have **errant parents** will never get this component done because parents for one reason or another will not or cannot provide the necessary tax information. Whereabouts are often unknown and why should the student be penalized for it? Who's going to find these parents and make them sit down and do FAFSA?
- FAFSA Completion is **not mandatory** if a student does not want to attend school after they are done with high school. Why would you force them to fill out the FAFSA when they won't need it? It's a choice!
- **Students have a choice** of finding employment, staying home and starting a family, build a home business, maybe enlisting in the military. These reasons DO NOT require FAFSA, just a high school diploma.
- In our state, we have many **homeless families** struggling to stay alive. This is a worry that many of these families cannot escape. Worrying where they will get their next meal or find adequate shelter is more important than filling out a FAFSA. Getting to school is more important and learning is more important than completing a FAFSA. This is a tricky endeavor.
- In our smaller communities, we have **partner agencies** that can help families with the FAFSA. In my small community, there are several agencies such as Lili'uokalani Trust, Alu Like, Inc, UH Maui College Educational Opportunity Center that assist families with college and career pathways and FAFSA completion. They've helped many families over the years to complete the FAFSA and apply to colleges and scholarships. These partner agencies work closely with families and they are better suited to provide all of the support families need and in all areas. Why not support those agencies (and other agencies not listed) and have them be considered in finding solutions? They should be part of the team!
- **And let's not forget COVID 19.** It has been terrible on our state, nation, and world. The impact of this pandemic has changed the way we live our lives. This will not go away, but it is urgent for every one of us to **survive** and do whatever is important to stay alive. I don't have the data, but I truly believe that surviving this pandemic has caused everyone to make decisions to get through this and it may be that students forego college for a little while until things are safer. Students don't want to leave home and maybe their parents don't want them to leave home either. **Fear and uncertainty** has played a role in what's best for their families. Why would you make them choose?

Mahalo for your time and consideration.

SB-245

Submitted on: 2/24/2021 6:42:18 PM

Testimony for WAM on 2/26/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Yamauchi	Individual	Support	No

Comments:

Thank you for your consideration of this bill. I believe other states, like Louisiana, have had positive results in college admissions and financial aid for students who are required to complete the FAFSA as a part of high school graduation. All students should have access to this data while making such an important life decision. I strongly support this bill and policy for Hawai'i's keiki.

Erica Yamauchi, Wilhelmina Rise/Maunalani Heights

SB-245

Submitted on: 2/24/2021 7:38:31 PM

Testimony for WAM on 2/26/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
chelsea pang	Individual	Support	No

Comments:

- Rather than forcing anyone to do something they don't want to do, SB245 helps to create a subtle mindset shift around college access by asking students and schools "why not" know financial aid options vs "why should." This is similar to efforts in support of automatic voter registration, which are predicated on the idea of increasing voter participation.
- By making FAFSA a graduation requirement, it will only increase the attention and support on the whole college application and enrollment process and increase the ability to support students. A graduation requirement for FAFSA would help enhance quality efforts already happening in the state.

SB-245

Submitted on: 2/25/2021 8:25:19 AM

Testimony for WAM on 2/26/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Aisha Heredia	Individual	Support	No

Comments:

February 26, 2021

Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

State Capitol
415 South Beretania Street
Honolulu, HI 96813

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee,

I am community member from Waimanalo and I'm in strong support of SB245. Students who complete the FAFSA are more likely to enroll in college; 90 percent of students who complete the FAFSA enroll in college directly from high school, compared to just 55 percent of non-completers.

Rather than forcing anyone to do something they don't want to do, SB245 helps to create a mindset shift around college access by asking students and schools "why not" know financial aid options vs "why should." This is similar to efforts in support of automatic voter registration, which are predicated on the idea of increasing voter participation.

SB245 would establish an unconditional opt-out mechanism to protect personal choice, so no diplomas would be withheld.

By making FAFSA a graduation requirement, it will only increase the attention and support on the whole college application and enrollment process and increase the ability to support students. A graduation requirement for FAFSA would help enhance quality efforts already happening in the state.

Mahalo,
Aisha Heredia