



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

Date: 02/08/2022

Time: 02:00 PM

Location: 309 Via Videoconference

Committee: House Education

Department: Education

Person Testifying: Keith T. Hayashi, Interim Superintendent of Education

Title of Bill: HB 2047 RELATING TO EDUCATION.

Purpose of Bill: Establishes a primary promise pilot program within the Department of Education. Requires the Department to identify elementary schools having low literacy rates or a disproportionate number of students reading below grade level. Appropriates moneys to hire teachers and instructional aides to provide instruction to students in grades K-3 who read below grade level in those identified schools. Sunsets 6/30/2025.

Department's Position:

The Hawaii State Department of Education (Department) respectfully provides comments on HB 2047 for the Legislature's consideration. The Department is committed to providing essential learning opportunities and literacy experiences that will prepare our children for academic success.

Currently, the Department's Elementary and Secondary School Emergency Relief (ESSER) Educational Plan and Fiscal Plan addresses key strategies that will mitigate learning loss for all students, including data-driven decision-making that will inform their accelerated learning interventions. In addition, schools have adopted an approach to social-emotional learning that will address students' emotional and mental health. This systemic approach utilized by schools will complement their multi-tiered system of support for students and will allow schools to design their intervention supports for their unique communities.

Schools currently utilize their universal screeners to identify students who do not meet grade-level proficiency in literacy and provide tiered supports to best address student needs. Additional learning opportunities are provided before, during, and after the

school day.

Through the use of ESSER funds, various grant allocations, and Elementary and Secondary Education Act funds, schools have contracted various literacy experts to train and support their teachers in current research- and evidence-based strategies that address literacy. Complex area and school personnel follow up on the training to ensure that new ideas are implemented and data are collected to ensure positive impact on student learning. They have also procured literacy programs that address the specific needs of students in foundational reading skills. This, along with key strategies, build a comprehensive system of support for their students.

With this multi-pronged approach, schools are prepared to support all students to become literacy proficient by grade three during this challenging time. Funding primary promise teachers and instructional aides could support these efforts to mitigate learning loss. If this measure is to pass, an educational specialist and resource teacher would be needed to coordinate, monitor, gather and analyze data and provide required reports. As a note, based on recent trends, finding additional highly qualified staff to support these programs may present a challenge as some schools still find it difficult to fill their current positions.

Thank you for the opportunity to provide testimony on HB 2047.

HB-2047

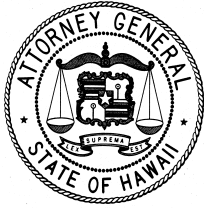
Submitted on: 2/7/2022 9:44:55 AM

Testimony for EDN on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Keith Hayashi	Hawaii Department of Education	Comments	Yes

Comments:

Comments



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

H.B. NO. 2047, RELATING TO EDUCATION.

BEFORE THE:

HOUSE COMMITTEE ON EDUCATION

DATE: Tuesday, February 8, 2022 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room, 309, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Anne T. Horiuchi, Deputy Attorney General

Chair Woodson and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The bill establishes a primary promise pilot program within the Department of Education (DOE). The bill notes that, due to the "historic infusion of federal funds available to the State" (section 1 at p. 2, lines 15-16), the Legislature believes that this is the time to launch the primary promise pilot program. The federal funds cited in the bill are the: Coronavirus Aid, Relief, and Economic Security (CARES) Act (ESSER I funds); CARES Act Governor's Emergency Education Relief (GEER) Fund; Elementary and Secondary School Emergency Relief (ESSER) Fund (aka ESSER I funds); Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act (ESSER II funds); and American Rescue Plan Act (ARP ESSER funds). (ESSER I funds, ESSER II funds, and ARP ESSER funds, collectively addressed as "the ESSER funds.") The bill further appropriates funds from an unidentified source for fiscal year 2022-2023 to establish the primary promise pilot program.

Although the funding source for this bill is currently unidentified, the Department submits that the appropriation in this bill may not comply with federal guidance for spending the ESSER funds and puts the State at risk of being found in violation of the CARES Act, the CRRSA Act, or the American Rescue Plan (ARP) Act. According to the guidance issued by the United States Department of Education, section 180003(d) of

the CARES Act, section 313(d) of the CRRSA Act, and section 2001(e)(2) of the ARP Act authorize a local education agency's use of funds for a broad range of allowable activities listed in the section, but do not authorize a state legislature to limit a local education agency's use of funds appropriated through the CARES Act, the CRRSA Act, or the ARP Act. (*See Frequently Asked Questions – Elementary and Secondary School Emergency Relief Programs Governor's Emergency Education Relief Programs*, U.S. Department of Education, May 26, 2021, at 15. Website: https://oese.ed.gov/files/2021/05/ESSER.GEER_FAQs_5.26.21_745AM_FINALb0cd6833f6f46e03ba2d97d30aff953260028045f9ef3b18ea602db4b32b1d99.pdf.) For federal purposes, the DOE is considered both a State Education Agency, as well as a Local Education Agency. The bill's potential directive to the DOE to utilize the ESSER funds to establish and administer the pilot program effectively limits the DOE's ability to allocate these funds and may be found to be in violation of the CARES Act, the CRRSA Act, or the ARP Act. Furthermore, to the extent the bill is potentially directing the DOE to utilize GEER funds, this may not be appropriate if the Governor did not specifically authorize the Legislature to use GEER funds to establish and administer the pilot program. *See Id.* at 18-19.

The Department respectfully asks the Committee to hold this bill, or to amend the bill to appropriate funds from a source other than the ESSER funds.

Thank you for the opportunity to provide our comments.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
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
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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 EDUCATION
ON
HOUSE BILL NO. 2047

February 8, 2022
2:00 p.m.
Room 309 and Videoconference

RELATING TO EDUCATION

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 2047: 1) establishes a three-year primary promise pilot program within the Department of Education (DOE) to work toward the goal of ensuring that each student leaves the third grade reading at grade level; 2) requires the DOE to submit an annual report to the Governor, Lieutenant Governor, and Legislature no later than January 1 of each year, which shall include: a) a school-by-school assessment of educational outcomes of the pilot program; b) a recommendation as to whether the program should be made permanent, with or without modifications; and c) any other findings and recommendations, including any proposed legislation; 3) appropriates \$15,000,000 in FY 23 from an unspecified funding source, which shall not lapse until June 30, 2024; and 4) repeals this measure on June 30, 2025.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
PRINCESS VICTORIA KAMĀMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 8, 2022

The Honorable Representative Justin H. Woodson, Chair
House Committee on Education
The Thirty-First Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Woodson and Committee Members:

SUBJECT: HB2047 Relating to Education

The Hawaii State Council on Developmental Disabilities **Supports HB2047**, which establishes a primary promise pilot program within the Department of Education. Requires the Department to identify elementary schools having low literacy rates or a disproportionate number of students reading below grade level. Appropriates moneys to hire teachers and instructional aides to provide instruction to students in grades K-3 who read below grade level in those identified schools

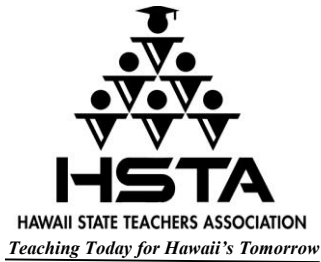
The Council appreciates the intent of this measure to help identify individuals who have low literacy rates at an early age. This may be an unintended benefit of this measure, but it may also positively impact individuals with intellectual/developmental disabilities and those with learning disabilities. This measure may increase the identification of learning disabilities and I/DD as this population often struggles in school. One-on-one instruction could inadvertently lead to a better understanding of why the student has a low literacy rate which, could be due to an undiagnosed disability.

Thank you for the opportunity to submit testimony **supporting HB2047**

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus".

Daintry Bartoldus
Executive Administrator



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Osa Tui, Jr.
President
Logan Okita.
Vice President
Lisa Morrison
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON EDUCATION

RE: HB 2047 - RELATING TO EDUCATION

TUESDAY, FEBRUARY 8, 2022

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Woodson, and Members of the Committee:

The Hawaii State Teachers Association **supports HB 2047**, relating to education. This bill establishes a primary promise pilot program within the Department of Education. Requires the Department to identify elementary schools having low literacy rates or a disproportionate number of students reading below grade level. Appropriates moneys to hire teachers and instructional aides to provide instruction to students in grades K-3 who read below grade level in those identified schools.

Today's children are Hawaii's hope for building a strong future economy and thriving society. The third-grade year is considered a pivotal point in a child's educational career, as a critical shift in learning takes place — one where basic reading skills are established and can begin to be utilized for more complex learning. If children do not have proficient reading skills by third grade, their ability to progress through school and meet grade-level expectations diminishes significantly. These students are at a much greater risk of dropping out, which often leads to high rates of unemployment and increased risk of participation in the criminal justice and welfare systems. Research shows that: • Children who are not reading proficiently by third grade are four times less likely to graduate high school on time. • More than half of all students (63 percent) who did not graduate from high school on time were not reading proficiently in third grade.

Using the infusion of federal funding available to address the impact of COVID-19 is a means to launch primary promise in Hawaii's elementary schools to close the literacy gap for Hawaii's keiki.

To support our students and their teachers, the **Hawaii State Teachers Association urges you to pass this bill.**

HB-2047

Submitted on: 2/7/2022 10:37:49 AM

Testimony for EDN on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Johnnie-Mae L. Perry	Individual	Support	No

Comments:

I, Johnnie-Mae L. Perry strongly SUPPORT HB2047.

Thank you for your consideration of my testimony.