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GOVERNOR



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STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
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**Date:** 02/03/2022

**Time:** 02:00 PM

**Location:** 309 Via Videoconference

**Committee:** House Education

**Department:** Education

**Person Testifying:** Interim Superintendent Keith Hayashi  
Hawaii State Department of Education

**Title of Bill:** HB 2124 RELATING TO COMMERCIAL ENTERPRISES IN SCHOOLS.

**Purpose of Bill:** Deems student interns engaging in commercial enterprises to be employees of the State of Hawaii; allows the Department of Education to use revenue from commercial enterprises.

**Department's Position:**

The Department of Education (Department) supports HB 2124 and also appreciates the support of this bill as it is part of the Governor's 2022 Legislative Package.

The Department supports opportunities for students to participate in commercial enterprises in their schools. Commercial enterprises provide students with the hands-on and real-world experiences that are critical to post-secondary or workforce success. The generated revenues support various programs within schools and ensure the sustainability of commercial enterprise efforts. The restrictions on students as interns in schools pose challenges when implementing commercial enterprises. HB 2124 will remove those restrictions by deeming students to be employees of the State, thereby enabling more schools to offer students opportunities to participate in commercial enterprises.

Thank you for the opportunity to provide testimony in support of HB 2124.

**HB-2124**

Submitted on: 2/2/2022 1:58:45 PM

Testimony for EDN on 2/3/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Susan Pcola_Davis	Individual	Oppose	Yes

Comments:

Oppose because it "Allows the Department of Education to transfer revenue from school commercial enterprises to **other department funds**.

*Net profits generated pursuant to sections 302A-448 and 302A-1903, may be used by the department.*

*Does anyone else comprehend a problem with this? The DOE can transfer revenue from school commercial enterprises, "may be used by the department for other purposes." To what other school programs? Other purposes?*

***Is this a reverse Robin Hood complex? Rob from the student and give to the department?***

(b) Student interns engaging in commercial enterprises 3 shall be considered "**employees of the State**" pursuant to chapter 662 when acting for an agency in their capacity as student 5 interns.

**WHAT ABOUT CHILD LABOR LAWS? FIND CHAPTER 662**

*Chapter 662*

§662-1 Definitions. As used in this chapter the term:

"Acting within the scope of the employee's office or employment", in the case of a member of the Hawaii National Guard or Hawaii state defense force, means acting in the line of duty.

"Employees of the State" includes officers and employees of any state agency, members of the Hawaii national guard, Hawaii state defense force, and persons acting in behalf of a state agency in an official capacity, temporarily, whether with or without compensation. "Employees of the State" also includes persons employed by a county of this State as lifeguards and designated to provide lifeguard services at a designated state beach park under an agreement between the State and that county.

"State agency" includes the executive departments, boards, and commissions of the State but does not include any contractor with the State. [L 1957, c 312, pt of §1; Supp. §245A-1; HRS §662-1; am L 1988, c 135, §1; am L 1991, c 316, §1; am L 2015, c 35, §19]

