



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

Date: 02/25/2022

Time: 11:00 AM

Location: 308 Via Videoconference

Committee: House Finance

Department: Education

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

Title of Bill: HB 0811, HD1 RELATING TO INDIVIDUAL SPORTS.

Purpose of Bill: Allows home-schooled, high school-age students to participate as unattached competitors in individual sports available to the public school that the student would otherwise be required to attend. Effective 7/1/2051. (HD1)

Department's Position:

The Hawaii State Department of Education (Department) recognizes the intent of HB 811, HD 1 and respects parent-initiated educational alternatives, but offers comments and strong concerns.

According to Title 8, Chapter 12, Hawaii Administrative Rules, entitled "Compulsory Attendance Exceptions", parents are responsible for reporting progress annually. To meet Grade Point Average (GPA) requirements and quarterly and in-quarter reporting, parents would need to have an equivalent home-schooled grading system comparable to the Department's. An equivalent grading system and reporting may inhibit the parent's ability to independently choose curriculum.

Although Title 8, Chapter 12, Hawaii Administrative Rules, provides for compulsory attendance exception, there are no Board policies governing home school students' access to public school activities. Should this measure move forward, time and resources would be needed for the Department to review and propose new changes to current Board policies which would then require Board approval. The interscholastic sports leagues would also need to be consulted and tasked with creating new policies and changes to administrative regulations.

Further, the public school system does not receive any funding for home-schooled students. Since they are not counted in public school enrollment counts, schools do not receive funding through the weighted student formula for home-schooled students. Thus, the details of establishing a fee schedule for home-schooled students' participation in extracurricular activities remains to be explored.

The Department is cognizant of Hawaii's keiki who are home-schooled. Equal to parents of the students of the public school system, the parents of students who are home-schooled are dedicated and passionate about their children's education and make academic choices for them in their best interest, which the Department fully respects and supports. The Department respectfully requests consideration and clarification of the concerns raised herein and looks forward to continued dialogue on this topic.

Thank you for the opportunity to provide testimony on HB 811, HD 1.

HB-811-HD-1

Submitted on: 2/24/2022 11:16:37 AM

Testimony for FIN on 2/25/2022 11:00:00 AM

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

Comments:

Comments

**STONEWALL
CAUCUS**

FORMED IN 2001



THE FIRST CAUCUS OF THE
**DEMOCRATIC PARTY
OF HAWAII**

February 23, 2022

House's Committee on Finance
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Hearing: Friday, February 25, 2022 – 10:00 a.m.

RE: Strong Opposition for House Bill 811 HD 1

Aloha Chair Luke, Vice Chair Yamashita, and fellow committee members,

I am writing in strong opposition on behalf of the Stonewall Caucus of the Democratic Party of Hawaii (formerly the LGBT Caucus) regarding House Bill 811. HB 811 would allow home-schooled, high school-age students to participate as unattached competitors in individual sports available to the public school that the student would otherwise be required to attend.

The Stonewall Caucus opposes allowing homeschooled students to participate in any extracurricular activity at a public school, individual sports or otherwise. The main reason for our opposition rises about adherence to the anti-bullying policies set by the Board of Education given that homeschool student will not have the same expectations and exposure to how they are to behave as the students attending that public school. There is nothing in this bill that requires the homeschooled student and their parent or guardian read Chapter 19 or any other school and department policies with regards to a student's behavior and sign off that the homeschooled student will comply with all of these rules and expectations.

The sports listed in the bill (air riflery, bowling, cross country, diving, esports, golf, judo, swimming, tennis, track & field, and wrestling) may be done by an individual (except tennis doubles) but everyone that competes under a school's banner is still part of that school's team for that sport. There is something about competing under your school banner that is not just about the individual but it is also about school pride that brings team cohesion, even in these "individual" sports.

The phrase "paying appropriate fees" is extremely vague to the Caucus. Will these "appropriate fees" include the cost of the paid coaching staff and use of the school facilities? We bring this up since as you know our public schools are funded based on the number of students that are enrolled in the school. Homeschool students will therefore be using resources that could and should be used for their enrolled students. The Department of Education's primary responsibility has to be the students enrolled in their schools not those that only want to use is a gym.

For all these reasons the Stonewall Caucus respectfully asks that this bill be held in committee.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair and SCC Representative
Stonewall Caucus for the DPH

Rep. Luke, Chair
House Committee on Finance

Kara MacPherson

Wednesday, February 23, 2022

Support for HB811

Thank you for your time in considering HB811.

I am a homeschooling mother of four children, aged 11, 15, 17, and 20. We chose to homeschool because we moved frequently as a military family. My husband's career in the Air Force took us to nine states and two countries on two different continents over his 24 years of service. The social and academic difficulty of having to be pulled out of and dumped into different schools on such a frequent basis is something we wanted to avoid. As a certified teacher with a BA and MA in Education, I felt qualified and called to school my children and to give them consistency in this area of life, when so much else was up in the air due to no fault of our own but just because my husband was willingly serving his country. To be penalized by not having access to athletic events for doing what is best for our children is heartbreaking.

My oldest son, now in the Army, was a track runner. While he did have the opportunity to compete in the active club program here on Oahu, being able to participate in school meets as well would have given him the chance to build community with a different set of athletes and challenge himself more. Psychology tells us that healthy levels of competition motivate people to work harder toward their goals. Including homeschoolers would raise the level of competition and encourage all athletes to train harder, thereby benefiting everyone.

My oldest daughter, a junior this year, is a springboard diver, the only homeschooled varsity-level springboard diver in the state of Hawaii, to my knowledge. Her opportunities for competition on Oahu are very few, only two in her entire high school career, whereas when she travels to the mainland for regional, zone, and national competitions, the athletes against whom she is competing have up to twenty meets per year! The difference in level of preparation is staggering; the opportunity to practice dealing with the nerves of a competition situation, to handle how to continue when you have had the adrenaline rush of a personal-best dive or the disappointment of not hitting

a dive you had counted on doing well - these are all things that can only be trained in competition format.

Almost every year, legislation is introduced at the state level to allow homeschoolers to participate in public school sports and extracurricular activities. It is resoundingly defeated each time with strong opposition from public school administrators. The way our law is currently written, the Board of Education may adopt rules for the government of all teachers, educational officers, other personnel, and pupils, and for carrying out the transaction of its business (HI Rev Stat § 302A-1112). The Board of Education Rule §8-12-13 (d) states that "The parent(s) submitting a notice to home school a child shall be responsible for the child's total educational program including athletics and other co-curricular activities."

I believe that reasoning raised in opposition to these previous legislation proposals are valid, and those reasons were carefully considered in the drafting of HB811. I think the arrangement of allowing homeschoolers who train independently and fund their own athletic programs to participate in competitions as unattached athletes would be a good compromise that would address all of the opposition that the public school administrators have had to homeschooler participation on public school teams. Opposition typically has addressed three main areas:

1. Funding - Homeschooling families would remain responsible for funding the training, uniform, athletic association fees, and any other related costs for their athletes. At no time would public funds be requested or used on a homeschooled athlete's preparation for competition.
2. Accountability - Homeschool-generated transcripts are accepted by military enlistment offices, colleges and universities nation-wide (including Ivy League schools), workplace applications, car insurance companies, and many more official places. My son used his homeschool-generated transcript to apply for congressional nominations for military academies (he was awarded FOUR), to apply to the United States Air Force Academy, the United States Military Academy at West Point, the United States Naval Academy, and the University of Hawaii. Surely if these reputable schools and businesses can trust a homeschool-generated transcript, our state athletic association can.
3. Liability - I have had a lawyer draft a liability waiver that could be used for homeschooled athletes who are participating as unattached competitors if that would be needed.

The idea for this bill has been formed through over four years of conversations with Hawaii high school coaches, athletic directors, principals, athletic association staff, and members of the public, private, and homeschooling communities.

Initially, I contacted the PAC-5 representative at Interscholastic League of Honolulu, thinking the entire basis of the PAC-5 organization was exactly what I was attempting to accomplish for homeschoolers. Unfortunately, PAC-5 is bound by the ILH Bylaws, which specifically state in the 2.1 Enrollment section "(C) Home-schooled students are not eligible for ILH activities."

I have spoken with Blaine Gaison (the ILH Executive Director) on two occasions, to try to ascertain if there could be a way to change the bylaws to allow for homeschoolers to compete in ILH-sponsored events and he is completely closed to the idea, even though I was supported by Kale Ane (the ILH Swimming and Diving Coordinator, and the Punahou head football coach).

I tried to form my own private school but Hawaii requires a minimum of 14 students to establish a private school by the Standards and Procedures for Licensing of Hawaii Private Schools through the Hawaii Association of Independent Schools. California allows homeschooling parents to submit a Private School Affidavit and classify as a private school so I thought that might be an option, but it is not permissible here in Hawaii (unless you have a very large family I guess!).

Next, I attempted to work with the Oahu Interscholastic Association to amend their bylaws to allow for homeschooled students to compete as unattached athletes. While a proposal was put forward by James Sunday from Radford High School in August of 2019, it did not pass the OIA Executive Council and was never put on the minutes of the next meeting for discussion.

Finally, in 2019, I contacted my district representative, Lisa Kitagawa, to see if there was anything she could suggest. Her support and conscientious research into this issue have been inspiring!

Different states deal with this issue in varied ways. Some states leave it up to the districts to decide whether homeschooled students can participate in public school activities (Massachusetts, Montana, Oklahoma). Some require homeschooled students to enroll in a specific number of classes at the public school in order to be allowed to participate in athletics (Indiana, Michigan, Idaho, Alabama). Some just allow homeschooled students to join athletic teams and participate in activities like band and

orchestra without restriction on their attendance at any public school (Minnesota, Colorado, Arizona, Ohio, Florida). Some states allow homeschooled students to participate in private schools' athletic programs but not public schools' (Virginia). There really is not precedent for the situation this bill is proposing, but given the history of opposition to laws like these states have, HB811 is a strong option for Hawaii's consideration.

Thank you again for your time in reviewing this testimony. Please join me in supporting HB811 to make competition opportunities available to homeschooled high schoolers in the state of Hawaii!

Rep. Luke, Chair
House Committee on Finance

Kadyn MacPherson

Wednesday, February 23, 2022

Support for HB811

Hello. My name is Kadyn MacPherson. I am in 11th grade and am 17 years old. I have been homeschooled since I was in kindergarten.

I am currently the only homeschooled springboard diver on Oahu, and likely in the state of Hawaii, prepared to compete on the varsity level. I am in support of HB811 because I know it will be a great opportunity for homeschoolers in Hawaii to participate in competitions that public and private school students get to. Homeschoolers who are dedicated to sports should have the same opportunities to compete as other students.

Throughout my competition experience in club diving, I have noticed how competition helps develop the ability to handle stress and anxiety. It would be good for homeschoolers to have more opportunities for competition. This way they can develop the ability to help them in stressful situations that will come in life.

Thank you for your time and for the opportunity to speak. Please support HB811.

Rep. Luke, Chair
House Committee on Finance

Avery MacPherson

Wednesday, February 23, 2022

Support for HB811

My name is Avery MacPherson. I am 15 years old and I am in 10th grade. I have been homeschooled since kindergarten. I am in support of HB811 because I think homeschoolers should be able to compete in athletic events as unattached competitors. I would like to have the chance to compete in individual sports now that I am in high school. I also think it is a good opportunity for homeschoolers and public school students to support each other.

Thank you for your time and for supporting HB811.

Rep. Luke, Chair
House Committee on Finance

Lukas MacPherson

Wednesday, February 23, 2022

Support for HB811

My name is Lukas MacPherson and I am 11 years old. I support HB811 because I would like to be able to compete in sports when I am in high school. I would like to run in track meets. That would give me the opportunity to get stronger and healthier by training hard for races. I think the kids from schools would train harder if homeschoolers were allowed to compete. Thank you for supporting HB811.

HB-811-HD-1

Submitted on: 2/23/2022 6:12:06 PM

Testimony for FIN on 2/25/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ian MacPherson	Individual	Support	No

Comments:

It is a no brainer - allow scholastically eligible high schoolers to compete in sports at no cost or liability to the state, counties, or schools. I fully support HB811 and encourage the representatives to pass this bill.

HB-811-HD-1

Submitted on: 2/23/2022 10:03:52 PM

Testimony for FIN on 2/25/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jeffrey Temple Stable, Jr.	Individual	Support	No

Comments:

As a Hawaii-based competitive Masters diver and coach of competitive Junior, Elite, and Masters divers with Tropic Lightning Diving Team (based at the K Mark Takai Veterans Memorial Aquatic Center), the President of the Hawaii Diving Association, and a judging representative of United States Diving at the International level in the sport of diving, I support all efforts to afford competitive opportunities to the greatest number of athletes possible. HB811 does exactly this by allowing a group of athletes - those who are educated outside of the public and private school systems - access to competitive opportunities they have been excluded from. And, with particular relevance to your committee and its work, HB811 is a measure that asks for no financial resources to be allocated to these homeschooled athletes other than the resources already being used by Hawaii's interscholastic athletics programs to hold competitions in various disciplines. I cannot think of a clearer example of legislation that extends the greater good (by providing competitive opportunities and deepening the field of athletes in interscholastic competition), let alone one that does so with so little financial impact or need.

I strongly urge the legislature to pass HB811 and allow Hawaii's athletes to shine in the best and most inclusive way possible.

HB-811-HD-1

Submitted on: 2/24/2022 5:30:46 AM

Testimony for FIN on 2/25/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robert Takao	Individual	Support	No

Comments:

I stand in favor of this Bill. This Bill promotes equity for our youth and demonstrates a commitment to their well-being. Inclusion is a universal democratic right that we are obligated to uphold.

HB-811-HD-1

Submitted on: 2/24/2022 6:50:10 AM

Testimony for FIN on 2/25/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ashley Summers	Individual	Support	No

Comments:

My name is Ashley Summers, I am 19 years old and currently attend school in Franklin, Indiana where I am part of my school's NCAA D3 swimming and diving team. Diving is a huge part of my life, and a huge part of my college experience...and it would be safe to say that I would never be here today if I were not allowed to compete at a high school level. Competing in sports in high school was an extremely notable part of my high school experience. Athletics gave me a chance to express myself in other ways that weren't available in my classes. It also gave me the chance to bond with other people who had the same passions as I did. I dove for four years at Henry J. Kaiser High School, cheered for two, played softball for two, and ran track for one. Through these sports, I made so many memories and gained experiences that I will remember for a lifetime. In sports, it should not matter whether a student is associated with a certain school, every student should have the right to choose to participate in a sport at a high school level. Not only does it allow students to build relationships with other people who share their passion, it also opens the doors for homeschooled students to have a better chance in continuing their athletic career at a higher level. High school sports are something that I will treasure for the rest of my life. The things I was able to experience and the people I met during that time have changed my perspective on the sports I have played, making me realize that a sport is not just about the actual sport, it is about so much more...things that every student should be able to experience.

HB-811-HD-1

Submitted on: 2/24/2022 9:18:23 AM

Testimony for FIN on 2/25/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rodd Johnson	Individual	Support	No

Comments:

House Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Kyle T. Yamashita, Vice Chair

From Rodd Johnson

Thursday, February 24, 2022

Support for House Bill 811, HD1

My name is Rodd Johnson and I am a Recreational Diving Coach at one of the local pools. Having witnessed the dedication and hard work of divers that are home schooled for many years, I support HB811, HD1 because I believe home schooled athletes, should have equal access to individual athletic competitions in the State of Hawaii. Passing Bill HB811, HD1 gives individual home schooled athletes access and equality to public & private competitive activities on an fair, equal and honest basis. Thank you for the opportunity to support HB811, HD1.

Thank you for your time and consideration.
Sincerely,

Rodd Johnson
94-656 Nuao Place
Waipahu, HI 96797

HB-811-HD-1

Submitted on: 2/24/2022 7:22:14 PM

Testimony for FIN on 2/25/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Julia M. Yano	Individual	Oppose	No

Comments:

I strongly oppose this Bill. It seeks to criminalize parents for bringing up concerns with their children's education. This is purely unconstitutional.

Thank you for listening.