



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/06/2024

**Time:** 02:00 PM

**Location:** 309 VIA VIDEOCONFERENCE

**Committee:** House Education

**Department:** Education

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

**Title of Bill:** HB 2061 RELATING TO EDUCATION.

**Purpose of Bill:** Allows a public charter school student who wishes to participate in a sport for which there is no athletic program at the student's charter school the ability to participate in a comparable program at any department school in the complex area where the student resides. Specifies that if the department school in the student's service area offers the student's desired athletic program, the student must participate in that athletic program and may not participate in an athletic program at a different department school in the same complex area.

**Department's Position:**

The Hawaii State Department of Education (Department) recognizes the intent of HB 2061 and respectfully offers comments and concerns.

The Department recognizes the opportunities that interscholastic athletics provides for all students enrolled in the Department and public charter schools.

Currently, the public charter school students being designated to try out/participate with the school in their service area school are not denied any opportunities to participate in interscholastic athletics.

Allowing the public charter school student to try out/participate with a school in the complex area when the school in their service area does not field a team in a sport would give the public charter school students more opportunity to try out/participate in a

sport than students enrolled in the Department school.

Thank you for the opportunity to provide testimony on HB 2061.

JOSH GREEN, M.D.  
GOVERNOR



CATHY K. IKEDA  
CHAIRPERSON

STATE OF HAWAII  
**STATE PUBLIC CHARTER SCHOOL COMMISSION**  
**(‘AHA KULA HO‘ĀMANA)**

<http://CharterCommission.Hawaii.Gov>  
1164 Bishop Street, Suite 1100, Honolulu, Hawaii 96813  
Tel: (808) 586-3775 Fax: (808) 586-3776

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FOR: HB 2061 Relating to Education  
DATE: February 6, 2024  
TIME: 2:00 P.M.  
COMMITTEE: Committee on Education  
ROOM: Conference Room 309 & Videoconference  
FROM: PJ Foehr, Interim Executive Director  
State Public Charter School Commission

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Chair Woodson, Vice Chair La Chica, and members of the Committee:

The State Public Charter School Commission (“Commission”) appreciates the opportunity to offer **SUPPORT on HB 2061** which allows students enrolled in a public charter school the ability to participate in an athletic program offered at the public school the student would have attended if the student did not attend the public charter school or, if that public school does not offer the student’s desired sport, then in an athletic program offered at any other public school within the student’s complex area.

The Commission appreciates the efforts of the committees to provide public charter school students with equal access to high school athletic programs not available at some public charter schools. As “schools of choice” for students and their families, equal access to sports programs allow public charter schools to continue to be viable options and alternatives in Hawaii’s public education system.

The Commission is available to work with this committee, the DOE, and our public charter schools in moving this legislation forward.

Thank you for the opportunity to provide this testimony.

**HB-2061**

Submitted on: 2/2/2024 11:00:11 PM

Testimony for EDN on 2/6/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shelley Oates-Wilding	Ikaika Hawaii A Watermans Academy: Safety, skills and Ocean Stewardship	Support	Written Testimony Only

Comments:

I would like to support the Bill 2061 HB. As a personal development, health and physical education teacher and lecturer, I believe we need to provide and encourage more physical activity within each day of our public education system like other countries. With obesity on an alarming rise and drowning our number one cause of accidental death of our youth, our public schools should be prioritizing our youth safety and wellbeing. With our unique island culture we should be decuating every child in watermans safety, skills and ocean stewardship like other communities near the ocean (Australian coastlines for example).

There are many non profit educational organizations, that can provide Hawaiian Watermans activities for kids, and can work with our school system to provide the positive activities within the locality of our youth. Many study's can validate the benefits to our keiki's increased mental and physical wellbeing, safety, enjoyment and lifelong activities for our youth.

Thank you for your consideration and I support and hopefully expand on the implementation of this bill

February 6, 2024

To: State of Hawai'i House EDN and WAL Committees

Testimony re: **HB2061 RELATING TO EDUCATION;**  
Amendment to *HRS §302D-31 Athletics*.

Aloha Chairs, Vice Chairs and Members of the House EDN and WAL Committees,

**Comment: HB2061 desperately needs amendments in order to eliminate inequities in HRS §302D-31.** As currently written HRS §302D-31 is, and always has been, unfair to charter school students who want to participate in extra-curricular team activities other than athletics. Please amend HB2061 so that it is not discriminatory against non-athletes. Please include amendments to HRS §302D-31 so that “athletic” and “athletics” are replaced by “**extra-curricular activity**” and “**extra-curricular activities**” respectively; and “sport” is replaced by “**activity**.”

HB2061 is obviously designed to limit the scope of HRS §302D-31 so that charter school students must remain within the boundaries of their geographic Complex Area, which I support. This is an opportune time to fix the rest of HRS §302D-31 so that charter school students who want to participate in non-athletic team activities in their complex area have the same opportunity as athletes. Examples include Robotics Teams, Mathletics, Debate Teams, Cheerleading, Band and Orchestra.

Students who are not athletes are in no less need of the social training and emotional well-being that can only be learned and achieved by working in a team after school. HRS §302D-31 should include intellectually-based teams in its mandates, not just athletic teams. Take a gander at how the opening paragraph of HB2061 reads with more equitable scope.

**Modified HB2061 Paragraph 1**

The legislature finds that the current state of interscholastic ~~sports~~ **extra-curricular activities** in Hawaii does not address situations where a student is unable to participate in ~~school-sports team activities~~ simply because their school does not offer the ~~athletic program~~ **extra-curricular activity** the student is interested in. The legislature further finds that this gap in accessibility disproportionately impacts students who attend public charter schools, which may not have the resources to offer a variety of ~~athletic programs~~ **extra-curricular activities**. The absence ~~athletic programs~~ **extra-curricular activities** in these schools can hinder students' physical, emotional, and social development and deprive them of potential scholarship opportunities.

## **WHY THE PROPOSED AMENDMENTS TO HB2061 BELOW ARE CRUCIAL:**

It should be obvious why HB2061 needs to be inclusive of all types of school teams and not narrowly limited to athletics only. Now I will tell a true story I personally witnessed when I began to regularly attend Board of Education meetings twelve years ago which I've never forgotten.

A young charter school student, Daniel, and his father, David, attempted to induce the Board of Education to allow charter school students, Daniel in particular, to participate in the Band at the local DOE school. Daniel was denied entry into the DOE local school band even though his enthusiasm and dedication would not doubt have been an asset for any band. The reason given:

**HRS §302D-31 doesn't allow it.**

**The denial was heartbreaking!**

The September 4, 2012 letter from David Oka<sup>1, 2, 3, 4</sup> protesting the final decision is shown here. This letter touches on the inequities I ask the legislature to correct by amending HB2061.

4 September 2012

Board of Education, State of Hawaii,  
General Business Meeting - September 4, 2012 at 1:30 p.m.  
1390 Miller Street, Room 404

Agenda Item VI(A) [Act 130] - Testimony of David Oka  
**Followup on status of request made at the Board meetings on 8/7/12 and 8/21/12  
Regarding charter school students auditing classes at geographic home school**

Aloha Chairman Horner and members of the Board.

My son Daniel and I are here again because we received an email last Wednesday from the Superintendent's office denying our request for Daniel to participate in Band in any manner. The letter said that students cannot be enrolled in two schools at the same time and that only enrolled students may audit a course.

I have been unable to locate any law, rule or statute that states these policies. I have repeatedly requested the DOE and this Board to please provide me the written basis of these policies. I have yet to receive any response to this.

The letter also stated that the Kalaheo band does not have regular after school rehearsals, which directly contradicts information provided to me by the school's band director.

If this decision has been made without the basis of written law or rules, it is at best an arbitrary decision, and at worst, discriminatory. Neither is allowed in a system governed by law.

One thing in the law that is clear is the power of the board of education. As defined in our state constitution, Article X, Section 3: The board of education shall have the power, as provided by law, to formulate statewide educational policy. It also clearly positions the board above the Superintendent's office.

If you have read Daniel's testimony from the previous meeting, you know that there are bigger issues at stake that can only be discussed in executive session and I am once again requesting to add this item to the executive session agenda.

You have the opportunity, and the power, to make things right. Isn't this why all of you accepted appointments to the board: because you thought you could make a difference? Now is your chance. Please override this decision and put the needs of the child before the needs of the bureaucracy.

Sincerely,  
David Oka

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<sup>1</sup> Links to the Okas' testimony and BOE proceedings are in the following footnotes:

<sup>2</sup> [Attachment A](#); Testimony submitted by Daniel & David Oka; State Board of Education [General Business Meeting Aug 7, 2012](#)

<sup>3</sup> Attachment A; Testimony submitted by David Oka; State Board of Education [General Business Meeting Aug 1, 2012](#).

<sup>4</sup> [Attachment A](#); Testimony provided by David Oka; State Board of Education [General Business Meeting Sep 4, 2012](#).

**PLEASE AMEND HB2061 AS FOLLOWS:**

**Page 2**

5 SECTION 3. Section 302D-31, Hawaii Revised Statutes, is  
6 amended to read as follows:  
7 "**302D-31** [~~Athletics~~] **Extra-curricular activities.** The department shall provide  
8 students at charter schools, including students enrolled at  
9 charter schools whose curriculum incorporates virtual education,  
10 with the same opportunity to participate in [~~athletics~~] **extra-curricular**  
**activities** as is  
11 provided to students at department schools. If a student at any  
12 charter school wishes to participate in [~~a sport~~] **an activity** for which there  
13 is no [~~athletic~~] **extra-curricular** program at the charter school, the department  
14 shall allow that student to participate in a comparable program  
15 at [~~the~~] a department school in the [~~service~~] complex area in  
16 which the student resides[-]; provided that if the department  
17 school in the service area where the student would attend, if  
18 the student was not otherwise enrolled at a charter school,  
19 offers an [~~athletic~~] **extra-curricular** program for the [~~sport~~] **activity** in which  
the student  
20 wishes to participate, the student shall participate in the  
21 [~~athletic~~] **extra-curricular** program at that department school and may not

**Page 3**

1 participate in an [~~athletic~~] **extra-curricular** program at a different department  
2 school within the same complex area. All charter school  
3 students participating in [~~athletics~~] **extra-curricular activities** shall abide by  
all rules,  
4 regulations, and policies of the [~~athletic~~] league, association,  
5 and program applicable to the department school in whose  
6 [~~athletic~~] **extra-curricular** program the student is participating."

Mahalo for your consideration,

  
Vanessa Ott

**HB-2061**

Submitted on: 2/3/2024 5:16:37 PM

Testimony for EDN on 2/6/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ruth Love	Individual	Support	Written Testimony Only

Comments:

If a child would like to pursue sports at their local school, let them, provided their parent supplies their sports equipment .



# Jennine King

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Jninemom3@gmail.com

530-927-8473

13-976 Kahukai St. Pahoa, HI 96778

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**Dear Hearing Committee,**

I am a proud parent of four children living in the district of Puna on the Big Island of Hawaii. I am reaching out now to ask you to pass this bill for the charter school students living in the Pahoa area. I have a 9<sup>th</sup> grader who currently plays competitive soccer in Hilo for Hilo RUSH. He enjoys the competitive nature of soccer and has a good routine of playing in the fall and spring for his current team.

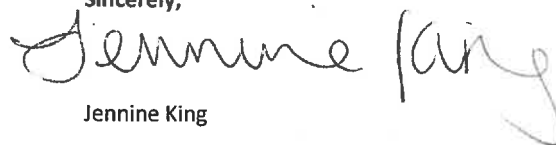
This year was the first year that my son Ty was eligible to play high school soccer in his off season from Hilo RUSH. We completed the physical and turned in the paperwork for him to join the Keeau soccer team this winter, knowing that Pahoa High School doesn't have a soccer team. I was later told by the athletic director at Keeau that we do not live in the geographic region and cannot play for Keeau. So, Ty was told he could not play high school soccer.

I then reached out to Stacey Bello, our district CAS, regarding my son's inability to play high school soccer this year. My son, Ty, is a current 9<sup>th</sup> grade student at Hawaii Academy of Arts and Sciences in Pahoa. Stacey reassured me that she would work on Pahoa High School putting together a soccer team for next fall but that lots of items needed to be addressed, such as redoing the entire soccer field and looking into transportation.

I then reached out to Mr. Iligan, in hopes that a solution could be found. He worked hard to create this bill to allow students, like my son, to play soccer for any school in their district. If passed, this would give my son Ty, the opportunity to build new friendships and potentially allow him scholarship opportunities in the near future.

Thank you for letting me share my story.

Sincerely,



Jennine King

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**HB-2061**

Submitted on: 2/5/2024 12:43:09 PM

Testimony for EDN on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Denise Cuevas	Individual	Support	Remotely Via Zoom

Comments:

Aloha,

My name is Denise Cuevas mother of Nevaeh Lancaster. We are one of the families affected by the current bill set in place (**§302D-31 Athletics**)

To tell the court a little bit about my daughter. Nevaeh is a 14-year-old freshman who attends Connections Charter School in Hilo Hawaii. She is a well-behaved student and does well with her academics. Nevaeh is a youth soccer coach; she helps children under 8 years old in our Puna District. Neveah spends every Tuesday and Thursday giving back to her community by assisting and developing new upcoming soccer players. Nevaeh has been playing soccer since she was 4 years old both club a rec. She is very passionate about it and a talented soccer player. Nevaeh is very responsible helps a lot around to house and is a wonderful big sister/daughter.

Our family was excited to have her High School Soccer Journey begin. It's something she always looked forward to. In the process, I set up transportation with Nevaeh's school. From Connections to Keaau for weekly practice and that was a task on its own. Bought her new cleats and gear to prepare her. Unfortunately, we were hit with devastating news. I registered Nevaeh to play soccer at Keaau High School in October 2023. I was under the impression Keaau would be Nevaeh's home school. We reside in Hawaiian Paradise Park with a Keaau zip code. A day after her registration I was notified by Iris Maguire (Keaau's AD) by a phone call that our address is not Keaau district. We are right on the cut-off which will push Nevaeh's district to Pahoia district. Per Iris, Nevaeh will not be allowed to play soccer for Keaau. Pahoia will be her next option.

Pahoia High School did not offer soccer, nor has had a soccer team since 2018. Since my time playing soccer in 2006-2008, Pahoia has always struggled to keep a soccer team. With inconsistency every year. I was given the option to submit a district exception. Witch may or may not be approved. Or could take up to a year. I spoke with Nevaeh about moving schools. She was **not** in favor. As I stated Nevaeh does well in her academics but does suffer from anxiety and has an active IEP in place. She strives more in a smaller school setting with smaller classrooms which is why Connections is a perfect fit for her. The conversation about that possible transition put her on edge and is not an option for her well-being and don't see how moving school will benefit her academically/emotionally. So basically, Nevaeh was not allowed to play high school soccer.

It is so difficult and heartbreaking as a mother to see your child hurt and be told she can't or is not allowed to stay productive and play a sport she loves. For her benefit. Due to the school/district she resides in. I know of two other families going through this same situation and who knows how many more were affected before this was brought to the courts' attention. Whose children also are in the same predicament. It saddens me that our children are being left behind and not given the same opportunities as other children because of where they reside or their preference for attending a smaller school setting. Our children should have equal opportunities regardless. Families should be allowed to have their children play for the next school district if that school offers the sport. Due to this ruling **§302D-31 Athletics**, our children are being left behind with no other option if their home district does not offer the sport they chose.

As I watched Nevaeh support her friends during this past high school soccer game from the bleachers, I asked her if she was ok. And all she said is Mommy I just want to play. It is not far. I feel not wanted. I feel that I am being punished. With tears in her eyes. I don't wish this on anyone. Imation as a parent how hopeless I felt and how Nevaeh was emotionally affected. This is why I will always advocate for my daughter. I plead and press the court to amend the current ruling so there won't be any Keki left behind and no other children should feel like Nevaeh.

I want to thank the court and Greggor Ilagan for taking the time to hear Neaveh's story and my testimony.

Mahalo,

Denise Cuevas

**§302D-31 Athletics.** The department shall provide students at charter schools, including students enrolled at charter schools whose curriculum incorporates virtual education, with the same opportunity to participate in athletics as is provided to students at department schools. If a student at any charter school wishes to participate in a sport for which there is no program at the charter school, the department shall allow that student to participate in a comparable program at the department school in the service area in which the student resides. All charter school students participating in athletics shall abide by all rules, regulations, and policies of the athletic league, association, and program applicable to the department school in whose athletic program the student is participating. [L 2012, c 130, pt of §2; am L 2013, c 159, §14; am L 2014, c 99, §21]

**HB-2061**

Submitted on: 2/5/2024 1:15:11 PM

Testimony for EDN on 2/6/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gail Clarke	Individual	Support	Written Testimony Only

Comments:

Aloha, It is time for this to happen again. It is long overdue to increase access to the important opportunities that athletics provide for high school students, especially in a large district like Puna. Public Charters Schools are at the whim of the DOE and we all need to be cooperating to the best of our capacity to serve our youth. Mahalo for supporting this bill. Gail Clarke

**HB-2061**

Submitted on: 2/5/2024 1:16:29 PM

Testimony for EDN on 2/6/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nadia Ranne	Individual	Support	Written Testimony Only

Comments:

I strongly support HB2061. Charter school students and families need to be able to select what works best for them within their service area, and complex area as needed.

**LATE**

**HB-2061**

Submitted on: 2/5/2024 4:22:08 PM

Testimony for EDN on 2/6/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Steve Hirakami	Hawaii Academy of Arts & Science PCS	Support	Written Testimony Only

Comments:

Strongly support the fact that post secondary options are increased when students can access sports not offered at their charter school.

**LATE**

**HB-2061**

Submitted on: 2/5/2024 6:50:14 PM

Testimony for EDN on 2/6/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Wayne Alvarez	Individual	Support	Remotely Via Zoom

Comments:

My name is Wayne “Cody” Alvarez and my family and I live in the HPP subdivision. I have been a registered HYSA coach with the Leones Negros soccer club for about 5 years, serving our youth and community in Puna. I have been involved in coaching all age groups for both outdoor soccer and indoor futsal. I have had the pleasure of coaching one group in particular from the U10 age group up to the U16 division. I have watched these kids grow into amazing soccer players and fine young adults who are now old enough for high school athletics. One of which is my own son who is a freshman at Hawaii Academy of Arts and Science. As you may know, this school is limited in after school athletics so we attempted to sign our son up for the Kea’au high school soccer team to no avail. My son was denied the opportunity to play his freshman year of soccer because of our address. We were told that he has to play for Pahoia high school but as you may know, they have no soccer program. You can understand my frustration having took him to his first day of training at Keaau high school, only for him to come back to the car after training telling me that the athletics director says he can’t play because of his address. A child should be able to play sports. I believe that sports and other after school programs are important for development whether it be physical, mental, emotional or social. Our children should be encouraged to participate and not hindered because of their address. Pāhoia and Keaau are both in the Puna district and should both be able to provide athletic programs for the children of our community based on availability. I understand that schools have a capacity or are designated for a certain number of students in a specific area and I would never want to jeopardize education but when we talk about sports and other programs we need to make exceptions. Reasonable exceptions that allows our kids to play. These programs keep the kids off the streets. It keeps them away from drugs and alcohol. Gives them structure and a foundation for a good start in life and that is the most important thing. Let the kids play.

**LATE**

Aloha Legislature

Please take into consideration my testimony in regards to HB2061. First as a parent of a High School athlete I would like to express my gratitude for taking the time to bring forth this bill.

When this past Winter sports season began, many of my son's fellow public charter school classmates were beyond excited to finally be able to participate in "High School" sports. Unfortunately, due to different circumstances many of these students did not find out they were unable to play until after the conditioning season started. Some of them had already started to put in the hard work by attending pre seasoning conditioning, obtaining sports physicals and submitting grade checks. Watching this from not only an adult but an educator's view was heartbreaking.

These student athletes were denied the opportunity to play based on where their families lived. This was because of geographical limitations and lines placed by us adults. This is not about "stacking teams" I am a firm believer in having school pride and playing for your home school. However, if your school does not offer the sport you are playing should you then be denied to play at all? Unfortunately, the question was asked many times by our children "why can't we just play?" Passing HB2061 will allow just this, the opportunity for our children to play. Many studies show the importance and positive outcomes sports have on our youth. Providing a positive outlet for our children is key especially on our island where this is sometimes limited. So, on behalf of our keiki I respectfully request that you pass this bill that will allow our children to play in the district they reside if their homeschool does not offer their sport.

May I leave you with these words. - Do you know what my favorite part of the game is? The opportunity to play. - Mike Singletary, NFL player and Coach

Mahalo  
Chrystel Ramey



**LATE**

**HB-2061**

Submitted on: 2/5/2024 8:03:04 PM

Testimony for EDN on 2/6/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joshua Alvarez	Individual	Support	Written Testimony Only

Comments:

Hello my name is joshua Alvarez i'm in 9th grade . I go to Hawaii Academy of Arts and science in pahoā. I missed my freshman year of soccer for keāā due to my home address. I feel like the athletic department doesn't care about a kid's future because if they would've cared they would make an exception for students like me who can't play a sport they want to play due to their address or their school not offering the program. In my opinion letting kids play a sport they want to play is a very good thing because they are spending their time training after school than doing bad things. Sports also gives a student amazing opportunity's in life. Sports can lead you to college and after college it will take you into professional sports if you want to take it that far. Sports can also help a kid mentally and helps them express their feelings through playing a sport. It also helps kids make friends with their teammates on that team. taking away sports from a kid is like taking away the strings on a ukulele. if you past this bill it will allow me to play the sport of my choosing. thank you for your time

**LATE**

**HB-2061**

Submitted on: 2/5/2024 10:01:01 PM

Testimony for EDN on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Annie Alvarez	Individual	Support	Written Testimony Only

Comments:

Aloha, my name is Annie Alvarez. I am the mother of Joshua Alvarez, who is currently a ninth grade student that attends Hawaii Academy of Arts & Science. My son is one of the many kids that are being affected by not being able to play high school soccer due to our home geographical location.

Joshua has been playing for club soccer since he was 9 years old. As he started his freshman year he was so excited when it was time for high school soccer, something he was much looking forward to, playing with all his teammates, most of them have been playing together for years. The first day he had attended a full soccer practice, Joshua returned to his father and myself to share the upsetting news that he will not be able to continue playing for the Kea'au High School because of our home address. It was very heartbreaking on the kids that couldn't play this season as well as their teammates that could. It created division because of where all our home addresses were, even if technically we had a Keaau address. If our son's school offered the sport of course he would attend but this is not the case, something needs to be done not just for my son but I speak for any child or family going through this and for the ones in the future. No child should be deprived of a sport if a near by school can accommodate them.

One thing I can say that over the years of being a soccer mom I have learned about how truly amazing it is overall for a child to play sports aside from just having their academics. Yes, don't get me wrong academics are most important for our growing young people but if you have played sports you know the type of dedication, discipline, integrity and commitment it requires. I feel that our children having the combination of academics and sports will pave paths towards these soon to be adults in our community. Which would impact them with successful careers but most of all be great inspirations for the future generations of our growing Big Island.

I humbly and faithfully request that you support our children, plus the future generations that will benefit from this as well. Let's show this kids that they are heard and valued. Thank you to you all for your time here today.