



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 2577 RELATING TO EDUCATION.

Purpose of Bill: Authorizes the Department of Health to require the Department of Education to report coronavirus disease 2019 potential outbreaks or other public health emergencies and related information in a manner most appropriate to public health and safety, as determined by the Department of Health. Repeals the requirement to publish the report on the Department of Education's website.

Department's Position:

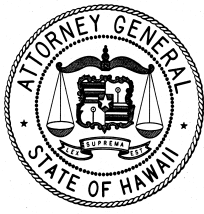
The Hawaii State Department of Education (Department) supports HB 2577, which requests changing from a weekly Department report on school coronavirus disease 2019 (COVID-19) to reporting potential outbreaks or other public health emergencies and related information in a manner most appropriate to public health and safety, as determined by the Hawaii State Department of Health (DOH).

Prior to the 2023-2024 school year, results from COVID-19 tests administered on school campuses were used to populate the weekly COVID-19 reports. Beginning this school year, testing on school campuses is not routinely conducted. The weekly COVID-19 report is now populated by data reported to schools by parents/legal guardians versus actual test results, making the weekly COVID-19 report an administrative burden with minimal impact.

With the removal of the weekly COVID-19 reporting requirement, the Department will continue to follow the procedure for reporting potential outbreaks of COVID-19,

influenza-like illnesses, gastrointestinal illnesses, or other public health emergencies determined by the DOH. The Department has a long history of collaboration with the DOH on reporting, responding to, and notifying school communities of potential outbreaks of communicable diseases at schools and is committed to continuing this ongoing collaboration to ensure public health and safety.

Thank you for the opportunity to provide testimony on HB 2577.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:
H.B. NO. 2577, RELATING TO EDUCATION.

BEFORE THE:
HOUSE COMMITTEE ON EDUCATION

DATE: Tuesday, February 6, 2024 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 309 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Emma R. Christopherson, Deputy Attorney General

Chair Woodson and Members of the Committee:

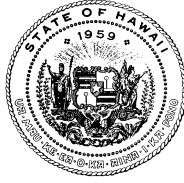
The Department of the Attorney General provides the following comments.

The bill authorizes the Department of Health (DOH) to require the Department of Education (DOE) to report coronavirus disease 2019 potential outbreaks or other public health emergencies and related information in a manner most appropriate to public health and safety, as determined by DOH. The bill also repeals the requirement to publish weekly reports on the DOE's website.

Under this bill, there is a theoretical potential for the DOE to be asked to provide "personally identifiable information" as defined in the Family Educational Rights and Privacy Act (FERPA). See 20 U.S.C. § 1232g; 34 C.F.R. § 99.3. Pursuant to FERPA, the DOE must determine whether there is a health or safety emergency that warrants the release of personally identifiable information before it can provide the information. To avoid any potential FERPA violations, the Department recommends adding the following wording after page 1, line 17, of the bill: "The department of health may not require the department of education to include in any report personally identifiable information or education records, as provided in title 20 United States Code section 1236g and title 34 Code of Federal Regulations section 99.3; provided that the department of education may provide personally identifiable information only after it has determined that a health or safety emergency exists."

Thank you for the opportunity to provide comments on this bill.

JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII'



KENNETH S. FINK, M.D., M.G.A, M.P.H
DIRECTOR OF HEALTH
KA LUNA HO'ŌKELE

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**Testimony in SUPPORT of H.B. 2577
RELATING TO EDUCATION**

REPRESENTATIVE JUSTIN H. WOODSON, CHAIR
HOUSE COMMITTEE ON EDUCATION

REPRESENTATIVE LINDA ICHIYAMA, CHAIR
HOUSE COMMITTEE ON WATER & LAND

Hearing Date, Time and Room Number: 2/6/2024, 2:00 PM, Conference Room 309 &
Videoconference

- 1 **Fiscal Implications:** Undetermined.
- 2 **Department Position:** The Department supports this measure.
- 3 **Department Testimony:** The DOCD Division provides the following testimony on behalf of the
- 4 Department. We support the bill as it is currently written.
- 5 **Offered Amendments:** None
- 6 Thank you for the opportunity to testify on this measure.