



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

**Date:** 03/16/2023  
**Time:** 02:00 PM  
**Location:** 309 VIA VIDEOCONFERENCE  
**Committee:** House Education

**Department:** Education

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

**Title of Bill:** SB 0830, SD2 RELATING TO EMERGENCY MEDICAL RESPONSE.

**Purpose of Bill:** Requires each Department of Education school to establish a critical medical emergency response team. Appropriates funds. Effective 7/1/2050. (SD2)

**Department's Position:**

The Hawaii State Department of Education (Department) supports the intent of SB 830, SD2, and provides comments. The Department notes that this bill may be unnecessary.

The bill requires the Department to expand on what is already in place. However, if this bill continues to move forward, the Department requests that funding is provided as CPR/first aid training and certification are required on a biennial (every two years) basis. Funding will also be vital in procuring additional first aid kits, Automated External Defibrillators, communication devices (e.g., alert buttons, radios, public address systems, etc.), and other resources.

Further, the Department offers the following two amendments:

On page 2, remove section 2(b)2 that reads, "The square footage of the campus divided by five hundred." Using this formula in determining the number of school personnel to be CPR and first aid trained is impractical and impossible to attain. For example, the square footage of Mililani High School equals to 1,151,291 square feet. Under this proposal, the school would be required to have a total of 2,303 faculty/staff personnel trained and certified in CPR and first aid. The school only has a total of 237 faculty and staff personnel assigned.

On page 4, remove section 2(g) that reads, "Critical emergency response team member drill reports and reviews shall be published on the school's and department's website." From a safety and security perspective, this type of information is considered confidential and should not be publicly advertised. Doing so would provide potential suspects the opportunity to exploit

this type of sensitive school safety/security information and put the school at unnecessary risk.

Thank you for the opportunity to provide testimony on this measure.

# TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) WITH COMMENTS ON SB 830

Date: Wednesday, March 16, 2022

Time: 2:00 p.m.

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) with **COMMENTS** on SB 1443, Relating to Emergency Medical Response. While HAJ appreciates the intent of the measure, however, we have **serious concerns** granting immunity from civil liability to critical medical emergency response team members who act in accordance this measure.

Specifically, section (h), page 4, states " Any person who acts in accordance with the requirements of this section shall be **immune from any civil or criminal liability** arising from acts in providing a critical emergency medical response, **except where the person's conduct would constitute gross negligence, wilful and wanton misconduct, or intentional misconduct.**"

Designated school employees or agents should **NOT** be granted complete immunity from civil liability for providing critical medical response. The standard of care for our vulnerable students should be upheld. When a trained school employee is rendering aid pursuant to this measure, the employee should be required to perform their duty with reasonable care under the circumstances. There is no justification for condoning negligent administration of emergency medical response for our students.

Furthermore, schools owe their students a duty of reasonable care in ensuring each student's safety. *See Doe Parents No. 1 v. State, Dep't of Educ.* Courts have held that the DOE shares a "special relationship"—*i.e.*, a quasi-parental or *in loco parentis* custodial relationship—

with its students, which obligates the DOE to exert reasonable care in ensuring each student's safety and welfare, as would a reasonably prudent parent.

In other words, the DOE owes its students the duty to take whatever precautions are reasonable to prevent harms that it anticipates, or reasonably should anticipate. Schools owe their students a duty of reasonable care in ensuring each student's safety, this should include when rendering aid. Exempting public school employees from all liability in connection with emergency medical care as a member of the critical response team is not in line with Hawai'i Supreme Court precedent nor Hawai'i's current Good Samaritan law.

Accordingly, HAJ respectfully requests that subsection (h) on page 4, lines 7-12 be deleted to remove the civil liability limitations for school employees to preserve the rights of our students.

Thank you for allowing us to testify regarding this measure. Please feel free to contact us should you have any questions or desire additional information.

March 15, 2023

TO: House Education Committee

RE: SB 830-Critical Medical Emergency Response

Aloha Chair Woodson, Vice Chair Marten, and Education Committee Members,

As many of you already know, we drafted this legislation following a very disturbing incident in school with our son, Noah (*please see our original testimony*).

We did so, not just as parents, but as believers that systems change can sometimes best come in the form of prevention. Although our incident was complicated and scary, our son is well, and we have an opportunity to support us all to learn to do better.

We both have some background in emergency response and did a painstaking amount of research and consultation before we drafted this language.

It was our understanding that the first time this bill was heard in this Committee Chair Woodson felt it was a little too prescriptive and removed/amended portions of the language before moving it forward. While we certainly agree that it is somewhat verbose, we would like to identify the key areas of what make this bill unique from current procedures and necessary in this form:

**A MECHANISM FOR ACTIVATION:** *a Team Member cannot respond in “good faith” if there is no clear mechanism to do so.*

**A WAY TO PRACTICE:** *if there are no Drills, and they are not timed, there will be no preventative way to determine efficacy of team size and response ability.*

**SUPPORT TO IMPROVE:** *if Drills are conducted and the Teams are not meeting the response time necessary for a critical medical emergency, there should be built in administrative support in order for them to get there.*

**TRANSPERANCY:** *parents, families, and communities should know whether or not their children’s schools are taking this seriously, and have the support to do so.*

The idea is to have the team sizes be unique to each school (*so in that sense the ratio/size allocation does have some flexibility*), have the Drills built in to current existing Drill schedules, and have the Administration involved to ensure for quality assurance and improvement.

Without the more specific language, schools wouldn’t be able to draw from appropriation for training, appropriate communication systems, or supplies meant to support this specific effort.

We do not want to overstep. We apologize if it any way it feels like we are telling you how to do your work. As many of you know, it is most often the combination of lived experience and passion that moves positive change forward, and we hope that is the only way you experience our persistence.

**We have emailed you this information with our contacts and would be more than happy to meet with any one of you to answer questions and explore this further.**

Mahalo nui for your time and consideration.

  
Amanda and Kainoa Luning

**SB-830-SD-2**

Submitted on: 3/14/2023 7:08:08 PM

Testimony for EDN on 3/16/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Elizabeth Evans	Individual	Support	Written Testimony Only

Comments:

This is critical to go through for the safety of our children! Please think about your own children or grandchildren.

**SB-830-SD-2**

Submitted on: 3/14/2023 8:17:31 PM

Testimony for EDN on 3/16/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cheryl Harris	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill.

**SB-830-SD-2**

Submitted on: 3/14/2023 8:18:28 PM

Testimony for EDN on 3/16/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jamaal Wright	Individual	Support	Written Testimony Only

Comments:

I support this bill



**SB-830-SD-2**

Submitted on: 3/15/2023 8:39:51 AM

Testimony for EDN on 3/16/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
tassia avila	Individual	Support	Written Testimony Only

Comments:

As a future mother, I was extremely concerned knowing that my kids are at such a great risk at school without trained teachers for an emergency. I highly support this change in the legislation and I don't think we need to wait for a kid to die to then make a change.

**SB-830-SD-2**

Submitted on: 3/16/2023 3:07:19 AM

Testimony for EDN on 3/16/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Brittany Kalahiki	Individual	Support	Written Testimony Only

Comments:

My name is Brittany Kalahiki and I am writing to state I am in full support of this version of the bill (SB830 SD2) as written. Critical health emergencies are out of our control, but the best step we can take to prevent this and save lives is to act in good faith and work with the school systems and personnel to be well trained in prevention and intervention efforts.

**SB-830-SD-2**

Submitted on: 3/16/2023 7:57:09 AM

Testimony for EDN on 3/16/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ranya Agcaoili	Individual	Support	Written Testimony Only

Comments:

Ranya Agcaoili

SB830

I support this Bill of SB830.

I also support the language of this bill that states and identifies what an medical emergency response shall be in placed. Within the schools and the Department of Education, there is an existing emergency plan in placed but it is not enough if anything shall happen because of liability or funding. Nor is there drills, CPR/first aid training or personals, AED, medical response team in each school, supplies, etc.

This bill of SB830 is having protective factors in place in case an emergency, not only for the students but for the teachers, staff, parents, coaches, etc. This bill is to prevent from anything that could happen when (minutes matter) upon saving a life! As being teacher aide with our babies from (2 weeks -7 years old). It is crucial that the personals shall have the resources from training, support medical team, drills so that everyone from the students to the teachers and staff Know what to do in case of an emergency, AED, supplies, etc. because we can SAVE a life. It takes only (4-6 minutes) without oxygen that can cause brain damage or death for anyone. Our parents Trust their child/children in our care as teachers. Most of you who are in leadership roles have your own children in our schools. Wouldn't you want your child to be safe, cared, protected, and having your keiki come back home alive into your arms as parents? The SB830 Bill is practically and literally trying to have resources/support in place for all schools, students, teachers, coaches, staff in the schools, parents, etc. to know what to do in case of an emergency and have a plan in place. We can save a life with this bill!

We as citizens of all of Hawai'i has voted and have faith upon you folks in these leadership roles, politicians, Senate, House of Representatives, Representatives for each District, Chair of Committee, leaders, etc. To Serve and Protect our students, teachers, and the people of Hawai'i. I believe this bill is in support for all of our keiki's.

So I am in support of this bill and the correct language that was originally in placed upon this Bill as follows. As leaders you folks can figure out the a bill in place to find the funding and figure out things for the liability for students and teachers. There are other states who have already enforced this type of bill where the federal and state made it possible which helped out

with the funding/finance. It is possible and we are saving lives with this bill for our children in the schools of Hawai'i. I support this bill of SB830!

I humbly thank you all for your support and consideration for this bill. I trust and hope, you as our leaders realize and understand that this bill is in favor for our students and teachers! Thank you!