



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

Date: 03/21/2016

Time: 02:10 PM

Location: 325

Committee: House Education House
Consumer Protection and Commerce

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 2976, SD2 RELATING TO LICENSING OF PRIVATE TRADE, VOCATIONAL, AND TECHNICAL SCHOOL.

Purpose of Bill: Transfers administration of the licensing and regulation program for private trade, vocational, and technical schools from the department of education to the department of commerce and consumer affairs. Transfer effective as of 7/1/2018. (SD2)

Department's Position:

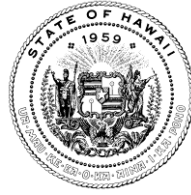
The Department of Education (Department) supports SB 2976 SD2.

Licensing Private Trade Vocational Technical (PTVT) schools is misaligned with the DOE's primary mission. Its mission is focused on K-12 education to ensure that all public school students can reach their fullest potential and attain their aspirations in the 21st century.

Given its budgetary constraints and restrictions, PTVT administration by the DOE continues to and has taken away valuable resources and time that should be solely focused on providing direct services and supports for Hawaii public schools, educators and students.

Additionally, the Department acknowledges its inability to properly administer a regulatory program that is not compatible with the Department's primary mission. Therefore, the Department supports PTVT oversight be transferred to DCCA, where the regulatory and licensing expertise exists.

Thank you for this opportunity to provide testimony on SB 2976 SD2.



DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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**PRESENTATION OF THE
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

TO THE HOUSE COMMITTEE ON EDUCATION
AND
TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016
Monday, March 21, 2016
2:10 p.m.

**TESTIMONY ON SENATE BILL NO. 2976, S.D. 2, RELATING TO LICENSING OF
PRIVATE TRADE, VOCATIONAL, AND TECHNICAL SCHOOL.**

TO THE HONORABLE ROY M. TAKUMI, CHAIR,
TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEES:

My name is Catherine Awakuni Colón, Director of the Department of Commerce and Consumer Affairs ("DCCA"). DCCA appreciates the opportunity to provide testimony in **opposition** to Senate Bill No. 2976, S.D. 2, Relating to Licensing of Private Trade, Vocational, and Technical School.

Senate Bill No. 2976, S.D. 2, provides for the transfer of licensing of private trade, vocational, and technical ("PTVT") schools from the Department of Education ("DOE") to DCCA. The proposed transfer would take effect July 1, 2018.

DCCA would like to offer the following comments for the Committees' consideration:

- Section 26-12, Hawaii Revised Statutes, states that DOE is responsible for administering education programs throughout the State, specifically including preschool, adult education, health education, and “such other programs as may be established by law.” Adult education, the Executive Office on Early Learning, teacher licensing under the Hawaii Teachers Standards Board, and the PTVT program (since 1939) are all appropriately placed per DOE’s enabling statute. Despite assertions that DOE’s focus is limited to K-12 education, the law indicates a much broader, overarching statutory responsibility for state education.
- The joint DOE-DCCA review of the PTVT program requested by Senate Concurrent Resolution No. 46, S.D. 2 (2015) did not discover a significant risk to students of PTVT schools that would necessitate either increased DCCA oversight beyond the protections that already exist in the State’s consumer protections laws or a full transfer of DOE’s program.
- DCCA is a special-funded department, so the costs associated with a new program cannot be borne by other licensee types.¹ It is generally recognized that establishing and operating a new regulatory program under DCCA for a limited licensee population like PTVT schools would result in increased licensing fees that would be at least several thousand dollars per school, per two-year

¹See HIC v. Lingle, 120 Hawaii 51, 201 P.3d 564 (2008).

licensing period.² DCCA is concerned that transferring the program would make operating a PTVT school in this State even more difficult for programs that offer critical vocational and career training for Hawaii's citizens.

- The standard practice in the vast majority of states is to have an agency with educational expertise responsible for the licensing of professional/trade schools, not the state's commerce department or some other agency not focused on educational programs.
- The Superintendent has written that DCCA "lacks sufficient expertise" to administer the PTVT program, and has also disagreed with the principle that DCCA has "an established knowledge base and the advantage of quickly drawing upon expertise to assess curriculum, competencies, and standards" to administer the PTVT program.³ Whereas, the DOE continues to successfully administer the PTVT program as it has for nearly 80 years.⁴
- This measure does not transfer existing PTVT program staff or establish new positions with associated funding to setup and administer the program, and would eliminate other aspects of the current program upon transfer. The DOE program currently has staff that successfully administer the program, but there

²See Report of the Auditor of the State of Hawaii No. 02-08; A Study on the Licensing of Private Trade, Vocational, and Technical Schools; Attachment 3 – Letter from Kathryn S. Matayoshi, Director of the Department of Commerce and Consumer Affairs, to the State Auditor, April 1, 2002 (discussing the cost structure and mechanics of a fund to cover a limited licensee population).

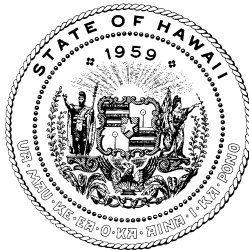
³See Report of the Auditor of the State of Hawaii No. 02-08; Attachment 3 – Letter from Kathryn S. Matayoshi, Director of the Department of Commerce and Consumer Affairs, to the State Auditor, April 1, 2002 (noting the incompatibility of the PTVT program's educational oversight and the function of DCCA).

does not appear to be continuity of staffing, expertise, or established guidelines provided for in this bill.

Given the points noted above, DCCA is concerned about the negative impacts of this measure on PTVT schools and professional/career education in the State generally.

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

⁴Ensuring educational quality has long been a primary focus of the PTVT school program, even under the current DOE program language in HRS § 302A-425.



**TESTIMONY OF JAN K. YAMANE, ACTING STATE AUDITOR,
ON SENATE BILL NO. 2976, SD2,
RELATING TO LICENSING OF PRIVATE TRADE,
VOCATIONAL AND TECHNICAL SCHOOL**

**House Committees on Education and
Consumer Protection and Commerce**

March 21, 2016

Chair Takumi, Chair McKelvey, and Members of the Committees:

Thank you for the opportunity to testify in support of SB 2976, SD2. The purpose of the bill is to transfer the licensing and regulation program for private trade, vocational, and technical schools from the Department of Education to the Department of Commerce and Consumer Affairs.

As you know, one of the recommendations we made in our Report No. 02-08, *A Study on the Licensing of Private Trade, Vocational, and Technical Schools* (April 2002) was for the Legislature to consider transferring the licensing program to DCCA. This bill would effectuate that recommendation.

Thank you for the opportunity to testify in support of SB 2976, SD2.

To: The House Committees on Education, and Consumer Protection and Commerce
Representative Angus McKelvey, Chair, Consumer Protection and Commerce
Representative Justin Woodson, Vice-Chair, Consumer Protection and Commerce
Representative Roy Takumi, Chair, Education
Representative Takashi Ohno, Vice-Chair, Education

28th Legislature, Regular Session of 2016

Testimony RE: **Senate Bill 2976 SD2**,
Relating to the Licensing of Private Trade, Vocational, and Technical Schools

March 21, 2016

Testifying: Mark Olson, Ph.D., Director, Pacific Center for Awareness and Bodywork

Honorable Chairpersons and Members of the EDN and CPC Committees:

I am Dr. Mark Olson, the Owner and Director of a nationally and internationally recognized massage therapy school in Kilauea, Kaua'i (Rep. Kawakami's district) that has been licensed by the DOE for over two decades. Our students come from Hawai'i, the mainland, and outside the country. **I strongly oppose the transference of Private Trade, Vocational, and Technical School licensure from the Department of Education to the DCCA. I specifically oppose transference of licensure for massage schools to the Board of Massage, which is what is likely to happen if licensing is transferred to DCCA.**

The following outlines the reasons for my opposition.

1. **The DCCA and Board of Massage are not suited for licensing our schools.** Our schools are educational institutions that belong under the DOE, which is already knowledgeable about education and instruction and already has a streamlined application process. The Board of Massage licenses massage therapists and massage establishments, not schools. We are a massage school, not a massage establishment. The Board of Massage is composed of average citizens whose sole qualification is having a license in massage therapy for 5 years. They know nothing about how to effectively run a school and would simply be pushing paper around trying to do so.
2. **Negatively impacts our accreditation and financial aid options.** Removing the DOE license will make it extra burdensome or impossible to obtain (and maintain) national

accreditation. Without certification from the DOE, accreditation, and thus financial aid, won't be possible.

3. **Negatively impacts our schools' credibility.** Removing the DOE license will reduce the credibility of the school in the eyes of the public. The resulting lack of public trust would harm our marketing efforts and would result in the reduction of skilled professionals trained in Hawaii to serve Hawaii's consumers. I bought this school two years ago because it had the prestige of being a DOE-licensed school—I would not have made such an investment otherwise.
4. **Negatively impacts students' ability to afford school and begin their careers.** Moving licensing to DCCA will likely incur additional fees (amounts unspecified) that would be passed onto students. Given our small enrollment numbers, such an addition to tuition costs, which are already challenging for most students, would prevent many would-be students from taking this first step in their career.
5. **Negatively impacts our school's curriculum and brand.** The Board of Massage currently provides permits for massage “workshops” and massage “apprenticeships” that comprise 420 hours. The hours that students acquire through these trainings are not recognized in most states because they are not coming from a school and because they don't reflect the latest standards in massage therapy education nationwide. Massage therapists need 420 hours of real education, not simply working as an apprentice. I am very concerned about our brand being ruined if the Board of Massage attempts to deform our program to fit into their familiar apprenticeship model.
6. **Negatively impacts the Board of Massage's ability to perform its current duties.** Giving the Board of Massage an additional and unfamiliar task will negatively impact the Board's performance of its current duties--licensing individuals and massage establishments—which the Board already performs poorly. The Board of Massage has an infamous reputation of being highly unresponsive, behind the times, and consistently dysfunctional in its administrative duties in ways that significantly delay the launching of massage therapy practices and create hardship in the process. I consistently hear reports of the Board of Massage losing students' licensing materials, taking excessive weeks to respond and process requests, having unfriendly and unhelpful staff, and sending students incorrect or outdated information (e.g. sending last year's test dates). Why give them additional duties that they are not suited for when they are already at

capacity and performing sub-par with their current responsibilities? **If the purpose of this bill is to relieve the DOE of duties that it does not have the resources to perform effectively, then it does not make sense to shift the responsibility to another agency that is already not performing its current duties effectively. This can only negatively impact the individuals that the Board of Massage already serves (massage therapists and massage establishments), in addition to negatively impacting the vocational schools that the DOE currently serves very effectively.**

7. Burdens schools with filing an application during an even (non-application) year.

Our licenses with the DOE are valid for two years. The next licensing period should be from September 1, 2017 to August 31, 2019, but I am concerned that if this bill passes that the DOE would only give us a license for 10 months, from September 1, 2017 to June 30, 2018. If so, that would mean that our schools would be unnecessarily burdened with going through the very rigorous application process two years in a row (i.e. 2017 and 2018). This bill should be amended to clarify that DOE licenses would still be for 2 years and would remain in effect during that entire time.

Please defeat this bill. Any of the following alternatives would be better than passing this bill:

1. Provide the DOE with the staff and funding necessary to perform this job that it is the most qualified to do. This would address all seven of my concerns above.
2. Amend the bill to specify that the DCCA create a new division to license vocational schools **instead of** putting licensing under the individual DCCA Boards (e.g. Board of Massage). This would address points #1, #5, and #6 above.
3. Amend the bill to clarify that the our DOE licenses would be issued and valid for the usual two year period from Sept 2017 through Aug 2019. This would address #7 above.

Thank you for considering this testimony.

Mark Olson, Ph.D.
Director, Pacific Center for Awareness and Bodywork
PO Box 1049, Kilauea, HI 96754
www.awarenessandbodywork.com

Hawaii Institute of Hair Design

1128 Nuuanu Avenue Suite 102 Honolulu, Hawaii 96817 Ph# 533-6596 Fax# 533-

HOUSE OF REPRESENTATIVES

THE TWENTY-EIGHTH LEGISLATURE

REGULAR SESSION OF 2016

COMMITTEE ON EDUCATION

Rep. Roy M. Takumi, Chair

Rep. Takashi Ohno, Vice Chair

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus L.K. McKelvey, Chair

Rep. Justin H. Woodson, Vice Chair

DATE: Monday, March 21, 2016

TIME: 2:10PM

PLACE: Conference Room 325

Re: Testimony
SB 2976, SD2

RELATING TO LICENSING OF PRIVATE TRADE,
VOCATIONAL, AND TECHNICAL SCHOOL

Testifying: Margaret Williams, President, Hawaii Institute of Hair Design, a Licensed School

Honorable Chairperson and Members of these Committees:

I am Margaret Williams, The Administrator of Hawaii Institute of Hair Design, a Private Postsecondary School Currently Licensed by the Department of Education, State of Hawaii. Hawaii Institute of Hair Design is accredited by the Accrediting Commission of Career Schools and Colleges. Our Students use Title IV Aid if they qualify. **I oppose the transference of Private Trade, Vocational and Technical School licensure from the Department of Education to the DCCA and have communicated with several licensed schools that also oppose the transference.**

All of the Private schools prefer to be licensed under the DOE.

LICENSE RENEWALS IN DOE ARE QUICK and efficient AND done during the summer.

Why cause the DCCA the problem and expense of finding places to put the schools that are already licensed by the DOE? It was admitted to me by a licensing clerk years ago that the Renewal of School Application Process took 2 persons approximately 4 to 6 weeks to complete the review of the school forms. The DOE changed the forms a bit causing them to use a bit more time, but the last renewal was completed after July 1 and before September 1.

Honolulu Barber School, Ltd. dba

HAWAII INSTITUTE OF HAIR DESIGN

1128 Nuuanu Avenue Suite 102, Honolulu, Hawaii 96817 (808) 533-6596

FACSIMILE - Cover Sheet

Date 3/20/2016

TO: HOUSE OF Representatives ED, CPC

FROM: Margaret Williams

COMPANY: HAWAII

CO: HAWAII INSTITUTE OF HAIR DESIGN

FAX: 5869421

TEL#: (808) 533-6596 / (808) 521-1858

Please call us if you did not receive 4 ***page (s). (Including cover sheet.)***

TEACHER CERTIFICATION DCCA not does not review the history of instructor employment and certify our teachers to teach in postsecondary schools. DCCA does not require Tb test of all school staff and for the students to have MMR clearances. Years ago, DOE reviewed our catalog and contract with students and had me continuously work on them until our policies met State standards, preparing us for National accreditation review. Completing the Projected annual budget for the DOE helped me learn to properly budget finances and keep the school viable. Every two years schools must update and report our curriculum and assure we have adequate instructors. Will the DCCA make time to help schools in these ways and all of the other ways the DOE helps? Turning over the paperwork is one thing, gaining the expertise to teach the Schools what they must know and do, is another. **These are Educational institutions. Education belongs under the jurisdiction of the DOE. Please have the DOE keep the job that they do so well.**

COST

DCCA would have to spend money on staff, storage and the construction of new programs for the Boards that could not possibly work as well as the DOE program.

Hawaii Taxpayers, thru the state, sponsor education at Community colleges and the University of Hawaii. Our private schools train students and there are not enough programs at the State schools to cover the diverse education that is offered at the postsecondary trade schools. We are not asking for help with maintenance of our buildings or teachers' pay or retirement or any of that. We are asking for a little time from a couple of DOE staff to keep our schools up to State Standards and to give our schools the credibility and the pride that comes with certification and licensure by the State Doe. We enroll students, train them well and pay taxes on our income and on our teachers' salaries. We contribute to the economy and train students to serve the public safely and well. All of the taxes that licensed schools and their graduates pay go into the state coffers that sponsor the DOE. Can we get a little help back? All of the schools want to stay under the DOE. To fail to listen to the schools is . Please defeat this bill.

Thank you for hearing and considering this testimony and I am available for questions.

Margaret Williams

Hawaii Institute of Hair Design, 1128 Nuuanu Avenue #102, Hono, Hawaii 96817 Phone 808 533-6596

FEDERAL GRANTS AND LOANS. Two years is not enough time for the DCCA to acquire USDOE approval to keep financial aid authorization for our students. PLEASE do not risk our student's ability to receive the Pell Grant or Student Loans. This transference will Jeopardize the receipt of federal financial aid at the Accredited Postsecondary Schools because the DCCA Boards, well known for working slowly, must **immediately** set up some rigid guidelines for schools, following the Federal requirements and request Federal USDOE approval. **The DCCA Board has worked on getting approval for Cosmetology schools for 2 ½ years and has not yet received USDOE approval for the schools**

The methods in which change is introduced to the Board Rules and laws is a very slow process. During the long delay to accomplish the process, Accredited schools could lose Financial Aid for their students. **The USDOE has a Program Integrity rule that requires the Accredited Schools to be licensed or authorized by the State to teach Postsecondary education in order to be certified to receive financial aid.** The state licensure program must have a method for solving student complaints and have a strict monitoring program. **Schools licensed under the Hawaii Department of Education smoothly received USDE Recertification for financial aid with DOE approval. The Board of Cosmetology has not yet been approved by USDE but luckily received extensions to the rule because they have been working on getting the schools they license authorized to teach postsecondary education. Extensions have been granted for two and a half years (since the deadline of July, 2014) and the USDOE should be discontinuing extensions soon.** The DCCA works very slowly. Everything has to be created and approved by the Boards which meet only once a month (if that often), then be set up and put in a public hearing to change Board Rules. New rules and methods created by the boards are sent to United States Department of Education for approval or a request from USDE for more changes, starting the cycle again!

Private Postsecondary Schools and their students stand to lose a lot if the transfer and these delays occur. The Department of Education has efficiently reviewed and licensed private postsecondary schools for 76 years. **The DOE has done the job well for decades and is very experienced in this area. We schools are asking the Legislature to recommend that the concentration of a few of the DOE staff hours to keep our schools licensed under the DOE .The DOE staff know how, and to do the job well.**

The DOE is accepted as licensing postsecondary schools for USDE financial aid approval. Please do not approve this bill. Please protect the financial aid of the 70 students in our school, and all of the students in all of the accredited schools licensed under the Department of Education.

It has been the charge of the DOE to keep Postsecondary Career Schools up to very clear standards, some of them the highest standards in the nation, helping the schools in Hawaii grow. Without the continuous reviews of DOE staff, the school I manage would never have become Nationally Accredited or grown to the establishment it is today.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 1:51 PM
To: EDNtestimony
Cc: eadh2o@pacbell.net
Subject: *Submitted testimony for SB2976 on Mar 21, 2016 14:10PM*

SB2976

Submitted on: 3/20/2016

Testimony for EDN/CPC on Mar 21, 2016 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Eve Dion	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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To: EDNtestimony
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Subject: *Submitted testimony for SB2976 on Mar 21, 2016 14:10PM*

SB2976

Submitted on: 3/20/2016

Testimony for EDN/CPC on Mar 21, 2016 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Krista Schnell	Individual	Oppose	No

Comments:

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Subject: Submitted testimony for SB2976 on Mar 21, 2016 14:10PM

SB2976

Submitted on: 3/20/2016

Testimony for EDN/CPC on Mar 21, 2016 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Searles	Individual	Oppose	No

Comments: I oppose this measure

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To: EDNtestimony
Cc: hannahkate426@live.com
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SB2976

Submitted on: 3/19/2016

Testimony for EDN/CPC on Mar 21, 2016 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Hannah Dwyer	Individual	Oppose	Yes

Comments:

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SB2976

Submitted on: 3/18/2016

Testimony for EDN/CPC on Mar 21, 2016 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
ashlyn	Individual	Oppose	No

Comments:

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SB2976

Submitted on: 3/17/2016

Testimony for EDN/CPC on Mar 21, 2016 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
carole madsen	Individual	Oppose	No

Comments: I strongly oppose this bill

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SB2976

Submitted on: 3/17/2016

Testimony for EDN/CPC on Mar 21, 2016 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ross Adams	Individual	Oppose	No

Comments:

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SB2976

Submitted on: 3/17/2016

Testimony for EDN/CPC on Mar 21, 2016 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
joshua	Individual	Oppose	No

Comments: I strongly oppose this bill, as myself, and many of my fellow therapists have had Less than stellar experiences in the management and efficiency in the process of becoming licensed, and believe that of this passes, it will only make things more difficult and inefficient. Thank you

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SB2976

Submitted on: 3/17/2016

Testimony for EDN/CPC on Mar 21, 2016 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
ariane hjelle	Individual	Oppose	No

Comments: I oppose the bill.

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Subject: *Submitted testimony for SB2976 on Mar 21, 2016 14:10PM*

SB2976

Submitted on: 3/21/2016

Testimony for EDN/CPC on Mar 21, 2016 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Colin Doyle	Individual	Oppose	No

Comments:

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Subject: Submitted testimony for SB2976 on Mar 21, 2016 14:10PM

SB2976

Submitted on: 3/19/2016

Testimony for EDN/CPC on Mar 21, 2016 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
WAI SUM	Individual	Oppose	No

Comments: "I oppose SB2976 SD2"

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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