

DR. CHRISTINA M. KISHIMOTO SUPERINTENDENT

STATE OF HAWAI`I DEPARTMENT OF EDUCATION P.O. BOX 2360 HONOLULU, HAWAI`I 96804

> Date: 02/24/2020 Time: 12:00 PM Location: 308 Committee: House Finance

Department:	Education
Person Testifying:	Dr. Christina M. Kishimoto, Superintendent of Education
Title of Bill:	HB 2149, 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. Takes effect on 7/1/2050. (HD1)

Department's Position:

The Department of Education (Department) recognizes the intent of HB 2149, HD 1. The Department respects parent-initiated educational alternatives and respectfully offers comments and strong concerns.

According to Hawaii Administrative Rules, Title 8, Chapter 12, 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 compared to the Department. An equivalent grading system and reporting may also take away from parent's ability to independently choose curriculum.

Although Hawaii Administrative Rules, Title 8, Chapter 12, gives a compulsory attendance exception (http://www.hawaiiboe.net/AdminRules/Pages/AdminRule12.aspx), 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 would not receive funding through the weighted student formula for home-schooled students. 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. Equally 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 as the dialogue on extracurricular activities pursues.

Thank you for the opportunity to provide testimony on HB 2149, HD 1.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.

DAVID Y. IGE GOVERNOR OF HAWAII



BRUCE S. ANDERSON, PHD DIRECTOR OF HEALTH

STATE OF HAWAII DEPARTMENT OF HEALTH P. O. Box 3378 Honolulu, HI 96801-3378 doh.testimony@doh.hawaii.gov

Testimony COMMENTING on H.B. 2149, H.D. 1 RELATING TO INDIVIDUAL SPORTS

REPRESENTATIVE SYLVIA LUKE, CHAIR HOUSE COMMITTEE ON FINANCE Hearing Date: 2/24/2020 Room Number: 308

1 Fiscal Implications: The Department of Health defers to the Department of Education on policy

2 implementation and fiscal implications related to H.B. 2149 and to the priorities in the

3 Governor's Executive Biennium Budget request.

Department Testimony: The Department strongly recommends any home schooled child, who 4 wishes to participate in an individual sport, meet the same health requirements required of any 5 6 student attending school in Hawaii, outlined in HRS §§302A-1154 through 1163. Introduction 7 of an infectious disease such as measles or pertussis (whooping cough) into an environment where children congregate, such as sporting events and competitions, could lead to outbreaks, 8 9 jeopardizing the health of the students, school faculty/staff, and our community should transmission occur. Further, if a disease outbreak were to occur in a school setting, the 10 Department of Health would be responsible for costs associated with the outbreak investigation 11 and of any vaccines administered with the intent of preventing disease transmission. 12 Offered Amendments: The Department respectfully recommends the following amendment to 13 H.B. 2149, H.D. 1, "(2) Meets the health requirements for school entrance as delineated in HRS 14 §§302A-1154 through 1163 prior to participation in school-based individual sports as well as 15 meets the participation requirements and restrictions for an individual sport, including 16

17 maintaining the appropriate grade point average as required by the public school that the student

18 would otherwise attend, paying appropriate fees, and signing a release and express assumption of

risk waiver; provided that the requirements or restrictions of the release shall not be inconsistent

20 with this section;

21 Thank you for the opportunity to testify.

Submitted on: 2/23/2020 11:26:43 AM Testimony for FIN on 2/24/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Maricel Abad	Hawaii Immunization Coalition	Support	No

Comments:

The Hawaii Immunization Coalition (HIC) supports HB2149 HD1 with amendments.

Chair, Vice Chair, and committee members, thank you for this opportunity to provide testimony on HB 2149 HD1.

The coalition supports HB2149 HD1 with the amendment that home-schooled students must comply with school health requirements (HAR 11-157) if a student participates in extracurricular activities at a public school.

- Students participating in extracurricular activities can be exposed to vaccinepreventable diseases unlless they are fully immunized
- Immunization protects students who may not be able to receive vaccines because of immunity challenges
- Vaccines are safe and protect from disesses like flu, mumps, chickenpox, and measles

It is for these reasons HIC supports **HB2149 HD1 with amendment.** Everyone who participates in an after-school activity needs to feel that they are playing and learning in a safe and disease-free environment.

Respectfully submitted,

Hawaii Immunization Coalition. The coalition is a state-wide, community-based 501(C)3 non-profit coalition of public and private organizations and concerned individuals whose mission is to promote effective strategies to ensure that all of Hawaii's famililies are appropriately vaccinated against vaccine-preventable diseases.

<u>HB-2149-HD-1</u>

Submitted on: 2/22/2020 11:48:50 AM Testimony for FIN on 2/24/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Frank R Baum	Frank R. Baum, M.D., Inc. (Pediatric medical practice)	Support	No

Comments:

I am writing to **support HB2149 with amendment** that home-schooled students must comply with school health requirements (HAR 11-157) if a student participates in extracurricular activities at a public school. I think all school aged children should be given the opportunity to participate in all extracurricular activities sponsored by the Department of Education. All participants should be following the same criteria to assure a safe envrionment for the children.

Extracurricular activities at schools provide an opportunity to be exposed to vaccinepreventable diseases unless all participants are fully immunized.

- Immunization protects students who may not be able to receive vaccines because of immunity challenges.
- Vaccines are safe and protect from a multitude of diseases,

It is for these reasons that I **support HB2149 HD 1 with amendment**. Everyone who participates in an after-school activity needs to feel that they are playing and learning in a safe and disease-free environment.

Thank you for your time and consideration

Submitted on: 2/21/2020 2:23:30 PM Testimony for FIN on 2/24/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Thaddeus Pham	Individual	Comments	No

Comments:

Aloha,

As a public health professional and uncle to many nieces and nephews who play school sports, I am writing to **support HB2149 with amendment** that homeschooled students must comply with school health requirements (HAR 11-157) if a student participates in extracurricular activities at a public school.

- Extracurricular activities at schools provide an opportunity to be exposed to vaccine-preventable diseases unless all participants are fully immunized.
- Immunization protects students who may not be able to receive vaccines because of immunity challenges.
- Vaccines are safe and protect from multitude of diseases, like flu, chickenpox and measles.

It is for these reasons that I **support this bill with amendment**. Everyone who participates in an after-school activity needs to feel that they are playing and learning in a safe and disease-free environment.

Mahalo,

Thaddeus Pham

Submitted on: 2/22/2020 11:12:24 AM Testimony for FIN on 2/24/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rodd Johnson	Individual	Support	No

Comments:

Rep. Luke, Chair

House Committee on Finance

Rodd Johnson

Monday, February 24, 2020, 12 PM

Support for HB 2149 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 HB2149 because I believe home schooled athletes, should have equal access to individual athletic competitions in the State of Hawaii. Passing Bill HB2149 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 HB2149 HD1.

Thank you for your time and consideration, sincerely

Rodd Johnson

lan MacPherson, Jr.

Monday, February 24, 2020

Support for HB2149 HD1

As a father of four homeschooled students - 2 high school, 2 elementary - I urge you to fully support HB2149 HD1, which would provide equitable opportunity for homeschooled students to compete in athletics as unattached competitors. Additionally, the bill provides guidelines ensuring the family - not the school - assumes all liability and financial burden. I believe that this is a big win, for both the students and the state, as it promotes inclusivity and athleticism at no cost to the state.

Please fully support HB2149 HD1.

Respectfully,

Ian MacPherson

Kaneohe, HI 96744

Kara MacPherson

Monday, February 24, 2020

Support for HB2149 HD1

Thank you for your time in considering HB2149.

I am a homeschooling mother of four children, aged 9, 13, 15, and 18. 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, a senior this year, is a track runner. While he does 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 freshman 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 about two a year, 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 (<u>HI Rev Stat § 302A-1112</u>). 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 HB2149. 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:

- 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 just this year 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. He was awarded a full four year Air Force ROTC scholarship based on an application that included his homeschool-generated transcript. Surely if these reputable schools and businesses can trust a homeschool-generated transcript, our state athletic association can.
- 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 two 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, this past fall, 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, HB2149 is a strong option for Hawaii's consideration.

Thank you again for your time in reviewing this testimony. Please join me in supporting HB2149 to make competition opportunities available to homeschooled high schoolers in the state of Hawaii!

Connor MacPherson

Monday, February 24, 2020

Support for HB2149 HD1

My name is Connor MacPherson. I am a senior in high school and I have been homeschooled since kindergarten. In my applications to various colleges, I have realized that participation in organized sports is a very important part of being a well-rounded applicant. As a homeschooler, I am not allowed to compete with other students in high school athletics, but HB2149 is able to change that for other homeschooled athletes. Being a homeschooled track runner, I am only able to participate in club track during the summer. Being able to run in meets during the school track season would allow for more competition experience as well as being able to build community with other athletes. I know that I always push myself harder when I am racing other athletes. Allowing homeschoolers to compete would give all athletes motivation and opportunity to push themselves to reach their greatest potential.

Kadyn MacPherson

Monday, February 24, 2020

Support for HB2149 HD1

My name is Kadyn MacPherson. I am in 9th grade and am 15 years old. I have been homeschooled since kindergarten. I am currently the only homeschooled springboard diver prepared to compete on the varsity level on Oahu, and likely in the state of Hawaii. I am in support of HB2149 because I know it will be a great opportunity for homeschoolers in Hawaii to participate in competitions like public and private schoolers get to do. 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 your ability to deal with stress and nerves. It would be good for homeschoolers to have more opportunities for competition, especially in diving since there are only about two club meets a year on Oahu. This way they can develop those skills to help them in stressful situations that will come in life.

Avery MacPherson

Monday, February 24, 2020

Support for HB2149 HD1

My name is Avery MacPherson. I am in the 8th grade and I am 13 years old. I have been homeschooled since kindergarten. I am in support of HB2149 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 when I am in high school next year. I also think it is a good opportunity for homeschoolers and public school students to support each other.

<u>HB-2149-HD-1</u>

Submitted on: 2/23/2020 7:04:57 AM Testimony for FIN on 2/24/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gail Ogawa	Individual	Support	No

Comments:

I am writing to **support HB2149 with amendment** that home-schooled students must comply with school health requirements (HAR 11-157) if a student participates in extracurricular activities at a public school.

- Extracurricular activities at schools provide an opportunity to be exposed to vaccine-preventable diseases unless all participants are fully immunized.
- Immunization protects students who may not be able to receive vaccines because of immunity challenges.
- Vaccines are safe and protect from multitude of diseases, like flu, chickenpox and measles.

It is for these reasons that I **support HB2149 HD 1 with amendment**. Everyone who participates in an after-school activity needs to feel that they are playing and learning in a safe and disease-free environment.

Thank you for your time and consideration

Date: February 23, 2020

To: The Honorable Sylvia Luke, Chair The Honorable Ty J.K. Cullen, Vice Chair Members of the House Committee on Finance

Re: **Support with Amendment for HB2149 HD1**, Relating to Individual Sports

Hrg: February 24, 2020 at 12:00 PM in Capitol Room 308

Aloha House Committee on Finance,

As a parent who homeschooled a child, educator and healthcare professional, I am writing in **support of HB2149 HD1 with amendment** that homeschool students must comply with public school health requirements (HAR 11-157) if they participate in extracurricular activities at a public school.

I support homeschool student participation in extracurricular activities at public schools, including sports, as long as the homeschool student meets all of the health requirements for participation that public school students must meet.

Extracurricular activities at schools, including sports, provide opportunities for exposure to vaccine-preventable diseases unless all participants are fully immunized.

Immunization protects students, both homeschooled and public, who may not be able to receive vaccines because of immunity challenges.

Vaccines are safe and protect from a multitude of preventable, potentially serious illnesses, including influenza (flu), chickenpox and measles.

I **support HB2149 HD1 with amendment**. Everyone who participates in afterschool activities needs to feel that they are playing and learning in a safe and disease-free environment.

Many thanks for your consideration,

Forrest Batz, PharmD Kea'au, HI

Submitted on: 2/23/2020 8:02:48 AM Testimony for FIN on 2/24/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Judy Strait-Jones	Individual	Support	No

Comments:

I am writing to support **HB2149 HD1 with amendment** that home-schooled students must comply with school health requirements (HAR 11-157) if a student participates in extracurricular activites at the public school.

- Children who participate in extracurricular activities at schools are exposed to vaccine-preventable diseases unless all participants are fully immunized.
- Immunization protects students who may not be able to receive vaccines because of immunity challenges.
- Vaccines are safe and protect from diseases like flu, chickenpox, mumps and measles.

It is for this reason that I **support HB2149 HD1 with amendment.** Everyone who participates in an after-school activity needs to feel that they are playing and learning in a safe and disease-free environment.

Thank you for your time and consideration.

<u>HB-2149-HD-1</u>

Submitted on: 2/23/2020 9:34:12 AM Testimony for FIN on 2/24/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Takao	Individual	Support	No

Comments:

My name is Lieutenant Colonel (Retired) Bob Takao and I am in charge of the JROTC program at Punahou School. I support HB2149. For over twelve years our program has successfully enrolled an average of 45 "magnet" cadets that include high school homeschool students and other students whose schools do not offer JROTC. Magnet cadets, through our JROTC regulations, are allowed to participate in all curricular and extracurricular activities alongside our host school cadets. This includes all competitive interscholastic events. The JROTC magnet program which is more inclusive than HB2149, demonstrates this type of arrangement can succeed with proper regulation, cooperation, and supervision.

Submitted on: 2/23/2020 11:50:16 AM Testimony for FIN on 2/24/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Ramirez	Individual	Support	No

Comments:

I support HB 2149 as originally written without any amendments. Forcing vaccination based purely on HAR 11-157 is a gross overreach. It is flawed thinking. If this is something that you would enforce, then force vaccinating every single person the student comes in contact with would make more sense. But if this is the logic that is used, that would mean vaccines don't work, since people rely on other people being vaccinated for the whole theory to work. If you take this type of thinking a step further, then vaccinating when you go to 3rd world countries would also be useless, since most people in 3rd world countries are not fully vaccinated

Please support HB 2149 without any amendments. Thank you. .



Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Ocampo	Individual	Support	No

Comments:

I support this bill as it is written without the DOH's proposed amendments.

I disagree with the DOH's proposed amendment of having home-schooled children vaccinated as per HAR 11-157 because these students do not fall under the stated purpose of this administrative rule, namely these students do not attend any kind of school as defined by HAR 11-157.

The DOH continues to extend its overreach without any legislative supervision and their proposed amendment for this bill is an example. These students do not fall under the HAR's definitions listed under 11-157-2 where "a student is to be physically present at school, post-secondary school, or child care facility after admission or enrollment." The home-schooled student also does not fall under the definition of "student" since the home schooler does not physically attend a public school and is not enrolled as a student for the purposes of HAR 11-157.

None of these pertain to a homeschooled student. Further if students in after school programs are not required to be vaccinated as stated in HAR 11-157-5(d), then it does not make sense to force homeschooled students to be vaccinated. This discrepancy seems selective, discriminatory and inconsistent with the intended purpose of this admnisrative rule.

I support the intent of this bill, which is to allow homeschooled students to participate in public school sports as described in this bill.

Mahalo,

Teresa Ocampo



HB-2149-HD-1 Submitted on: 2/24/2020 7:20:27 AM Testimony for FIN on 2/24/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Lusk	Hawaii Health and Harm Reduction Center	Support	No

Comments:



<u>HB-2149-HD-1</u>

Submitted on: 2/23/2020 6:54:40 PM Testimony for FIN on 2/24/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeffrey Temple Stabile, Jr.	Individual	Support	No

Comments:

Aloha, Madams and Messieurs,

I am testifying in support of HB2149, a mesasure that would afford home-schooled athletes the opportunity to participate in individual interscholastic sports with no cost to the state.

As a coach of springboard diving in the state of Hawaii, I have, over the last twenty years, seen that the main avenue of participation in diving is through the schools, as there are very few facilities that allow diving outside of interscholastic competition. Thus, one way of growing our sport is to make the main avenue of participation as broadly available as possible, and HB2149 does just this. I know that there are other individual sports in Hawaii that face similar dynamics to diving, and I see this bill as a means to address the needs of many in a very efficient manner.

I hope you can see the wisdom in this bill, and pass it so that the benefits of lifelong activities for all can be supported in this, among many other and varied, ways.

Thank you, and all the best in your deliberatons and decision-making!

Jeff Stabile



HB-2149-HD-1 Submitted on: 2/23/2020 9:10:32 PM Testimony for FIN on 2/24/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Loreene	Individual	Support	No

Comments:

I support the bill,HB2149 HD1, for high schoolers who are being homeschooled in Hawaii. Homeschooled children need the opportunity to compete with local high school teams with their parents and local high schools principals approval to help socialize with public school kids.



HB-2149-HD-1 Submitted on: 2/24/2020 7:23:47 AM Testimony for FIN on 2/24/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
C. Vierra	Individual	Support	No

Comments: