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## Hawaii News

# Legislators back HSTA in fight over free travel

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Several lawmakers have pledged to help the teachers union in its dispute with the state Ethics Commission over a ban on free trips for teachers who organize out-of-state student field trips.

The Hawaii State Teachers Association is at odds with the commission over an advisory opinion issued just before the start of the school year that said teachers are prohibited under the state ethics code from accepting free travel from tour companies in

exchange for organizing trips.

It had been a long-standing practice for teachers to travel free while chaperoning students on field trips to the mainland and abroad. Typically, a free chaperone spot was provided for every six to 10 students booked.

In its advisory — prompted by an inquiry about a middle school's planned educational trip to Washington, D.C., and New York — the commission said "it is reasonable to infer that the free travel and other benefits offered to teachers by a tour company are intended as both an incentive for the teachers to promote the trip to as many students/parents as possible and a reward for the teachers' efforts in generating revenue for the tour company."

The law containing the ethics code prohibits public employees from soliciting, accepting or receiving any gift — "in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise" — if it appears to influence or reward the employee in performing official duties.

"There is no evidence that says any teacher got an illegal kickback or that anything was wrong or they had a personal interest in the company, which is what you think about usually when you're talking about an ethics violation," HSTA attorney Colleen Hanabusa said at a joint briefing Thursday before the House and Senate education committees. "There's none of that."

Wilbert Holck, HSTA's executive director, said, "We don't see it as a gift, necessarily, because I think if you talk to any teacher about planning a (field) trip to either the neighbor islands or to the mainland or to Europe, it takes months and months of work and this is not school time, this is their time. It's not like it's a vacation for them because the safety and the well-being of their students is their responsibility."

Hanabusa said lawmakers could help remedy the situation, which has resulted in dozens of school trips being canceled or postponed this year.

"Is this something that can be fixed legislatively? Of course it can be fixed legislatively, because it is the Legislature that establishes the code of ethics," said Hanabusa, a former state Senate president and congresswoman. "The best way to resolve this is either to clarify Chapter 84 (of the Hawaii Revised Statutes) as to what is or is not a prohibited gift and/or to expand what would be reported as a gift."

In response to the ethics advisory, the Board of Education last month came out with guidelines that it hoped would allow school trips to resume without running afoul of the law. The guidelines distinguish between school-sponsored trips and private travel, and require school-sponsored trips to conform to the state procurement code. Teachers can still travel free as chaperones on such trips, but cannot be involved in negotiating with travel companies.

Meanwhile, private travel would have to be arranged separately from the school by people acting in their private capacity without the use of state resources or facilities.

"When I heard the BOE recommendation ... all I could think of was, well, unless you're an athlete going on a team or a band, I'm not sure how else you can travel," said Sen. Michelle Kidani, chairwoman of the Senate Education Committee.

Kidani (D, Mililani-Waikele-Kunia) said after the briefing that she plans to introduce legislation in the upcoming session but isn't sure what form it will take.

"I just think it's sending the wrong message to everyone by denying our students the opportunity to have an educational trip," she said. "It just throws a wrench into something that should never have been looked upon as a gift to teachers. I still feel that, really, it's a teacher who is giving a gift of themselves to their students and parents who want their children to go on these kinds of trips."

Sunshine Topping, a mom of three, said her seventh-grade daughter was heartbroken when school officials called off a trip to San Francisco for the Kaimuki Middle School choir over uncertainties with the law.

"She was so excited and working so hard and practicing, and so to find out she couldn't go, she was crushed," Topping said. "We looked at other things. We looked at trying to fundraise for the teachers but, I think, for everyone it was just too new and they weren't clear on what could and couldn't be done."

She said she's hopeful a resolution can be worked out by next school year. "It was just so sad to see how devastated all the kids were," she said.

Rep. Takashi Ohno, vice chairman of the House Education Committee, said he'd prefer the teachers union and the Ethics Commission work out an agreement that would allow school trips to resume sooner.

"I want to see ongoing discussions between HSTA and the Ethics Commission," Ohno (D, Nuuanu-Liliha-Alewa Heights) said after the hearing. "We have a month and a half before session starts and if legislative action is needed I'm confident that the Legislature will get involved."

Sen. Sam Slom (R, Diamond Head-Kahala-Hawaii Kai) echoed the sentiment.

"All of us certainly support the Ethics Commission and ethics legislation but we've seen it in recent years — Lord knows there's plenty of ethical problems in the state — but they seem to go after the manini ones and the ones that have caused — where's the problem?" he said. "So I think we have something here that the Legislature ... should do something about this coming session."