

Honolulu, Hawaii

Ag-126 , 2010

RE: H.B. No. 2377  
H.D. 3  
S.D. 2  
C.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2377, H.D. 3, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to improve the accountability of Hawaii's public education system by requiring the members of the Board of Education (BOE) to be nominated and, with the advice and consent of the Senate, appointed by the Governor from pools of qualified candidates presented to the Governor by the Board of Education Candidate Nomination Commission.

Upon further consideration, your Committee on Conference has amended this bill by adopting the language of S.B. No. 2571, S.D. 2, H.D. 2. Your Committee on Conference has further amended this bill by, among other things:

HB2377 CD1 HCCR HMS 2010-3381



- (1) Changing the number of BOE members to 10, of whom nine are voting members who shall represent and reside in certain geographic areas, including six members from the City and County of Honolulu;
- (2) Changing the term of each member to three years, except in the case of the members who are initially appointed to BOE, whose terms shall be changed as follows:
  - (A) Three members shall serve one-year terms;
  - (B) Three members shall serve two-year terms; and
  - (C) Three members, including the BOE Chairperson, shall serve three-year terms;
- (3) Limiting members to serving no more than two consecutive three-year terms;
- (4) Clarifying that if the Senate is not in session after a member's reappointment and prior to the 120-day deadline by which the Senate shall have considered the question of the member's reconfirmation, the member shall continue to serve until the Senate takes final action on the reconfirmation when it convenes for the next regular session or the next special session during which the Senate is authorized to consider the question of reconfirmation;
- (5) Requiring the BOE Chairperson to be selected from amongst BOE's voting members;
- (6) Clarifying that at any time BOE has fewer than six voting members, the concurrence of three voting members is necessary to make any BOE action valid;
- (7) Clarifying that for the first and subsequent presentations of a list of qualified candidates to the Governor, the BOE Selection Advisory Council (Council) shall present a list of qualified candidates to the Governor for each vacant BOE seat as provided by law, with no fewer than two and no more than four qualified candidates for each seat;
- (8) Requiring the Council to present a list of qualified candidates to the Governor within 150 days prior to the expiration of a BOE member's term;



- (9) Deleting the requirement that the Council set appropriate minimum and maximum numbers of candidates to present to the Governor when there are more than three vacant BOE seats;
- (10) Clarifying that the members initially appointed to BOE shall not serve until five voting members are appointed and the elected BOE members are discharged from office;
- (11) Changing the membership of the Council as follows:
  - (A) Removing the parent appointed by the Hawaii State Parent Teacher Student Association;
  - (B) Removing the current public school teacher appointed by the Hawaii State Teachers Association;
  - (C) Removing the current public school student appointed by the Hawaii State Student Council;
  - (D) Removing the member appointed by the Hawaii Business Roundtable; and
  - (E) Including four members appointed by the Hawaii P-20 Council, of which two members shall be parents one of whom shall be a currently-serving school community council parent representative, one member shall be from the business or nonprofit community, and one member shall be an educator;
- (12) Disallowing individuals who are or have served as members of the Hawaii P-20 Council within the last two years immediately preceding the establishment of or a vacancy on the BOE Selection Advisory Council from being eligible to serve as members of the BOE Selection Advisory Council;
- (13) Limiting Council members to serving no more than two consecutive four-year terms;
- (14) Clarifying that Council members shall be entitled to reimbursement for expenses necessary for the performance of their duties;
- (15) Clarifying that the elected BOE members serving on the day of the enactment of the bill shall continue to serve until



the appointment of five voting interim BOE members, at which time the elected members are discharged from office;

- (16) Specifying that any vacancy occurring between the enactment of the bill and the discharge from office of all the elected BOE members, shall not be filled;
- (17) Clarifying that all employees serving BOE on the day of the enactment of the bill shall continue to be exempt employees of the Department of Education;
- (18) Changing the effective date to upon ratification of the constitutional amendments requiring BOE members to be appointed; provided that Part III of the bill shall take effect when the elected BOE members are discharged from office; and
- (19) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2377, H.D. 3, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2377, H.D. 3, S.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

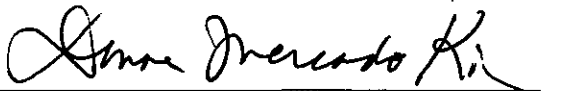
ON THE PART OF THE HOUSE



NORMAN SAKAMOTO, Chair



ROY TAKUMI, Co-Chair



DONNA MERCADO KIM, Co-Chair



JON RIKI KARAMATSU, Co-Chair



MARCUS R. OSHIRO, Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 2377, HD 3, SD 2	Date/Time: 4/23/10 4:17 pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

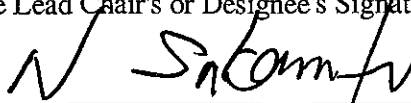
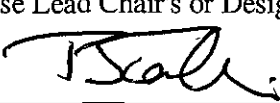
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
SAKAMOTO, Norman, Chr.	✓				TAKUMI, Roy M., Co-Chr.	✓			
KIM, Donna Mercado, Co-Chr.	✓				KARAMATSU, Jon Riki, Co-Chr.	✓			
GALUTERIA, Brickwood	✓				OSHIRO, Marcus R., Co-Chr.	✓			
					BERG, Lyla B.	✓			
					LEE, Marilyn B.	✓			
					NAKASHIMA, Mark M.	✓			
					CHING, Corinne W.L.				✓
TOTAL	3	0	0	0	TOTAL	6	0	0	1

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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Distribution:      Original      Yellow      Pink      Goldenrod  
 File with Conference Committee Report      House Clerk's Office      Senate Clerk's Office      Drafting Agency