

STAND. COM. REP. NO.

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Honolulu, Hawaii

JAN 26 2011

RE: S.B. No. 8
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Education, to which was referred S.B. No. 8
entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this measure is to implement the constitutional amendments to Article X, Section 2, of the Hawaii State Constitution that were adopted by the Legislature and ratified by the electorate in the 2010 general election. This measure statutorily requires the members of the Board of Education to be nominated and, with the advice and consent of the Senate, appointed by the Governor, and the intent of this measure is to expedite that process and respond to the voter mandate in a timely manner.

Your Committee received testimony in support of this measure from the Governor; the Office of Hawaiian Affairs; Hawaii Charter Schools Network; a member of the Board of Education; a member of the Kauai County Council; the Democratic Party of Hawai'i; Hawaii State Teachers Association; University of Hawaii Professional Assembly; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; The League of Women Voters of Hawaii; Hawai'i County League of Women Voters; Outrigger Enterprises Group; Kaneohe Ranch Management Limited; Fracturedpolitics; the Chairperson, Vice-Chair, and several members of the Hawaii State Student Council; two members of the Central District Student Council; two members of the Honolulu District Student Council; a member of the Maui District Student Council; several members of Mililani High School

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student government; as well as students from Aiea High School, Hilo High School, J.B. Castle High School, Kalaheo High School, Kaiser High School, Radford High School, Waiakea High School in Hilo, Saint Francis School; and five individuals.

Your Committee received testimony in opposition to this measure from four individuals.

Your Committee received comments on this measure from the Campaign Spending Commission and one individual.

Your Committee finds that in November 2010, the people of Hawaii voted decisively to change from an elected to an appointed Board of Education, with fifty-seven percent of the voters in support of this significant constitutional amendment. During the current legislative session, the Board of Education will be responding to new statewide educational initiatives, a proposed new biennium budget, and reform measures that may result from the Department of Education's successful application for federal "Race to the Top" funds. Given the importance of establishing a clear line of accountability for these initiatives and educational governance, your Committee believes that an expedited process is critical to establish the implementing procedures for the appointment of Board members.

Your Committee has received strong supporting testimony on this measure and your Committee appreciates both the support and the thoughtful comments presented by many testifiers. Whether in agreement with the proposed procedures in this measure or not, it is obvious to your Committee that everyone who testified is committed to improving public education in Hawaii.

Your Committee has considered a number of recommendations to amend this measure, some of which are incorporated in the amended measure, and some of which are addressed to the Governor in the implementation of the new procedures.

Specifically, your Committee has amended this measure to:

- (1) Clarify that the student member shall:
 - (a) Be a voting member, but shall not vote on personnel matters;



- (b) Meet the overall 2.0 grade point requirement established for student participation in co-curricular activities; and
 - (c) Be a student for the majority of either the first one-year or additional consecutive one-year term;
- (2) Broaden the issues for Senate consideration during the advice and consent process of the Governor's appointees, to include the families of students and the entire P-20 educational system;
 - (3) Delete the Hawaii State Student Council procedures regarding the selection or election of the student member of the Board; and
 - (4) Make technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee further notes that a question regarding the requirement that all Board members be registered voters should not be a concern, as any resident may register to vote at age sixteen. Your Committee believes that this requirement would ensure that the student member has reached an age and level of maturity necessary for participation in the deliberations of the Board.

Your Committee believes that several other commendable recommendations would be better addressed by the Governor during the appointment selection process. In the spirit of expressing the views of various stakeholders involved in our educational system, your Committee encourages the Governor to consider the following recommendations presented to the Committee:

- (1) Include among Board of Education members:
 - (a) Native Hawaiian representation to reflect the fact that approximately thirty percent of public school students are Native Hawaiian;
 - (b) Charter school representation to reflect the President of the United States' federal charter school initiatives;
 - (c) Large organization or business experience to reflect the concerns and needs of the Department of



Education and the substantial portion of the state budget under the control of the Department and Board; and

- (d) Parents or other family members of public school students to reflect the population most impacted by Board decisions; and
- (2) Continue to involve the Hawaii State Student Council in the selection of the student board member.

Finally, your Committee has not designated a specific date by which the Governor shall appoint all members of the Board of Education, as this is a matter for further legislative discussion. However, your Committee is in unanimous agreement that the appointments should be made in a timely manner in order to complete the requirement for Senate advice and consent in the current legislative session. As the Governor said in his State-of-the State address:

" [w]We need an immediate resolution to the appointed school board issue. ... I am already receiving applications and recommendations through the Governor's website that will allow me to move quickly. This is the clear will of Hawaii's people. I am prepared to act now."

The legislature has received a very clear message from the voters and the Governor. Your Committee believes that this is an unprecedented opportunity to change public education for the better, and passage of this measure is a fundamental first step.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 8, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 8, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committee on Education,



JILL TOKUDA, Chair



