

Honolulu, Hawaii

Feb 5, 2010

RE: H.B. No. 2376
H.D. 1

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

Sir:

Your Committee on Education, to which was referred H.B. No. 2376 entitled:

"A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION,"

begs leave to report as follows:

The purpose of this bill is to improve accountability with regards to Hawaii's public education system by proposing a constitutional amendment to Article X, Section 2, of the Hawaii Constitution, to:

- (1) Require the members of the Board of Education (BOE) to be nominated and, by and with the advice and consent of the Senate, appointed by the Governor from pools of qualified candidates presented to the Governor by the BOE Selection Advisory Council (Council); and
- (2) Give BOE the power to restructure the Department of Education (DOE) to ensure that it is decentralized in a manner to promote student growth and achievement and greater accountability, and monitor and protect student rights provided by law.

Hawaii's Children First testified in support of this bill. The Hawaii Association of Independent Schools, Hawaii Business Roundtable, and a concerned individual supported the intent of this measure. The Special Education Advisory Council and a

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concerned individual opposed this bill. The Governor's Administration, the Representative from the 32nd District, Hawaii Government Employees' Association, and many concerned individuals offered comments.

Your Committee has amended this bill by:

- (1) Removing language specifying the process by which BOE members shall be appointed, specifically, their appointment from pools of qualified candidates presented to the Governor by the Council;
- (2) Deleting the requirement that part of the BOE membership represent geographic subdivisions of the State; and
- (3) Deleting the constitutional amendment to:
 - (A) Restructure DOE to ensure that it is decentralized in a manner to promote student growth and achievement and greater accountability; and
 - (B) Monitor and protect student rights provided by law;
- (4) Changing the question to be printed on the ballot to read, "Shall there be a board of education whose members are nominated and, by and with the advice and consent of the senate, appointed by the governor, as provided by law?"; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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 H.B. No. 2376, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2376, H.D. 1, and be referred to the Committee on Judiciary.



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



ROY TAKUMI, Chair



