

STAND. COM. REP. NO.

3041

Honolulu, Hawaii

RE: APR 01 2010
H.B. No. 2376
H.D. 3
S.D. 2

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

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 2376, H.D. 3, S.D. 1, 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 measure is to amend the Hawaii State Constitution to provide for a Board of Education (Board) whose voting members will be appointed by the Governor, with the advice and consent of the Senate, from pools of qualified candidates presented to the Governor by the Board of Education Candidate Nomination Commission.

Written comments in support of the measure were submitted by one private organization and one individual. Written comments in opposition to the measure were submitted by the Administration and the Board. Written comments presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that, currently, the Board is tasked with the responsibility for the planning and policymaking for public schools within the State. These policies include minimum instruction time; criteria for hiring, licensing, training, evaluating, and rewarding teachers and principals; standards, assessments, and curriculum; and the manner in which resources are distributed among schools. These responsibilities are immense, particularly during times such as the present when resources for



the State are limited. Changing the Board from an elected board to an appointed board may result in more cohesive decisionmaking among the interested stakeholders to resolve these difficulties.

Your Committee notes, however, that comments received also expressed the dual concerns of the accountability and the independence of the Board, should members of the Board be appointed by the Governor rather than elected. Further, the process of selecting Board members may become more opaque as prospective members would be initially selected by the Board of Education Candidate Nomination Commission.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to facilitate further discussion regarding these concerns.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2376, H.D. 3, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2376, H.D. 3, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,

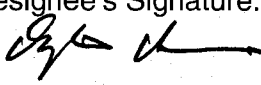


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2376, HD3, SD1	EDH, JGO	3/31/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)		✓		
TAKAMINE, Dwight Y. (VC)		✓		
BUNDA, Robert				✓
GABBARD, Mike				✓
NISHIHARA, Clarence K.		✓		
SLOM, Sam			✓	
TOTAL	0	3	1	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes