

Honolulu, Hawaii

Feb 26, 2010

RE: H.B. No. 2377
H.D. 3

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

Sir:

Your Committee on Finance, to which was referred H.B. No. 2377, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

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, by and with the advice and consent of the Senate, appointed by the Governor from lists of qualified candidates presented to the Governor by the Board of Education Selection Advisory Council (Council).

The Hawaii Association of Independent Schools, Hawaii Business Roundtable, and Hawaii's Children First testified in support of this bill. BOE and the Hawaii State Teachers Association opposed this measure. The Governor's Administration; and Hawaii Government Employees' Association, AFSCME Local 152, AFL-CIO offered comments.

Your Committee has amended this bill by, among other things:

(1) Changing the composition of BOE as follows:

(A) Reducing the number of voting members to seven;



- (B) Requiring six of the voting members to represent and reside in specific geographic areas of the state;
 - (C) Requiring the remaining voting member to be designated by the Governor to serve as BOE chairperson, rather than requiring BOE to elect its own chairperson; and
 - (D) Requiring the nonvoting student member to be subject to the same appointment and reappointment procedures as the voting members of BOE, rather than be selected by the Hawaii State Student Council;
- (2) Specifying the terms of the voting members initially appointed to each BOE seat as follows:
 - (A) Two members shall serve two-year terms;
 - (B) Two members shall serve three-year terms; and
 - (C) Three members, including the BOE chairperson, shall serve four-year terms;
 - (3) Clarifying that voting members who are initially appointed to terms of three years or less, rather than two years or less, may be reappointed to two ensuing, consecutive four-year terms;
 - (4) Clarifying that the student member may be reappointed for one additional, consecutive term;
 - (5) Clarifying that BOE shall select its vice chairperson from among its voting members, who shall serve as interim chairperson in the event the chairperson's seat becomes vacant, and until the Governor selects the nominee who shall serve as the interim chairperson, and deleting the specific term requirements for the vice chairperson;
 - (6) Deleting the requirement that BOE appoint a secretary;
 - (7) Changing the quorum requirements for BOE as follows:



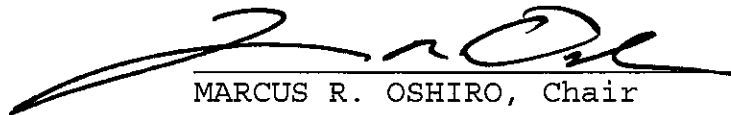
- (A) Specifying that a quorum to conduct business consists of a majority of all the voting members to which BOE is entitled;
 - (B) Requiring a majority of the members present and voting to make any BOE action valid; and
 - (C) Specifying that whenever BOE has fewer than six voting members, whether appointed or serving a term that has been extended until the interim members of BOE have been appointed, three voting members shall constitute a quorum to do business and to make any BOE action valid;
- (8) Requiring the Council to present candidates to the Governor for each vacant BOE seat within 30 days of convening its first meeting to initially appoint BOE members;
 - (9) Specifying that when there are more than three vacant BOE seats, the appropriate minimum number of candidates that must be presented to the Governor as determined by the Council shall be no fewer than two;
 - (10) Disallowing Council members from qualifying as candidates for vacant BOE seats;
 - (11) Specifying that the nominee selected by the Governor for each BOE seat to be filled, from the list of candidates submitted by the Council, shall serve as an interim BOE member until the appointed member has been appointed and confirmed by the Senate;
 - (12) Requiring interim BOE members to be appointed only on or after December 6, 2010;
 - (13) Repealing the statutory provisions regarding BOE community meetings;
 - (14) Clarifying that the terms of the elected BOE members serving on the effective date of the Act shall be extended until the interim BOE members have been appointed, then be terminated;



- (15) Changing the effective date to July 1, 2020; and
- (16) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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

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


MARCUS R. OSHIRO, Chair



