

STAND. COM. REP. NO.

991

Honolulu, Hawaii

MAR 31 2011

RE: H.B. No. 338  
H.D. 2  
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 H.B. No. 338, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose and intent of this measure is to establish the:

- (1) Student member of the Board of Education as a voting member of the Board;
- (2) Procedure by which the student member shall be appointed by the Governor, with the advice and consent of the Senate; and
- (3) Qualification requirements and term limits for the student member to the Board of Education.

Your Committee received testimony in support of this measure from the Board of Education, Hawaii State Teachers Association, Imua Alliance, and ninety-four students. Your Committee also received a petition in support of this measure containing two hundred twenty-two signatures. Your Committee received testimony in opposition to this measure from the League of Women Voters of Hawaii.

Your Committee finds that the Legislature recently passed and the Governor recently signed into law Act 5, Session Laws of



Hawaii 2011 (Act 5), which established a framework and appointment process for an appointed Board of Education. Act 5 provided for a limited student role on the Board of Education as a non-voting high school student representative.

Your Committee recognizes that the student member on the Board of Education provides the Board with a unique perspective and gives the student population direct representation on the Board. Your Committee believes that Hawaii's students are the primary stakeholders of the public education system and therefore should be represented by a Board member whose decisions in that capacity are equally weighted with those of other Board members, except in issues directly relating to personnel matters.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language to amend section 2 of Act 5, Session Laws of Hawaii 2011, by:
  - (A) Incorporating provisions of this measure that establish a public high school student as a voting member on the Board of Education and set forth the terms and conditions for the appointment of the student member by the Governor, with the advice and consent of the Senate; and
  - (B) Granting the student member voting rights on all issues except issues directly relating to personnel matters;
- (2) Making a conforming amendment to section 302A-447, Hawaii Revised Statutes, to disallow the Hawaii State Student Council to determine how the student member on the Board is selected;
- (3) Making this measure effective upon approval; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 338, H.D. 2, as amended herein, and recommends that it pass



Second Reading in the form attached hereto as H.B. No. 338,  
H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

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




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JILL TOKUDA, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Education**  
**EDU**

Bill / Resolution No.:*	Committee Referral:	Date:
HB 338 HD2	EDU	3-18-11
<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	
TOKUDA, Jill N. (C)	✓	
KIDANI, Michelle N. (VC)	✓	
CHUN OAKLAND, Suzanne	✓	
NISHIHARA, Clarence K.	✓	
TANIGUCHI, Brian T.		✓
SLOM, Sam	✓	
<b>TOTAL</b>	<b>5</b>	<b>0</b>
<b>0</b>	<b>0</b>	<b>1</b>
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
		Goldenrod Committee File Copy

\*Only one measure per Record of Votes