

STAND. COM. REP. NO.

2369

Honolulu, Hawaii

FEB 14 2014

RE: S.B. No. 2423
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Education, to which was referred S.B. No. 2423 entitled:

"A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the Department of Education to accept gifts or donations on behalf of the Department, individual schools, or school complexes and based on criteria established by the Board of Education; and
- (2) Allow schools and classes to participate in fundraising or charitable activities, in conjunction with a 501(c)(3) tax-exempt organization, under certain circumstances and based on criteria established by the Board of Education.

Your Committee received testimony in support of this measure from the Department of Education and Hawaii Association of Independent Schools. Your Committee received testimony in opposition to this measure from the Hawaii State Ethics Commission. Your Committee received comments on this measure from the Hui for Excellence in Education.

Your Committee finds that it is important that students and schools are able to partner with charitable community organizations to foster civic engagement and service learning.

2014-1305 SSCR SMA-1.doc



School or class participation in fundraising and charitable activities engages students and allows them to work alongside staff, parents, and community members to ensure long lasting and meaningful contributions to their schools, communities, and organizations.

Your Committee further finds that partnerships and project-based learning experiences like these are also aligned with the Board of Education's Policy 2109 (Character Education) and the Department of Education's community contributor general learner outcomes, and recognizes that teaching students to be ethical and moral citizens cannot be done through textbooks.

Your Committee notes that all employees of the Department of Education are subject to the State Ethics Code and all individuals and entities that contract, volunteer, or otherwise participate in activities with the Department of Education are held accountable under the Board of Education's Policy 1200-1.41 (Employee, Contractor, and Volunteer Ethics and Conflict of Interest Policy), which has recently been audited and reviewed.

Your Committee also notes that this measure allows classes and schools to participate in fundraising or charitable activities in conjunction with charitable organizations only when it is part of a school project that benefits student learning. In addition, this measure tasks the Board of Education to develop the proper criteria and guidelines that schools and classes must follow when participating in such activities.

Your Committee has amended this measure by:

- (1) Removing language authorizing the Department of Education to accept gifts or donations, as this is allowed in other sections of the Hawaii Revised Statutes (HRS);
- (2) Inserting language to require that charitable organizations with which a school or class may partner for fundraising and charitable activities be registered as a charitable organization under section 467B-2.1, HRS, or be exempt from registering under that section; and
- (3) 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 S.B. No. 2423, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2423, 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 N. TOKUDA, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Education
EDU

Bill / Resolution No.:* SB2423	Committee Referral: EDU, WAM	Date: 2-7-14		
<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)	✓			
GABBARD, Mike				✓
RUDERMAN, Russell E.				✓
SLOM, Sam	✓			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:right; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes