

STAND. COM. REP. NO.

2310

Honolulu, Hawaii

FEB 13 2014

RE: S.B. No. 2763
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. 2763 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require the Board of Education to allow public testimony on items not on a public meeting agenda if certain requirements are met.

Your Committee received testimony in support of this measure from the Special Education Advisory Council, Community Children's Council, Americans for Democratic Action, League of Women Voters, Hawaii State Teachers Association, and fourteen individuals. Your Committee received comments on this measure from the Board of Education and the Office of Information Practices.

Your Committee finds that the Office of Information Practices raised several concerns with this measure. First, while the Board of Education may allow testimony on items that are not on its meeting agenda, members of the Board of Education may not engage in any discussion of issues raised during this type of testimony without violating the Sunshine Law, chapter 92, Hawaii Revised Statutes. In addition, if public testimony is allowed on items that are not on a meeting agenda, other interested parties may not be present at the board meeting to hear what others have to say about a particular issue and will not be able to share their own views because they did not have any notice that a particular issue would be raised.

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Your Committee further finds that the Board of Education's community meetings may be a more appropriate venue for people to voice their opinions and concerns on a number of issues that may not be on the Board of Education's meeting agendas. Your Committee notes that while existing law requires the Board of Education to hold not less than one community meeting in each county annually, the Board of Education has conducted fifteen community meetings throughout the State over the last two years.

It should also be noted that during this same period, the nine volunteer members of the Board of Education have visited over two hundred schools, attended over four hundred stakeholder meetings statewide, and held one hundred sixty-nine committee and Board meetings. The Board of Education has also established "Chair Office Hours", which takes place twice a month, usually between 4:30 p.m. and 5:30 p.m. following the Board meetings, to allow individuals and Department of Education employees to express their concerns. In addition, the Board of Education has created an independent hotline with an audit trail so persons who wish to remain anonymous can voice their concerns anonymously.

Your Committee has amended this measure by:

- (1) Increasing the number of community meetings the Board of Education must hold annually from one per county to a total of six, provided that at least one meeting is held per county;
- (2) Placing the language requiring the Board of Education to allow public testimony on any matter not on the agenda in session law rather than codifying the requirement in the Hawaii Revised Statutes;
- (3) Clarifying that public testimony on matters not on the Board of Education's meeting agenda shall be placed at the end of the agenda;
- (4) Repealing the requirement that the Board of Education allow public testimony on any matter not on the agenda on June 30, 2019;
- (5) Requiring the Board of Education to report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2015 on its efforts

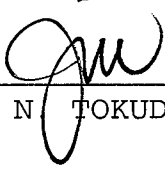


to amend its policies to include an open forum at the end of its meeting agendas; and

- (6) 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. 2763, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2763, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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.:*	Committee Referral:	Date:		
SB2703	EDU, JDL	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:center; 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