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**LATE TESTIMONY**

THE SENATE  
THE TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2014

COMMITTEE ON EDUCATION  
Senator Jill N Tokuda, Chair

4/9/2014  
Rm. 414, 1:15 PM

GM 706  
Board of Education, Gubernatorial Nominee  
DONALD HORNER

Chair Tokuda and Members of the Education Committee, my name is David W Carey, President and CEO of Outrigger Enterprises Group, doing business as Outrigger Hotels & Resorts.

I have known Don Horner for a number of years and have found him to be a conscientious and hard working member of the business community. I have worked with him as a member of the Hawaii Business Roundtable, especially on educational issues such as the Inter-Agency Working Group of a couple of years ago.

As a member of the Board of Education, I know that he will use his vast business knowledge and acumen to the benefit of the citizens of Hawaii, especially the children in the education system.

I fully support Mr. Horner and urge your support for him.

Mahalo for allowing me to testify.

## LATE TESTIMONY

Submitted by  
Nick LaCarra

SENATE COMMITTEE ON EDUCATION

Wednesday, April 09, 2014 @ 1:15PM in Conference Room 414

Aloha Senators,

Thank you for allowing me to testify in <sup>Strong</sup> opposition to Don Horner's re-appointment to the Hawaii State Board of Education.

In the past three years as Board Chair, Mr. Horner has transformed the Board meetings. They used to be lively, after-school and evening public forums, often held at different school cafeterias across the state, covering a wide variety of issues and community concerns.

The detailed agendas included Public Petitions and Community Input as well as Board Concerns. Parents, students, teachers, and members of the public were given a voice. Board members discussed issues at length and in public. Board committees generated written recommendations and reports. The business of the Board was conducted in public and televised.

Under Mr. Horner's leadership, the Board meetings are quite different. They are held exclusively in the Board's downtown office. Due to the Board's meeting times -- during school and work hours only -- there is rarely opportunity for public access and input.

When someone does come to a meeting to testify, the person is given a strict two-minute time limit and only allowed to testify on Board agenda items. If Mr. Horner disagrees with the testifier, he often scowls and shakes his head. Other Board members are not allowed to question or interact with the testifier or address the issue just raised. If the person testifying goes over two minutes, Mr. Horner cuts off the testimony. Once he called the sheriffs on a person who exceeded his time limit.

As members of the Senate Committee on Education, you may not know this. When you attend a Board meeting, you are not limited to two minutes. You are allowed to interact with Board members, ask questions and even get responses.

However you may recall being sent out in the hall by the Board. Until just last year, Mr. Horner prioritized the Executive Session over all other agenda items. Anyone attending a Board meeting had to sit in the hall for an hour or more, waiting for the public meeting to start.

Persistent complaints forced Mr. Horner recently to add public testimony to the beginning of the agenda, prior to the Executive Session.

So under Mr. Horner's leadership, public testimony is allowed ONLY at the beginning of the meeting and PRIOR to any reports or presentations. The Board's agendas are vague with very generic items. No supporting documents are provided prior to the meeting, not even for items to be voted on. Parents, students, teachers, and members of the community can only testify on an agenda item with no details provided.

The Board's agendas are so vague, they are meaningless. A recent discussion of the Pono Choices sex education program was listed simply as "student health and safety." Somehow, a number of critics of Pono Choices, many from Mr. Horner's New Hope church, knew that sex education was the actual topic and came to testify. Why wasn't "Pono Choices" or "Sex Education" mentioned on the agenda? This appears to be an attempt to control or limit the discussion to one viewpoint.

A discussion of the Farrington auditorium's roof collapse was listed on the agenda cryptically as "the Department's structural evaluation of facilities."

You may not know that Mr. Horner is a volunteer staff member at New Hope church, a licensed pastor for the International Church of the Foursquare Gospel, a member of the Hawaii Pastor's Roundtable, and involved with Transformation Hawaii. Mr. Horner did not disclose these affiliations prior to his appointment. These groups are anti-gay and oppose many of the values our public school are entrusted to teach Hawaii's children. They oppose marriage equality, the teaching of evolution, and the separation of state and church.

Mr. Horner's church was one of the largest users of public school facilities in the state of Hawaii, with at least two dozen New Hope and Foursquare Gospel churches meeting in our schools. According to news reports, these churches recently settled a lawsuit alleging they were underpaying or not paying full and proper amounts for rent and utilities.

Under Mr. Horner's leadership, the Board has not addressed these accusations of fraud or attempted to clarify policies or update rules. In his three years on the Board, the public use of school facilities has not

appeared on the agenda, despite legal requirements, considerable media attention, and requests from churches and members of the public.

In the fall of 2012, members of the Hawaii Pastors Roundtable and a number of churches -- including New Hope -- wrote to the Chair of the Board of Education requesting that public use of school facilities be addressed. They requested that rental fees be reduced, the five-year limit be removed, and that the administrative rules be changed.

In reply to a UIPA request, the Board claimed that no response was made to these churches. NO RESPONSE.

Either Mr. Horner ignored these letters or he provided a private response, without the input of other Board members or in violation of the sunshine laws. Either way, the churches got what they wanted. Within months and without due process, the Superintendent lowered the rental rates and removed the five-year limit on public use of school facilities. Rules changes, which require public hearings, have yet to be scheduled by the Board.

It appears that Mr. Horner conducts much of the Board's business in private, without consulting other Board members or informing the public, as required by law. The Board's agendas are created in secret. Requests by the public to have items added to the agenda have been denied. This is despite the fact that Board agendas are abbreviated, with only one or two action items, and that meetings last only one to two hours and are often skipped. In the past five months, the Board has skipped four general business meetings.

On a final note, Mr. Horner did not attend Hawaii public schools nor did he choose to send his children to Hawaii public schools.

Hawaii's statewide school system is the 10th largest in the United States and the people of Hawaii deserves better representation.

Mr. Horner should NOT be re-appointed to the Board of Education.