

Honolulu, Hawaii

MAR 23 2016

RE: H.B. No. 1713  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Education, to which was referred H.B. No. 1713, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ETHICS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Exempt certain Department of Education and public charter school employees from the State Ethics Code relating to gifts, gift reporting, and conflicts of interest when the employees are engaged in a non-publicly funded student educational trip; and
- (2) Require the Department of Education and State Public Charter School Commission to review any existing policy, procedure, or rule previously adopted for consistency and compliance within ninety days of the measure's effective date.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association, HE'E Coalition, IMUAlliance, and one individual. Your Committee received testimony in opposition to this measure from the State Ethics Commission, Common Cause Hawaii, and League of Women Voters of Hawaii.



Your Committee finds that educational trips to neighbor islands, the continental United States, and international destinations expand the horizons of Hawaii's students and provide opportunities for students to engage in real life experiences that promote critical thinking and collaborative problem-solving. Such trips enhance the curriculum learned in the classroom and are a great benefit to students not only in their academic careers, but throughout their lives.

Your Committee further finds that teachers often spend months planning these trips, ensuring that these educational opportunities are aligned with classroom lessons and the Department of Education's general learner outcomes. Much of the planning is done outside of the classroom, on teachers' own time. Once on these trips, which usually occur when teachers would otherwise be on vacation, the teachers are chaperoning students twenty-four hours a day, essentially volunteering their time so that students can benefit from these educational opportunities.

Teacher travel is sometimes, but not always, subsidized by tour companies. It should be noted that tour companies usually offer subsidized trips to many others who book large groups. For many teachers, without this assistance they would not be able to afford to provide these educational opportunities to Hawaii's students. However, while this has been common practice for nearly thirty years, the Hawaii State Ethics Commission issued Advisory Opinion No. 2015-1 finding that acceptance of any free travel was a violation of the State Ethics Code. This broad application ultimately resulted in the cancellation of trips that teachers, parents, and students had planned and fundraised for months, and sometimes years, in advance. Going forward, this Advisory Opinion has the unfortunate consequence of limiting opportunities for Hawaii's students to have educational experiences that bring classroom content to life.

Your Committee believes that it is imperative that Hawaii's students continue to have these educational opportunities. Coming from an island state, Hawaii's students cannot travel with the same ease and affordability as students on the mainland. Educational trips organized by teachers may be the only opportunity some students will ever have to see the world outside of Hawaii or even outside of their own island.

Your Committee notes that the Attorney General has issued AG Op. No. 15-2, which clarifies that the Legislature determines



the scope of the State Ethics Code and that while specific conduct may be exempted from the State Ethics Code, specific classes of employees may not.

As such, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 2425, S.D. 2, Regular Session of 2016, which permits state government employees to engage in extracurricular service and receive detached remuneration for the performance of the extracurricular service if certain conditions are met; and
- (2) Making it effective upon its approval.

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. 1713, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1713, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary and Labor.

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

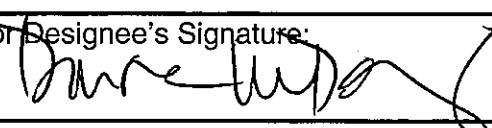


MICHELLE N. KIDANI, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

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

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1713, HD2	EDU, JDL	5/18/16		
<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
KIDANI, Michelle N. (C)	✓			
HARIMOTO, Breene (VC)				✓
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
KAHELE, Kaiali'i	✓			
RIVIERE, Gil	✓			
SLOM, Sam				✓
<b>TOTAL</b>	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b> Original                    Yellow                    Pink                    Goldenrod File with Committee Report                    Clerk's Office                    Drafting Agency                    Committee File Copy				

\*Only one measure per Record of Votes