

STAND. COM. REP. NO.

2175

Honolulu, Hawaii

FEB 12 2016

RE: S.B. No. 2425
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 S.B. No. 2425 entitled:

"A BILL FOR AN ACT RELATING TO ETHICS,"

begs leave to report as follows:

The purpose and intent of this measure is to ensure that Hawaii's students will be able to benefit from opportunities for educational travel by exempting acceptance of free travel for teachers that plan, organize, and serve as chaperones on certain types of student educational trips from certain provisions of the State Ethics Code.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii State Teachers Association, IMUAlliance, and eighteen individuals. Your Committee received testimony in opposition to this measure from the Hawaii State Ethics Commission.

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 experience that promote critical thinking and collaborative problem-solving. Such trips 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

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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.

Accordingly, your Committee has amended this measure by:

- (1) Adding language allowing, under certain circumstances, a state employee to engage in extracurricular service without violating part II of the State Ethics Code;



- (2) Adding language to clarify that a state employee may receive detached remuneration for the performance of extracurricular services; provided that certain criteria are met;
- (3) Adding definitions for "detached remuneration" and "extracurricular service";
- (4) Removing language exempting teachers who plan, organize, or serve as chaperones on student educational trips who receive a travel benefit, incentive, or gift from a tour or travel company from the gifts, fair treatment, and conflicts of interest provisions of the State Ethics Code; and
- (5) 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. 2425, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2425, 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



