

DAVID Y. IGE GOVERNOR

July 9, 2019

GOV. MSG. NO. 1373

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki, Speaker and Members of the House of Representatives Thirtieth State Legislature State Capitol, Room 431 Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith HB407 HD1 SD1 CD1, without my approval and with the statement of objections relating to the measure.

HB407 HD1 SD1 CD1

RELATING TO EDUCATION.

Sincerely,

DAVIDY-HEE

Governor, State of Hawai'i

EXECUTIVE CHAMBERS
HONOLULU
July 9, 2019

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 407

Honorable Members Thirtieth Legislature State of Hawai'i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning herewith, without my approval, House Bill No. 407, entitled "A Bill for an Act Relating to Education."

The purpose of this bill is to require Board of Education approval prior to the termination of a complex area superintendent.

This bill is objectionable because the Board of Education (Board) currently has the authority to act as an appellate body for certain employment actions, including actions to terminate complex area superintendents. This bill now inserts the Board into the termination process and it is unclear how an administrative appeal by a complex area superintendent would be addressed under this law.

For the foregoing reasons, I am returning House Bill No. 407 without my approval.

Respectfully,

Governor of Hawai'i

ORIGINAL

HOUSE OF REPRESENTATIVES THIRTIETH LEGISLATURE, 2019 STATE OF HAWAII

H.B. NO. H.D. 1

A BILL FOR AN ACT

RELATING TO EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. The legislature finds that increased community
- 2 input is valuable and necessary in helping to reshape public
- 3 education in Hawaii. The legislature further finds that in
- order for public school complex areas to truly take the lead in
- 5 delivering educational outcomes that are most effective for
- 6 their communities, more autonomy from the central offices of the
- 7 department of education is required.
- 8 The purpose of this Act is to require board approval prior
- 9 to the termination of a complex area superintendent.
- 10 Section 302A-604, Hawaii Revised Statutes, is SECTION 2.
- 11 amended to read as follows:
- 12 "§302A-604 Complex area superintendents. (a)
- 13 superintendent of education, with the approval of the board,
- 14 shall appoint complex area superintendents for schools.
- 15 complex area superintendents shall supervise the delivery of
- 16 administrative and instructional support services within their
- 17 respective complex areas, including:

H.B. NO. H.D. 1

1	(1)	Personnel, fiscal, and facilities support;
2	(2)	Monitoring of compliance with applicable state and
3		federal laws;
4	(3)	Curriculum development, student assessment, and staff
5		development services; and
6	(4)	Special education programs and special schools within
7		the complex area.
8	(b)	Approval by the board shall be obtained prior to the
9	terminati	on of a complex area superintendent. A complex area
10	superinte	ndent shall have adequate opportunity to present the
11	complex area superintendent's case to the board prior to the	
12	board's decision on the termination."	
13	SECT	ION 3. This Act does not affect rights and duties that
14	matured,	penalties that were incurred, and proceedings that were
15	begun bef	ore its effective date.
16	SECT	ION 4. New statutory material is underscored.
17	SECT	ION 5. This Act shall take effect upon its approval.

APPROVED this day of , 2019

GOVERNOR OF THE STATE OF HAWAII

HB407 CD1 HMS 2019-3965

HB No. 407, HD 1, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019 Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.

Run

Scott K. Saiki Speaker House of Representatives

This L. That

Brian L. Takeshita

Chief Clerk

House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 30, 2019 Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.

President of the Senate

Clerk of the Senate