



HAWAII STATE ETHICS COMMISSION

State of Hawaii · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawaii 96813

Committee: Committee on Judiciary
Bill Number: H.B. 615, H.D.3, S.D.1
Hearing Date/Time: March 28, 2019, 9:45 a.m.
Re: Testimony of the Hawai‘i State Ethics Commission with
COMMENTS ON H.B. 615, H.D.3, S.D.1, Relating to the Board of
Education

Dear Chair Rhoads, Vice Chair Wakai, and Committee Members:

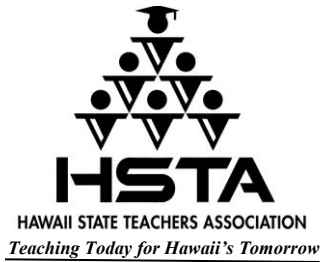
The Hawai‘i State Ethics Commission (“Commission”) does not take a position as to the addition of a representative from Bargaining Unit 5 (“BU5”) to the Board of Education (“BOE”), except as it relates to the applicability of the Ethics Code, Hawai‘i Revised Statutes (“HRS”) chapter 84, to that representative. The Commission supports the proposed language that appears at page 3, lines 12-14 of this measure.

The Conflicts of Interests law, HRS § 84-14, generally prohibits state employees (including board and commission members) from taking official action that affects their financial interests; as such, the Conflicts of Interests law would typically prohibit a state employee from participating in discussions affecting that employee’s salary and benefits. However, my colleagues and I believe that the exception to this law – the “particular qualifications” exception of HRS § 84-14(a) – would likely allow the non-voting BU5 representative to participate in BOE discussions regarding teachers’ salaries and benefits generally. The BU5 representative would still be required to recuse her- or himself on any matters that “directly and specifically” affect the BU5 member her- or himself, but would not be prohibited from participating in discussions regarding teacher salaries as applied to all BU5 members generally. The language at page 3, lines 12-14 makes clear that the BU5 representative to the BOE would still be subject to the State Ethics Code, but the “particular qualifications” exception will ensure that the BU5 member can participate in BOE discussions per the Legislature’s intent.

Thank you for your continuing support of the Commission’s work and for considering the Commission’s testimony on H.B. 615, H.D. 3, S.D.1.

Very truly yours,

Daniel M. Gluck
Executive Director and General Counsel



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TESTIMONY BEFORE THE SENATE COMMITTEE ON JUDICIARY

RE: HB 615, HD3, SD1 - RELATING TO THE BOARD OF EDUCATION

THURSDAY, MARCH 28, 2019

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Rhoads and Members of the Committee:

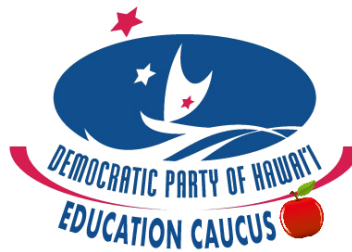
The Hawaii State Teachers Association **strongly supports HB 615, HD3, SD1** relating to the Board of Education.

Teacher voice matters. Too often, educational governance decisions are made without the input of the hardworking public school teachers in Hawai'i, who are responsible for crafting our children's future. Yet, teachers are expected to carry out these decisions, each day, without fail and without being paid the professional salaries earned by their mainland peers.

Already, the Board of Education has nonvoting members representing the military community and the student community. Both members—currently Col. Peter Santa Ana from as the board's military liaison as well as David Texeria, a senior from Kauai High School, as the board's student representative—provide valuable insight into the experience of their constituencies with the public school system. Teachers, too, should be heard on matters ranging from curriculum development to testing to school funding. **Policymakers often talk about improving learning conditions at the “classroom level.” No one is better equipped to discuss those conditions than the teachers who are tasked with managing the classroom experience.**

The teacher member, of course, would recuse themselves from any conversation regarding contractual or specific personnel issues, just as the military liaison and student excuse themselves. These are standard operating procedures pursuant to Hawai'i Revised Statutes.

To empower teacher voice in educational leadership, the Hawaii State Teachers Association asks your committee to **support** this bill.



LATE

HOUSE BILL 615, HD 3, SD 1, RELATING TO THE BOARD OF EDUCATION

MARCH 28, 2019 · SENATE JUDICIARY COMMITTEE
· CHAIR SEN. KARL RHOADS

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus supports HB 615, HD 2, SD 1, which amends the Board of Education membership by inviting the exclusive representative for bargaining unit (5) (teachers and other personnel of the Department of Education) to appoint a nonvoting public school teacher representative to the Board.

Empowered teachers are excellent educators. Yet, too often, teachers are omitted from educational policymaking. When teachers' voices are silenced, the views of the hardworking educators charged with shaping our children's minds and leading Hawai'i's classrooms are absent from discussions about how policy decisions impact classroom learning.

Already, the BOE hosts a military liaison and a student representative, both of whom are nonvoting members who wield considerable influence in board debates. They are critical thinkers, quick to question departmental initiatives that undermine student achievement and steadfast in their support of better schools. Likewise, teachers should have the opportunity to have a representative articulate their views on, for example, student assessment or school funding, since they are ultimately responsible for directly implementing the board's decisions and know best what's needed to strengthen their classroom experiences and inspire their children to succeed.

LATE

HB-615-SD-1

Submitted on: 3/27/2019 7:59:20 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Democrats Legislative Priorities Committee	Support	No

Comments:

LATE

HB-615-SD-1

Submitted on: 3/27/2019 11:42:42 AM
Testimony for JDC on 3/28/2019 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David Negaard	Individual	Support	No

Comments:

Aloha Chair Rhoads and esteemed committee members

My name is David Negaard. I am a proud public school teacher at Henry Perrine Baldwin High School in the Baldwin Complex on Maui. **I testify in support of HB615 HD3 SD1 to make a place at the table of the Board of Education for Hawai'i's beleaguered educators.**

I teach English and STEM at Henry Perrine Baldwin High School on Maui, and I am actively engaged in the policies and politics of education. In my years teaching in Hawai'i I have seen how much the BoE would benefit from the voice of a practicing teacher as they make decisions that may profoundly affect public education. A governor may appoint board members who have a heart for public education, but without the experience that teachers have to share, the board's good faith deliberations and decisions may be counterproductive or even destructive.

No one is more invested in good outcomes for our keiki than teachers, and we want to help, to contribute, to make things better for them. We have ideas, we have knowledge and insight, we have both personal and institutional experience with what works, and we know how our own circumstances—sometimes poor working conditions, inconsistent and sometimes adversarial leadership, and exhaustion caused by a heavy workload and the necessity of having to work multiple jobs to supplement inadequate compensation—affect our students' experience. We deserve to be a part of the team working to make things better.

We are rightly encouraged to include student voice in decisionmaking that affects student learning. The BoE has a non-voting student member already *because* student voice matters. But BoE decisions also affect teacher teaching. Given that principle, surely teacher voice matters, too?

This is a good first step toward acknowledgement that teachers are in fact experts in the field of education, and deeply vested in its practice and outcomes. Support this bill and take this step.

David Negaard, Maui

HB-615-SD-1

Submitted on: 3/27/2019 12:56:19 PM

Testimony for JDC on 3/28/2019 9:45:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Osa Tui, Jr.	Individual	Support	No

Comments:

The implementation plan for the current BOE/DOE Strategic Plan involves engaging in targeted work around three high impact strategies: school design, student voice, and teacher collaboration.

At the table with the appointed members of the Board of Education sits the DOE Superintendent to discuss school design. At the table is also a non-voting student member to bring the student voice. The last representative at the table is the non-voting military liaison - someone who does NOT bring teacher collaboration into the conversation.

When we think about who in our public schools are working closest with our keiki, it is our teachers who go above and beyond to make a positive difference in their lives while diligently carrying out the policies and directives from the BOE and the DOE. To think that teachers don't have something valuable to add to the conversation while a military liaison does is nonsensical.

Let's give the phrase "teacher collaboration" more than just lip service without voice. Allow teachers to bring their dedication and expertise to table and give them a true and respected voice at the Board of Education.

Mahalo!

HB-615-SD-1

Submitted on: 3/27/2019 3:34:50 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Russo	Individual	Support	No

Comments:

Dear Honorable Committee Men and Women, Senators and Representatives,

Please support this measure. It is critically important that a non voting public school teacher be included in this capacity.

I humbly ask that you vote yes and support this measure

Susan A. Russo

HB-615-SD-1

Submitted on: 3/27/2019 3:41:15 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Mandado	Individual	Support	No

Comments:

Aloha Members of the Committee,

I'm in full support of HB 615. The Board of Education (BOE) creates policies that impact our schools, children, and teachers. It's important that we have the representation and voice of current public school teachers to have input in educational policy. With the approval of this legislation, teachers will have a say to issues that surround our public schools and look for solutions to improve them.

Mahalo,

Ryan Mandado