

**STATE OF HAWAII
BOARD OF EDUCATION**
P.O. BOX 2360
HONOLULU, HAWAII 96804

**Senate Committee on Education
Senate Committee on Public Safety, Intergovernmental, and Military Affairs**

Monday, February 4, 2019
2:45 p.m.
Hawaii State Capitol, Room 229

Senate Bill 587, Relating to the Board of Education

Dear Chairs Kidani and Nishihara, Vice Chairs Kim and Wakai, and Members of the Committees:

The Board of Education ("Board") supports the intent of SB 587 but has comments. SB 587 would require the Board hold at least two community meetings each year in each county to receive public input on public education and public library issues and would allow the meetings to be held for the purpose of formulating educational policy.

One of the Board's strategic priorities for the 2018-2019 school year relates to communication and engagement. The Board supports measures that 1) support informed decision-making and priority setting through thoughtful and intentional engagement with stakeholders, and 2) improve transparency and access to information to encourage an informed and engaged community of citizens.

The Board believes community meetings improve the public's access to the Board and provide the Board with more information from the community to help in its decision-making and priority setting. This belief is reflected in its bylaws,¹ which require it to hold no less than six community meetings annually, including at least one in each county. While the Board has not received any requests from the community for more community meetings, if such a desire exists, an alternative to legislation for the Legislature and Board to consider is an amendment to the Board's bylaws.

This measure also removes a statutory restriction to allow the Board to hold community meetings for the purpose of formulating educational policy. Even with the removal of that restriction, for the Board to formulate educational policy—that is, to vote on the adoption of new or amendment or repeal of existing educational policy—it would still need at least five Board members present, pursuant to Sunshine Law, which is effectively no different from a regular

¹ Available at: [http://boe.hawaii.gov/Documents/BOE%20Bylaws%20\(07-18-2017\).pdf](http://boe.hawaii.gov/Documents/BOE%20Bylaws%20(07-18-2017).pdf)

business meeting of the Board. The Committees should note that the Board already holds at least four evening business meetings annually, typically out in the community on Oahu with the hope to expand to the neighbor islands soon.

Thank you for this opportunity to testify on behalf of the Board.

Very truly yours,

Catherine Payne
Chairperson, Board of Education
Chairperson, 2019 Legislative Ad Hoc Committee

OFFICE OF INFORMATION PRACTICES

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To: Senate Committees on Education and on Public Safety,
Intergovernmental, and Military Affairs

From: Cheryl Kakazu Park, Director

Date: February 4, 2019, 2:45 p.m.
State Capitol, Conference Room 229

Re: Testimony on S.B. No. 587
Relating to the Board of Education

Thank you for the opportunity to submit testimony on this bill, which would require the Board of Education to hold no less than two community meetings each year. The Office of Information Practices (OIP) has no objection to increasing the number of community meetings and takes no position on this bill, but has concerns about a confusing exemption from portions of the Sunshine Law, part I of chapter 92, and an alternative form of notice that appears to be based on outdated Sunshine Law notice requirements. As these confusing portions are part of the existing law, your Committee may wish to take this opportunity to correct them.

On page 1 lines 11-12 of the bill is an exemption for community meetings held by the Board of Education from sections 92-2.5, -7, and -9, Hawaii Revised Statutes (HRS), the Sunshine Law provisions allowing “permitted interactions” for board members to discuss board business outside a meeting in limited circumstances, requiring public notice of every meeting, and requiring a board to keep minutes. (The language also exempts community meetings from section 92-41, HRS, a provision outside the Sunshine Law requiring a government

agency to give notice of a public hearing on a proposed action in every affected county. As this provision is outside OIP's jurisdiction, OIP takes no position on the exemption from it.) OIP testified to its concerns with these exemptions at the time they were created, and continues to have concerns.

The exemption from section 92-2.5, HRS, which allows permitted interactions between board members, is confusing because that provision only applies at times when the relevant board is **not** in a meeting, so it is not clear what the effect would be of saying that a board's members cannot use a permitted interaction to speak to one another about board business outside a meeting while in a meeting. On its face, the exemption seems meaningless. It could perhaps be interpreted as meaning that members cannot use a permitted interaction to speak to one another outside a meeting during the time shortly before or after a community meeting, but in that case it would be better to clearly state the period during which the members are not allowed to use permitted interactions to speak to one another about board business outside a meeting rather than leave it to interpretation. **Alternatively, if it is not this Committee's intent to prevent board members from discussing board business outside a meeting in a manner otherwise permitted under section 92-2.5, HRS, OIP recommends that this Committee delete the exemption from section 92-2.5.**

The exemptions from the requirement to give public notice of the community meeting (section 92-7, HRS) and to keep minutes of the meeting (section 92-9) are more straightforward to interpret. **However, the alternative form of public notice set out from page one, line 13 through page 2, line 2 appears to be based on the Sunshine Law's notice requirements as they existed prior to July 1, 2018. The alternative notice also leaves out any requirement to notify persons on the board's regular mailing or email lists**

to receive notices of meetings, so those members of the community who rely on that to be notified of meetings may not know about a community meeting. It is not clear what the purpose is of creating an alternative notice requirement for these community meetings, and OIP questions the value of replacing the usual method of providing public notice of a meeting with a slightly different method for community meetings. It is also unclear how anyone not present at a community meeting can find out what was discussed there when **there is no requirement to take minutes or otherwise record it.**

If the intent of this Committee is to allow the board members to address anything raised by the members of the public at a community meeting regardless of whether it was on an agenda, and to allow board members and others not present to learn what the public had to say while still accommodating what may be a more free-wheeling style of discussion, a more effective approach would be to exempt the community meetings only from the requirement to include an **agenda** in the public notice, not from the entire notice requirement, and to require **videotaping** the meeting if it is exempted from the minutes requirement. The following language would accomplish this:

“The community meetings shall be exempt from the requirement to include an agenda when providing notice under section 92-7, and shall be exempt from section 92-9, provided that the board shall videotape the community meeting and shall make the videotape available at the next regular meeting.”

Thank you for the opportunity to testify.



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TESTIMONY BEFORE THE SENATE COMMITTEES ON
EDUCATION &
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

RE: SB 587 - RELATING TO THE BOARD OF EDUCATION

MONDAY, FEBRUARY 4, 2019

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

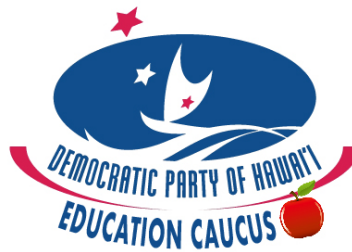
Chair Kidani, Chair Nishihara and Members of the Committees:

The Hawaii State Teachers Association **supports SB 587**, that would require that the Board of Education hold at least two community meetings each year in each county to receive public input on public education and public library issues. Removes restriction on community meetings to allow the meetings to be held for the purpose of formulating educational policy.

The Hawaii State Teachers Association is the exclusive representative of the state's 13,700 public school teachers. As the local affiliate of the 2.2 million member National Education Association. This measure would require the Board of Education to hold two community meetings in each of the counties.

This requirement of the Board of Education to hold community meetings will help remove the barrier of parents, students, community members and teachers from participating in their meetings. Greater access to the Board of Education is paramount for the members being able to hear the concerns of the people they were appointed to serve.

The Hawaii State Teachers Association asks your committees to **support** SB 587.



SENATE BILL 587, RELATING TO THE BOARD OF EDUCATION

FEBRUARY 4, 2019 · SENATE EDUCATION
COMMITTEE · CHAIR SEN. MICHELLE N. KIDANI

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus supports SB 587, relating to the Board of Education, which requires the BOE to hold at least two community meetings each year in each county to receive public input on public education and public library issues and removes restrictions on community meetings to allow the meetings to be held for the purpose of formulating educational policy.

Education is everyone's issue. Providing a quality education to all of Hawai'i's keiki involves collaboration among multiple stakeholders, including teachers, administrators, parents, and community members. Too often, though, stakeholder concerns are silenced by the BOE, which typically holds meetings during the daytime in downtown Honolulu and only discusses matters prioritized by the Department of Education, in consultation with board members.

Hosting additional community meetings on neighbor islands would increase stakeholder feedback from residents of remote communities. Big Island parents and teachers could discuss the impact of the Kilauea eruption on local schools, for example, and assist board members in creating strategies to mitigate the effects of vog on classroom climates. That said, we **note that the BOE may require additional funding for travel to fulfill this measure's requirements.**



LATE

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COMMITTEE ON EDUCATION
and
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Monday, February 4, 2019, 2:45 pm, Conference Room 229
SB 587 RELATING TO THE BOARD OF EDUCATION

TESTIMONY

Janet Mason, Legislative Committee, League of Women Voters of Hawaii

Chair Kidani, Vice-chair Mercado Kim and Education Committee Members; and,

Chair Nishihara, Vice-chair Wakai, and Public Safety, Intergovernmental and Military Affairs Committee Members

The League of Women Voters of Hawaii strongly supports SB 587 that would require the Board of Education to hold at least two meetings each year in each county to receive public input on public education and public library issues. Removes restriction on community meetings to allow the meetings to be held for the purpose of formulating educational policy.

The League supports the public's rights and interest concerning the administration, policy setting and budget making for our statewide school system; this is important whether we have an elected or appointed Board of Education. We believe the proposed measure is consistent with Chapter 92 Section 302A-124 HRS and the Board's By-Laws.

We support the board holding no less than six community meetings annually, to discuss and receive input from the community on public education and public library issues; provided that the board shall hold at least one community meeting in each county.

Now, the public is permitted to testify at Full Board of Education meetings, but only for items that already appear on the agenda, which has been set by the Board in advance of the meeting. We request this bill be amended, as necessary, so it is clear that every meeting of the full Board would have an agenda item titled "Open Forum" or "Community Items," so that the Board routinely solicits public proposals for future agenda items. This would permit greater transparency because minutes of the Board meeting would include the proposed agenda items that had been suggested.

At a subsequent Board meeting the full Board could then act on any open "Community Items." Making decisions on suggested items at the subsequent meeting would guarantee that the suggested items appeared on the public agenda for this meeting, when the Board could make decisions on suggested items. While this would not guarantee inclusion on the agenda of the items proposed by the public under the 'Open Forum' or 'Community Items' area, it would create a venue for the public to present suggestions of items for discussion.



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We support the Board's current instructions for submitting written testimony and testifying in person at Board meetings and do not believe the proposed change would interfere with the general business of the Board.

We urge you to pass this bill. Thank you for the opportunity to submit testimony.

SB-587

Submitted on: 2/1/2019 1:53:17 PM

Testimony for EDU on 2/4/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lanaly Cabalo	Individual	Support	No

Comments:

SB-587

Submitted on: 2/1/2019 3:02:21 PM

Testimony for EDU on 2/4/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

SB-587

Submitted on: 2/2/2019 10:27:19 AM

Testimony for EDU on 2/4/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kehaulani Shintani	Individual	Support	No

Comments:

SB-587

Submitted on: 2/2/2019 2:46:05 PM

Testimony for EDU on 2/4/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Support	No

Comments:

The other islands have been at a disadvantage because the BOE almost always meets on O`ahu at their offices. Until recently, they did not even video broadcast the meetings. If we are going to look at equitable opportunities for all, it is imperative that the BOE travel to other islands.