



HAWAI'I STATE ETHICS COMMISSION

State of Hawai'i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai'i 96813

Committees: Committee on Lower & Higher Education
Committee on Labor
Bill Number: H.B. 2752
Hearing Date/Time: February 6, 2020, 2:00 p.m.
Re: Testimony of the Hawai'i State Ethics Commission with COMMENTS
on H.B. 2752, Relating to the Board of Education

Chair Woodson, Vice Chair Hashem, Vice Chair Quinlan, and Committee Members, and
Chair Johanson, Vice Chair Eli, 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.

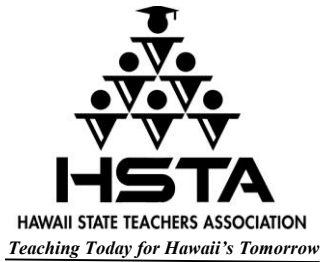
The Conflicts of Interests law, HRS § 84-14, generally prohibits state employees (including board and commission members) from taking official action that affects their financial interests; as such, the Conflicts of Interests law would typically prohibit a state employee from participating in discussions 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.

Previous iterations of this measure (such as H.B. 615) had, at times, included language making clear that the BU5 representative is subject to HRS chapter 84; while this language can be a helpful reminder of the applicability of the Ethics Code, we do not believe it is necessary to include this language.

Thank you for your continuing support of the Commission's work and for considering the Commission's testimony on H.B. 2752.

Very truly yours,

Daniel Gluck
Executive Director and General Counsel



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TESTIMONY BEFORE THE HOUSE COMMITTEES ON
LOWER & HIGHER EDUCATION and LABOR & PUBLIC EMPLOYMENT

RE: HB 2752 - RELATING TO THE BOARD OF EDUCATION

THURSDAY, FEBRUARY 6, 2020

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Woodson, Chair Johanson, and Members of the Committees:

The Hawaii State Teachers Association **strongly supports HB 2752**, relating to the Board of Education.

Teacher voice matters. Too often, educational governance decisions are made without the input of the Hawai'i's hardworking teachers, 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, the board's military liaison as well as the student member on the board—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.

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



HOUSE BILL 2752, RELATING TO THE BOARD OF EDUCATION

FEBRUARY 6, 2020 · HOUSE EDUCATION
COMMITTEE AND HOUSE LABOR AND PUBLIC
EMPLOYMENT COMMITTEE · CHAIRS REP. JUSTIN
H. WOODSON AND REP. AARON LING JOHANSON

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus supports HB 2752, relating to the board of education, which requires the board of education to invite 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.

HB-2752

Submitted on: 2/4/2020 6:26:07 PM

Testimony for LHE on 2/6/2020 2:00:00 PM

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

Comments:

Since the entire BOE is appointed by the Governor (we really need to go back to a voted board), this will be a welcome, educational contribution.



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

LATE

Date: 02/06/2020

Time: 02:00 PM

Location: 309

Committee: House Lower & Higher
Education

House Labor & Public Employment

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: HB 2752 RELATING TO THE BOARD OF EDUCATION.

Purpose of Bill: Requires the board of education to invite 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.

Department's Position:

The Department of Education ("Department") opposes HB 2752 for the following reasons:

- 1) Permitting the Hawaii State Teachers Association (HSTA), as the exclusive representative for bargaining unit (BU) 5 public school teachers, to appoint a public school teacher to the board will open the door for the other exclusive representatives, with members who are employed by the Department and servicing students' needs, to seek representation on the board. For example, the Hawaii Government Employees Association (HGEA) is the exclusive representative for BU 6, which consists of principals, vice-principals, and other educational officers. HGEA is also the exclusive representative for various student service support personnel such as educational assistants, speech pathologists, school level and district psychologists, among others in BU 3 and 4. Both HGEA and United Public Workers (UPW) are the exclusive representatives for numerous civil service personnel who also provide services to students including school health assistants, audiologists, behavioral health specialists, occupational therapists, physical therapists, cafeteria workers, educational interpreters, etc., which encompass HGEA BUs 3, 4, 9, and 13, and UPW BUs 1 and 10.
- 2) Historically, the Board of Education has had representation from former teachers, principals, and/or educational advocates, both during the time of the elected and appointed board.
- 3) Allowing HSTA to appoint a BU member teacher, even though non-voting, gives HSTA

greater influence, especially pertaining to policies that affect wages, working conditions, performance evaluations, and other matters directly impacting teachers. HSTA, as the exclusive representative of teachers, already has the authority, duty, and obligation to represent teachers in connection with such matters, whether it is at the bargaining table or in other forums.

4) Teachers, HSTA, and others are already provided an opportunity to address the board during public testimony, both written and verbal.

5) The appointment of a teacher, especially a classroom teacher, will result in students being taught by substitute teachers during those days that the classroom teacher is absent and attending board hearings, retreats, and other meetings involving board matters.

6) There is an inherent conflict between the Board of Education as the “employer” and a teacher as a “subordinate employee.”

For the reasons above, the Department respectfully opposes HB 2752.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.

LATE

HB-2752

Submitted on: 2/5/2020 7:53:48 PM

Testimony for LHE on 2/6/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	No

Comments: