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## TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION

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

MONDAY, MARCH 18, 2019

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Kidani and Members of the Committee:

The Hawaii State Teachers Association **strongly supports HB 615, HD3** 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.



## HAWAII STATE ETHICS COMMISSION

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

Committee: Committee on Education  
Bill Number: H.B. 615, H.D.3  
Hearing Date/Time: March 18, 2019, 2:45 p.m.  
Re: Testimony of the Hawai'i State Ethics Commission with  
**COMMENTS ON** H.B. 615, H.D.3, Relating to the Board of Education

Dear Chair Kidani, Vice Chair Kim, 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 opposes the proposed language that appears at page 3, lines 12-14 of this measure, and respectfully suggests that this language be removed or amended.

The Commission has offered comments on the previous versions of this measure, and its previous testimony may have taken an overly restrictive review of the "particular qualifications" exception to the Conflicts of Interests law, HRS § 84-14(a). Upon further discussion, my colleagues and I believe that 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. 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.

Additionally, the language of the H.D.3 is confusing, insofar as it is unclear what is meant by the phrase "taking any official capacity" (page 3, line 14). Furthermore, as written, the language of H.D.3 could be read as exempting all BOE members' attendance at meetings and participation in BOE discussions from the entirety of the Conflicts of Interests law. Even if this language applies only to the new BU5 representative, however, the Commission opposes the language at page 3, lines 12-14.

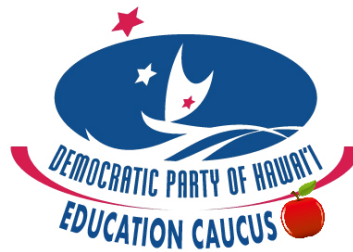
The House Committee on Judiciary amended H.B. 615, H.D. 2 to clarify that the Conflicts of Interests law applies to the non-voting member of BU5. The Commission believes this amendment is appropriate and helps ensure that the highest level of ethical conduct in state government. The Commission respectfully requests that this Committee reinstate the language that appears in the H.D.2 regarding the applicability of the Ethics Code, or, alternatively, requests that the language at page 3, lines 12-14 be deleted entirely.

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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.

Very truly yours,

Daniel M. Gluck  
Executive Director and General Counsel



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

MARCH 18, 2019 · SENATE EDUCATION  
COMMITTEE · CHAIR SEN. MICHELLE N. KIDANI

**POSITION:** Support.

**RATIONALE:** The Democratic Party of Hawai'i Education Caucus supports HB 615, HD 2, 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.