



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

Testimony of **Ford Fuchigami**
Administrative Director, Office of the Governor

Before the
Senate Committee on Education
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
February 4, 2019
2:45 p.m., Conference Room 229

In consideration of
House Bill No. 171
RELATING TO EDUCATION

Chair Kidani, Chair Nishihara, Vice Chair Kim, Vice Chair Wakai and committee members:

Thank you for the opportunity to provide comments in Opposition for **Senate Bill 171**. This bill creates a county education task force to establish a process to transfer jurisdiction of all public schools, public education functions and funding from the state to the county in which the public school is located, provided that the county has a population greater than five hundred thousand.

Article X of the Constitution of the State of Hawaii sets forth the following:

Section 1. The State shall provide for the establishment, support and control of a statewide system of public schools free from sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor.

Thus, the process to transfer jurisdiction of public schools to a county would require at the outset a constitutional amendment followed by statutory changes.

Under this bill, an education task force would devise a plan to create a separate county educational system with its own county department of education, county superintendent of education, and county or local school boards. This would result in the State of Hawaii having two educational systems, one for the City and County of Honolulu and one for the neighbor islands, with two departments of education, two superintendents, and two or more school boards. Each department would need to be prepared to comply with all of the complexities of federal education laws and reporting requirements. The new educational system would need to create a duplicate infrastructure to administer



EXECUTIVE CHAMBERS

HONOLULU

personnel, purchasing, construction projects, finances, etc. This model may also result in each educational system being required to separately negotiate each bargaining union contract.

These are a few of the complicated issues that the task force would need to analyze and evaluate to ensure that the benefits of such a transfer outweigh the costs and that our keiki would be better served by the transfer.

We appreciate your attention and will be available to answer your questions, should you have any at this time.



**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 171, Relating to Education

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

The Board of Education ("Board") would like to testify in opposition to SB 171, which would create a county education task force to establish a process for the transfer of jurisdiction over all Oahu public schools, including all state public education functions and funding, from the State to the City and County of Honolulu.

The Board does not support proposed legislation that would prevent or hinder the Board or the Department of Education from addressing their Strategic Priorities for School Year 2018-2019 ("Strategic Priorities"). This measure fits the criterion, as it would result in a task force with a mission to break the statewide public school system—including the public school students, public education professionals, and public education resources—into two. It is unclear how this serves the interest of all students and the public.

SB 171 runs counter to the Strategic Priority of equity and access, which seeks to ensure that "the appropriate policies, structures, and resources are in place to guarantee the advancement of access and support structures that allow all students to engage in learning through the core curriculum design." A statewide system ensures equitable and fair resources across all schools, a feature of which Hawaii has long been proud. Splitting up the system into multiple school districts has the potential to erode equity for our schools and students, likely hurting our least affluent and most vulnerable populations the most, as demonstrated in so many other states across the nation.

This measure could also lead to greater inefficiencies and decreased economies of scale that we enjoy in our unitary statewide system, hampering progress in addressing the other Strategic Priorities. Divided resources and support could potentially make it more costly to address school facilities needs or design student-centered schools. Rather than focusing on addressing the

teacher shortage issue holistically at the statewide level, multiple in-state districts might compete for each other's teachers.

These are just a few examples of the potential but significant impacts SB 171 could have on the public education system and our students. Therefore, we urge the Committees not to pass this measure.

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



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

Date: 02/04/2019
Time: 02:45 PM
Location: 229
Committee: Senate Education
Senate Public Safety, Intergovernmental and
Military Affairs

Department: Education

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

Title of Bill: SB 0171 RELATING TO EDUCATION.

Purpose of Bill: Creates a county education task force to establish a process for the transfer of jurisdiction over all public schools, including all state public education functions and funding, from the state to the county in which the public school is located, provided that the county has a population greater than five hundred thousand.

Department's Position:

The Department of Education (Department) strongly opposes SB 171 which would create a county education task force to establish a process for the transfer of jurisdiction over all public schools.

This measure does not advance the Board of Education's or Department's Strategic Priorities. Further, a transfer of jurisdiction as proposed in SB 171 could potentially affect 168 public schools on Oahu.

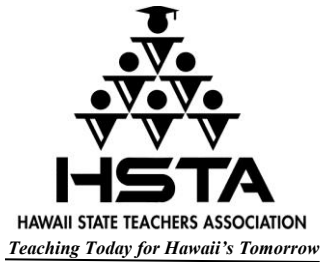
Article X, Section 1 of the State Constitution specifies the state shall be the provider of public education, which would preclude any county from operating public schools in their geographic boundaries. Article X, Section 3 of the State Constitution grants the Board of Education the constitutional authority to formulate statewide educational policy. Further, numerous statutes, primarily under Chapter 302A, Hawaii Revised Statutes, clarify, support, and define the State's role, via the Department of Education, in providing public K-12 education to the people of Hawaii.

The Department defers to the State Public Charter School Commission as to potential impacts this bill may have on charter schools.

Thank you for the opportunity to provide testimony on SB 171.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. 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.



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

RE: SB 171 - RELATING TO 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 **strongly opposes SB 171**, creates a county education task force to establish a process for the transfer of jurisdiction over all public schools, including all state public education functions and funding, from the state to the county in which the public school is located, provided that the county has a population greater than five hundred thousand.

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 transfer the state public education functions and funding to the City and County of Honolulu.

The City and County of Honolulu does not have the required staff and facilities to oversee the public education functions. This transfer would cause for the duplication of functions at the County level that would still be done at the State level for the other three Counties. This would increase the cost for public education across the State. These funds would be better spent lowering class sizes, supporting our students with special needs, and a multitude of other costs that would better benefit our students.

The Hawaii State Teachers Association asks your committees to **oppose** SB 171.

DAVID Y. IGE
GOVERNOR



RODERICK K. BECKER
DIRECTOR

ROBERT YU
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE**

P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY

TESTIMONY BY RODERICK K. BECKER
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEES ON EDUCATION AND
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
ON
SENATE BILL NO. 171

**February 4, 2019
2:45 p.m.
Room 229**

RELATING TO EDUCATION

Senate Bill No. 171 creates a county education task force to establish a process for the transfer of jurisdiction over all public schools, including all State public education functions and funding, from the State to the county in which the public school is located, provided that the county has a population greater than 500,000. Because of the population threshold, this bill only impacts the City and County of Honolulu, and would establish a process to transfer all Oahu public schools, including funding, from the State to the City and County of Honolulu.

The Department of Budget and Finance notes that Article X, Section 1, of the Hawaii State Constitution reads in part, "The State shall provide for the establishment, support and control of a statewide system of public schools . . ." Thus, transferring all Oahu public schools to the City may not be consistent with a statewide system of public schools.

Thank you for your consideration of our comments.

Charlotte A. Carter-Yamauchi
Director

Shawn K. Nakama
First Assistant

Research (808) 587-0666
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Fax (808) 587-0681



LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 446
415 S. Beretania Street
Honolulu, Hawaii 96813

Written Comments

SB171 RELATING TO EDUCATION

Testimony by the Legislative Reference Bureau
Charlotte A. Carter-Yamauchi, Director

Presented to the Senate Committees on Education and Public Safety, Intergovernmental,
and Military Affairs

Monday, February 4, 2019, 2:45 p.m.
Conference Room 229

Chairs Kidani and Nishihara and Members of the Committees:

Good afternoon Chair Kidani, Chair Nishihara, and members of the Committees, my name is Charlotte Carter-Yamauchi and I am the Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on S.B. No. 171, Relating to Education.

The purpose of this measure is to create a county education task force to establish a process for the transfer of jurisdiction over all public schools, including all state public education functions and funding, from the State to the county in which the public school is located; provided that the county has a population greater than five hundred thousand.

Under this measure, the Bureau is required to assist the task force in drafting proposed legislation to implement its recommendations.

The Bureau takes no position on this measure, but submits the following comments for your consideration.

The Bureau believes that the services requested under this measure are manageable and that the Bureau will be able to provide the services in the time allotted; provided that the Bureau's interim workload is not adversely impacted by too many other responsibilities, such as conducting, writing, or finalizing other reports, drafting legislation, or both, for other state

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agencies, task forces, or working groups that may be requested or required under other legislative measures.

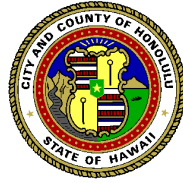
Thank you again for the opportunity to submit written comments.

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

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LATE

KIRK CALDWELL
MAYOR



ROY K. AMEMIYA, JR.
MANAGING DIRECTOR

GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

February 4, 2019

The Honorable Michelle N. Kidani, Chair
The Honorable Donna Mercado Kim, Vice Chair
and Members of the Committee on Education
The Honorable Clarence K. Nishihara, Chair
The Honorable Glenn Wakai, Vice Chair
and Members of the Committee on Public Safety, Intergovernmental,
and Military Affairs
The Senate
State Capitol, Conference Room 229
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Kidani and Nishihara, Vice-Chairs Mercado Kim and Wakai, and
Members of the Committees on Education and Public Safety, Intergovernmental, and
Military Affairs:

SUBJECT: S.B. No. 171
Relating to Education

S.B. No. 171, proposes to create a county education task force to establish a
process for the transfer of jurisdiction over all public schools, including all state public
education functions and funding, from the State to the county in which the public school
is located if the county has a population greater than five hundred thousand.

S.B. No. 171 was introduced as part of the City and County of Honolulu's County
Package and the City **supports** this measure.

Article X, Section 1, of the Constitution of the State of Hawaii (Article X) requires
the State to provide a system of public education, which is unique among the fifty states
because the State, rather than a county or local level jurisdiction, is responsible for
providing public education to its children.

Furthermore, Act 97, Session Laws of Hawaii, 1965, (Act 97) transferred the
responsibility for functions that were deemed to be of statewide concern from the
counties to the State. Among these functions were the planning, construction,
improvement, and maintenance of public school facilities and grounds, and the
transportation of school children. Prior to this, the counties issued bonds to plan,
construct, improve, and maintain public school facilities and grounds.

The Honorable Michelle N. Kidani, Chair
The Honorable Donna Mercado Kim, Vice Chair
The Honorable Clarence K. Nishihara, Chair
The Honorable Glenn Wakai, Vice Chair
and Members of the Committees on Education and Public Safety, Intergovernmental,
and Military Affairs
February 1, 2019
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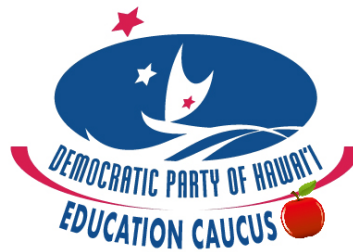
As a result of Article X and Act 97, funding for public education in Hawaii is primarily sourced from the general fund of the State. With the growing need for various public services throughout the state, providing adequate funding for public education statewide has become a challenge, particularly when it comes to funding school capital improvement projects. This often results in deferred maintenance of existing educational facilities, backlogs in repair and maintenance projects, and delays in the construction of new educational facilities. Overall, public education is negatively impacted statewide.

Establishing a county education task force to look at the possibility of transferring jurisdiction over public schools to the City and County of Honolulu will allow us to look at the global picture of school financing and jurisdiction, and to work collaboratively at all levels of the educational network to improve financing mechanisms for public education, school governance, and any other issues in order to create a public educational system in Hawaii that is second to none.

S.B. No. 171 does not purport to solve all the issues facing education in Hawaii, and numerous obstacles need to be overcome, including the passage of Constitutional Amendments. However, the City and County of Honolulu believes it is a starting point to begin discussion on how to better improve the overall educational system in Hawaii.

Thank you for this opportunity to testify in support of S.B. No. 171.

LATE



SENATE BILL 171, RELATING TO EDUCATION

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

POSITION: Comments.

RATIONALE: The Democratic Party of Hawai'i Education Caucus submits the following comments on SB 171, relating to education, which creates a county education task force to establish a process for the transfer of jurisdiction over all public schools, including all state public education functions and funding, from the state to the county in which the public school is located, provided that the county has a population greater than five hundred thousand.

Pursuant to Article X, Section 1 of the Hawai'i State Constitution, "The State shall provide for the establishment, support and control of a statewide system of public schools free from sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor." This clause of the State Constitution establishes a statewide school system and, despite a persistent lack of funding, assists in the advancement of educational equity throughout our state. As Hawai'i State Teachers Association President Corey Rosenlee has said, "Our schools are underfunded, but equally poor."

Thus, we feel that the jurisdictional transfer called for by this measure would undermine our state's commitment to educational excellence for *all* children, force the counties to fund schools based on property tax rates and values, and lead to situations in which wealthy districts benefit from

better funded schools at the expense of impoverished districts—exactly the financial situation plaguing mainland school districts. Moreover, we note that the 21st Century Schools initiative may be undermined by this measure, as well as recent proposals passed to fully effectuate the program by redistributing school facilities and land previously owned by the counties to the state for potential development.

Finally, we note that transferring educational governance to the counties would require several constitutional amendments prior to the enactment of the transition process called for by this measure. At the very least, Article X, Section 1 would have to be significantly amended, along with Article X, Section 2, which establishes a centralized Board of Education, whose members are appointed by the governor. In the event that the counties assumed control of education functions, a centralized state-level school board would seem to conflict with the county-level autonomy needed to operate and finance schools using county resources, personnel, and revenue streams.

That said, we remain deeply disappointed by county officials who opposed the constitutional amendment to increase education funding by establishing a surcharge on residential investment property. An educated citizenry is an engaged citizenry, able to innovate for future social and economic needs, create new jobs and industries, and, most importantly, think critically about the pressing challenges of today, like climate change and wealth inequality. Those skills benefit the counties, too, and we urge county leaders to suggest solutions to our state's ongoing education funding and teacher shortage crises, rather than simply sit on the sidelines and criticize the work of others, like plantation owners upholding the status quo to protect their privilege and prosperity.

SB-171

Submitted on: 2/1/2019 3:01:46 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: