



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

**Senate Committee on Education**

Friday, January 31, 2020  
2:45 p.m.  
Hawaii State Capitol, Room 229

**Senate Bill 2664, Relating to the Board of Education**

Dear Chair Kidani, Vice Chair Kim, and Members of the Committees:

The Board of Education ("Board") supports the intent of SB 2664 but has comments. SB 2664 would require the Board hold at least six community forums each year with at least one in each county to receive public input on public education and public library issues, would make these forums permitted interactions under Hawaii Revised Statutes Section 92-2.5, and would require an open form at the end of each public Board meeting so that attendees can testify on matters not on the agenda.

One of the Board's strategic priorities for the 2019-2020 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,<sup>1</sup> which require it to hold no less than six community meetings annually, including at least one in each county, which is what this measure seeks to legislate.

Starting this school year, the Board has been taking a different approach to its community meetings by making a concerted effort to invite community stakeholders to partner with the Board in developing these meetings. The table below shows the recent community meetings and the topics covered. The community stakeholders select the topic that they want to discuss and the location and time that where they want the meeting held. The Board works with them to tailor the meeting format to meet their needs and meeting goals. Communities have responded positively to these meetings with more people attending than ever before. Moreover, the people

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<sup>1</sup> Available at: [http://boe.hawaii.gov/Documents/By-Laws%20\(amended%202019-07-18\).pdf](http://boe.hawaii.gov/Documents/By-Laws%20(amended%202019-07-18).pdf)

attending have been active and engage participants in the discussions. The Board looks forward to working with more community stakeholders and holding more of these community meetings.

Date	Location	Topic	Board Members	Attendees	Agenda, Meeting Material, and Testimony
06/24/2019	Leilehua High School Library, 1515 California Avenue, Wahiawa, Hawaii 96786	Discuss the use and regulation of herbicides and pesticides on our school campuses.	Board Chairperson Catherine Payne	58	<a href="http://boe.hawaii.gov/Meetings/Notices/Pages/June-24,-2019-Honolulu-Board-Community-Meeting.aspx">http://boe.hawaii.gov/Meetings/Notices/Pages/June-24,-2019-Honolulu-Board-Community-Meeting.aspx</a>
10/25/2019	Queen Liliuokalani Building, Room 404, 1390 Miller Street, Honolulu, Hawaii 96813	How Hawaii's business community can partner with our K-12 and higher education systems to advance and strengthen career pathways and readiness.	Board Chairperson Catherine Payne and Board Members Kaimana Barcarse, Margaret Cox, Kili Namau'u, and Dwight Takeno	50	<a href="http://boe.hawaii.gov/Meetings/Notices/Pages/October-25%2c-2019-Honolulu-Board-Community-Meeting.aspx">http://boe.hawaii.gov/Meetings/Notices/Pages/October-25%2c-2019-Honolulu-Board-Community-Meeting.aspx</a>
11/07/2019	Waiwai Collective, 1110 University Avenue, #100, Honolulu, Hawaii 96826	How strategic plan indicators can be a powerful tool to advance student progress.	Board Chairperson Catherine Payne and Board Members Kaimana Barcarse, Margaret Cox, Kili Namau'u, and Bruce Voss	40	<a href="http://boe.hawaii.gov/Meetings/Notices/Pages/November-7%2c-2019-Honolulu-Board-Community-Meeting.aspx">http://boe.hawaii.gov/Meetings/Notices/Pages/November-7%2c-2019-Honolulu-Board-Community-Meeting.aspx</a>
11/20/2019	Ke Kula Kaiapuni 'o Ānuenuē 2528 10th Avenue, Cafeteria Honolulu, Hawaii 96813	Share your Hawaiian immersion concerns and solutions and other general concerns. Board Members want to understand how we can be supportive of the immersion community and what we can learn about immersion education in the public schools.	Board Chairperson Catherine Payne and Board Members Kaimana Barcarse, Margaret Cox, Nolan Kawano, Kili Namau'u, and Dwight Takeno	80	<a href="http://boe.hawaii.gov/Meetings/Notices/Pages/November-20%2c-2019-Honolulu-Board-Community-Meeting.aspx">http://boe.hawaii.gov/Meetings/Notices/Pages/November-20%2c-2019-Honolulu-Board-Community-Meeting.aspx</a>
02/04/2020	University of Hawaii Maui College 310 West Kaahumanu Avenue, Science Building, Kahului, Hawaii 96732	Share your Hawaiian immersion concerns and solutions and other general concerns. Board Members want to understand how we can be supportive of the immersion community and what we can learn about immersion education in the public schools.	Board Chairperson Catherine Payne and Board Members Kaimana Barcarse, and Kili Namau'u	TBD	<a href="http://boe.hawaii.gov/Meetings/Notices/Pages/February-4,-2020-Maui-County-Board-Community-Meeting-(Kahului).aspx">http://boe.hawaii.gov/Meetings/Notices/Pages/February-4,-2020-Maui-County-Board-Community-Meeting-(Kahului).aspx</a>

As to making community forums permitted interactions under Hawaii Revised Statutes Section 92-2.5, the Board believes that this would frustrate the purpose of the community meetings and what has proven to be the strength of these community meetings. The community meetings have been opportunities for Board members and community members to informally and personally interact with each other. The flexibility of the community meeting format has allowed communities to shape the meeting formats to meet their needs, be it getting to know Board Members, explaining concerns in their community, or working with Board Members on possible solutions. It is difficult to see how adding the formal and procedural requirements of a permitted group to community meetings would improve transparency or access to information.

As to the open forum at the end of Board meetings, whether this would result in “thoughtful and intentional engagement with stakeholders,” per the Board’s strategic priorities, is unclear. Sunshine Law would prevent Board members from discussing any concerns or issues members of the public bring up during the open forum until such concerns or issues appear on a properly noticed Board agenda. Open forums alone do not appear to significantly increase access to or engagement with the Board because members of the public would only be allowed to provide their concerns or comments to the Board; the Board would not be able to engage or respond to testifiers. Currently, members of the public are invited to provide any comments or concerns in writing at any time. This allows for direct communication with Board Members, which would essentially have the same effect as delivering those same concerns or comments in person at an open forum, but without requiring members of the public to attend a public meeting or track the Board’s meeting notices.

Lastly, the Committee should note that the Board, in practice, already allows testimony at its meetings from the members of the public on topics that are not on the meeting agenda. Members of the public are not prevented from testifying on matters not on the meeting agenda and, in compliance with Sunshine Law, the Board only accepts such testimony and does not discuss it. Further, at the end of every community meeting, attendees are asked if they have any concerns (other than the specific issue discussed at the community meeting) and are invited to share them.

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

Very truly yours,

A handwritten signature in black ink that reads "Catherine Payne". The signature is fluid and cursive, with the first name "Catherine" and last name "Payne" clearly legible.

Catherine Payne  
Chairperson, Board of Education  
Chairperson, 2020 Legislative Ad Hoc Committee



## **SENATE BILL 2664, RELATING TO THE BOARD OF EDUCATION**

JANUARY 30, 2020 · SENATE EDUCATION  
COMMITTEE · CHAIR SEN. MICHELLE N. KIDANI

**POSITION:** Support.

**RATIONALE:** The Democratic Party of Hawai'i Education Caucus supports SB 2664, relating to the Board of Education, which requires the Board of Education to hold no less than six community forums annually, with at least one forum in each county, requires the Board to include an open forum for public comments on non-agenda items at the end of each public meeting through June 30, 2025, and requires a report to the Legislature on implementing open forums.

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.**

THE CIVIL BEAT  
LAW CENTER FOR THE PUBLIC INTEREST

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Senate Committee on Education  
Honorable Michelle N. Kidani, Chair  
Honorable Donna Mercado Kim, Vice Chair

**RE: Testimony Commenting on S.B. 2664, Relating to the Board of Education**  
Hearing: January 31, 2020 at 2:45 p.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote government transparency. Thank you for the opportunity to submit comments on S.B. 2664.

This bill modifies the application of the Sunshine Law to Board of Education (BOE) community forums. Under existing law, BOE must: (1) provide written public notice that the forum will be held (although no specific agenda is required); (2) open the community forum to the general public; and (3) accept testimony from all interested persons.

By designating the community forum as a permitted interaction under HRS § 92-2.5, this proposal will eliminate all of those requirements. BOE could hold a community forum without any notice to the public, completely outside the public eye, and restrict who is permitted to offer views. That result does not seem consistent with stated purpose to have the BOE “discuss and receive input from the community on public education and public library issues.”

Thank you again for the opportunity to provide comments on S.B. 2664.

**LATE**

**SB-2664**

Submitted on: 1/31/2020 4:58:58 PM  
Testimony for EDU on 1/31/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Pcola_Davis	Individual	Support	No

Comments:

I support an increase to the number of community forums to six; with one community forum in each county.

In addition a report to the legislature is appropriate.