

OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Ways and Means

From: Cheryl Kakazu Park, Director

Date: January 29, 2020, 10:00 a.m.
State Capitol, Conference Room 211

Re: Testimony on S.B. No. 587, S.D. 1
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 fewer than two community meetings each year. The Office of Information Practices (OIP) takes no position on this bill, but had previously testified to express concern about a confusing exemption from portions of the Sunshine Law, part I of chapter 92, and an alternative form of notice based on outdated Sunshine Law notice requirements. The Committees on Education and on Public Safety, Intergovernmental, and Military Affairs amended this bill to adopt OIP's recommendations in the SD1 version of this bill, which OIP greatly appreciates. However, OIP learned after the SD1 draft was filed that the "community meetings" in question are never attended by a majority of the Board of Education's members, but by only two or three members, and thus it would be inappropriate to apply the Sunshine Law's usual procedures for a meeting of a board to them.

OIP therefore requests that this Committee make a further amendment to this bill to instead allow the community meetings to be treated as a permitted interaction outside a regular meeting under the Sunshine Law, so that

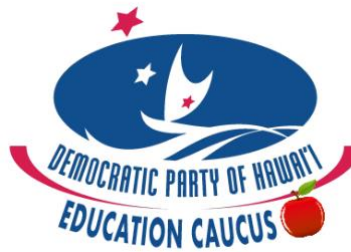
the statute will reflect and allow for the way the Board of Education actually conducts these events. (OIP takes no position on the number of such community forums to be held.)

OIP recommends that beginning from bill page 1 line 7, the bill use the same language as S.B. 2664 (newly introduced this year) so that the SD 2 of SB 587 would instead read:

The board chairperson shall designate less than a quorum of board members to attend ~~[the]~~ each community ~~[meetings.]~~ forum. These community ~~[meetings]~~ forums shall not be held for the purpose of formulating educational policy. The community ~~[meetings]~~ forums shall be ~~[exempt from section s 92-2.5, 92-7, 92-9, and 92-41; provided that the board shall give written public notice of each community meeting. The meeting notice shall indicate the date, time, and place of the meeting, and shall be filed in the office of the lieutenant governor and in the board's office for public inspection six calendar days before the meeting. The notice shall also be posted at the site of the meeting.]~~ a permitted interaction under section 92-2.5; provided that no commitment relating to a vote on a matter is made or sought. At the next duly noticed meeting of the board, the board members shall report their attendance and the matters presented and discussed at the community forum.

Thank you for considering our suggestion for further amendment to this bill.

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SENATE BILL 587, SD 1, RELATING TO THE BOARD OF EDUCATION

JANUARY 29, 2019 · SENATE WAYS AND MEANS
COMMITTEE · CHAIR SEN. DONOVAN DELA CRUZ

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus supports SB 587, SD 1, 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.**