

STAND. COM. REP. NO. 1583

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 608  
H.D. 2  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 608, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Board of Education to hold no less than six community forums annually, with at least one forum in each county;
- (2) Require the Board to include an open forum for public comments on non-agenda items;
- (3) Require a report to the Legislature on implementing open forums; and
- (4) Eliminate the Superintendent of Education as a voting member constituting the public employer for the purpose of negotiating a collective bargaining agreement with personnel of the Department of Education.

Your Committee received testimony in support of this measure from Americans for Democratic Action. Your Committee received testimony in opposition to this measure from the Department of



Education and League of Women Voters. Your Committee received comments on this measure from the Board of Education and Office of Information Practices.

Your Committee finds that community meetings improve the public's access to the Board of Education and provide the Board with more information to assist in its decision-making and priority setting. Your Committee further finds that the Board should receive public input at its noticed regular public meetings and by reaching out to the public through community meetings. This measure seeks to increase communication between the community-at-large and the Board of Education.

Your Committee notes that, because part II of this measure eliminates the Superintendent of Education as a voting member constituting the public employer for the purpose of negotiating a collective bargaining agreement and the title of this measure is "RELATING TO THE BOARD OF EDUCATION", this measure may be in conflict with the requirement under article 3, section 14, of the Hawaii State Constitution, that "[each] law shall embrace but one subject, which shall be expressed in its title". Your Committee encourages further discussion on this issue as this measure proceeds through the legislative process.

Your Committee has amended this measure by:

- (1) Clarifying that community forums are not subject to the requirements of chapter 92, Hawaii Revised Statutes; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 608, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 608, H.D. 2, S.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



---

KARL RHOADS, Chair



