



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

Date: 02/24/2021

Time: 10:00 AM

Location: CR 211 & Videoconference

Committee: Senate Ways and Means

Department: Education

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

Title of Bill: SB 0810, SD1 RELATING TO COLLECTIVE BARGAINING.

Purpose of Bill: Eliminates 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. (SD1)

Department's Position:

The Hawaii State Department of Education (Department) respectfully opposes this bill, which eliminates the Superintendent as a voting member for purposes of negotiating collective bargaining agreements for Unit 5 Teachers and Unit 6 Educational Officers. The Department believes that the existing status quo, which includes the Superintendent with a seat at the table, provides an equitable balance that facilitates fair collective bargaining negotiations.

The Superintendent is responsible for the day-to-day internal management of Unit 5 and Unit 6 employees and is the most knowledgeable person on the management side to understand and evaluate union demands. Additionally: 1) The Superintendent, in conjunction with her cabinet and leadership team, makes the day-to-day operational decisions for the Department; 2) The Superintendent executes the Hawaii State Board of Education's policies and goals and objectives; 3) The Superintendent, in consultation with the Department of Human Resource Development, mitigates collective bargaining impacts and its effects to other bargaining units; 4) The Superintendent provides fundamental operational insight at the bargaining table; and 5) The Board of Education,

whose constitutional role is to establish education policies for the Department, should not solely be involved with obligating the Department and the State financially and should continue to work collaboratively with the Superintendent on matters that are subject to bargaining under HRS Section 89-9, for example: wages, hours, and other conditions of work are examples of mandatory subjects of bargaining.

For these reasons, the Department urges that this bill be held.

Thank you for this opportunity to provide testimony.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. 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.

SB-810-SD-1

Submitted on: 2/22/2021 9:08:37 PM

Testimony for WAM on 2/24/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Pcola_Davis	Individual	Support	No

Comments:

I stand in strong support of this bill.

There have been numerous instances of the superintendent making unilateral decisions without regard to the bargaining units. At one point or maybe more, Unfair Labor Practices have been initiated against the DOE. This does not set an example of "bargaining in good faith."

Just recently the superintendent "caused" another upheaval by, again, a unilateral decision to stop the teacher's differentials program. This caused unnecessary stress among many teachers. There were over 400 pages if written testimony submitted opposing this move and begging the BOE not to allow it. The BOE was also blindsided by the action and voted that the superintendent recind that letter by the next day.

The superintendent announced how "she" was going to spend the Federal funds and teachers were not first BUT, regardless of what she says, requests for proposals for "tutors" have been initiated.

Both the Senate and the House initiated bills to ensure that the DOE and BOE commit to spending funding first on safeguarding teachers jobs. These two bills are of utmost importance to ensure "maintenance of effort" is maintained and to protect the funding.

From BOE member D. Takeno's testimony a proposal to address the voting issue was provided. It states as follows; by switching the votes to three (3) for the Governor and two (2) for the BOE would hopefully resolve any concerns. Another option is to allow the Charter School Commission (1) vote, in this regard, the voting structure could be redefined as three (3) votes for the Governor, two (2) votes for the BOE, and one (1) vote for the Charter School Commission.

SB-810-SD-1

Submitted on: 2/23/2021 9:59:57 AM

Testimony for WAM on 2/24/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dwight Takeno	Individual	Support	No

Comments:

The Senate

The Thirty-First Legislature

Regular Session of 2021

Senate Bill 810, SD 1

Wednesday, February 24, 2021

10:00 a.m.

Conference Room 211 & Videoconference

To: Honorable Senators Donovan Dela Cruz, Chair, Gilbert Keith-Agaran, Vice Chair, and members of the Senate Ways and Means Committee

My name is Dwight Takeno and I am respectfully submitting testimony as an individual on Senate Bill 810, SD 1, Relating to Collective Bargaining. Senate Bill 810, SD 1, proposes to amend HRS, §89-6, subsection (d) (3) to 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. The proposal would reduce the total number of votes the voting members have from six to five, allocating three to the Governor and two to the Board of Education.

I personally support the intent and purpose of Senate Bill 810, SD 1, as it will seek the intended purpose and desired outcome of having the Board of Education be once again highly involved in negotiations and requiring the Department of

Education (DOE) to work closely and transparently with the BOE in collective bargaining negotiations covering Unit 5 and 6 employees of the DOE .

Thank you for your time and the opportunity to present this written testimony.