

HAWAI'I STATE ETHICS COMMISSION

State of Hawai'i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai'i 96813

Committee: Committee on Education
Bill Number: H.B. 10
Hearing Date/Time: February 4, 2021, 2:00 p.m.
Re: Testimony of the Hawai'i State Ethics Commission with **COMMENTS**
on H.B. 10, Relating to the Board of Education

Dear Chair Woodson, Vice Chair Kapela, and Committee Members:

The Hawai'i State Ethics Commission ("Commission") does not take a position as to the addition of a representative from Bargaining Unit 5 ("BU5") to the Board of Education ("BOE"), except as it relates to the applicability of the Ethics Code, Hawai'i Revised Statutes ("HRS") chapter 84, to that representative.

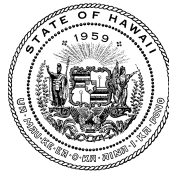
The Conflicts of Interests law, HRS § 84-14, generally prohibits state employees (including board and commission members) from taking official action that affects their financial interests; as such, the Conflicts of Interests law would typically prohibit a state employee from participating in discussions affecting that employee's salary and benefits. However, my colleagues and I believe that the exception to this law – the "particular qualifications" exception of HRS § 84-14(a) – would likely allow the non-voting BU5 representative to participate in BOE discussions regarding teachers' salaries and benefits generally. The BU5 representative would have to recuse her- or himself on any matters that "directly and specifically" affect the BU5 member's salary and personal financial interests, but would not be prohibited from participating in discussions regarding teacher salaries as applied to all BU5 members generally.

Previous iterations of this measure had, at times, included language making clear that the BU5 representative is subject to HRS chapter 84; while this language can be a helpful reminder of the applicability of the Ethics Code, we do not believe it is necessary to include this language.

Thank you for your continuing support of the Commission's work and for considering the Commission's testimony on H.B. 10.

Very truly yours,

Bonita Chang
Staff Attorney



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

House Committee on Education

Thursday, February 4, 2021
2:00 p.m.
Via Videoconference
Hawaii State Capitol, Room 309

House Bill 10, Relating to the Board of Education

Dear Chair Woodson, Vice Chair Kapela, and Members of the Committees:

The Board of Education ("Board") would like to provide comments on HB 10, which would require the Board to invite the exclusive representative for Bargaining Unit 05 to appoint a nonvoting public school teacher representative to the Board.

The Board takes no position on this measure, as it relates to the Board's governance structure, and the Board believes it is most appropriate for the Legislature and Governor to decide such matters. Our comments are informational only.

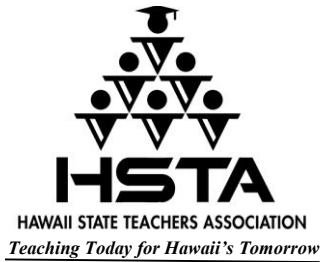
The Board appreciates the intent of this measure, which is to provide the Board with the perspective of a public school teacher. We are pleased to note that the Board already receives such perspective constantly through testimony to the Board, direct communications between Board members and teachers in the field, and the advocacy of the Hawaii State Teachers Association, the exclusive representative for Bargaining Unit 05. Other key employees, such as principals and other educational officers, also provide the Board with valuable perspectives through the same avenues and their own exclusive representative, the Hawaii Government Employees Association.

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

A handwritten signature in cursive script that reads "Catherine Payne".

Very truly yours,

Catherine Payne
Chairperson, Board of Education
Chairperson, 2021 Legislative Ad Hoc Committee



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TESTIMONY BEFORE THE HOUSE COMMITTEE ON EDUCATION

RE: HB 10 - RELATING TO THE BOARD OF EDUCATION

THURSDAY, FEBRUARY 4, 2021

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Woodson and Members of the Committee:

The Hawaii State Teachers Association **strongly supports HB 10**, relating to the Board of Education.

Teacher voice matters. Too often, educational governance decisions are made without the input of the Hawai'i's hardworking teachers, who are responsible for crafting our children's future. Yet, teachers are expected to carry out these decisions, each day, without fail and without being paid the professional salaries earned by their mainland peers.

Already, the Board of Education has nonvoting members representing the military community and the student community. Both members, the board's military liaison as well as the student member on the board—provide valuable insight into the experience of their constituencies with the public school system. Teachers, too, should be heard on matters ranging from curriculum development to testing to school funding. Policymakers often talk about improving learning conditions at the “classroom level.” No one is better equipped to discuss those conditions than the teachers who are tasked with managing the classroom experience.

To empower teacher voice in educational leadership, the Hawaii State Teachers Association asks your committee to **support** this bill.



HOUSE BILL 10, RELATING TO THE BOARD OF EDUCATION

FEBRUARY 4, 2021 · HOUSE EDUCATION
COMMITTEE · CHAIR SEN. JUSTIN H. WOODSON

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus supports HB 10, relating to the board of education, which requires the board of education to invite the exclusive representative for bargaining unit (5) (teachers and other personnel of the department of education) to appoint a nonvoting public school teacher representative to the board.

Empowered teachers are excellent educators. Yet, too often, teachers are omitted from educational policymaking. When teachers' voices are silenced, the views of the hardworking educators charged with shaping our children's minds and leading Hawai'i's classrooms are absent from discussions about how policy decisions impact classroom learning.

Already, the BOE hosts a military liaison and a student representative, both of whom are nonvoting members who wield considerable influence in board debates. They are critical thinkers, quick to question departmental initiatives that undermine student achievement and steadfast in their support of better schools.

Likewise, teachers should have the opportunity to have a representative articulate their views on, for example, student assessment or school funding, since they are ultimately responsible for

directly implementing the board's decisions and know best what's needed to strengthen their classroom experiences and inspire their children to succeed.

Kris Coffield · Chairperson, Democratic Party of Hawai'i Education Caucus · (808) 679-7454 · kriscoffield@gmail.com



The Thirty-First Legislature, State of Hawaii
House of Representatives
Committee on Education

Testimony by
Hawaii Government Employees Association
February 4, 2021

H.B. 10 – RELATING TO THE BOARD OF EDUCATION

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO opposes the intent of H.B. 10 and its concept of having a non-voting teacher representative on the Board of Education. Teachers may be essential to student success, but they are certainly not the only school level employees who contribute and are integral to the success of a student. All of our public schools employ a variety of classifications, not just from bargaining unit 5, but also bargaining units 1, 2, 3, 4, 6, and 13. These are your security attendants, account clerks, educational assistants, cafeteria managers, and principals, just to name a few.

If the legislature finds that the Board of Education would benefit from the perspective of a public-school teacher representative, they should equally consider the benefit of having the perspective of employees from each of the bargaining units mentioned above. Adding a non-voting representative to the board from each classification of the other six (6) bargaining units may seem unwieldy, however, under the circumstances, it is only fair for all school level employees.

Thank you for the opportunity to testify on H.B. 10.

Respectfully submitted,

Randy Perreira
Executive Director

LATE

HB-10

Submitted on: 2/3/2021 4:17:21 PM

Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leslie Baunach	Hawaii Association of School Psychologists	Support	No

Comments:

Aloha:

The Hawaii Association of School Psychologists (HASP) supports the intent of HB10. We recommend the language be changed from "teacher" to "educator" to be more inclusive of all educators who may be a good fit for the board of education. HASP strongly feels it is important that educators be represented on the Hawaii BOE.

Mahalo,

Leslie Baunach, NCSP
NASP Delegate-Hawaii, HASP Legislative Chair

HB-10

Submitted on: 2/2/2021 4:33:16 PM

Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Otaguro	Individual	Support	No

Comments:

February 2, 2021

Testimony in support of HB 10, Relating to the Board of Education

Honorable Chair Woodson and members of the Committee on Education:

I am writing in support of HB 10, which would provide for a nonvoting public school teacher representative to sit on the Board of Education.

Teachers are important stakeholders in a school and its operations; yet, their voices have often been absent when decisions have been made affecting their work. Having been a parent, volunteer, teacher, and legal advisor for schools, my experience is that it is hard to know what it is like in a classroom unless you are there. With the continual changes in education, a teacher representative on the Board of Education can provide insight into classrooms and schools and the kind of impact the board's decisions might have. This perspective will benefit discussions and better inform the decisions of the Board of Education.

Thank you for your consideration.

Sincerely,

Lynn Otaguro

Oahu, Hawaii

HB-10

Submitted on: 2/2/2021 9:23:38 PM

Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Cabalse	Individual	Support	No

Comments:

Supporting placing a verteran teacher on the BOE.

HB-10

Submitted on: 2/3/2021 11:35:09 AM

Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl B.	Individual	Support	No

Comments:

Support. Important to have someone currently working in schools to be on the BOE. As a retired educator, it is easy for me to see that even in just a few years, my knowledge of every day school life is not the same as those who are currently there. This is long past overdue.