

STAND. COM. REP. NO.

526

Honolulu, Hawaii

FEB 16

, 2023

RE: H.B. No. 556
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 556, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to require the Board of Education to invite the exclusive representative for:

- (1) Bargaining unit (5) to appoint a nonvoting public school teacher representative to the Board of Education; and
- (2) Bargaining unit (6) to appoint a nonvoting public school administrator to the Board of Education.

Your Committee received testimony in support of this measure from the Democratic Party of Hawai'i Education Caucus, Hawaii State Teachers Association, and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Your Committee received comments on this measure from the Office of Collective Bargaining and Board of Education.

Your Committee finds that the Board of Education invites a student representative and a military representative to the Board as nonvoting members. The student representative and military

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representative are not members of the Board, but they may engage in discussion and deliberation at general business meetings, special meetings, and standing committee meetings. The student representative and military representative do not have other rights or privileges, including the right to make motions or vote, nor can they be counted for quorum purposes or be entitled to be present in executive sessions of the Board unless necessary for the purpose of the executive session. The invitation of a current public school teacher and public school administrator as nonvoting members to the Board will provide first-hand experience and expertise on the educational and professional climate in the State's public schools, impact of education policies on teacher recruitment and retention, and resources needed to deliver a quality learning experience for all of Hawaii's children.

Your Committee has amended this measure by:

- (1) Establishing a process for the public school teacher representative and public school administrator representative to recuse themselves from the Board of Education when necessary to avoid potential conflicts of interest and access to confidential information that may unfairly impact collective bargaining negotiations for their respective bargaining units, as determined by the voting members of the Board; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 556, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 556, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 556, HD1	Committee Referral: EDN, JHA, FIN	Date: 2/10/2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. TAKAYAMA, Gregg (VC)	✓			
3. GANADEN, Sonny	✓			
4. HOLT, Daniel	/			
5. HASHIMOTO, Troy N.	/			
6. ICHIYAMA, Linda	/			
7. ILAGAN, Greggor	/			
8. KONG, Sam Satoru	/			
9. MIZUNO, John M.	/			
10. SOUZA, Kanani	/			
TOTAL (10)	10	—	—	—
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size:small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				