



**STATE OF HAWAII  
BOARD OF EDUCATION  
GENERAL BUSINESS MEETING  
(Emergency Meeting)\***

**MEMBERS**

Patricia Bergin      Grant Chun      Margaret Cox  
Hubert Minn      Kenneth Uemura      Bruce Voss

Andrea Lyn Mateo (student representative)      Colonel Peter Santa Ana (military representative)

Lance Mizumoto, Chairperson  
Brian De Lima, Vice Chairperson

**NOTICE OF MEETING**

Wednesday, April 26, 2017  
10:00 a.m.

Queen Liliuokalani Building  
1390 Miller Street, Room 404  
Honolulu, Hawaii 96813

**AGENDA**

**I. Call to Order**

**II. \*\*Public Testimony on Board of Education (“Board”) Agenda Items**

**III. Executive Session**

*This portion of the meeting is a closed meeting under Section 92-4 and Section 92-5(a)(3) and (4), Hawaii Revised Statutes.*

**A.** Update on Hawaii State Teachers Association contract, the Hawaii Government Employee Association contracts, and related Hawaii State Labor Board matters

**IV. Adjournment**

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\* The Board of Education has found that an unanticipated event has occurred and that an emergency meeting is necessary in accordance with Hawaii Revised Statutes (“HRS”) Section 92-8(b). The attorney general concurs that the conditions necessary for an emergency meeting under this subsection exist and two-thirds of all members to which the board is entitled agree that the conditions necessary for an emergency meeting under HRS Section 92-8(b) exist. The Board finds that an unanticipated event, as

defined in HRS Section 92-8(c) has occurred and the Board must hold an emergency meeting on April 26, 2017 to consider the settlement of collective bargaining with Hawaii Government Employees Association Bargaining Unit 6 ("BU 6"). The Board has been engaged in collective bargaining negotiations with BU 6 as a member of the employer group. Because the legislative session ends on May 4, 2017, and given the status of negotiations, it was anticipated that the employer group would go into arbitration with BU 6. Within the past week and days, multiple arbitration awards have been issued in final or in draft (firefighters, HGEA civil service) and a tentative agreement has been reached with the teacher's union, Hawaii State Teachers Association Bargaining Unit 5. As such, based upon the arbitration decisions and HSTA settlement, there is now clarity—that did not exist previously—regarding the level of funding likely to be achieved through settlement of BU 6. Moreover, the Legislature has resolved the State's Executive Budget bill earlier than the deadline.

Settlement would require agreement between the employer group and BU 6 and conveyance of that agreement to the legislature before the legislative deadlines associated with bills that appropriate funds connected to collective bargaining. If the Legislature is to include funds for collective bargaining cost items in legislation, our understanding is that it must make the decision to include those funds no later than Thursday, April 27, 2017. Although a Board Executive Session is scheduled for a general business meeting next Tuesday, May 2, 2017, that is too late since the amount of funding through a collective bargaining appropriation bill is due to the Legislature this Thursday. Consequently, the Board must consider the terms of settling before the legislative deadline and finds that an emergency meeting in accordance with HRS Section 92-8 is necessary.

\*\* Any interested person may submit data, views, or arguments in writing to the Board on any agenda item. An individual or representative wishing to testify should register prior to the meeting. Testimony must be related to an item that is on the agenda and such person shall be required to identify the agenda item to be addressed by the testimony. Each individual or representative of an organization is allotted four (4) minutes, or an amount of time otherwise designated by the Chairperson, to provide testimony to the Board.

Audio of this Board meeting will be broadcast live. For information on how to access this audio broadcast, please contact the Board Office at [boe\\_hawaii@notes.k12.hi.us](mailto:boe_hawaii@notes.k12.hi.us) or (808) 586-3334.

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Lance Mizumoto, Board Chairperson

**REQUEST FOR ATTORNEY GENERAL'S  
CONCURRENCE FOR EMERGENCY MEETING**

Date: 4/25/17

Name of Commission or Board: Hawaii State Board of Education

Board Contact Person: Alison Kunishige

Telephone Number: 586-3334 Fax Number: 586-3433

Date of Proposed Emergency Meeting: 04/26/17 Time: 10:30 a.m.

Place/Location of Proposed Emergency Meeting: Queen Liliuokalani Bldg.  
1390 Miller St., Rm. 404  
Hon, HI 96813

Name/Tel. No. of Attorney providing legal advice to commission or board:

Deputy AG Gary Suganuma Tel. 586-1255

Please attach copy of agenda for proposed emergency meeting.  
Attached additional sheets and number appropriately if needed.

1. Describe unanticipated event(s) which prompts this request

See attached.

2. Reason(s) unanticipated event(s) necessitates board meeting in less than 6 days.

See attached.

3. When did the unanticipated event(s) occur? See attached.

4. When did you find out about the unanticipated event? See attached.

5. What issue/matter needs to be considered? See attached.

6. How is the issue/matter within the board's supervision, control, jurisdiction, or advisory power?

See attached.

(Please attach a copy of any supporting executive order, charter, ordinance, rule, or statute.)

7. What board action is required?

See attached.

8. What may occur if board action is not taken because it is not permitted to meet within the statutory six-day notice period?

See attached.

SUBMITTED BY:

[Signature]

Name: Gary Suganuma

Title: Deputy Attorney General

CONCUR,\* the conditions necessary for an emergency meeting exist.

DO NOT CONCUR

[Signature]  
Attorney General

\* This concurrence is based upon the statements provided on this form, and is rescinded if any statement provided on this form is amended by the board in any way.

**REQUEST FOR ATTORNEY GENERAL'S CONCURRENCE FOR  
EMERGENCY MEETING OF THE HAWAII STATE BOARD OF EDUCATION  
PURSUANT TO HRS § 92-8(B)**

**1. Describe unanticipated event(s) which prompts this request**

The Hawaii State Board of Education (BOE) has been engaged in collective bargaining with Hawaii Government Employees Association Bargaining Unit 6 ("BU 6") as a member of the employer group. Because the legislative session ends on May 4, 2017, and given the status of the negotiations, it was anticipated that the employer group would go into arbitration with BU 6. However, within the past week and days, multiple arbitration awards have been issued in final and/or draft (firefighters, HGEA civil service), and a tentative agreement was reached with HSTA Unit 5 over the past weekend. Based on the recent arbitration awards and HSTA settlement, there is now clarity regarding what it will take for the employer group, including the BOE, to be able to settle with BU 6.

**2. Reason(s) unanticipated event(s) necessitates board meeting in less than 6 days**

The legislative session ends on May 4, 2017. Any settlement between the employer group and BU 6 would require the conveyance of that agreement to the Legislature before the legislative deadlines associated with bills that appropriate funds connected to collective bargaining. If the Legislature is to include funds for collective bargaining cost items in legislation, the BOE's understanding is that the Legislature must make the decision to include those funds no later than April 27, 2017. The BOE must meet to consider settling with BU 6 before this legislative deadline.

**3. When did the unanticipated event(s) occur?**

The arbitration awards occurred over the past week and the HSTA tentative agreement was only reached over this past weekend.

**4. When did you find out about the unanticipated event(s)?**

This Department and the BOE only found out today that a member of the employer group started making a concerted effort to try to settle with BU 6 as opposed to going to arbitration in light of the recent arbitration awards and HSTA settlement.

**5. What issue/matter needs to be considered?**

The BOE needs to consider settlement of the BU 6 contract.

**6. What is the issue/matter within the board's supervision, control, jurisdiction, or advisory power?**

Labor negotiations pursuant to HRS § 89-6(d).

**7. What board action is required?**

Authorization for the BOE's negotiating representatives to negotiate with BU 6 within parameters set by the Board.

**8. What may occur if board action is not taken because it is not permitted to meet within the statutory six day period?**

The BOE would not be able to settle with BU 6 prior to the legislative deadline for such and would have no choice but to go to arbitration.

An emergency meeting for the above stated purpose is authorized pursuant to HRS § 92-8(b).

*[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]*



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**AGENDA**

- **Call to Order**
- **\*\*Public Testimony on Board of Education (“Board”) Agenda Items**
- **Executive Session**  
*This portion of the meeting is a closed meeting under Section 924 and Section 925(a)(3) and (4), Hawaii Revised Statutes.*
  - Update on Hawaii State Teachers Association contract, the Hawaii Government Employee Association contracts, and related Hawaii State Labor Board matters
- **Adjournment**

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Lance Mizumoto, Board Chairperson