



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

February 2, 2016

TO: Lance Mizumoto
Chairperson, Board of Education

FROM: Alison Kunishige
Executive Director, Board of Education

AGENDA ITEM: Board Action on the process for reviewing and addressing
legislation during the 2016 Legislative Session

I. Background

At its January 19, 2016 general business meeting, the Board of Education (“Board”) discussed general guidelines for a process for reviewing legislation, and the Board Chairperson directed Board staff to develop and propose a methodology and process for the Board’s review of legislation. Based on the discussion at the January 19, 2016 Board meeting, Board staff developed a proposed methodology and process that follow these general guidelines:

- The Chairperson has authority and discretion to act on behalf of the Board on legislation relating to matters where the Board has previously taken action on or given direction;
- Legislation that relates to matters that the Board has not had the opportunity to discuss must be brought to the Board before the Chairperson can act on such legislation; and
- Testimony and legislative proposals from the Board should, as much as possible, align with the Joint Board and Department of Education (“Department”) Strategic Plan and the Governor’s legislative priorities.

II. Process and Methodology for Review and Action

The process and methodology for reviewing and addressing legislation includes these main steps:

1. Identify and monitor legislative measures;
2. Determine if action is necessary;
3. Determine if the measure must be brought to the Board; and
4. Draft and submit testimony.

1) Identify and monitor legislative measures. The Board will rely on the Department to identify and monitor legislative measures. Board staff has access to an internal database of legislative measures relating to education that the Department has identified and is monitoring. The Department staff that maintain the legislative database assign measures to various Department offices based on the content of each measure. They assign measures to the Board that directly concern the Board or do not clearly involve the Department (such as measures relating to public libraries or charter schools). Attached to this memorandum, as **Exhibit A**, is a listing of measures that have been introduced and are assigned to the Board.

2) Determine if action is necessary. Board staff will forward measures that are assigned to the Board to the Chairperson along with a brief summary and analysis of each measure. The Chairperson will determine the measures that require action. Board staff will monitor measures that do not require action and provide updates to the Chairperson if those measures progress and/or change.

3) Determine if the measure must be brought to the Board. The Chairperson, with assistance from Board staff, will determine if any measures that require action need to be brought to the Board first. Measures that relate to matters that the Board has not had the opportunity to discuss and provide direction must be brought to the Board before the Chairperson can act on such measures. Measures that require Board action will be placed on the next possible Board General Business Meeting agenda.

4) Draft and submit testimony. The Chairperson, with assistance from Board staff, may draft and submit written testimony on behalf of the Board on measures relating to matters that the Board has previously taken action on or given direction. As much as possible, the testimony should align to the Joint Board and Department Strategic Plan and the Governor's legislative priorities. The Chairperson may also provide oral testimony to the appropriate legislative committee or meet with individual legislators on behalf of the Board in lieu of or in addition to written testimony.

III. Recommendation

I recommend the following motion to the Board:

“Moved to adopt the process for reviewing and addressing legislation for the 2016 Legislative Session as described in Board Executive Director Alison Kunishige’s memorandum dated February 2, 2016.”

Exhibit A
Measures assigned to the Board

Measure	Measure Title	Description	Introducer(s)	Referral	Notes
HB369	RELATING TO OPEN GOVERNMENT.	Broadens the policies regarding open government to include greater public participation, input, and access to documents, reports, and proposals under consideration at meetings, with certain limitations.	MORIKAWA, BROWER, EVANS, KAWAKAMI, KOBAYASHI, C. LEE, LOWEN, OSHIRO, TAKUMI, Belatti, Johanson, Nakashima, Onishi, San Buenaventura	JUD, FIN	Companion: SB149 1/26/2016: The committee on JUD recommended that the measure be PASSED, WITH AMENDMENTS
HB1706	RELATING TO EDUCATION.	Establishes within DOE the youth civil defense corps. Requires BOE to adopt standards and curriculum for student participation.	MCKELVEY, EVANS, ITO, POUHA, LoPresti, San Buenaventura	PBS, EDN, FIN	Copmanion: SB2783
HB1912	RELATING TO ADMINISTRATIVE RULES.	Establishes a task force to review administrative rules and recommend the repeal of rules that are no longer statutorily authorized.	MCKELVEY, AQUINO, CREAGAN, DECOITE, EVANS, FUKUMOTO CHANG, HASHEM, KONG, POUHA, WARD, Keohokalole, McDermott	JUD, FIN	Package: Small Business Workgroup
HB1968	RELATING TO STUDENT INFORMED CONSENT.	Allows public school students in grades K through 12 to decline participation in dissection, vivisection and other procedures harmful to animals. Prompts schools to make alternative educational projects available, and the board of education to develop rules and give notice to all schools.	FUKUMOTO CHANG, MATSUMOTO, POUHA, THIELEN	EDN, JUD	Package: House Minority Caucus
HB2065	PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII TO AUTHORIZE THE BOARD OF EDUCATION TO IMPOSE A SURCHARGE ON REAL PROPERTY TAXES TO FUND PUBLIC SCHOOL CAPITAL IMPROVEMENT PROJECTS.	Proposes amendments to the Hawaii Constitution to authorize the board of education to impose a surcharge on real property taxes to fund public school capital improvement projects.	NAKASHIMA, C. LEE, LUKE, NISHIMOTO, SAIKI, WOODSON, Belatti, Morikawa	EDN, JUD, FIN	Companion: SB2292
HB2067	RELATING TO PUBLIC CHARTER SCHOOL AUTHORIZERS.	Requires the Board of Education to establish, by December 1, 2016, policies, criteria, or guidelines for evaluating applications for chartering authority to allow additional public charter school authorizers in Hawaii.	NAKASHIMA	EDN, JUD	
HB2157	RELATING TO OPEN GOVERNMENT.	Allows the electronic mailing and posting of meeting notices; requires the posting of the notice on the state or appropriate county websites; and increases public access to information before a public hearing by a board.	SOUKI	JUD, FIN	Companion: SB2293

Measure	Measure Title	Description	Introducer(s)	Referral	Notes
HB2158	RELATING TO GOVERNMENT RECORDS.	Requires agencies to exercise reasonable care in the maintenance of all government records under its control that are required to be made available for public inspection.	SOUKI (Introduced by request of another party)	JUD, FIN	Companion: SB2294
HB2426	RELATING TO THE BOARD OF EDUCATION.	Requires meetings of the board of education to be held at a time when students, teachers, parents, and members of the general public can attend.	FUKUMOTO CHANG (Introduced by request of another party)	EDN, JUD	
SB2292	PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII TO AUTHORIZE THE BOARD OF EDUCATION TO IMPOSE A SURCHARGE ON REAL PROPERTY TAXES TO FUND PUBLIC SCHOOL CAPITAL IMPROVEMENT PROJECTS.	Proposes amendments to the Hawaii Constitution to authorize the board of education to impose a surcharge on real property taxes to fund public school capital improvement projects.	KEITH-AGARAN, SHIMABUKURO	PSM/EDU/JDL	
SB2293	RELATING TO OPEN GOVERNMENT.	Allows the electronic mailing and posting of meeting notices; requires the posting of the notice on the state or appropriate county websites; and increases public access to information before a public hearing by a board.	KEITH-AGARAN, BAKER, KIDANI, SHIMABUKURO, Nishihara	GVO, JDL	1/29/2016: The committee on GVO has scheduled a public hearing on 02-02-16 1:15PM in conference room 414.
SB2497	RELATING TO PUBLIC BOARDS.	Requires a board chair to provide notice to a board member who fails to attend four consecutive duly noticed meetings. Requires the board chair to provide notice to the board member who accumulates four unexcused absences of the board member's termination. Requires a board chair to notify in writing the applicable nominating authority of any vacancy resulting from termination, resignation, expiration of the term, or any other reason, within fifteen days after the vacancy occurs.	KIM, CHUN OAKLAND, Dela Cruz, Espero, Ihara, Keith-Agaran, Nishihara, Riviere, Ruderman, L. Thielen	GVO, JDL	1/29/2016: The committee on GVO has scheduled a public hearing on 02-02-16 1:15PM in conference room 414.

Measure	Measure Title	Description	Introducer(s)	Referral	Notes
SB2586	RELATING TO EDUCATION.	Requires the department of education to provide public school students with a whole child education curriculum, air conditioning in certain classrooms, and decrease class size. Requires sufficient allocation of special education teachers and provides special education teachers with additional preparation time and funding. Establishes the student loan subsidy program and special fund. Expands vocational, technical, and career pathway programs. Amends weighted student formula factors to be considered by the committee on weights. Limits participation in standardized tests, prohibits the use of standardized test scores for evaluation purposes, authorizes standardized testing exemptions, and requires the board of education to provide notice of the right to opt-out of standardized testing. Requires all eligible children to attend preschool by the 2020-2021 school year. Amends evaluation program for teachers and educational officers. Increases the general excise tax. Makes appropriations.	KIDANI	EDU, WAM	
SB2608	RELATING TO THE BOARD OF EDUCATION.	Requires the board of education to conduct annual self-evaluations, report a summary of its self-evaluations to the legislature, and post the summary on its public website.	KIDANI, HARIMOTO, Dela Cruz, Shimabukuro	EDU	1/29/2016: The committee on EDU has scheduled a public hearing on 02-03-16 1:15PM in conference room 229.
SB2610	RELATING TO EDUCATION.	Requires at least one member of the committee on weights to be a representative of the special education community, such as a special education teacher or the parent of an exceptional child.	KIDANI, BAKER, CHUN OAKLAND, GALUTERIA, Dela Cruz, Harimoto, Ihara, Shimabukuro, Slom, Wakai	EDU, WAM	
SB2783	RELATING TO EDUCATION.	Establishes within DOE the youth civil defense corps. Requires BOE to adopt standards and curriculum for student participation.	KIDANI, BAKER, Shimabukuro	EDU/PSM	