

DAVID Y. IGE  
GOVERNOR



CATHERINE PAYNE  
CHAIRPERSON

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

February 21, 2019

TO: Board of Education

FROM: Catherine Payne  
Chairperson, Ad Hoc Committee on 2019 Legislative Session

AGENDA ITEM: Update on Ad Hoc Committee (a permitted interaction group pursuant to Hawaii Revised Statutes, Section 92-2.5(b)(2)) concerning 2019 Legislative Session: Hearings, Informational Briefings, and Testimony

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I will provide an oral report on the hearings members of the 2019 Legislative Session Ad Hoc Committee attended since my last report on February 7, 2019. This list is current as of February 15, 2019. Copies of any written testimony submitted by the committee are attached to this memorandum as **Exhibit A**.

**Senate Committees on Education and Human Services Hearing**

Monday, February 11, 2019, 2:45 p.m.

Notice: [https://www.capitol.hawaii.gov/session2019/hearingnotices/HEARING\\_EDU-HMS\\_02-11-19\\_.HTM](https://www.capitol.hawaii.gov/session2019/hearingnotices/HEARING_EDU-HMS_02-11-19_.HTM)

Board Member Attended: Bruce Voss

**House Committees on Labor & Public Employment and Lower & Higher Education Hearing**

Tuesday, February 12, 2019, 2:00 p.m.

Notice: [https://www.capitol.hawaii.gov/session2019/hearingnotices/HEARING\\_LAB-LHE\\_02-12-19\\_.HTM](https://www.capitol.hawaii.gov/session2019/hearingnotices/HEARING_LAB-LHE_02-12-19_.HTM)

Board Member Attended: Catherine Payne

**House Committees on Lower & Higher Education and Labor & Public Employment Hearing**

Tuesday, February 12, 2019, 2:10 p.m.

Notice: [https://www.capitol.hawaii.gov/session2019/hearingnotices/HEARING\\_LHE-LAB\\_02-12-19\\_.HTM](https://www.capitol.hawaii.gov/session2019/hearingnotices/HEARING_LHE-LAB_02-12-19_.HTM)

Board Member Attended: Catherine Payne

**House Committee on Public Safety, Intergovernmental, and Military Affairs (decision making)**

Tuesday, February 12, 2019, 2:10 p.m.

Notice: [https://www.capitol.hawaii.gov/session2019/hearingnotices/HEARING\\_PSM\\_02-12-19-3\\_.HTM](https://www.capitol.hawaii.gov/session2019/hearingnotices/HEARING_PSM_02-12-19-3_.HTM)

Board Member Attended: Dwight Takeno

**House Committee on Lower & Higher Education Hearing**

Tuesday, February 12, 2019, 2:15 p.m.

Notice: [https://www.capitol.hawaii.gov/session2019/hearingnotices/HEARING\\_LHE\\_02-12-19\\_.HTM](https://www.capitol.hawaii.gov/session2019/hearingnotices/HEARING_LHE_02-12-19_.HTM)

Board Member Attended: Catherine Payne

**House Committee on Judiciary Hearing**

Wednesday, February 13, 2019, 2:01 p.m.

Notice: [https://www.capitol.hawaii.gov/session2019/hearingnotices/HEARING\\_JUD\\_02-13-19\\_2\\_.HTM](https://www.capitol.hawaii.gov/session2019/hearingnotices/HEARING_JUD_02-13-19_2_.HTM)

Board Member Attended: Dwight Takeno

**Senate Committee on Ways and Means Hearing (decision making)**

Thursday, February 14, 2019, 10:00 a.m.

Notice: [https://www.capitol.hawaii.gov/session2019/hearingnotices/HEARING\\_WAM\\_02-14-19\\_.HTM](https://www.capitol.hawaii.gov/session2019/hearingnotices/HEARING_WAM_02-14-19_.HTM)

Board Member Attended: Dwight Takeno

**Exhibit A**  
**Testimony**



**STATE OF HAWAII**  
**BOARD OF EDUCATION**  
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**Senate Committee on Education**  
**Senate Committee on Human Services**

Monday, February 11, 2019  
2:45 p.m.  
Hawaii State Capitol, Room 016

**Senate Bill 383, Relating to Youth Suicide Prevention**

Dear Chairs Kidani and Ruderman, Vice Chairs Kim and Rhoads, and Members of the Committees:

The Board of Education ("Board") supports the intent of SB 383 but has comments. SB 383 would require the Board to establish and implement youth suicide awareness and prevention training programs and risk referral protocols in public schools, including charter schools.

One of the Board's strategic priorities for the 2018-2019 school year relates to safe learning environments that support students' well-being, which seeks to ensure that the appropriate policies, structures, and resources are in place so learning environments that support all students' emotional and physical well-being can be cultivated.

The Board understands that youth suicide is connected to bullying, harassment, and discrimination in schools, and the Board fully supports the intent of initiatives that recognize the importance of addressing these issues.

However, it is difficult for the Board to support proposed legislation that creates additional duties and responsibilities for the Board and the Department of Education ("Department") without appropriating adequate, commensurate resources to accomplish such duties and responsibilities. In its current form, this measure creates substantially more work for the Board and Department without any funding to accomplish their new responsibilities.

In addition, the Board believes the responsibility to implement programs should lie with the Department and its administratively attached agencies, as the Board's fundamental purpose is to create educational policy, pursuant to the Constitution of the State of Hawaii. Therefore, should the Committees decide to pass this measure, the Board requests that the Committees amend it to place the responsibility to develop and implement a youth suicide awareness and prevention training program and a model risk referral protocol with the Department or its administratively attached agencies as appropriate.

The Board's position and comments on this measure are in regards to matters of public policy only, and the Board defers to the Department on operational and implementation matters for the public education system. The Board also defers to the State Public Charter School Commission on operational and implementation matters as they relate to charter schools.

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

Very truly yours,

Catherine Payne  
Chairperson, Board of Education  
Chairperson, 2019 Legislative Ad Hoc Committee

DAVID Y. IGE  
GOVERNOR



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CHAIRPERSON

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**House Committee on Labor and Public Employment  
House Committee on Lower and Higher Education**

Tuesday, February 12, 2019  
2:00 p.m.  
Hawaii State Capitol, Room 309

**House Bill 412, Relating to the Salary of the State Librarian**

Dear Chairs Johanson and Woodson, Vice Chairs Eli and Perruso, and Members of the Committees:

The Board of Education ("Board") would like to testify in support of HB 412, which would limit the State Librarian's salary to ninety percent of the Superintendent's salary.

The State Librarian oversees Hawaii's State Public Library System, which is responsible nurturing the lifelong learning needs of all of the citizens of Hawaii. This includes oversight of 51 physical branches statewide as well as growing online and digital resources. Public libraries are the heart of many of our communities and serve as an essential partner with education in this state.

This bill will provide the Board with the flexibility and discretion it needs to attract and retain high-quality candidates while simultaneously setting a degree of accountability by tying the salary of the State Librarian to another statutory position and ensuring that it never exceeds the salary of the Superintendent.

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

Very truly yours,

Catherine Payne  
Chairperson, Board of Education  
Chairperson, 2019 Legislative Ad Hoc Committee



**STATE OF HAWAII  
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**House Committee on Judiciary**

Wednesday, February 13, 2019  
2:01 p.m.  
Hawaii State Capitol, Room 325

**House Bill 411 HD 1, Relating to the Board of Education**

Dear Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

The Board of Education ("Board") supports the intent of HB 411 HD 1 but has comments. HB 411 HD 1 would require the Board to hold no less than six community meetings each year, with at least one in each county, and allow public testimony on items not on a public meeting agenda.

One of the Board's strategic priorities for the 2018-2019 school year relates to communication and engagement. The Board supports measures that 1) support informed decision-making and priority setting through thoughtful and intentional engagement with stakeholders, and 2) improve transparency and access to information to encourage an informed and engaged community of citizens.

The Board believes community meetings improve the public's access to the Board and provide the Board with more information from the community to help in its decision-making and priority setting. This belief is reflected in its bylaws,<sup>1</sup> which already require it to hold no less than six community meetings annually, including at least one in each county, which is what this measure seeks to legislate.

As to the open forum at the end of Board meetings, whether this would result in "thoughtful and intentional engagement with stakeholders," per the Board's strategic priorities, is unclear. Sunshine Law would prevent Board members from discussing any concerns or issues members of the public bring up during the open forum until such concerns or issues appear on a properly noticed Board agenda. Open forums alone do not appear to significantly increase access to or engagement with the Board because members of the public would only be allowed to provide their concerns or comments to the Board; the Board would not be able to engage or respond to testifiers. Currently, members of the public are invited to provide any comments or concerns in writing at any time. This allows for direct communication with Board Members, which would

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<sup>1</sup> Available at: [http://boe.hawaii.gov/Documents/BOE%20Bylaws%20\(07-18-2017\).pdf](http://boe.hawaii.gov/Documents/BOE%20Bylaws%20(07-18-2017).pdf)

essentially have the same effect as delivering those same concerns or comments in person at an open forum, but without requiring members of the public to attend a public meeting or track the Board's meeting notices. Lastly, the Committee should note that the Board, in practice, already allows testimony at its meetings from the members of the public on topics that are not on the meeting agenda. Members of the public are not prevented from testifying on matters not on the meeting agenda and, in compliance with Sunshine Law, the Board only accepts such testimony and does not discuss it.

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

Very truly yours,

Catherine Payne  
Chairperson, Board of Education  
Chairperson, 2019 Legislative Ad Hoc Committee



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**House Committee on Lower and Higher Education**

Thursday, February 14, 2019  
2:35 p.m.  
Hawaii State Capitol, Room 309

**House Bill 407, Relating to the Board of Education**

Dear Chair Woodson, Vice Chairs Hashem and Perruso, and Members of the Committee:

The Board of Education ("Board") would like to provide comments on HB 407, which would grant the Board the authority to appoint complex area superintendents.

The Board agrees that the complex area superintendents play a vital role for their public school communities, and they are an integral component of the Department of Education's tri-level leadership structure. The Board currently has approval authority over any complex area superintendent appointments made by the Superintendent. The Board reviews the resume of the candidate and meets with the candidate before the appointment.

The Board would like to note, however, that it is unclear whether the intent of this measure is for the Board to directly oversee complex area superintendents. The Board respectfully requests for clarification.

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

Very truly yours,

Catherine Payne  
Chairperson, Board of Education  
Chairperson, 2019 Legislative Ad Hoc Committee



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**House Committee on Lower and Higher Education**

Thursday, February 14, 2019  
2:35 p.m.  
Hawaii State Capitol, Room 309

**House Bill 413, Relating to Education Innovation Grants**

Dear Chair Woodson, Vice Chairs Hashem and Perruso, and Members of the Committee:

The Board of Education ("Board") supports the intent of HB 413 but has comments. HB 413 would, among other things, establish the Education Innovation Grants Program and authorize the Board to administer the program.

One of the Board's strategic priorities for the 2018-2019 school year relates to student-centered school design, which seeks to ensure that the appropriate policies, structures, and resources are in place to support schools designed to engage students in a rigorous and innovative curriculum. The Board supports the intent of legislative proposals that advance or provide resources for innovative, student-centered school design.

However, the Board believes the responsibility to implement programs should lie with the Department, as the Board's fundamental purpose is to create educational policy, pursuant to the Constitution of the State of Hawaii. **Therefore, the Board respectfully requests that the Committee pass this measure with amendments to place the responsibility of administering the Education Innovation Grants Program with the Department.**

The Board's position and comments on this measure are in regards to matters of public policy only, and the Board defers to the Department on operational and implementation matters for the public education system.

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

Very truly yours,

Catherine Payne  
Chairperson, Board of Education  
Chairperson, 2019 Legislative Ad Hoc Committee