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CATHERINE PAYNE
CHAIRPERSON

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

July 18, 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: Governor's Vetoes

I will provide an oral report on the 2019 Legislative Session Ad Hoc Committee's activities since my last report on May 2, 2019 and the results of the 2019 Legislative Session. The Hawaii State Constitution requires the Governor to notify the Legislature of the bills he intends to veto by July 9, 2019. The Governor issued his intent to veto list and vetoed 18 of the 20 bills on his list. The list below is of the legislative bills related to the Board of Education's authority which the Governor vetoed on July 9, 2019. Copies of the comments submitted by the committee during Conference Committee are attached to this memorandum as **Exhibit A**.

HB407.

Measure Description: Requires board of education approval prior to the termination of a complex area superintendent. Effective 7/1/2050.

Rationale: The Board of Education ("Board") already has the authority to establish a policy allowing the Board to approve the termination of a complex area superintendent. This bill might impact the Board's role as an appellate body as well as the appeal rights of complex area superintendents.¹

¹ For more information, see the Governor's Press Release dated June 24, 2019, available here: <https://governor.hawaii.gov/newsroom/latest-news/office-of-the-governor-news-release-airbnb-among-20-bills-on-governor-iges-intent-to-veto-list/>

HB 1276.

Measure Description: Establishes a working group to consider and develop best practices for collaborative planning by teachers and expanded learning time for students in public schools.

Rationale: This bill encourages the development of a “one-size-fits-all” approach to schools. Planning and learning time are matters better left to the Board, as they fit within the Board’s statutory and constitutional authority.²

² For more information, see the Governor’s Press Release dated June 24, 2019, available here: <https://governor.hawaii.gov/newsroom/latest-news/office-of-the-governor-news-release-airbnb-among-20-bills-on-governor-iges-intent-to-veto-list/>

Exhibit A

Letters to Conference Committees



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

April 22, 2019

**Conference Committee on House Bill 407, House Draft 1, Senate Draft 1, Relating to
Education**

Dear Chair Kidani; Co-Chairs Woodson and Nishimoto; Representatives Hashimoto, Ohno, Tarnas, and Okimoto; and Senators Kanuha and Fevella:

The Board of Education ("Board") opposes all versions of HB 407 HD1 SD1 and offers the following comments for consideration.

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 ("Department") tri-level leadership structure.

The Board does not support proposed legislation that would prevent or hinder the Board or the Department from addressing their annual strategic priorities. Annually, the Board sets strategic priorities, which the Superintendent uses to develop her own priorities that serve as the Board's primary measures for holding the Superintendent accountable to improving public education.

To achieve her priorities, the Superintendent relies on an expansive tri-level cadre of Department leaders, which includes the complex area superintendents. Without the flexibility to terminate the crucial members of her leadership team, when necessary, the Superintendent's responsibility to meet her annual priorities and advance public education in Hawaii becomes increasingly challenging.

Further, the Board does not believe it is appropriate or effective for the Board to assume management responsibilities over Department employees and believes it should remain focused on its primary roles of education policymaker and supervisor to the Superintendent as envisioned by the Constitution of the State of Hawaii. Extending the Board's role beyond this raises questions of constitutionality. The Board appreciates the Senate Committee on Education's amendment to this measure to keep appointment authority of complex area superintendents with the Superintendent rather than the Board. However, the Superintendent should remain responsible for managing the Department, its employees, and all related personnel decisions, including the termination of complex area superintendents when necessary.

We urge the Conference Committee not to pass this measure.

Thank you for considering the Board's position on this measure. Please feel free to contact the Board at (808) 586-3334 with any questions.

Very truly yours,

Catherine Payne

Chairperson, Board of Education

Chairperson, 2019 Legislative Ad Hoc Committee