



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

December 16, 2021

TO: Board of Education

FROM: Catherine Payne  
Chairperson, Board of Education

AGENDA ITEM: Board Action on Board legislative policy positions for 2022  
Legislative Session

---

**I. BACKGROUND**

In 2019 and 2020, the Board of Education (“Board”) established an investigative committee tasked with, among other things, developing the Board’s legislative policy positions for the respective legislative sessions. Because other matters have occupied the Board’s time, the Board did not establish an investigative committee this year. In previous years, a separate ad hoc committee created by the Board would use these legislative policy positions to advocate on behalf of the Board during legislative session.

**II. DISCUSSION**

In the absence of an investigative committee, I took on the task of developing draft legislative policy positions for the 2022 Legislative Session, attached as **Exhibit A**.

As with previous years, the draft policy positions support proposed legislation that addresses the needs identified in the Department of Education and Hawaii State Public Library System’s Board-approved supplemental budget requests for Fiscal Year 2023.<sup>1</sup> The general policy positions described in the proposed policy positions are also similar to those from previous years. The first charter school policy position is identical to positions the Board took in previous years (with the exception of last year when the Board prioritized preserving existing resources given the poor economic outlook). The second charter school policy position is based on the recommendation in the Board’s draft annual charter school report

---

<sup>1</sup> The Board approved the Department of Education and Hawaii State Public Library System’s respective supplemental operational and Capital Improvement Program budget requests on October 21, 2021.

(which is also up for the Board's consideration). The early learning policy position is identical to the position the Board took last year.

As it has done in the past, the Board can amend its policy positions during the legislative session should the need arise.

### **III. RECOMMENDATION**

I recommend that the Board adopt the legislative policy positions attached to this memorandum.

**Proposed Motion: “Move to adopt the Board policy positions for the 2022 Legislative Session attached as Exhibit A to Board Chairperson Catherine Payne’s memorandum dated December 16, 2021.”**

**Exhibit A**

**Proposed Board Policy Positions for the 2022 Legislative Session**

## **BOARD OF EDUCATION 2022 LEGISLATIVE POLICY POSITIONS**

### **DEPARTMENT OF EDUCATION POLICY POSITIONS**

The Board supports proposed legislation that addresses the needs identified in the Department's Board-approved supplemental operating and Capital Improvement Program budget requests for Fiscal Year 2023.

### **LIBRARIES POLICY POSITIONS**

The Board supports proposed legislation that addresses the needs identified in the Hawaii State Public Library System's Board-approved supplemental operating and Capital Improvement Program budget requests for Fiscal Year 2023.

### **CHARTER SCHOOL POLICY POSITIONS**

The Board supports proposed legislation that addresses charter school facilities needs as a longstanding and unresolved issue that the Board cites in its annual charter school report to the Legislature every year.

The Board supports measures that seek to reexamine governance, authority, and accountability structures of the charter school system as recommended in the Board's most recent annual charter school report to the Legislature.

### **EARLY LEARNING POLICY POSITIONS**

The Board supports proposed legislation that expands access to quality early learning opportunities for more children.

### **GENERAL POLICY POSITIONS**

The Board supports proposed legislation that:

- Support informed decision-making and priority setting through thoughtful and intentional engagement with stakeholders; and/or
- Improve transparency and access to information to encourage an informed and engaged community of citizens

The Board opposes proposed legislation that:

- Diminishes the Board's power to formulate statewide educational policy as envisioned and established by Article X, Section 3, of the Constitution of the State of Hawaii;
- Requires the Board to assume management responsibilities over employees other than the Superintendent of Education and the State Librarian (or heads of other agencies over which the Board has governance authority) rather than remain focused on its constitutional responsibility of policymaking;
- Creates additional duties or responsibilities for the Department or Board without appropriating adequate, commensurate resources to accomplish such duties or responsibilities; and/or

- Makes the organizational structure and lines of authority within the public education system, including the Department of Education and its attached agencies, less clear and more confusing.

The Board takes no position on legislation relating to the Board's membership, as the Board believes it is most appropriate for the Legislature and Governor to decide such matters. The Board will endeavor to provide the Legislature with any relevant information relating to Board membership matters to enable to the Legislature to make informed decisions.

The Board's positions on proposed legislation are from a policy-level standpoint, and the Board defers to the Department (or its administratively attached agencies when appropriate) on operational and implementation matters.