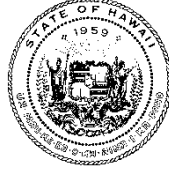


JOSH GREEN, MD  
GOVERNOR



WARREN HARUKI  
CHAIRPERSON

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

November 16, 2023

TO: Board of Education

FROM: Warren Haruki  
Chairperson, Board of Education

AGENDA ITEM: Board Action on designation of Board members to an ad hoc committee [a permitted interaction group pursuant to Hawaii Revised Statutes Section 92-2.5(b)(2)] concerning 2024 Legislative Session

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**I. EXECUTIVE SUMMARY**

- The proposed approach to the 2024 Legislative Session is similar to the Board of Education's ("Board") approach to past legislative sessions. It establishes an ad hoc committee to engage with the Legislature during the legislative session.
- This approach allows the Board to be proactive with the Legislature, Department of Education ("Department"), and other stakeholders, and also comment on proposed legislation.
- The recommendation is to authorize and appoint Board Members to an ad hoc committee tasked with the duties described in this memorandum. It also broadly articulates the Board's 2024 legislative policy positions.

**II. BACKGROUND**

Since the 2019 Legislative Session, the Board has formed an ad hoc committee, which has allowed the Board to take a more active role in engaging with the Hawaii State Legislature by attending hearings, submitting testimony, and meeting with

legislators, among other activities. The ad hoc committee mechanism ensures compliance with Sunshine Law requirements, while allowing greater interaction between the Board members that serve on the committee and the Legislature. The work of past legislative ad hoc committees allowed the Board to make its policy positions on a number of important legislative measures known to the Legislature and the public in an efficient and effective manner.

### III. **DISCUSSION**

Even though the Legislature is in session for only part of the year, legislative policymaking is a year-round process when factoring in planning, engagement, and other preparation, and the Board should be having policy conversations with the Governor and Legislature as the Board's education co-policymakers beyond the legislative session.

Authority. Under Section 92-2.5(b)(2), Hawaii Revised Statutes, the Sunshine Law allows two or more members (but no more than four) to present, discuss, or negotiate a position the Board has adopted, provided that the Board makes the assignment and establishes the scope of each member's authority before any presentation, discussion, or negotiation takes place. Section 5.8 of the Bylaws allow the Board to form an ad hoc committee for a discrete and specific purpose of interest to the Board for a definite time period or until its specific function has been completed. The Board must approve the charge of the ad hoc committee. This memorandum describes the responsibilities envisioned for the ad hoc committee.

Ad Hoc Committee Charge and Member Authority. The charge of the ad hoc committee, which will be known as the 2024 Legislative Ad Hoc Committee, is to present, discuss, and negotiate the policy positions to be adopted by the Board for the 2024 Legislative Session through and until Governor's last veto deadline for the 2024 Legislative Session, but in no event later than July 31, 2024. All members of the committee have the authority to present, discuss, or negotiate any of the policy positions the Board adopts, and subsequently amends, for the 2024 Legislative Session. The 2024 Legislative Ad Hoc Committee Chairperson has the further authority to call committee meetings, schedule and provide periodic reports to the Board, and submit written testimony to the Legislature on behalf of the Board as approved by the Committee or delegate such authority to a fellow ad hoc committee member.

Timeline. The table below outlines the projected timeline for this approach. Under this timeline, the ad hoc committee would conduct its work from November 2023 through July 2024.

Date	Activity
November 16, 2023	Board establishes ad hoc committee and adopts legislative policy positions
Late November 2023-Early January 2024	Ad hoc committee conducts pre-session work with legislators and the Department
January-May 2024	Ad hoc committee tracks legislation and testifies, as appropriate
May-July 2024	Ad hoc committee provides Governor advice on enrolled legislation and concludes its work

**IV. RECOMMENDATION**

Based on the foregoing, I recommend the Board authorize the creation of an ad hoc committee tasked with the duties described in this memorandum. I recommend appointing Board Members Bill Arakaki, Shanty Asher, Ken Kuraya, and myself to the ad hoc committee, with me serving as committee chairperson. Finally, I recommend the Board adopt the 2024 legislative policy positions attached as Exhibit A, which are substantially similar to those adopted for previous legislative sessions.

**Proposed Motion: “Moved to:**

- 1. Authorize the creation of the 2024 Legislative Ad Hoc Committee as a permitted interaction group formed pursuant to Hawaii Revised Statutes Section 92-2.5(b)(2) with the charge and authority defined in Board Chairperson Haruki’s memorandum dated November 16, 2023; and**
- 2. Appoint Board Chairperson Haruki and Board Members Arakaki, Asher, and Kuraya as members of the ad hoc committee, with Board Chairperson Haruki serving as chairperson of the committee.; and**
- 3. Adopt the legislative policy positions from Board Chairperson Haruki’s memorandum dated November 16, 2023.”**

**Exhibit A**

**Proposed Board Policy Positions for the 2024 Legislative Session**

## **BOARD OF EDUCATION 2024 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 2025.

### **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 2025.

### **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.

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

### **EARLY LEARNING POLICY POSITIONS**

The Board supports proposed legislation that expands access to quality early learning opportunities for more children and/or promotes the development of more high-quality early educators.

### **GENERAL POLICY POSITIONS**

The Board supports proposed legislation that:

- Increases the compensation of school-level employees in public schools;
- Supports informed decision-making and priority setting through thoughtful and intentional engagement with stakeholders; or
- Improves 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; 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/or more cumbersome.

The Board defers to the Department or its administratively attached agencies, when appropriate, on operational and implementation matters.