



GOV. MSG. NO. 1282

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 6, 2021

The Honorable Ronald D. Kouchi,
President and Members of the Senate
Thirty First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith HB515 HD1 SD2, without my approval and with the statement of objections relating to the measure.

HB515 HD1 SD2

RELATING TO THE DEPARTMENT OF
EDUCATION.

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

EXECUTIVE CHAMBERS

HONOLULU

July 6, 2021

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 515

Honorable Members
Thirty-First Legislature
State of Hawai'i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning herewith, without my approval, House Bill No. 515, entitled "A Bill for an Act Relating to the Department of Education."

The purpose of part I of this bill is to require the Auditor to audit the Department of Education's School Food Services Branch to determine the amount of local produce that is being purchased and served to students and to identify the sources of the purchased produce. The purpose of part II of this bill is to require that the Board of Education prioritize for the Superintendent of Education position candidates who have the minimum qualification of ten years of employment in a department of education, including no less than five years serving as a principal or in a higher-level position, and a desired qualification of having a working understanding of the State's tri-level system of educational administration.

This bill is objectionable because the Department of Education's School Food Services branch is already conducting its own system-wide audit of local produce purchased and served in school cafeterias. Requiring the State Auditor to conduct another audit would be a duplication of effort and is unnecessary. The administration fully supports increasing the amount of local produce served in schools as demonstrated by the signing of HB767. Through the Aina Pono program, DOE is increasing local food in student meals as well as connecting our keiki with the 'āina through their food, using products from the local agricultural community. The 'Aina Pono program was created to combine the Farm to School Initiative with our other educational programs, including 'Aina Pono Harvest of the Month, test kitchens, meal programs, menu planning, health and food education, nutrition, and school gardens.

STATEMENT OF OBJECTIONS
HOUSE BILL NO. 515
Page 2

Regarding part II, the Board of Education (Board) is the primary government entity charged with determining educational policy and appointing the Superintendent of Education. Part II effectively usurps the Board's discretion over hiring, thereby interfering with the Board's statutory obligation to appoint the Superintendent, and may have an unintended consequence of limiting the supply of future candidates for the position.

For the foregoing reasons, I am returning House Bill No. 515 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "David Y. Ige", with a stylized flourish at the end.

DAVID Y. IGE
Governor of Hawai'i

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

PART I

SECTION 1. The purpose of this Act is to require the auditor to conduct an audit of the department of education's school food services branch to determine the current baseline of the amount of local produce that is purchased and served to students in school cafeterias. The intent of this Act is to use the audit to provide the legislature with information on what type of food is being purchased by the school food services branch for school meals to help determine what amount of the purchased food is locally sourced.

SECTION 2. (a) The auditor shall conduct an audit of the department of education's school food services branch to determine the current amount of local produce purchased and served to students by the branch and to identify the sources of the purchased produce to establish a baseline amount of produce which is locally sourced.



1 (b) The auditor shall submit a report of the auditor's
2 findings and recommendations, including any proposed
3 legislation, to the legislature no later than twenty days prior
4 to the convening of the regular session of 2022.

5 PART II

6 SECTION 3. Hawaii has a unique, statewide public education
7 system. The state educational agency and local education agency
8 are one and the same, and its leadership requires a unique
9 perspective and experience. Hawaii is also the only state that
10 provides all public school funding without any additional
11 support from the counties.

12 The purpose of this part is to require that the board of
13 education prioritize, for the superintendent of education
14 position, candidates that have the minimum qualification of ten
15 years of employment in a department of education, including no
16 less than five years serving as a principal or in a higher-level
17 position, and a desired qualification for a candidate is having
18 a working understanding of Hawaii tri-level systems of
19 educational administration.

20 SECTION 4. Section 302A-1101, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) The board shall appoint, and may remove, the
2 superintendent by a majority vote of its members. The
3 superintendent:

4 (1) May be appointed without regard to the state residency
5 provisions of section 78-1(b);

6 (2) May be appointed for a term of up to four years; and

7 (3) May be terminated only for cause[-];

8 provided that for the position of superintendent,
9 notwithstanding any law to the contrary, the board shall
10 prioritize candidates having a minimum qualification of ten
11 years of employment in a department of education, including no
12 less than five years serving as a principal or in a higher-level
13 position; provided further that a desired qualification for a
14 candidate for the position of superintendent is having a working
15 understanding of the State's tri-level systems of educational
16 administration.

17 For purposes of this subsection, "tri-level systems of
18 educational administration" means the systems of administration
19 at the State, complex area, and school levels."



1 PART III

2 SECTION 5. Statutory material to be repealed is bracketed
3 and stricken. New statutory material is underscored.

4 SECTION 6. This Act shall take effect upon its approval.

APPROVED this day of , 2021

GOVERNOR OF THE STATE OF HAWAII



HB No. 515, HD 1, SD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki
Speaker
House of Representatives





Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 13, 2021
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate
of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021.


President of the Senate


Clerk of the Senate