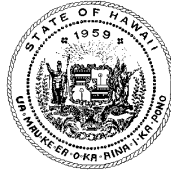


JOSH GREEN, M. D.
GOVERNOR
KE KIA'ĀINA



BRENNA H. HASHIMOTO
CHIEF NEGOTIATOR

SYLVIA LUKE
LT. GOVERNOR
KA HOPE KIA'ĀINA

STATE OF HAWAII
OFFICE OF COLLECTIVE BARGAINING
EXECUTIVE OFFICE OF THE GOVERNOR
235 S. BERETANIA STREET, SUITE 1201
HONOLULU, HAWAII 96813-2437

Statement of
BRENNA H. HASHIMOTO
Chief Negotiator, Office of Collective Bargaining

Before the
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Friday, February 10, 2023
2:00PM
State Capitol, Conference Room 325

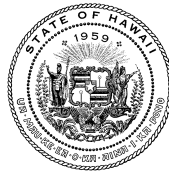
In consideration of
HB 556 HD1, RELATING TO THE BOARD OF EDUCATION

Chair Tarnas, Vice Chair Takayama, and the members of the committee.

The Office of Collective Bargaining (OCB) appreciates the intent of HB 556 HD1, which requires the board of education to invite the exclusive representative for bargaining unit 5 (teachers and other personnel of the department of education) to appoint a nonvoting public school teacher representative to the board and the exclusive representative for bargaining unit 6 (educational officers) to appoint a nonvoting public school administrator representative to the board. However, OCB offers the following **comments** on this measure:

1. Public school teachers and public school administrators, as members of the exclusive representative, already have measures in place that provide for the fair representation of all employees.
2. However, should this measure advance, the OCB requests it be amended to include a process to recuse oneself to avoid potential conflicts of interest and access to confidential information which may unfairly impact collective bargaining negotiations for their respective bargaining units.

Thank you for the opportunity to provide testimony and comments on this measure.



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

House Committee on Judiciary & Hawaiian Affairs

Friday, February 10, 2023
2:00 p.m.
Via Videoconference
Hawaii State Capitol, Room 325

House Bill 556, House Draft 1, Relating to Board of Education

Dear Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Board of Education (“Board”) respectfully provides **comments** on HB 556 HD 1, which would, among other things, require the Board to invite the exclusive representative for bargaining unit (5) to appoint a nonvoting public school teacher representative to the Board and the exclusive representative for bargaining unit (6) to appoint a nonvoting public school administrator representative to the Board.

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 endeavors to provide the Legislature with any relevant information relating to Board membership matters to enable the Legislature to make informed decisions.

In addition to its nine members, the Board currently has two “representatives” as provided by statute: a student representative and a military representative. The Board does not consider these representatives to be members of the Board (not even the nonvoting type) nor does law contemplate as much. The Board’s bylaws define the rights of its representatives as follows: “There shall be a student representative and a military representative as provided by Sections 302A-121, 302A-447, and 302A-1101, HRS. The student representative and military representative are not members of the Board, but they may engage in discussion and deliberation at General Business Meetings, Special Meetings, and Standing Committee meetings. The student representative and military representative shall not have other rights or privileges, including the right to make motions or vote, nor shall they be counted for quorum

purposes or be entitled to be present in executive sessions of the Board unless necessary for the purpose of the executive session.”

The Board requests that the Committee clarify, either in its committee report or the bill itself, whether the intent of this measure to have the exclusive representatives appoint a teacher who is currently teaching in a public school and a school administrator who is currently running a public school. As currently worded, the measure appears to give total discretion to the exclusive representatives to appoint whomever they choose regardless of current position, employment status, or affiliation.

Finally, we note that other stakeholders with specific educational interests, such as Hawaiian language immersion education or special education, may also want a similar requirement to appoint representatives on their respective interests to the Board should the Legislature pass this measure. This could open the door for the Legislature needing to make policy decisions prioritizing which educational interests are of such importance that they require a representative to the Board.

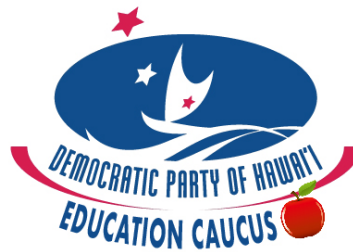
Thank you for this opportunity to testify on behalf of the Board.

A handwritten signature in cursive script that reads "William N. Arakaki".

Sincerely,

Bill Arakaki

Chairperson, Board of Education 2023 Legislative Ad Hoc Committee



HOUSE BILL 556, HD 1, RELATING TO THE BOARD OF EDUCATION

FEBRUARY 10, 2023 · HOUSE JUDICIARY AND
HAWAIIAN AFFAIRS COMMITTEE · CHAIR REP.
DAVID A. TARNAS

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus supports HB 556, HD 1, relating to the Board of Education, which requires the Board of Education to invite the exclusive representative for bargaining unit (5) (teachers and other personnel of the department of education) to appoint a nonvoting public school teacher representative to the board and the exclusive representative for bargaining unit (6) (educational officers) to appoint a nonvoting public school administrator representative to the board.

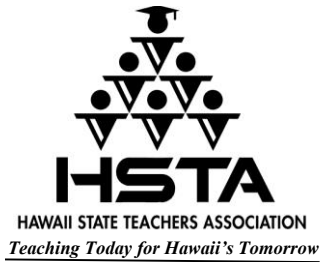
Empowered teachers are excellent educators. Yet, too often, teachers are omitted from educational policymaking. When teachers' voices are silenced, the views of the hardworking educators charged with shaping our children's minds and leading Hawai'i's classrooms are absent from discussions about how policy decisions impact classroom learning.

As noted in this measure's preamble, the coronavirus disease 2019 pandemic (COVID-19) significantly disrupted Hawai'i's public education system, forcing schools to adapt their operations to protect public health. School communities were required to adopt new protocols to deliver instructional content, including comprehensive distance learning programs. Board of Education

members and school administrators were also responsible for using medical information to make decisions about school safety, such as when school campuses could safely reopen and welcome the return of faculty and students. Educational governance deliberations about protocols and developed in response to COVID-19—including how to address learning loss, distribute federal relief funds, and strengthen social and emotional learning—would also benefit from the experience of a public school teacher representative and public school administrator representative, given that teachers and administrators directly manage school-level educational services.

Already, the BOE hosts a military liaison and a student representative, both of whom are nonvoting members who wield considerable influence in board debates. They are critical thinkers, quick to question departmental initiatives that undermine student achievement and steadfast in their support of better schools. Likewise, teachers should have the opportunity to have a representative articulate their views on, for example, student assessment or school funding, since they are ultimately responsible for directly implementing the board's decisions and know best what's needed to strengthen their classroom experiences and inspire their children to succeed.

Kris Coffield · Chairperson, DPH Education Caucus · (808) 679-7454 · kriscoffield@gmail.com



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
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Osa Tui, Jr.
President
Logan Okita
Vice President
Lisa Morrison
Secretary-Treasurer
Ann Mahi
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON JUDICIARY &
HAWAIIAN AFFAIRS

RE: HB 556 HD1 - RELATING TO THE BOARD OF EDUCATION

FRIDAY, FEBRUARY 10, 2023

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Tarnas and Members of the Committee:

The Hawaii State Teachers Association **strongly supports HB 556, HD1**, relating to the Board of Education. This bill requires the board of education to invite the exclusive representative for bargaining unit (5) (teachers and other personnel of the department of education) to appoint a nonvoting public school teacher representative to the board and the exclusive representative for bargaining unit (6) (educational officers) to appoint a nonvoting public school administrator representative to the board. **HSTA will let the representative for bargain unit (6) speak for themselves. We are speaking for bargain unit (5) members. We would not be opposed to a bargain unit (6) member being a nonvoting member as well.**

Teacher voice matters. Too often, educational governance decisions are made without the input of the hardworking public school teachers in Hawai'i, who are responsible for crafting our children's future. Yet, teachers are expected to carry out these decisions, each day, without fail and without being paid the professional salaries earned by their mainland peers.

Already, the Board of Education has nonvoting members representing the military community and the student community. Both members, the board's military liaison as well as the student member on the board—provide valuable insight into the experience of their constituencies with the public school system. Teachers, too, should be heard on matters ranging from curriculum development to testing to school funding. Policymakers often talk about improving learning conditions at the "classroom level." No one is better equipped to discuss those conditions than the teachers who are tasked with managing the classroom experience.

To empower teacher voice in educational leadership, the Hawaii State Teachers Association asks your committee to **support** this bill.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Second Legislature, State of Hawaii
House of Representatives
Committee on Judiciary & Hawaiian Affairs

Testimony by
Hawaii Government Employees Association

February 10, 2023

H.B. 556, H.D. 1 – RELATING TO THE BOARD OF EDUCATION

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO opposes the intent of H.B. 556, H.D. 10 which requires the Board of Education to invite the exclusive representative for bargaining unit (5) (teachers and other personnel of the department of education) to appoint a nonvoting public school teacher representative to the board and the exclusive representative for bargaining unit (6) (educational officers) to appoint a nonvoting public school administrator representative to the board.

Educational Officers and teachers may be essential to student success, but they are certainly not the only school level employees who contribute and are integral to the success of a student. All of our public schools employ a variety of classifications, not just from bargaining units 5 and 6, but also bargaining units 1, 2, 3, 4, 9, and 13. These are your school custodians, health assistants, food services managers and supervisors, security attendants, account clerks, educational assistants, social workers, school psychologists, and athletic trainers, just to name a few.

If the legislature finds that the Board of Education would benefit from the perspective of representatives from two bargaining units, they should equally consider the benefit of having the perspective of employees from each of the other bargaining units mentioned above. Adding a non-voting representative to the board from each classification of the other six (6) bargaining units may seem unwieldy, however, under the circumstances, it is only fair for all school level employees.

Thank you for the opportunity to testify on H.B. 556, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director

HB-556-HD-1

Submitted on: 2/9/2023 12:27:32 AM

Testimony for JHA on 2/10/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support