

March 30, 2020

Board of Education
State of Hawaii
General Business Meeting
Virtual Meeting

Via Email to Testimony.BOE@boe.hawaii.gov

Re: Testimony of Common Cause Hawaii Commenting on Agenda Item III, Board Action on temporary rules of operation to conduct virtual board meetings, April 2, 2020 General Business Meeting

Dear Board of Education:

Common Cause Hawaii is a nonpartisan, nonprofit, grassroots organization dedicated to upholding the core values of American democracy. Transparency in government is key to a healthy and strong democracy. Common Cause Hawaii provides comments regarding the transparency of the April 2, 2020 General Business Meeting of the Board of Education (Board) and specifically Agenda Item III, Board Action on temporary rules of operation to conduct virtual board meetings.

The entire State is under a stay at home, work from home Third Supplemental Emergency Proclamation dated March 23, 2020, with certain exceptions, due to the COVID-19 crisis. Even the Thursday, April 2, 2020 General Business Meeting of the Board is to be conducted virtually.

By Supplemental Emergency Proclamation dated March 16, 2020, the open meetings law was suspended. "Boards[, however,] shall consider reasonable measures to allow public participation consistent with social distancing practices, such as providing notice of meetings, allowing submission of written testimony on agenda items, live streaming meetings, and posting minutes of meetings online." See Governor Ige's March 16, 2020 Supplemental Emergency Proclamation https://governor.hawaii.gov/wp-content/uploads/2020/03/2003109-ATG_COVID-19-Supplementary-Proclamation-signed.pdf at pg. 3.

To the Board's credit, the April 2, 2020 Agenda, including Agenda Item III, specifically allows for written testimony to be submitted on agenda items, which will be posted on the Board website. Further, the April 2, 2020 Agenda appears to be limited to matters dealing with COVID-19.

Unfortunately, no oral testimony will be accepted at the April 2, 2020 General Business Meeting. The public will be able to observe the proceedings of the April 2, 2020 General

Business Meeting of the Board via video and audio means, and efforts will be made to accommodate the disability community by request.

According to Agenda Item III, Board Action on temporary rules of operation to conduct virtual board meetings, oral public testimony will not be accepted during virtual meetings because of the practical, logistical, and technological challenges and disruptions it presents. See http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_2020-04-02_Action%20on%20temporary%20rules%20of%20operation.pdf at pg. 3 and attached Exhibit A at pg. 2. This is a specious argument. The Board is able to conduct meetings and interface virtually. The public should be allowed to participate remotely also. There are many proven technologies – Zoom, GoToMeeting, BlueJeans, etc. – which will permit the same remote access by the public.

While the public may be able to submit written testimony to the Board and view the live Board proceedings, this does not allow for true public participation in our democracy. Certain matters may arise during discussions between Board members at the April 2, 2020 General Business Meeting, which were not contemplated by a pre-written public testimony. This is why public oral participation at meetings is so vitally important. Public participation – interacting and having an exchange with our elected and government officials – is the cornerstone of our democracy.

True public participation is particularly necessary where the Board is dealing with our children and our children’s future. The Board needs to hear directly – the passion and the urgency – in the children’s voices and the voices of their loved ones. A written piece of paper will not adequately convey the message.

To be sure, the Board’s Agenda Item III, Board Action on temporary rules of operation to conduct virtual board meetings, is a good start to preserving some of the spirit of the sunshine law that was hastily suspended by Governor Ige’s March 16, 2020 Supplemental Emergency Proclamation.

Common Cause Hawaii requests that the public be allowed to participate via remote access and not just observe after providing written testimony. Technology exists to permit this. Democracy and transparency matter in these times of crisis.

Very respectfully yours,

Sandy Ma
Executive Director
Common Cause Hawaii