

EXECUTIVE CHAMBERS

HONOLULU

June 20, 2003

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 32

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 32, entitled "A Bill for an Act Relating to Education."

The purposes of this bill are to authorize schools to assess and collect annual fees for textbooks and to require schools to provide a copy of the current list of textbooks and instructional materials upon the request of a student or parent or guardian of a student attending the school. The bill also exempts publishers of library books from the requirement that the publisher furnish the State with computer diskettes from which Braille versions can be produced.

This bill is objectionable on philosophical grounds, and also because it is legally flawed.

The Department of Education (DOE) annual budget is in excess of \$1.3 billion, and is scheduled to increase significantly over each year of the biennium. If more books and instructional materials are needed in our public schools, and I believe they are, then the DOE should pay for them with funds from its existing budget and not place further financial burden on parents and guardians of school children.

The fundamental problem that prompted this bill is not a shortage of textbooks and instructional materials. This is a symptom of the real problem, which is that Hawaii's totally unique, single-district statewide school system, including its overly centralized DOE, is poorly structured and is not getting enough of its \$1.3 billion annual budget into classrooms.

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Bills like this one distract the public from the obvious need to decentralize control and build in greater accountability.

Our focus must remain fixed on real solutions, such as establishing clear lines responsibility and accountability for performance, decentralizing control, empowering principals and holding them accountable through performance contracts, and redirecting to classrooms up to fifty percent of the funds currently spent on administration.

There also are internal inconsistencies and ambiguities in this bill. For example, the bill does not contain an appropriation provision authorizing the expenditure of moneys collected as fees for instructional materials and textbooks. As a result, it is legally questionable whether any such moneys could actually be expended. It would make no sense to collect fees solely for the sake of collecting fees.

The bill also appears to have inadvertently limited the DOE's ability to hold students accountable for losing or destroying books. At a minimum, there is unnecessary ambiguity in the bill that would cause administrative difficulties and could result in legal challenge to the statute itself.

Without the authority to collect restitution from students who negligently lose or destroy textbooks, the ability of teachers and principals to deter such actions and to hold students accountable would be compromised.

For the foregoing reasons, I am returning House Bill No. 32 without my approval.

Respectfully,

LINDA LINGLE
Governor of Hawaii

P R O C L A M A T I O N

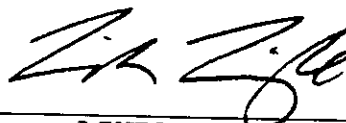
WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 32, entitled "A Bill for an Act Relating to Education," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 32 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 32 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 20th day
of June, 2003.



LINDA LINGLE
Governor of Hawaii