

SB2958



EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

Testimony of
Linda L. Smith
Senior Policy Advisor to the Governor

Before the
SENATE COMMITTEE ON EDUCATION & HOUSING

Monday, February 8, 2010, 1:45 PM
State Capitol, Room 225

S.B. 2242, S.B. 2958, S.B. 2959, S.B. 2961

Chair Sakamoto, Vice Chair Kidani, and members of the Committee:

The Administration **supports the intent** of these measures and proposes amending the bills to adopt the language in S.B. 2705 and 2706. Two of these bills, S.B. 2242 and S.B. 2961, retain the elected Board of Education but allow the next Governor to appoint the Superintendent. We are concerned this would further worsen the accountability within the public education system by creating a dual-headed entity that is trying to set policy for and manage the Department of Education.

These bills transfer the power to appoint the Superintendent of Education from the Board of Education to the Governor. We appreciate that these four measures recognize that there is a need to link the condition of the State's public education system with the Governor, who serves as the State's chief executive, as provided by law, but do not believe these measures totally address the key issue of governance.

Allowing the Governor to appoint the Superintendent will increase government accountability and allow students, teachers, families, and the community to hold the

senior elected official of the State responsible for the performance of our public education system.

The Administration also cautions the Committee against passing out bills that have the appearance of education reform, but merely make changes to the way in which Board of Education members are selected. For example, proposals to establish a commission to nominate candidates to the Board of Education would actually create another layer of bureaucracy and move the State further away from creating a system of increased accountability.

Thank you for the opportunity to provide testimony on these measures.

Date of Hearing: Monday, February 8, 2010

Committee: Senate Committee on Education and
Housing

Person Testifying: Garrett Toguchi, Chairperson, Board of Education

Title of Bill: S.B. No. 2958, Proposing an Amendment to Article X, Section 2, of the Hawaii Constitution, to Change the Board of Education to an Appointed Board

Purpose of Bill: Proposes an amendment to Article X, Section 2, of the Hawaii State Constitution to allow the Governor, by and with the advice and consent of the Senate, to appoint the members of the Board of Education, from pools of qualified candidates presented to the Governor by the Board of Education Selection Advisory Council.

Board's Position: Chairperson Sakamoto, Vice Chairperson Kidani, and members of the Senate Committee on Education and Housing, thank you for the opportunity to testify on S.B. No. 2958.

The Board of Education (Board) opposes S.B. No. 2958, which proposes a constitutional amendment to allow the Governor to appoint the members of the Board, with the advice and consent of the Senate, from pools of qualified candidates presented to the Governor by the Board of Education Candidate Nomination Commission.

Under this bill, Hawaii's elected Board of Education, *determined by the voters* of our State, would be replaced with an appointed board, *determined by the Governor*.

A Governor-appointed board would centralize educational decision-making too largely in the Executive Branch. Under S.B. No. 2958, educational decision-making would be weighted heavily under the Governor, with Board members falling under the Governor's direction and appointment. Under such a governance structure, a Board member would have but one constituent: the Governor who appoints the Board member to office.

An appointed board would be partisan in nature, subject to the political affiliation of the governor at that particular time. An appointed board would also be beholden to the governor, the appointing authority, with the governor having varying degrees of influence over his or her appointed members in driving educational decisions and policy. An appointed board is inclined to be in lock-step with the governor. For example, an appointed board under Governor Lingle would likely have furloughed teachers and other employees 36 days each year under the Governor's initial proposal.

Unlike an appointed board, elected Board of Education members are nominated in a *nonpartisan* primary election and are elected in a *nonpartisan* general election. A nonpartisan elected board assures independence in appointing a superintendent, without the trappings of political party affiliation.

An elected board is representative of a diverse cross section of viewpoints and individuals who are reflective of our communities. An elected board offers varying viewpoints that are discussed and hashed out publicly to form a Board position on policy and other educational matters. The great thing about an elected board is that anyone who meets the residency requirements, is a registered voter, and does not hold any other public state or county government office, can run for a seat on the state Board of Education. Former legislators, school administrators, teachers, a police chief, attorneys, social workers, a military officer, business executives, and others from diverse and varied professional backgrounds and experiences have all served or serve on our elected board.

The Board believes that citizen control over education is essential to ensure that all members of our community have a say, a voice,

and a vote as to who represents them on their state education board. Under an elected governance structure, voters assert their right to determine who serves them in office and have the ability to elect individuals out of office.

Changing the Board of Education from an elected board to an appointed board is no panacea for the challenges facing education in our State. There is no evidence that a shift to an appointed board will be more effective, or accountable, or improve student achievement. In fact, while the federal Race to the Top Fund grant advances educational reform in four specific areas: (1) adopting standards and assessments for student success; (2) building data systems that measure student growth and success; (3) recruiting, developing, rewarding, and retaining effective teachers and principals; and (4) turning around our lowest-achieving schools, the grant competition does not suggest an appointed board governance structure.

Educational improvements are a continuous process that occurs over time. Educational improvements occur when our educational system, schools, and classrooms are supported with adequate resources, a strong curricula, effective teachers, and other direct learning supports and resources to help children learn. These

supports will have the strongest and most direct impact on student learning and achievement.

Education should be supported by all decision-makers and important stakeholders involved in education: the Board, the Superintendent, the Governor, the Legislature, and the community. Responsibility and accountability must be shared by all involved.

Lastly, state boards have always been regarded as critical to insuring education as a state function, with the responsibilities of state boards reflecting two deeply-held educational values: the lay governance of education and the separation of educational policymaking from partisan politics.

We ask you to entrust the public with the power to vote for their Board of Education members, as they do for their governor and legislators. Education is everyone's business, not just a few.

Thank you for the opportunity to testify on this measure.



SB 2958
PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, TO CHANGE THE
BOARD OF EDUCATION TO AN APPOINTED BOARD
Committee on Education and Housing

Date: February 8, 2010
225

Time: 1:45 p.m.

Room:

The Office of Hawaiian Affairs (OHA) stands in opposition to SB 2958 which proposes an amendment to Article X, Section 2, of the Hawai'i Constitution, to propose amendments to the state constitution to allow for the governor to appoint the board of education members as opposed to being elected by voters. The State Board of Education has its roots in the school laws of 1840 as does the entire educational system which as established by Kauikeaouli, Kamehameha III. It was he who stated, "Mine shall be a kingdom of literacy. The righteous man shall be the model of citizenry. The life of the land is perpetuated in righteousness". That "kingdom of literacy" and the school laws of 1840 would be shaped by the Massachusetts School Laws of 1642 and 1647 developed so that the "youth would be fit for ye (the) university". Each community, then, elected a local committee to govern the operation of the school (Wist, 1940). While times have indeed changed, the Board of Education continues to reflect this long-held American tradition of lay governing boards and citizen participation in the educational process. Furthermore, the election of the board of education reflects a deeply held American value of the separation of powers and this is especially true in regards to the separation of educational policymaking from partisan politics.

According to a policy statement by the national Association of State Boards of Education (January 2007):

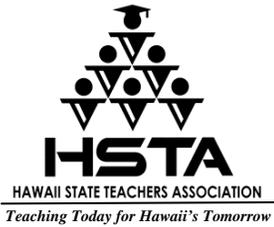
"While others in the policymaking process tend to reflect specific concerns and more political perspectives, the state board is intended to serve as an unbiased broker of education decisionmaking, focusing on the big picture, articulating the long-term vision and needs of public education, and making policy based on the best interests of the public and the young people of America."

Therefore, OHA opposes any change to the Hawai'i Constitution regarding changes at this time to an elected board of education as

proposed in SB 2571. The Hawai'i Constitution, Article X, Section 2, currently serves the people of Hawai'i.

However, OHA does recognize the longstanding discussion on the locus of control and accountability issue with the state's large educational system. Native Hawaiians, who once enjoyed high literacy rates in kingdom schools, now find themselves at the bottom tier of statistics in academic achievement, school retention, and graduation and in the upper tier for higher percentages in absenteeism rates, special education enrollment, and teen pregnancy. There is a need for change in structure and governance.

Much work has already been done in researching Hawai'i's governance structure and its many problems. Several studies have been conducted and recommendations made by previous administrations. Governor Burns convened the Commission on Operation, Revenues, and Expenditures (CORE) which recommended decentralization. Governor Waihe'e used the Berman Report of 1988 which recommended a shift to community-centered school system and local school and community boards in his administration's attempt to decentralize the D.O.E. In 1992, the Task Force on Educational Governance headed by then Lt. Governor Ben Cayetano also recommended shifting locus of control and decision-making to schools. Therefore, OHA recommends that the state rethink the issue and contemplate amending the Hawai'i Constitution to institute elections for local school boards but appoint a statewide school board. This is common practice in other states.



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TESTIMONY BEFORE THE SENATE COMMITTEE ON
EDUCATION AND HOUSING

RE: SB 2568, SB 2938, SB 2569, SB 2570, SB 2571, SB 2242, SB 2958, SB 2959,
SB 2961

February 8, 2010

WIL OKABE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Sakamoto and Members of the Committee:

The Hawaii State Teachers Association believes in an elected school board.

From the earliest days of our republic, American leaders recognized the central role public education plays in educating the whole people and creating a shared American culture and cohesive society. To this end, they created a citizenry group to guide and develop policies for education. These citizen groups are in every community across the nation and are known as school boards. School boards were chosen by the people they served. Today, 96% of the school boards are elected.

We believe in an elected Board of Education because we believe that an elected board is more likely to represent the view of the voters rather than the interest of the governor who appoints them. Elected board members would be accountable to the community, rather than be accountable to an individual, the governor. The electorate would hear what the candidates stand for and so would know what they were electing. Voters are more engaged, to know who the candidates are and to ask them questions about their positions. Under a system where offices are appointed, voters are not given an opportunity to directly question the people who will be making decisions. This interaction generates interest and ownership of our school system.

An appointed board would disenfranchise the parents who are active in the development of the school system.

One of the arguments against of an elected board is that the voters do not know who the candidates are. We urge this committee to give serious consideration to House Bill 2424 which creates board districts. The board member would run from and be elected from a board district. This would create direct accountability to the voters.

We urge this committee to keep an elected board of education.

Thank you for opportunity to testify.



Monday, February 8, 2010
1:45 p.m.
Conference Room 225

TESTIMONY TO
THE SENATE COMMITTEE ON EDUCATION AND HOUSING

RE: SB 2958 – Proposes amendment to the Hawaii Constitution
relating to the Board of Education

Chair Sakamoto, Vice Chair Kidani, and Members of the Committee:

My name is Robert Witt and I am executive director of the Hawaii Association of Independent Schools (HAIS), which represents 99 private and independent schools in Hawaii and educates over 33,000 students statewide.

The Association is in **strong support of Senate Bill 2958**, which proposes amendments to Article X, Sections 2, of the Hawaii Constitution to allow for the governor to appoint the board of education members as opposed to being elected by voters.

HAIS is encouraged by this proposal by which the members of the Board of Education would be nominated and, by and with the advice of the Senate, appointed by the Governor from pools of qualified candidates presented to the Governor by a Board of Education selection advisory committee.

HAIS believes that discussion of the merits of this measure is urgently needed during the 2010 Legislative Session, and further believes that this measure may be aptly designed, in general, to increase accountability concerning public education in Hawaii.

We believe this measure will also encourage the Board of Education to restructure and decentralize public education for the purposes of increasing student achievement and protecting student rights. This provides added incentive for our association to support ongoing discussion of this measure in the weeks ahead.

Thank you for the opportunity to testify in support of this measure. As this measure moves forward for continuing discussion we pledge our involvement in the discussion of the merits of this idea, along with a full examination of the details that may be needed to support implementation should the measure be placed before the voters next November.



S E A C
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February 8, 2010

**Special Education
Advisory Council**

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Mr. Steve Laracuente, *Vice
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Mr. Shawn Yoshimoto

Jan Tateishi, Staff
Susan Rocco, Staff

Senator Norman Sakamoto, Chair
Senate Committee on Education and Housing
State Capitol
Honolulu, HI 96813

RE: SB 2958 –PROPOSING AN AMENDMENT TO ARTICLE X,
SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE
THE BOARD OF EDUCATION TO AN APPOINTED BOARD

Dear Chair Sakamoto and Members of the Committee,

The Special Education Advisory Council (SEAC), Hawaii's State
Advisory Panel under the Individuals with Disabilities Education
Act (IDEA), **opposes** SB 2958 which proposes amendments to the
state constitution to allow for the Governor to appoint the Board of
Education members as opposed to being elected by voters. A Board of
Education Selection Advisory Council would be established to forward
qualified nominees to the Governor for appointment.

SEAC holds that having a Board of Education whose members are
elected in a nonpartisan manner rather than appointed provides a
needed check and balance to unilateral decisions by the Governor
regarding public education. We also believe that the proposed BOE
Selection Advisory Council is an unnecessary layer of political
bureaucracy.

Thank you for the opportunity to provide testimony on this issue.
Should you have any questions, I would be happy to answer them.

Sincerely,

Ivalee Sinclair, Chair