

SB2961



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. 2961, Proposing an Amendment to Article X, Section 3, of the Hawaii Constitution, to Remove the Power of the Board of Education to Appoint the Superintendent of Education, to Enable the Governor to Appoint the Superintendent as Provided by Law

Purpose of Bill: Proposes an amendment to Article X, Section 3, of the Hawaii State Constitution to remove the power of the Board of Education to appoint the Superintendent of Education, to enable the Governor to appoint the Superintendent as provided by law.

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. 2961.

The Board of Education (Board) opposes S.B. No. 2961, which proposes a constitutional amendment to remove the power of the Board to appoint the Superintendent of Education, to enable the Governor to appoint the Superintendent as provided by law.

Under this bill, the power and authority of Hawaii's elected Board of Education, determined by the voters of our State through the elections process, would be eroded and circumvented through a

process that appoints the superintendent who is selected by the Governor.

A Governor-appointed superintendent would centralize educational decision-making and power too largely in the Executive Branch, while unbalancing the Board-Superintendent working relationship.

A governance structure where Board of Education members are elected and the Superintendent of Education is appointed by the Governor, from its inception, would lend itself to a fractured governance structure: Board members would be accountable to the voting public and the Superintendent would be accountable to one person only: the Governor. In essence, a Governor-appointed Superintendent strips away the responsibility of the Board that was entrusted to it by voters. The Superintendent, appointed in a partisan manner by the Governor, would have no commitment to support the decisions of the Board.

This “hybrid elected board/governor-appointed superintendent” governance structure would make educational decision-making and policy-making a tug-of-war between the Board and Superintendent. Under this bill, the governance structure set forth by the

constitutional amendment would steer the Board's and Superintendent's focus and efforts on forging a positive and productive relationship, which detracts from student learning and achievement. An *elected* board, with the power to appoint its superintendent, would place accountability with the Board. The Board would have the ability to select a chief executive officer of the public school system.

A board in which the superintendent is Governor-appointed would make public education partisan, with an appointed superintendent subject to the political affiliation of the governor at that particular time. An appointed superintendent would also be beholden to the governor, the appointing authority, with the governor having varying degrees of influence over his or her appointee in driving educational decisions and policy. An appointed superintendent would also fall in line with the Governor's direction and influence on educational matters and be in lock-step with the decisions of the governor.

For the reasons stated above, the Board opposes S.B. No. 2961 and believes the governance structure offered in this bill is detrimental to educational decision-making and leadership. Thank

you for the opportunity to testify on this measure.

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SB 2961

**PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII
CONSTITUTION, TO REMOVE THE POWER OF THE BOARD OF EDUCATION TO
APPOINT THE SUPERINTENDENT OF EDUCATION, TO ENABLE THE GOVERNOR
TO APPOINT THE SUPERINTENDENT AS PROVIDED BY LAW.**

Committee on Education and Housing

Date: February 8, 2010

Time: 1:45 p.m.

Room: 225

The Office of Hawaiian Affairs (OHA) stands in opposition to SB 2961 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 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".

The Hawaiian kingdom laws of 1840 were similar to the Massachusetts School Laws of 1642 and 1647 where each community 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 to an elected board of education as proposed in

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SB 2961. The Hawai'i Constitution, Article X, Section 2, currently serves the people of Hawai'i. Please continue the democratic tradition of lay governing boards and citizen participation in the educational process.



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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.



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February 8, 2010

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

RE: SB 2961 - PROPOSING AN AMENDMENT TO ARTICLE X,
SECTION 3, OF THE HAWAII CONSTITUTION, TO REMOVE
THE POWER OF THE BOARD OF EDUCATION TO APPOINT
THE SUPERINTENDENT OF EDUCATION, TO ENABLE THE
GOVERNOR TO APPOINT THE SUPERINTENDENT

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 2961 which proposes an amendment to the state
constitution to remove the power of the Board of Education to appoint
the Superintendent of Education.

In previous testimony we have stated SEAC's position that having
the Board of Education select the Superintendent of Education rather
than the Governor provides a needed check and balance to unilateral
decisions by the Governor regarding public education. In order to
maintain its accountability to the voting public the Board must have the
authority to appoint the Superintendent.

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