

Date of Hearing: Monday, February 1, 2010

Committee: House Committee on Education

Person Testifying: Garrett Toguchi, Chairperson, Board of Education

Title of Bill: H.B. No. 1989, Relating to Education

Purpose of Bill: Implements, upon ratification, the constitutional amendment that allows the Governor to appointment members of the Board of Education and Superintendent of Education upon the advice and consent of both the Senate and the House of Representatives. Establishes a 13-member Board appointed from two school board districts (10 Board members from the First School District and 3 Board members from the Second School District).

Board's Position: Chairperson Takumi, Vice Chairperson Berg, and members of the House Committee on Education, thank you for the opportunity to testify on H.B. No. 1989.

The Board of Education (Board) opposes H.B. No. 1989, which is enabling legislation to allow the Governor to appoint the members of the Board of Education and the Superintendent of Education upon the advice and consent of the Senate and House.

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 and the Legislature*.

A Governor-appointed board would centralize educational decision-making too largely in the hands of the Executive Branch. Under H.B. No. 1989, educational decision-making would be weighted heavily under the Governor, with Board members and the Superintendent 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 and appointed superintendent would be partisan in nature, subject to the political affiliation of the governor at that particular time. An appointed board and 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 appointed members and superintendent in driving educational decisions and policy. An appointed board and superintendent would be expected to fall in line with the Governor's direction and influence over educational matters. Both an appointed board and superintendent are more 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 a year under her 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 occur 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 will have the strongest and most direct impact on student learning and achievement.

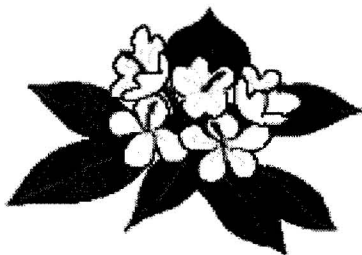
Education should be supported by all decision-makers and important stakeholders involved in education: the Board, the Superintendent, the Governor, the Legislature, and the community. Responsibility and accountability must be shared by all involved.

A governance structure of the Office of Hawaiian Affairs and the Judiciary that includes the ability to manage its physical land assets, would make the Board and Department of Education autonomous.

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.



**S E A C**  
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February 1, 2010

**Special Education  
Advisory Council**

Ms. Ivalee Sinclair, *Chair*  
Mr. Steve Laracuenta, *Vice  
Chair*

Ms. Brendelyn Ancheta  
Ms. Sue Brown  
Ms. Deborah Cheeseman  
Ms. Annette Cooper  
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Ms. Judy Tonda  
Ms. Cari White  
Ms. Jasmine Williams  
Mr. Duane Yee  
Mr. Shawn Yoshimoto

Jan Tateishi, Staff  
Susan Rocco, Staff

Representative Roy M. Takumi, Chair  
House Committee on Education  
State Capitol  
Honolulu, HI 96813

RE: HB 1989 – RELATING TO EDUCATION

Dear Chair Takumi 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** HB 1989 to implement, upon its ratification, the constitutional amendment to article X, sections 2 and 3, of the Hawaii Constitution, that provides that the governor shall appoint members of the Board of Education and the Superintendent of Education upon the advice and consent of both the House of Representatives and the Senate.

SEAC previously testified in opposition to HB 1988, to propose adding the above mentioned amendment to the Hawaii Constitution. We believe that giving the Governor and the Legislature the right to appoint members of the Board of Education and the Superintendent of Education places too much authority in the central government. It is our experience that previously appointed Boards of Education were not effective and that is why the elected Board replaced them.

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

To: COMMITTEE ON EDUCATION, Rep. Takumi, Chair & Rep. Berg,  
Vice Chair

HOUSE OF REPRESENTATIVES, THE TWENTY-FIFTH LEGISLATURE,  
REGULAR SESSION OF 2010

Testimony for: HB1988, HB1989, HB 2177, HB 2178, HB 2376, HB  
2377, HB 2424, HB 2428

DATE: Monday, February 1, 2010

TIME: 2:00 p.m.

PLACE: Conference Room 309, State Capitol, 415 S. Beretania St.

Dear Chair Takumi, Vice Chair Berg, and members of the Education  
Committee,

**Support HB 2177 and HB 2178**

Hawaii's schools are failing and it isn't due to lack of funding or oversight. It is due to the lack of accountability and too much overhead. When many are responsible such as the Board of Education and/or the Legislature, then no one is responsible. The Board of Education (BOE) is unneeded bureaucracy. Eliminate BOE. Let our tax dollars, time and efforts go directly to hard working, dedicated teachers. I strongly recommend the Governor appoint the Superintendent of the Department of Education. Only then can Hawaii citizens hold the Governor responsible for what transpires in the Department of Education.

**Oppose HB 1998, HB 2376, HB 1989, HB 2377, HB 2424, HB 2428**

These Bills needlessly retain the Board of Education, and put the Senate, or the Board of Education Advisory Council with the Legislature between the Governor and the appointment process and increase or reapportion membership in the BOE. Eliminate the BOE. Allow the Governor to appoint the Superintendent.

Two Bills are not being considered today that relate closely to these scheduled Bills. Please consider giving **HB 2552** (could replace HBs 1989, 2178, 2377, 2428) and **HB 2553** (could replace HBs 2177, 2376, 2424) hearings as alternative solutions.

Sincerely,

Mary Smart  
Mililani, HI