

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. 2178, Relating to Education

Purpose of Bill: Implement, upon ratification, the constitutional amendment to abolish the Board of Education. Among other things, the bill: (1) abolishes the Board of Education; (2) authorizes the Governor to appoint the Superintendent; (3) authorizes the Superintendent to appoint the State Librarian and places the public libraries under the Department of Education; (4) allows the Governor to have two votes and a Children's Advocate to have two votes in negotiating collective bargaining for Bargaining Units 5 and 6; (5) has the Superintendent appoint the Hawaii Teacher Standards Board Executive Director; (6) has the Superintendent determine the composition of the Committee on Weights members; (7) gives the Superintendent management and operational control over the public libraries; and (8) makes the Superintendent or the Superintendent's designee a member of the Charter School Review Panel.

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. 2178.

The Board of Education (Board) opposes H.B. No. 2178, which is

enabling legislation to abolish the Board of Education.

The State Board of Education has a fundamental role and responsibility to formulate statewide educational policy and serves as the primary advocate for a quality education for all students in our State. An elected Board of Education seeks to promote the best education possible for all students and advocates equality of access to educational opportunity.

As an elected state board, Board of Education members reflect a cross-section of viewpoints and individuals who are elected by the voting public. An elected Board of Education, like the Legislature and county councils, reflect the diverse viewpoints and interests of their membership and the community and voters who elect them to office. This diverse representation is important to a quality public education where the interests of all students are represented.

A State Board of Education also serves as a facilitator among educators, students, elected officials, business and community groups, and others in educational policymaking. The Board conveys the needs of our public school system and public library system to the Legislature, the Governor,

and the public to convey the needs of students and schools, to emphasize the importance of libraries and schools for a literate and productive citizenry, and to draw support for public education and public libraries.

A State Board of Education sets state education policy for the public school system and public library system. This fundamental responsibility is separate and apart from the operational responsibilities of the Department of Education and Hawaii State Public Library System. A State Board of Education provides citizen oversight and direct accountability to the community for education.

The Board notes that the abolishment of the Board under H.B. No. 2178 would result in the following as specified in this bill: (1) the Governor would appoint the Superintendent; (2) the State Librarian would fall under the Superintendent and be subject to policies established by the Superintendent and be appointed by the Superintendent; (3) the Governor would have two votes and a children's advocate would have two votes in collective bargaining; (4) the Superintendent would appoint the Hawaii Teacher Standards Board

Executive Director; and (5) the Superintendent or the Superintendent's designee would serve as a member of the Charter School Review Panel.

The Board strongly believes that the indiscriminate fusing of separate and distinct roles and responsibilities of the Superintendent of Education and State Librarian under this bill disregards the importance of public education and the important role and function of our public libraries in contributing to a literate and informed community. Folding the State Librarian position and public library services under the Superintendent neglects to understand the important responsibilities and delivery of public library services in our communities. Placing library services under the Department of Education diffuses the important role and significant responsibilities of the Department of Education in educating students and the responsibilities of the Hawaii State Public Library System in providing library services throughout our State and supporting life-long learning in the community.

The other areas identified above would raise potential conflicts in the hiring and licensing of personnel, the balance

of collective bargaining negotiations, and decisions regarding the approval and revocation of charters.

While governance has its challenges, the problems and concerns of public schools should not be attributed to educational governance. Abolishing the Board of Education and shifting control to the Executive Branch or other entity is not the solution for educational improvement. A State that is committed to strong democratic principles must have the strong involvement of the public in decision-making and embrace participatory government in public education.

Abolishing the Board of Education will eliminate direct public access to a government entity that is dedicated to and focused on educational governance and formulating statewide educational policy for our public school and public library systems. The unique role of any state education board is such that it serves as a strong advocate for quality education for all students, sets goals and expectations for the public education system, sets statewide curriculum standards, and establishes high school graduation requirements, among other areas.

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.

For these reasons, the Board opposes this measure. Thank you for the opportunity to testify on H.B. No. 2178.

LINDA LINGLE
GOVERNOR



RICHARD BURNS
STATE LIBRARIAN

STATE OF HAWAII
HAWAII STATE PUBLIC LIBRARY SYSTEM
OFFICE OF THE STATE LIBRARIAN
44 MERCHANT STREET
HONOLULU, HAWAII 96813

**House Committee on Education
February 1, 2010, 2:00 p.m.
State Capitol, Room 309
HB 2178 – Relating to Education**

The Hawaii State Public Library System (HSPLS) opposes HB 2178 Relating to Education. This bill abolishes the Board of Education (BOE). It authorizes the Governor to appoint the superintendent of education and establishes the Department of Education (DOE) to serve as a cabinet-level department within the State administration. It also authorizes the superintendent of education to appoint the state librarian and transfers the powers and duties previously held by the BOE to the Superintendent. Having the State Librarian and the HSPLS come under the direction of the DOE Superintendent will adversely impact the operations and administration of all 51 public libraries, create added bureaucracy, delay critical CIP projects, and most importantly adversely affect services to all of our patrons, statewide. If there is no BOE as a result of this bill and subsequent constitutional amendment, placing HSPLS under the DOE would be a huge mistake and would reduce our place and stature within State government. Our missions, goals, and purposes are completely different as well as separate and apart from those of the DOE. Act 150, SLH1981 specifically created HSPLS as a separate agency under the State BOE and appropriately moved us out from under the auspices of the DOE. There were strong

reasons to separate us from the DOE back then, and those reasons remain valid today. You should not undo what was rightly corrected by the Legislature 28 years ago.

With no BOE, we would like to propose another option and request that HSPLS become an attached agency under the Department of Accounting and General Services (DAGS) rather than within a division of the DOE. The reasons for this request are as follows:

HSPLS currently operates and functions like any other State agency within the Executive Branch. DAGS processes all HSPLS fiscal transactions including payroll, operating checks, vouchers, contracts, transfers, etc. DHRD handles all our personnel transactions (see below) and our Chief Procurement Officer is Aaron Fujioka, the State Procurement Officer. Under HB 2178, the DOE would be assuming and transitioning this added workload and responsibilities. We have a long standing Memorandum of Agreement with DAGS to provide repair, maintenance, servicing, etc. for all of our Library facilities. DAGS advises and administers all our construction contracts and is the designated expending agency for HSPLS CIP appropriations, as well as processing all fiscal operations including payroll, vouchering, transfers, etc. HSPLS is one of the largest State agencies serviced by DAGS, so without HSPLS' projects, DAGS would face possible staffing cuts and other downsizing due to lack of workload and revenue. We have continued to work very well with DAGS in successfully completing a record number of CIP projects including Health & Safety, Energy Efficiency projects, and several new libraries over the past few years.

Another argument in favor of this proposal is the status of our HSPLS civil service employees. Last year, the State BOE requested an Attorney General opinion to determine whether HSPLS employees were under the jurisdiction of the DOE administered civil service system or the executive branch civil service system administered by the Department of Human Resources Development (DHRD). It was concluded that our HSPLS employees remain with the DHRD executive branch system, as they would as employees under DAGS. HSPLS would be more in conformance with the other agencies administratively attached to DAGS such as the State Foundation on Culture and the Arts, Stadium Authority, Office of Elections, King Kamehameha Celebration Commission, etc. rather than in the DOE.

The Library Advisory Commission could be established by the Governor and provide direct oversight of the HSPLS including appointment of the State Librarian, similar to the authorities and boards governing DAGS' other attached agencies. As a result of our current working arrangement with these support agencies (DAGS, DHRD, etc.), we believe that HSPLS has been operating very efficiently, maintained good fiscal practices and reporting, and complied with all budgetary and personnel mandates, while still providing quality library services to the people of Hawaii.

If this bill becomes law, the DOE will have more than enough to do in transitioning to an entirely new organizational structure for the State's public education system. We believe the Superintendent does not need or would really want this new, diverse, and additional responsibility of having to oversee the public library system. We have begun discussions with the Department of Budget & Finance, DAGS, DOE, and the Governor's Policy Office to address any of their concerns regarding this proposal.

In conclusion, if the BOE were to be abolished, we are not opposed to having the DOE serve as a cabinet-level department within the State administration or authorizing the Governor to appoint the Superintendent of Education. We are strongly opposed to HSPLS being transferred into a division or any other section within the DOE. We look forward to working with your Committee to address our stated concerns with this bill and on the future of the Public Library System. Thank you for the opportunity to testify on HB 2178.

berg1-Matthew

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 31, 2010 10:50 AM
To: EDNtestimony
Cc: richalbano@hotmail.com
Subject: Testimony for HB2178 on 2/1/2010 2:00:00 PM

Testimony for EDN 2/1/2010 2:00:00 PM HB2178

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Richard Albano
Organization: Individual
Address:
Phone:
E-mail: richalbano@hotmail.com
Submitted on: 1/31/2010

Comments:

The Board of Education(BOE) seems to be a passive body of elected officials that's one of many appendages of the Department of Education(DOE). The lackluster, uninspiring, unprogressive, and unproductive DOE is a farce and those responsible, mainly the citizens of Hawaii through it's representation in the legislature, need to take steps to redirect the DOE from it's tenuoss course. Through HB2177 & HB2178, the BOE would be abolished thus streamlining the chain of command in DOE decision making. in the hope of not diluting our message of excellence in the classroom, HB2177 & HB2178 will place a single figure to whom we, the people, can focus our concerns and expectations to. Expediency is necessary and I encourage the passing of HB2177 & HB2178 to begin the transformation of the DOE to a system that Hawaii can be proud of. Thank you for your consideration.

berg1-Matthew

From: Alison [alisonhashimoto@hawaii.rr.com]
Sent: Monday, February 01, 2010 4:05 AM
To: EDNtestimony
Cc: Rep. Lynn Finnegan; Carrie Kealoha
Subject: Re: HB2177 & HB2178

Alison Inamine
Parent of a kindergarten student
Attn: House Education Committee
Monday, February 1, 2010, 2:00pm
HB 2177 & HB2178

The Board of Education, the Legislature, and the Governor have FAILED to secure the future of children here in Hawaii by allowing the quality of their education to be compromised by Furlough Fridays. The public education system needs to be accountable for teaching children. Education must be a priority, regardless of any financial crisis. WASTE AND FOOLISHNESS NEEDS TO END NOW!

During the course of this craziness called Furlough Fridays there has been too much finger pointing and blaming with no resolution for helping our students get back to the classroom. There are many things that need to be adjusted to create a public education system that prioritizes students' needs first. Parents of Hawaii's kids care about having our expectations met and our concerns addressed. It seems that the only way to do this is to ensure that we know who is responsible for what happens in the public education system.

I ask that HB2177 and HB2178 be passed to mark a new beginning of a school system where citizens are confident that their voices will be heard. Let the transformation begin!

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