

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. 2376, Proposing Amendments to the Hawaii Constitution  
Relating to the Board of Education

Purpose of Bill: Proposes amendments to Article X, Sections 2 and 3, of the Hawaii State Constitution to: (1) allow the Governor 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; and (2) expand the powers of the Board to include: (a) monitoring and protecting student rights provided by law; and (b) restructuring the Department of Education to ensure that it is decentralized in a manner to promote student growth and achievement and greater accountability.

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. 2376.

The Board of Education (Board) opposes H.B. No. 2376, which proposes constitutional amendments to: (1) allow the Governor to appoint the members of the Board of Education (Board) from pools of qualified candidates presented to the Governor by the Board of Education Selection Advisory Council; and (2) expand the powers

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of the Board to include: (a) monitoring and protecting student rights provided by law; and (b) restructuring the Department of Education to ensure that it is decentralized in a manner to promote student growth and achievement and greater accountability.

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. 2376, 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

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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

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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

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

The Board notes that the constitutional amendments in this bill also include the power to monitor and protect student rights provided by law, and to restructure the Department of Education to ensure that it is decentralized in a manner to promote student growth and achievement and greater accountability. The Board already has such authority and continues to advocate for students and their education, and supports and provides direction through policies and the mandates of Act 51 to work toward decentralization.

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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.