



EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

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

Before the
HOUSE COMMITTEE ON EDUCATION

Wednesday, March 10, 2010, 2:30 PM
State Capitol, Room 309

SB 2570 SD1 and SB 2571 SD2

Chair Takumi, Vice Chair Berg, and members of the Committee:

SB 2570 SD1 proposes a constitutional amendment to require voting members of the Board of Education to be appointed by the Governor, with the advice and consent of the Senate, from pools of qualified candidates presented to the Governor by the Board of Education Nomination Commission, as provided by law. The companion measure to this bill is SB 2571 SD2, in which a Board of Education Candidate Nomination Commission is established to select pools of candidates for the Board of Education.

The Administration has concerns that these bills have the appearance of education reform, but merely make changes to the way in which Board of Education members are selected. For example, establishing a Candidate Nomination Commission would create another layer of bureaucracy to an already opaque governance system and move the State further away from increasing accountability for the condition of public schools.

There were many bills introduced this legislative session to change Hawaii's public education system. These measures were introduced primarily in response to the inability of State leaders under the existing school system to quickly and comprehensively resolve the issue of Furlough Fridays for public schools. The publicly-elected Board of Education, which is supposed to represent the will of Hawaii's citizens, is presently incapable of adequately responding to the public's clear and repeated request to restore school instructional days. Creating clear lines of authority will create greater stability and allow for a more expedient execution of policies and procedures that govern the Department of Education.

The Administration recommends that the Committee **amend** these measures by adopting the approach and language contained in the Administration-sponsored bills, S.B. 2705 and 2706 (attached).

The first bill, S.B. 2706, gives Hawaii voters the opportunity to decide whether or not to amend the State Constitution to repeal the publicly-elected Board of Education and establish the Department of Education as a cabinet-level department. These constitutional changes lay the groundwork to restructure the State's public education system in which the Department of Education is headed by a superintendent that is appointed by the Governor and confirmed by the Senate. The proposed question to be placed on the ballot is:

"Shall the State Constitution be amended to make the department of education into a cabinet-level department, without an elected Board of Education, headed by a superintendent appointed by the governor and confirmed by the state senate, similar to other departments of state government?"

These changes will make the Governor directly accountable for the condition of public education within the State, as the Governor will be held accountable for his or her selection of the Superintendent, and the subsequent educational performance under that Superintendent. Under this structure, Board of Education functions are transferred to the Superintendent with final decision-making resting with the Governor.

The second bill, S.B. 2705, makes the statutory amendments necessary to effectuate the new governance system proposed in S.B. 2706. The bill's key provisions are:

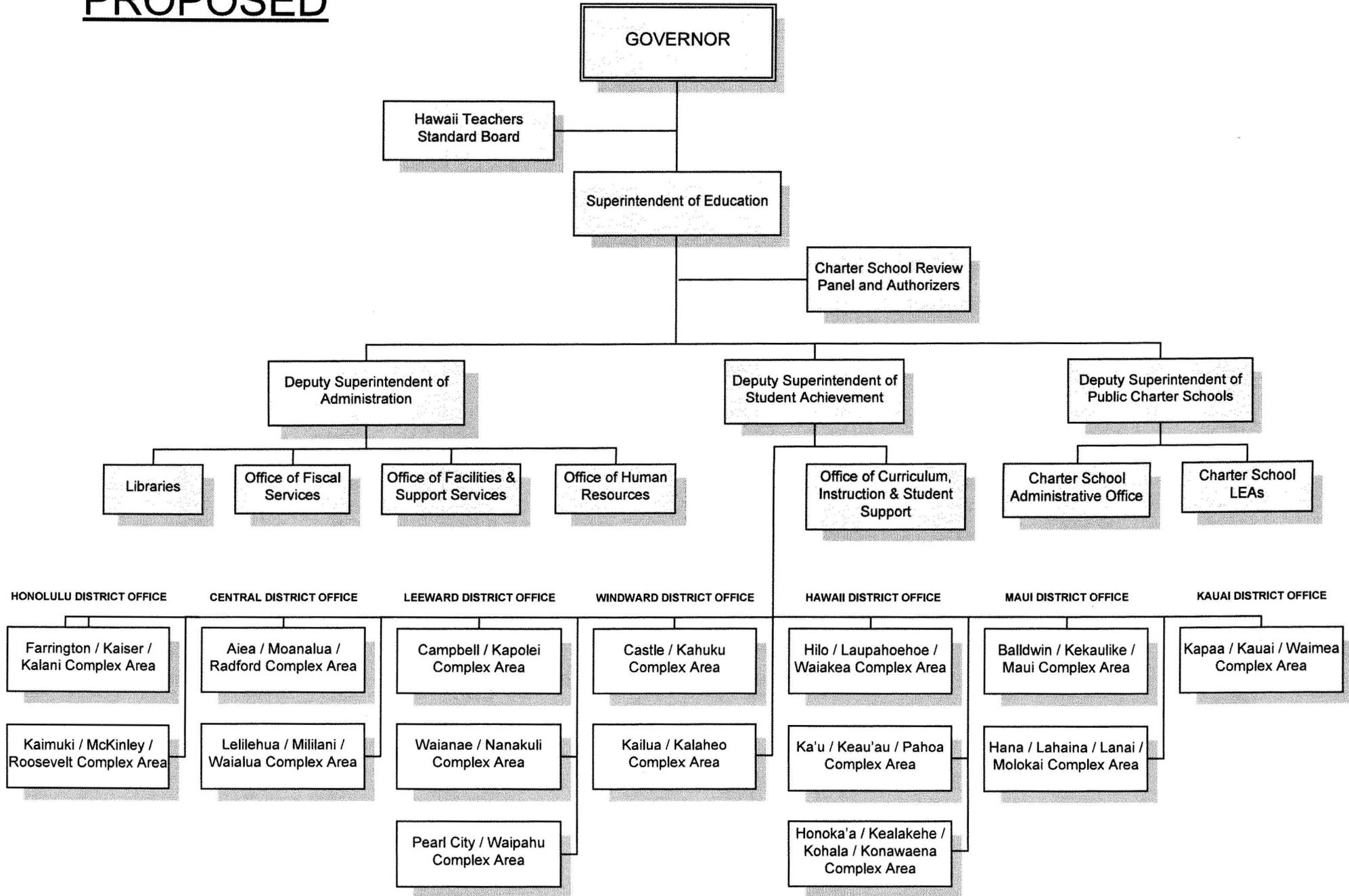
1. Repeals the powers and duties of the publicly-elected Board of Education and transferring most of these duties to the Superintendent of Education. For example, the Superintendent will have the authority to adopt administrative rules.
2. Authorizes the Governor to appoint the Superintendent of Education with the advice and consent of the Senate, which will align with the current process for selecting all other state department heads.

3. Authorizes the Superintendent to appoint three deputy directors. One deputy will be assigned to oversee the management of school administration, which will include the state libraries, fiscal services, facilities, and human resources. One deputy will focus on the department's efforts to improve student achievement through managing curriculum and providing students with the necessary support to improve student performance. One deputy will oversee the Charter School Administrative Office and facilitate development of public charter schools.

These changes will improve the State's ability to effectively manage its educational resources and execute policies and procedures. More importantly, it also creates a school system in which parents, teachers, students, and the public at large will be able to hold the governor, as the State's chief executive as provided by law, directly accountable for the condition of public education within the State.

Therefore, we strongly urge the committee to adopt the language in S.B. 2705 and 2706, in lieu of the provisions in the bills being heard today. A proposed organizational chart for the Department of Education and suggested bill language are attached for the Committee's review. Thank you for the opportunity to provide testimony on these measures.

PROPOSED



JAN 25 2010

A BILL FOR AN ACT

PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII
TO MAKE THE DEPARTMENT OF EDUCATION A PRINCIPAL DEPARTMENT
OF STATE GOVERNMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to amend the
2 Constitution of the State of Hawaii to make the department of
3 education into a principal department of state government.

4 SECTION 2. Article V, section 6, of the Constitution of the
5 State of Hawaii is amended to read as follows:

6 **"EXECUTIVE AND ADMINISTRATIVE OFFICES**

7 **AND DEPARTMENTS**

8 **Section 6.** All executive and administrative offices,
9 departments and instrumentalities of the state government and
10 their respective powers and duties shall be allocated by law
11 among and within not more than twenty principal departments in
12 such a manner as to group the same according to common purposes
13 and related functions. The department of education shall be a
14 principal department of state government. Temporary commissions
15 or agencies for special purposes may be established by law and
16 need not be allocated within a principal department.

1 Each principal department shall be under the supervision of
2 the governor and, unless otherwise provided in this constitution
3 or by law, shall be headed by a single executive. Such single
4 executive shall be nominated and, by and with the advice and
5 consent of the senate, appointed by the governor. That person
6 shall hold office for a term to expire at the end of the term
7 for which the governor was elected, unless sooner removed by the
8 governor; except that the removal of the chief legal officer of
9 the State shall be subject to the advice and consent of the
10 senate.

11 Except as otherwise provided in this constitution, whenever
12 a board, commission or other body shall be the head of a
13 principal department of the state government, the members
14 thereof shall be nominated and, by and with the advice and
15 consent of the senate, appointed by the governor. The term of
16 office and removal of such members shall be as provided by law.
17 Such board, commission or other body may appoint a principal
18 executive officer who, when authorized by law, may be an ex
19 officio, voting member thereof, and who may be removed by a
20 majority vote of the members appointed by the governor.

21 The governor shall nominate and, by and with the advice and
22 consent of the senate, appoint all officers for whose election

1 or appointment provision is not otherwise provided for by this
2 constitution or by law. If the manner or removal of an officer
3 is not prescribed in this constitution, removal shall be as
4 provided by law.

5 When the senate is not in session and a vacancy occurs in
6 any office, appointment to which requires the confirmation of
7 the senate, the governor may fill the office by granting a
8 commission which shall expire, unless such appointment is
9 confirmed, at the end of the next session of the senate. The
10 person so appointed shall not be eligible for another interim
11 appointment to such office if the appointment failed to be
12 confirmed by the senate.

13 No person who has been nominated for appointment to any
14 office and whose appointment has not received the consent of the
15 senate shall be eligible to an interim appointment thereafter to
16 such office.

17 Every officer appointed under the provisions of this
18 section shall be a citizen of the United States and shall have
19 been a resident of this State for at least one year immediately
20 preceding that person's appointment, except that this residency
21 requirement shall not apply to the president of the University
22 of Hawaii."

1 SECTION 3. Article XVI, section 3.5, of the Constitution of
2 the State of Hawaii is amended to read as follows:

3 "SALARY COMMISSION

4 Section [3.5]. There shall be a commission on salaries as
5 provided by law, which shall review and recommend salaries for
6 the justices and judges of all state courts, members of the
7 legislature, department heads or executive officers of the
8 executive departments and the deputies or assistants to
9 department heads of the executive departments as provided by
10 law, excluding the University of Hawaii [~~and the department of~~
11 ~~education~~]. The commission shall also review and make
12 recommendations for the salary of the administrative director of
13 the State or equivalent position and the salary of the governor
14 and the lieutenant governor.

15 Any salary established pursuant to this section shall not
16 be decreased during a term of office, unless by general law
17 applying to all salaried officers of the State.

18 Not later than the fortieth legislative day of the 2007
19 regular legislative session and every six years thereafter, the
20 commission shall submit to the legislature its recommendations
21 and then dissolve.

S.B. NO. 2706

1 possess police powers, district court judges, and all those
2 whose appointment requires the consent of the senate."

3 SECTION 5. Article X, section 2, of the Constitution of the
4 State of Hawaii is repealed.

5 [~~BOARD OF EDUCATION~~

6 ~~Section 2.~~ There shall be a board of education composed of
7 members who shall be elected in a nonpartisan manner by
8 qualified voters, as provided by law, from two at large school
9 board districts. The first school board district shall be
10 comprised of the island of Oahu and all other islands not
11 specifically enumerated. The second school board district shall
12 be comprised of the islands of Hawaii, Maui, Lanai, Molokai,
13 Kahoolawe, Kauai and Niihau. Each at large school board
14 district shall be divided into departmental school districts, as
15 may be provided by law. There shall be at least one member
16 residing in each departmental school district. The Hawaii State
17 Student Council shall select a public high school student to
18 serve as a nonvoting member on the board of education."]

19 SECTION 6. Article X, section 3, of the Constitution of the
20 State of Hawaii is repealed.

21 [~~POWER OF THE BOARD OF EDUCATION~~

S.B. NO. 2706

1 ~~Section 3.~~ The board of education shall have the power, as
2 provided by law, to formulate statewide educational policy and
3 appoint the superintendent of education as the chief executive
4 officer of the public school system."]

5 SECTION 7. Article XVIII, section 7, of the Constitution
6 of the State of Hawaii is repealed.

7 ["~~1978 BOARD OF EDUCATION ELECTIONS~~

8 ~~Section 7.~~ Members elected to the board of education in
9 the 1978 general election shall serve for two year terms."]

10 SECTION 8. The question to be printed on the ballot shall
11 be as follows:

12 "Shall the State Constitution be amended to make the
13 department of education into a cabinet-level department,
14 without an elected Board of Education, headed by a
15 superintendent appointed by the governor and confirmed by
16 the state senate, similar to other departments of state
17 government?"

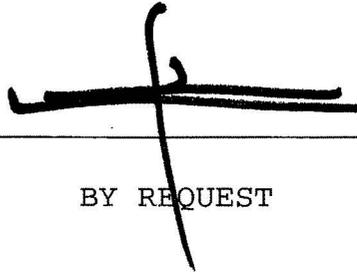
18 SECTION 9. Constitutional material to be repealed is
19 bracketed and stricken. New Constitutional material is
20 underscored.

S.B. NO. 2706

1 SECTION 10. This amendment shall take effect upon
2 compliance with article XVII, section 3, of the Constitution of
3 the State of Hawaii.

4
5
6

INTRODUCED BY: _____

A handwritten signature in black ink, consisting of a vertical stroke and a horizontal stroke, is written over a horizontal line.

BY REQUEST

Report Title:

Constitutional Amendment; Board of Education

Description:

Amends Hawaii's Constitution by making the department of education into a cabinet-level department with a superintendent appointed by the governor.

JUSTIFICATION SHEET

DEPARTMENT: Office of the Governor

TITLE: A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII TO MAKE THE DEPARTMENT OF EDUCATION A PRINCIPAL DEPARTMENT OF STATE GOVERNMENT.

PURPOSE: To amend Hawaii's Constitution by making the Department of Education into a cabinet-level department.

MEANS: Amend article V, section 6, and article XVI, sections 3.5 and 4 of the State Constitution; repeal article X, sections 2 and 3, and article XVIII, section 7, of the State Constitution.

JUSTIFICATION: The current governance structure of public education in Hawaii has proven over the years that it is incapable of effectively managing the resources or producing the results necessary to meet the educational needs of Hawaii's children.

Accordingly, this bill amends the State Constitution in order to create an educational system with clear lines of accountability, from which students, teachers, parents, and the community at large will be able to hold government leaders accountable.

Specifically, this bill amends the State Constitution to make the Department of Education into a "principal department of state government" (i.e., a cabinet department). The State Constitution provides generally that a principal department has its leadership (whether an executive officer or a board/commission) nominated and, by and with the advice and consent of the Senate, appointed by the Governor. The intent of this measure is to lay the constitutional

groundwork for changes in statutory law that provide for a Department of Education headed by a superintendent that is appointed by Governor and confirmed by the Senate, similar to other departments of state government. Under this structure, a board of education becomes unnecessary.

Thus, this measure will make the Governor directly accountable for the condition of public education within the State, as the Governor will be held accountable for his or her selection of Superintendent, and the subsequent educational performance under that Superintendent. This will improve the State's ability to effectively and expeditiously manage educational resources and execute policies and procedures.

A companion measure is being introduced to make the necessary statutory amendments that set out the specific structural details of this new relationship between the Governor, the Superintendent, and the Department of Education. That measure would take effect upon ratification of this constitutional amendment.

Impact on the public: Increased government accountability will lead to improvements in the State's public education system, from which students, teachers, families, and the community will benefit.

Impact on the department and other agencies: Clear lines of authority in the governance structure of public education will create greater stability and allow for a more expedient execution of policies and procedures that govern the Department of Education.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION:

None.

OTHER AFFECTED
AGENCIES:

Department of Education, Board of Education,
Department of Human Resources Development.

EFFECTIVE DATE:

Takes effect upon compliance with article
XVII, section 3, of the Constitution of the
State of Hawaii.

Date of Hearing: Wednesday, March 10, 2010

Committee: House Committee on Education

Person Testifying: Garrett Toguchi, Chairperson, Board of Education

Title of Bill: S.B. No. 2571, S.D. 2, Relating to the Board of Education

Purpose of Bill: Implements, upon ratification, the constitutional amendment that allows the governor to appoint the members of the Board of Education, with the advice and consent of the senate, from candidates from pools of qualified candidates presented to the Governor by the Board of Education Candidate Nomination Commission. Authorizes the Board student member to vote on all matters before the Board, except for matters relating to fiscal and personnel issues, upon ratification of an appropriate constitutional amendment, and requires the Hawaii State Student Council to hold an election, with all secondary public schools participating, to elect the Board student member.

Board's Position: Chairperson Takumi, Vice Chairperson Berg, and members of the House Committee on Education, thank you for the opportunity to testify on S.B. No. 2571, S.D. 2.

The Board of Education (Board) opposes S.B. No. 2571, S.D. 2, which is enabling legislation 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. 2571, S.D. 2, 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 and candidacy 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 of Education Candidate Nomination Commission established under S.B. No. 2571, S.D. 2 is an attempt to broaden the one-person/one-governor appointment process for selecting individuals to serve on the Board of Education. Similar to the University of Hawaii Board of Regents Candidate Advisory Council established in law, the creation of the Board of Education Candidate Nomination Commission reflects recognition by the Legislature and the public's desire of the need to minimize sole control and sole decision-making by one person, i.e., the governor, over the appointment of individuals to serve on our public institutions. The establishment of these nonpartisan citizen advisory groups is an acknowledgement of the heed necessary and political nature of entrusting the governor, a sole individual, to appointment individuals to serve on our K-12 *and* higher education institutions. Direct citizen control through an *elected* board, not an *appointed* Board of Education, is the best way to ensure fairness, independence, and public participation and involvement in education.

Direct 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 comment on this measure.



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TESTIMONY BEFORE THE HOUSE COMMITTEE ON EDUCATION

RE: SB 2571, SD2 – RELATING TO THE BOARD OF EDUCATION.

March 10, 2010

WIL OKABE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Takumi and Members of the Committee:

The Hawaii State Teachers Association supports an elected board but would like to comment on the bill.

- Amend the number of board members to nine members.
- Amend Sec 302A-A subsection 1-D to read: “four members from the city and county of Honolulu to represent Central, Honolulu, Leeward and Windward school districts.”

These amendments would reflect the existing seven geographic school districts and make board members more clearly accountable to those they represent in the City and County of Honolulu.

Thank you for the opportunity to testify.



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The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Education
Testimony by
Hawaii Government Employees Association
March 10, 2010

S.B. 2571 S.D. 2 – RELATING TO THE BOARD OF EDUCATION

The Hawaii Government Employees' Association, AFSCME Local 152, AFL-CIO provides the following comments with respect to S.B. 2571 S.D. 2.

Educators want leadership in the public school system. They want a governor, legislature and superintendent and board of education that support public education. Principals are educational leaders of their schools and they need systems of support and the support of the system in order to do their jobs. Historically educators have supported an elected school board but they certainly do not believe that an elected or appointed board of education is the panacea for an improved public school system in our state.

As this measure continues to move forward we recommend an amendment to 302A-G to include a member appointed by the Hawaii Government Employees Association. We also recommend that sections 21 and 22 of HB 2377 H.D. 3 be incorporated into this measure. We further recommend that section 21 be amended (page 28, line 21) to read: continue to be "exempt" employees of the department of education.

We appreciate the opportunity to testify on S.B. 2571 S.D. 2.

Respectfully submitted,

Leiomalama Desha
Executive Assistant



Testimony to the House Committee on Education

Wednesday, March 10, 2010

2:30 p.m.

Conference Room 016

RE: Relating to Education - Senate Bill 2571 SD2

Chair Takumi, Vice Chair Berg and Members of the Committee:

My name is Gary Kai and I am the Executive Director of the Hawaii Business Roundtable. The Hawaii Business Roundtable fully supports SB 2571 SD2 that proposes amendments to the Hawaii Constitution relating to the Board of Education. The Hawaii Business Roundtable supports the requirement that the Board of Education members to be nominated and, by and with the advice and consent of the Senate, appointed by the Governor from pools of qualified candidates presented to the Governor.

The members of the Hawaii Business Roundtable represent companies in Hawaii that collectively employ over 70,000 people in Hawaii. These employees and their families and all of Hawaii, deserve a high quality Public Education System.

We believe that the current governance structure is ambiguous and has led to mixed priorities, conflicted leadership and a lack of accountability. Hawaii has had an elected board of education for 45 years that has contributed to the current status. What is truly needed is clear accountability and vision. The ultimate responsibility for the quality of our Public Education System should be that of the highest ranking position in our State Government, the Governor, giving education the top priority it deserves. A professional appointed Board will help to achieve that goal.

While there are many issues to be resolved as we move forward, we believe that this change is a step in the right direction. Our members are prepared to be a part of, and support a team to create a new vision for Public Education in Hawaii.

Thank you very much for the opportunity to testify and we look forward to joining your efforts to improve Public Education in Hawaii.



Wednesday, March 10, 2010
2:30 p.m.
Conference Room 309

TESTIMONY TO
THE HOUSE COMMITTEE ON EDUCATION

RE: SB 2571 (SD1) – Proposing An Amendment To Article X, Section 2 Of
The Hawai'i Constitution To Change The Board Of Education From An
Elected Board To An Appointed Board

Dear Chair Takumi, Vice-Chair Berg and Members of the Committee:

Hawai'i's Children First is strongly supportive of the intent of SB 2570 and SB 2571, but it supports amending the language to conform to the language and structure provided in HB 2376 (HD 3) and HB 2377 (HD 3).

In light of a strong current of public sentiment calling for reform, we respectfully request that the community be given the opportunity to vote on a system that appoints the Board of Education. The Department of Education (DOE) has outlined an ambitious reform agenda in connection with the federal "Race to the Top" program. The reforms include:

- Revisiting union contracts to revise performance evaluation, tenure, and other complex and sensitive subjects;
- Developing a comprehensive student support system;
- Instituting a data system that aligns with Common Core Standards and tracks student growth and achievement;
- Implementing measures to close the achievement gap and turnaround troubled schools, such as through zones of school innovation; and
- Ensuring equitable school funding, including for charter schools.

The DOE also has plans to revamp its outdated human resource system and the associated processes affecting its tens of thousands of employees.

The above-mentioned reforms will take much knowledge and expertise, a firm commitment and a number of years to implement. Given the size and scope of the proposed reforms, our public education system needs improved governance to help lead and oversee that change.

A system of appointing board members will help to contribute to the reform effort. With a system that appoints board members, we can expect:

- Greater accountability – the governor becomes accountable for the state of public schools;
- Increased attention by the Executive Branch on education and a clear incentive for the governor to take more ownership in the system due to the governor's role in selecting Board of Education members;
- Better screening of candidates – a process that helps to ensure the selection of the most highly qualified individuals, such as individuals exhibiting good judgment and expertise in education policy, school leadership, teaching and other relevant subject areas, such as business;
- A more cohesive Board of Education that is less subject to electoral politics and special interests; and
- Improved structural alignment that will be more conducive to reform.

A governance system with an appointed state board is well-tested. Most state boards (35) are appointed. Based on our analysis of the governance structures of other states and NAEP scores, eight of the top ten state boards in terms of NAEP achievement are appointed. On balance, states with appointed boards have performed better in terms of achievement.

Some seek to prevent HB 2376 & HB 2377 from advancing. They argue for the status quo at a time when the community is calling for improvements to public education.

These opponents of change argue that electing board members makes the board members more accountable to the electorate. A Star-Bulletin/KITV 4

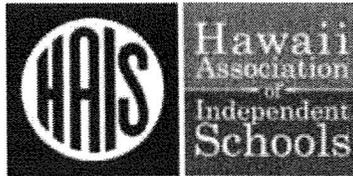
News poll in 2002 indicated that 69% of those polled did not have enough information about candidates to make a good choice. In the last 2008 at-large election, the “blank votes” were significant. It is common knowledge that many people vote based on name recognition or simply because a candidate may have a similar background, instead of voting based on the candidates’ views and qualifications.

They argue that a system of electing candidates is better for the community. Not every government service should be led by persons elected for office. When it comes to education, the focus should be on selecting the most qualified Board of Education members, not the most popular. Positions for judges, executive cabinet members, advisory commissions and the Board of Regents for the University of Hawai‘i are examples of appointed positions.

They argue that appointing board members would make public education more political. No governance system is more political than an elected system – where the candidates are only those willing to run and the winners are the most popular. With the election of Board of Education members traditionally being accompanied by weak voter participation, the composition of the Board of Education is especially susceptible to entrenched interests.

We have high hopes that the future of public education in Hawai‘i will place the needs of children first. Implementing an appointed board of education is an important step on the road to re-focusing our priorities and instituting many other important reforms. Thus, we strongly urge the Committee to pass SB 2570 and SB 2571, but in amended form to conform to the language and structure provided in HB 2376 (HD 3) and 2377 (HD 3).

Thank you for your commitment to public education and your time and consideration on this important issue.



Wednesday, March 10, 2010
2:30 p.m.
Conference Room 309

TESTIMONY TO
THE HOUSE COMMITTEE ON EDUCATION

RE: SB 2571, SD2 – Relating to the Board of Education

Chair Takumi, Vice Chair Berg 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 **support of Senate Bill 2571 SD2**, which establishes the board of education candidate nomination commission to nominate candidates for the board of education to be appointed by the governor.

HAIS is encouraged by this proposal by which the members of the Board of Education would be appointed by the governor, 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, as provided by law.

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.

berg1-Matthew

From: Shiyana Thenabadu [shiyanat@gmail.com]
Sent: Tuesday, March 09, 2010 1:20 PM
To: EDNtestimony
Subject: written testimony in support of SB 2470 SD2 and SB 2570 & 2571 - March 10, 2010, 2pm

Dear Members of the House Education Committee:

I am a parent of a student attending public school in Hawaii. I am writing to support Bills SB 2470 SD2: Requires all public schools to have 200 days of instructional time per year, and SB 2570 & 2571: Changes the BOE from an elected board to one appointed by the Governor.

I believe that SB 2470 SD2 is sorely needed and should have been passed a long time ago. If this Bill had been in place, we would not have had the ridiculous school furloughs that are now in effect. We need to ensure that our children will get a minimum amount of instruction time in school and that schools will not be shut down in the future during tough financial times. We all know that the DOE/BOE leaders and HaSTA could have put forward a solution where instruction time was not cut, but they chose to sacrifice the very people who did not have a vote, a voice or a union - the children. Our public schools are doing so poorly in standardized tests and we are at the very bottom now in the Race for the Top funds. This situation can be turned around with mandated minimum instruction/classroom time (and new leadership at the BOE, DOE and an overhaul of the DOE bureaucracy). Please, please pass SB 2470 SD2 as the first step toward improving our public schools. It is the right thing to do for our schools and our children. The time to act is NOW. Please do not put this off any longer.

SB 2570 and 2571 will ensure that the buck stops with the Governor when it comes to public education. Presently, there are too many cooks that are spoiling the soup in our public schools. Although the idea of a democratically elected BOE is good in theory, the fact is that the few people who do vote in Hawaii, tend to vote on name recognition and not by studying where the candidates stand on the issues. The result has been a lame duck BOE where members are voted in year after year, show up for meetings to collect their fees, rubber stamp everything the DOE Sup requests and leave. Clearly, the BOE system is not working. Look at the school furlough situation - BOE approved it. Look at how Hawaii public schools perform on the standardized tests - no major improvement in decades. Its time for a change.

Thank you for listening.

Aloha.
Shiyana Thenabadu

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Testimony to the House Committee on Education
Wednesday, March 10, 2010

Chairman Takumi, Vice Chairwoman Berg, and members of the House Committee on Education

My name is Mark Aoki and I am a junior at Roosevelt High School. I strongly support SB2571 (SD2), but offer an amendment.

Most voters are not informed on election day regarding candidates for the Board of Education (BOE). The results from 2008 justify this statement; over 300,000 left their ballot blank for the non-departmental school district. This statistic demonstrates that election to the BOE does not represent a mandate from the people.

If we allowed a group of one hundred to represent the 178,000 public school students, thirty-five would be unable to read at grade level, fifty-six would not have the necessary knowledge to complete grade level math and sixteen would eventually dropout all together (2009 Superintendent's Report).

Mom and Dad have always taught me that when something is broken, it needs to be fixed. Our education system is, clearly, broken.

I acknowledge that changing the governance structure of a body will not be the panacea to our education woes; however, it can serve as a start. Placing qualified members into seats on the board will greatly impact the direction of education. The advisory panel guarantees this. This panel, comprised of members from every stakeholder group, will nominate candidates that represent not only themselves, but also everyone involved in education (students, parents and community members). Members of the current BOE do not.

My proposed amendment is to page 22, line 20. The student representative on the BOE candidate nomination committee should be a current high school student. A current student serves a far greater capacity as the representative of the student voice than a graduate and a past student member. This student should be appointed by a majority vote of the Hawaii State Student Council (HSSC). The language in HB2377 (passed by the House serves well): "a current public school student appointed by the Hawaii State student council."

Education serves to set the future infrastructure of our great state; however, the status quo destines us to failure. The people have an opportunity to reroute the state's path into the future, replacing an ineffective system with one of accountability and capacity is a start.

My warmest aloha for your time.