SB8



EXECUTIVE CHAMBERS

NEIL ABERCROMBIE

Monday, January 24, 2011, 1:15 PM State Capitol Room 225

> Testimony of Honorable Neil Abercrombie Governor, State of Hawaii

To the Senate Education Committee Senator Jill Tokuda, Chair Senator Michelle Kidani, Vice Chair

SB8 Relating to Education

Chair Tokuda, Vice Chair Kidani, and members of the Committee:

In November 2010, Hawaii's people voted decisively to change from an elected to an appointed board of education. Fifty-seven percent (57%) of voters marked "yes" for the "Board of Education (to) be changed to a board appointed by the Governor with the advice and consent of the Senate, as provided by law." I support Senate Bill 8 to provide by law the implementing procedures for appointing Board of Education members.

I applaud you for your leadership in moving this issue forward expeditiously. Given the community's demand for more accountability for education, I believe that it is responsible to move wisely and quickly to establish the implementing procedures. We need the new appointed board in place to take action on important and time sensitive matters.

The voters have established a clear line of accountability between the Governor and the educational system's governance and outcomes. The Senate confirmation process gives the public an opportunity to comment on gubernatorial appointees. I believe that this process will result in a Board of Education that is representative of the people and will steward public education wisely. Senate Bill 8 establishes the procedures to operationalize the accountability and quality demanded by the public.

Thank you for your leadership on this matter, and I look forward to thoughtful and timely resolution of the issues identified in Senate Bill 8.



SB 8 RELATING TO EDUCATION

Senate Committee on Education

January 24, 2011 1:15 p.m. Room 225

The Office of Hawaiian Affairs (OHA) offers the following comments on **SB8**, which would require the members of the Board of Education (BOE) to be nominated and, with the advice and consent of the Senate, appointed by the governor.

OHA staff will recommend that the OHA Board of Trustees support SB8 with an amendment that requires that three of the six at-large BOE members be individuals that represent the interests of the Native Hawaiian community. This would ensure that BOE membership proportionately reflects the percentage of the Department of Education student population that is Native Hawaiian. (Native Hawaiians represent approximately 30 percent of the public school student population in Hawai'i.)

Statistics show that Native Hawaiian students have higher – if not the highest – levels of incidence in the public school system for truancy, drop-out and placement in special education. At the same time, Native Hawaiians are also underrepresented in gifted and talented programs, elite academies and Advanced Placement. Proportionate Native Hawaiian representation on the BOE will help improve the performance of Native Hawaiian students.

OHA staff will make this recommendation to our Board at its meeting on February 3, 2011. Mahalo nui for the opportunity to testify.



PHONE: (808) 586-0285 FAX: (808) 586-0288 www.hawaii.gov/campaign

January 21, 2011

TO:

The Honorable Jill N. Tokuda, Chair of the Senate Education Committee

The Honorable Michelle Kidani, Vice-Chair of the Senate Education Committee

Members of the Senate Education Committee

FROM:

Kristin E. Izumi-Nitao, Executive Director

Campaign Spending Commission

SUBJECT: Testimony on S.B. No. 8, Relating to Education

January 24, 2011

1:15 p.m. in Conference Room 225

Chair Tokuda, Vice-Chair Kidani, and Members of the Senate Education Committee, thank you for the opportunity to submit testimony on this bill.

S.B. 8 proposes to implement legislation for the appointment of board of education members thereby eliminating the electoral process and application of the campaign finance laws stated in chapter 11, part XIII, Campaign Finance, Hawaii Revised Statutes. Previously, candidates seeking election to the board of education were statutorily required to register and electronically file reports of their contributions and expenditures to the Campaign Spending Commission. They were further eligible for partial public financing in seeking this elected office. With this bill, these provisions would no longer apply.

The relevant sections of this bill that apply to Campaign Spending Commission go into effect when the elected members of the board of education are discharged from office pursuant to section 20 of this bill.

Accordingly, we take no position on S.B. 8.

From: JoAnn Yukimura [jyukimura@hotmail.com]
Sent: Monday, January 24, 2011 12:34 AM

To: EDU Testimony
Subject: Senate Bill 8
Attachments: full-black Small.png

Chair Tokuda and Members of the Senate Education Committee,

I write as an individual member of the Kaua i County Council in support of Bill 8.

The power to directly appoint the members of the Board of Education is inherent in the Governor's executive power of appointment as the head of the Executive Branch of our state government. The confirming power is rightly a legislative power that is an appropriate check on the governor's power of appointment. Senate Bill 8 would maintain the proper separation of powers while providing for an appropriate check and balance.

Keeping the initiative of selection in the Governor will allow the appointing process to move ahead speedily. It will also allow for the Governor s vision for desperately needed education reform to be set forth. We must allow the elected head of our state the ability to do this. This does not mean that input from all sides will not be welcomed and considered in the process of transforming our public education system to one that is worthy of our children and the future of state.

Mahalo for the opportunity to submit this letter of support.



Senate Committee on Education Monday, January 24, 2011 1:15 p.m.

SB 8, Relating to Education.

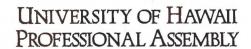
Dear Chairperson Tokuda and Committee Members:

On behalf of the Board of Directors of the University of Hawaii Professional Assembly, we wish to go on the record in support of the passage of SB 8 that grants the Governor the right to appoint members to the Board of Education. We believe that this bill is a better alternative than the measure passed, but vetoed by the Governor, last session. That bill established a special panel, with members to be appointed by those holding various political positions, to review and present the Governor with a list of individuals that he or she would then have to choose from for selection of Board members. Our experience with a similar selection process for selection of the members of the Board of Regents has resulted in many outstanding citizens, who otherwise would have made good Regents, not willing to go through the ordeal. More importantly, since the citizens of our state have approved a Constitutional Amendment giving the Governor the authority to appoint Board of Education members, we believe that the Governor, in order to be accountable to the people, should not be limited in his or her choices through restriction to a list created by a committee, which is politically appointed.

We strongly recommend the passage of this bill.

Respectfully submitted,

J.N. Musto, Ph.D. Executive Director





1200 Ala Kapuna Street 1 Honolulu, Hawaii 96819 Tel: (808) 833-2711 λ Fax: (808) 839-7106 λ Web: www.hsta.org

> Wil Okabe Karolyn Mossman Vice President

Joan Kamila Lewis Secretary-Treasurer TESTIMONY BEFORE THE SENATE COMMITTEE ON **EDUCATION**

Jim Williams Interim Executive Director

RE: SB 8 – RELATING TO EDUCATION.

Monday, January 24, 2011

WIL OKABE, PRESIDENT HAWAII STATE TEACHERS ASSOCIATION

Chair Tokuda and Members of the Committee:

The Hawaii State Teachers Association supports SB 8. HSTA believes that a diversified Board of Education truly embodies Hawaii's multicultural population.

In the 2010 election, the citizens of Hawaii overwhelmingly approved the measure to authorize the Governor to appoint the members of the Board of Education. This bill, as written, clearly represents the large majority.

The 11 member Board gives each county fair representation. With the Senate's consideration of the appointed members' abilities, experiences, and characteristics, we further believe the needs of the diverse student population will best be actualized through SB 8.

Thank you for the opportunity to testify.



888 Mililani Street, Suite 601 Honolulu, Hawaii 96813-2991 Telephone: 808.543.0000 Facsimile: 808.528.4059

www.hgea.org

The Twenty-Sixth Legislature, State of Hawaii
Hawaii State Senate
Senate Committee on Education
Testimony by
Hawaii Government Employees Association
January 24, 2011
S.B. 8 – RELATING TO EDUCATION

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the concept of this measure that allows the governor to appoint the members of the board of education with the advice and consent of the senate. This will mean that Governor is accountable for education.

The electorate amended our state constitution to allow for an appointed Board of Education. As a result, we believe the legislature should make every effort to approve enabling language that will establish a process that will expedite the appointment of a new board of education on or before this legislative session adjourns.

We maintain that the counties should be represented, however the County of Hawaii should be given consideration for an additional seat similar to the board of regents. Our membership is not solidified with respect to the student member having the right to vote. Allowing the student member the right to vote continues to be a concern. Nonetheless, we will continue to testify on this measure as it moves forward.

Thank you for the opportunity to testify.

Respectfully submitted,

Leiomalama Desha Executive Assistant Sunday, January 23

Testimony on behalf the Hawaii Charter Schools Network, representing the unified voice of Hawai`i's 31 Public Charter Schools

Senate Bill 8

Relating to the appointment of board of education members, and advise and consent elements.

Position: Support

To: Honorable Senate Committee on Education Sen. Jill Tokuda, Chair Sen. Michelle Kidani, Vice Chair Senators Chun-Oakland, Nishihara, Taniguchi, Slom

Aloha Chair Tokuda, Vice Chair Kidani, and Members of the Senate Committee on Education:

Hawaii Charter Schools Network (HCSN) is a 501(c)(3) organization supporting quality initiatives in Hawaii's 31 public charter schools.

We are confident your committee will assure that Senate Bill 8 carries out the will of voters who overwhelmingly approved a constitutional amendment empowering Governor Abercrombie to appoint members of the Hawai'i State Board of Education. The employees within Hawaii's public school system, including those in public charter schools, are certainly among the most dedicated and sincere public servants in our state, and are well aware that SB8 is already significant starting today, with impacts extending into the next generation and beyond.

HCSN agrees with the Governor's position, which provides a significant level of autonomy in exchange for increased accountability, to appoint those people he believes will do what is best for the sake of our children. We understand the Governor also supports more community control to increase resources at the school level, and agree with this position as well.

Furthermore, we urge the specific inclusion of a charter school seat in order to participate more closely with President Obama's federal charter school initiatives, and to help address issues specific to Hawaii's public charter school system.

Thank you for your consideration, and for the valuable work you perform.

Sincerely,

Curtis Muraoka, Vice President Hawaii Charter Schools Network

Centi la lua Q



TESTIMONY ON SENATE BILL 8, RELATING TO EDUCATION

Senate Committee on Education Hon. Jill N. Tokuda, Chair Hon. Michelle Kidani, Vice Chair

January 24, 2011, 1:15 PM State Capitol, Conference Room 225

Honorable Chair Tokuda and committee members:

I am Kris Coffield, editorial director of Fracturedpolitics, an emergent political action network born out of a weblog. Currently, the network boasts over 50 local members, though I offer this testimony only on behalf of myself, in support of SB 8, with minor changes.

While I was initially opposed to the appointment of Board of Education members, the overwhelming approval of the Hawaii Board of Education Amendment, Question 1, during last year's elections, gave lawmakers a mandate for streamlining accountability within the state's educational bureaucracy. In eliminating the creation of an advisory council to vet potential board members, SB 8 accomplishes that task. An advisory panel would inhibit accountability and contravene the will of the electorate by diluting gubernatorial responsibility for appointment decisions, thereby creating a system in which competing factions can, and likely would, shift blame back and forth. Some have argued that an advisory panel implements much needed "checks and balances" in case leadership of the executive and legislative branches is split between two parties with opposing visions for scholastic improvement. Should such a situation occur, however, an advisory panel may become a scapegoat for the performance of board members or nominate candidates who are unacceptable to the governor, leading to delayed nominations and gridlock. In either case, the Board of Education selection process and subsequent board decisions would remain heavily politicized, with no clear line of accountability established for public evaluation. It is also worth noting that under such circumstances, an advisory panel would be bureaucratically redundant if the Senate retains "advise and consent" authority over gubernatorial nominations, as is set forth in SB 8.

Furthermore, passage of SB 8 would extend voting privileges to the Board of Education's student member (§302A-A). Too often, students, the primary stakeholders in the state's school system, are disenfranchised from participating in their own governance. Yet, as has been demonstrated by the success of programs like Kids Vote Hawaii, students are eager to exercise civic responsibility when afforded the opportunity. Moreover, 70 percent of high school students polled in a 2008 survey favored granting the student member voting power, a step already taken by states as varied as California and Vermont.

Finally, apportioning seats by county, as this legislation does, allays the disproportionate advantage reaped by O'ahu-based representatives under the current system. Today, 10 out of 13 of the school board's voting members are from O'ahu, accounting for 77 percent of the Board of Education's total votes, despite O'ahu's population accounting for roughly two-thirds, or 66 percent, of the statewide total. Even allowing that the vast majority of the state's student population attends class on O'ahu, the most recent census data, released in 2010, expose higher rates of population growth for outer island counties as compared to the City and County of Honolulu. For example, Hawaii County and Maui County grew at 19.6 and 13.3 percent, respectively, while the City and County of Honolulu grew at a 3.6 percent clip. Clearly, population growth is trending toward outer island communities. Power sharing inequalities are borne out by student population statistics, too, as City and County of Honolulu enrollment stands at 116,952 for the 2010-2011 academic year, accounting for approximately 69 percent of the state's total enrollment of 169,987, a number that, again, falls short of the 77 percent of votes allocated to representatives of districts falling within Honolulu's boundaries. If SB 8 is codified promptly and properly into law, this disparity in voting clout could be redressed through a combination of minimizing guaranteed seats (§302A-A, as amended) and geographical considerations during the nomination and confirmation process (§302A-F, as amended).

One concern I have with the bill, as drafted, is the potential reappointment of the Board of Education's student member "even though the member is no longer a student at the time of reappointment." To ensure the continued enfranchisement of public school students, the term of the student member should expire within a predetermined period (say, 60 days, to provide for continuity of board functions) following matriculation from high school. Thus, in my estimation, the student member should be considered for reappointment if, and only if, the student is enrolled in a public school at the time reappointment is considered. Any logistical problems resulting from irregular appointments appear to be covered by subsection §302A-C(c) and section §302A-E.

Again, it is imperative that the State Legislature act on this matter with alacrity. Besieged by a range setbacks—furlough Fridays, infighting over the execution of drug-testing, cyberbullying, achievement gaps on national assessments, and ongoing teacher shortages, just to name a few—Hawaii's education system is now, more than ever, in need of consistent leadership that can be held accountable to the public trust. Passage of SB 8 is a step toward realizing that goal.

Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Editorial Director
Fracturedpolitics

The League of Women Voters of Hawaii

49 South Hotel Street, Room 314 Honolulu, HI 96813 tel: (808) 531-7448 / fax: (808) 599-5669

> voters@LWV-Hawaii.com www.lwv-hawaii.com

Testimony Presented to the
Senate Committee on Education
e-mail: EDHtestimony@capitol.hawaii.gov
Monday, January 24, 2011, 1:15 p.m., Conference Room 225
Senator Jill N. Tokuda, Chair
Senator Michelle Kidani, Vice Chair

SB8, Relating to Education

January 23, 2011

The Board of Directors of the League of Women Voters of Hawai'i strongly supports SB8 as written. We respectfully submit the following as input for you to consider in your decision-making process concerning implementing the enabling legislation that defines the selection procedure for Board of Education members.

All of the rhetoric prior to the general election vote that opted to change the method for choosing the members of the Board of Education centered on the issue of 'accountability' and the idea that if 'everyone is accountable then no-one is accountable.' Thus, the voters opted for 'accountability' when they chose to have the governor nominate Board of Education members. We are pleased that you have taken a stand that the public supports to create a governance structure outlined in SB8.

The League feels that the only acceptable route to accountability will be for the governor to make the nominations with the advice and consent of the senate, through confirmation of the nominees.

Thank you for the opportunity to testify.

Sincerely,

Pearl Johnson, President League of Women Voters, Hawai'i



Hospitality · Retail · Development

THE SENATE 26th LEGISLATURE REGULAR SESSION of 2011

COMMITTEE ON EDUCATION Senator Jill Tokuda, Chair

1/24/11 Rm 225, 1:15 PM

SB 8 Relating to Education

Chair Tokuda and Members of the Education Committee,

My name is Max Sword, here on behalf of Outrigger Hotels Hawaii, in support of this bill.

Outrigger Hotels is committed to the betterment of education here in Hawaii. With an educated workforce, we get a stronger workforce.

Outrigger has been part of the previous effort with Act 51, when the President of Outrigger, David Carey, and Don Horner from First Hawaiian Bank, chaired the transition of operational functions from various departments to the Department of Education (DOE).

Most recently, we were part of the effort with Hawaii's Children First in support of an appointed Board of Education (BOE), because we believe that an appointed board will be responsible for the success or failure of the DOE. They will be accountable.

SB 8 makes the Governor the appointing authority of the BOE, as well as sets the geographic representation for the board. We support that direction.

We have one suggestion for your consideration, that there be a requirement that at least a minimum of two or three BOE members from the at-large category, have a background in running a large organization, whether it be a for-profit or non-profit entity. The DOE is a large organization, which takes up over one fourth of the State budget and, therefore, needs the expertise of those who have had relative leadership experience in this area.

Thank you for allowing me to testify.



HAWAII STATE STUDENT COUNCIL

COMMITTEE NAME 475 22ND AVENUE, RM.211 HONOLULU, HAWAII 96816

January 23, 2011

To: Senator Jill Tokuda

Senate Education Committee

From: Marci Nakamura, HSSC Chairperson

Subject: Student Representative on the Appointed Board of Education With Voting Rights

Aloha! My name is Marci Nakamura; I am a Junior at Mililani High School as well as a member of Mililani's student council. I am in full support of Senate Bill No. 8, and I would like you to show your support as well. The student BOE member is the sole representation of 15% of Hawaii's population but has no voting rights on the matters that directly affect the students. With the vote of the student BOE member the opinions of the students which are often disregarded in the policies passed by the Board the voice of the students can be heard.

The Student BOE member is the only member of the Board who spends everyday in the State's schools so they know what the students want so their vote should count. States such as California, Maryland, Massachusetts, Tennessee, and Vermont all support the student BOE member by granting them partial or full voting rights. All responsibilities of a BOE member are given to the student member expect for that of voting. The Student member goes through the most rigorous selection process of any other BOE member, hold the same responsibilities, and keeps up with school tasks so they should be granted voting rights on the decisions that directly affect themselves and their peers.

In granting the Student BOE Member partial voting rights in the decisions of the BOE the direct link between the schools and the Board of Education will finally have a voice. I thank you for your time. I trust you will show your support for Senate Bill No.8.

Marci Nakamura, HSSC Chairperson Hawaii State Student Council



HAWAII STATE STUDENT COUNCIL

COMMITTEE NAME 475 22ND AVENUE, RM.211 HONOLULU, HAWAII 96816

January 23, 2011

To: Senator Jill Tokuda

Senate Education Committee

From: Matthew Nagata, HSSC Vice-Chair

Subject: Student Representative on the Appointed Board of Education With Voting Rights

Aloha! My name is Matthew Nagata; I am a Senior at Waiakea High School as well as a member of Waiakea High School student council. I am in full support of Senate Bill No. 8, and I would like you to show your support as well. The student BOE member is the sole representation of 15% of Hawaii's population but has no voting rights on the matters that directly affect the students. With the vote of the student BOE member the opinions of the students which are often disregarded in the policies passed by the Board the voice of the students can be heard.

The Student BOE member is the only member of the Board who spends everyday in the State's schools so they know what the students want so their vote should count. States such as California, Maryland, Massachusetts, Tennessee, and Vermont all support the student BOE member by granting them partial or full voting rights. All responsibilities of a BOE member are given to the student member expect for that of voting. The Student member goes through the most rigorous selection process of any other BOE member, hold the same responsibilities, and keeps up with school tasks so they should be granted voting rights on the decisions that directly affect themselves and their peers.

In granting the Student BOE Member partial voting rights in the decisions of the BOE the direct link between the schools and the Board of Education will finally have a voice. I thank you for your time. I trust you will show your support for Senate Bill No.8.

Matthew Nagata, HSSC Vice-Chair Hawaii State Student Council To: Senate Education Committee

From: Isaac Hein, Hawaii State Student Council Windward District Rep.

Subject: Support of SB 8

Hello my name is Isaac Hein and I am currently the Chair of the Political Action Committee on the Hawaii State Student Council .I strongly support of the Board of Education Student Member position and to have voting rights under the new appointed board bill and I would respectfully ask for your support. As of the recent election results the elected BOE has been changed to an appointed BOE. This correction to the constitution has crossed out the BOE Student Member Completely. So we need to keep this position that we have had for the last 33 years old.

The Student BOE Member has existed since 1977. Hawaii State Student Council along with the support of Secondary Student Conference has been striving for the Voting rights for the last 22 years. The number one reason that the legislative has said that there is legal issues, but in the 90's the Attorney General of Hawaii stated that the student member would have the same coverage as the adult members would. Also with the new appointed board the accountability of the student and the rest of the board would be put on the governor. With voting rights for all appointed boards members is a good idea. Due to that all members reperstent there part of Hawaii including the student member who represents the entire the student population. So please Support this SB 8

Thank You

From

Isaac Hein

HSSC Windward Rep

PAC Chair



HAWAII STATE STUDENT COUNCIL

475 22ND AVENUE, RM. 211 HONOLULU, HAWAII 96816

January 14, 2011

To: Senator Jill Tokuda, Chair

Members of the Senate Education Committee

From: Kathy Oyadomari

Big Island Association of Student Councils Representative

Subject: Support of Senate Bill No. 8

Hello, my name is Kathy Oyadomari and I am currently a junior at Hilo High School. Senate Bill No. 8 is a bill that I am strongly in favor for and I hope to gain your support. As it stands at the current time, the student member takes part in all activities and assumes all responsibilities as all other member, except the right to vote. The BOE's student member represents over 180,000 of Hawaii's students in over 250 public schools. Students are usually the ones affected by decisions padded by the BOE, so they should have a say, a vote, in those decisions. Also with the current system of the governor appointing the student member the Hawaii State Student Council would like to take on the role of being selection committee. The HSSC would go through all of the candidates and select the most outstanding students to then be chosen by the governor.

This is a great opportunity so that students will finally be given the chance to voice their opinions and be heard. If the Hawaii State Student Council is able to facilitate pre selection of the candidates they know the candidates by their work and are able to evaluate the experience and capability of the possible student members.

Student member voting rights are currently implemented in California, Vermont, Maryland, and the District of Columbia. The students in Hawaii represent 15% of the state's population and we still do not have a vote in the decisions that will affect us. If the student member on the BOE is granted a vote the student participation will increase in education and government and there will be increased student representation.

| Thank you for your time and consideration, and I truly hope that you will support Senate Bill No. 8. |
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HAWAII STATE STUDENT COUNCIL

475 22ND AVENUE, RM. 211 HONOLULU, HAWAII 96816

January 14, 2011

To: Senator Jill Tokuda, Chair

Members of the Senate Education Committee

From: Katherine Torigoe

Waiakea High School Student Government Association Vice President

Subject: Support of Senate Bill No. 8

Aloha! My name is Katherine Torigoe, a junior at Waiakea High School in Hilo. I strongly support Senate Bill No. 8 and ask that you consider supporting the Resolution as well. Currently, the student member of the Board of Education assumes the same responsibilities and participates in the same activities as the senior members of the BOE, but does not have the right to vote. The BOE's student member represents over 180,000 of Hawaii's students in over 250 public schools. Decisions made by the DOE usually affect students, so in all fairness, students should have a voice and a vote to affect those decisions

The Hawaii State Board of Education showed its support for the students' right to vote by passing a resolution supporting voting rights. One of the major reasons why the resolution passed was that the board members have been impressed with the student members' abilities to understand and absorb the issues that come before the board. The position of the BOE student member is intensive and is a unique position suited to only an exceptional young person, and the Hawaii State Student Council takes pride in its rigorous process of selecting a well-qualified, capable, responsible student.

Voting rights for student members have been granted in several other states, including California, Vermont, Maryland, and the District of Columbia. Hawaii has always been at the forefront in supporting its student activities programs that individuals on the mainland wish that they had. Please continue Hawaii's tradition of being at the forefront of supporting students by granting voting rights to future BOE student members.

Allowing the student member on the BOE to vote will increase and improve student participation in education and government.

Thank you for your time and consideration, and I sincerely hope that you will support Senate Bill No. 8.



HAWAII STATE STUDENT COUNCIL

475 22ND AVENUE, RM. 211 HONOLULU, HAWAII 96816

January 14, 2011

To: Senator Jill Tokuda, Chair

Members of the Senate Education Committee

From: Lauren Hill

Hawaii Secondary Student Conference Planner

Subject: Support of Senate Bill No. 8

Aloha! My name is Lauren Hill, and I am a junior at Waiakea High School. I strongly believe in Senate Bill No. 8 and would like to ask for your support. I feel that it is extremely important for a student member to exist on the Board of Education (BOE) and to have partial voting rights. Decisions made at the BOE meetings impact the students of Hawaii momentously. Students should be represented and should be able to vote on the issues that pertain to them.

In the mid-18th century, settlers from the Thirteen Colonies in America used the saying "no taxation without representation" to express their grievances to Great Britain. Great Britain had been imposing rules and regulations upon these American colonists without allowing them reasonable opportunities for representation. Similarly, we, the students that make up Hawaii's education system, ask that decisions are not made for us without proper representation.

Children are the future of Hawaii and thus, should be allowed to be participate in making the decisions that will change their lives. Our great country was founded upon the ideas of representation and democracy. I believe that such democracy should extend to the students of Hawaii through the appointed BOE student member.

Thank you for your time and consideration! I hope you will support the adoption of Senate Bill No. 8, concerning the appointed BOE student member and partial voting rights to include all issues, except those that concern personnel.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 23, 2011 3:57 PM

To: EDU Testimony

Cc: petercheng08@gmail.com

Subject: Testimony for SB8 on 1/24/2011 1:15:00 PM

Testimony for EDU 1/24/2011 1:15:00 PM SB8

Conference room: 225

Testifier position: support Testifier will be present: No Submitted by: Peter Cheng

Organization: Hawaii State Student Council

Address: 1415 LIHOLIHO ST APT 1009 Honolulu, Hawaii

Phone: 808-206-3702

E-mail: petercheng08@gmail.com

Submitted on: 1/23/2011

Comments:

From: John Kawamoto [jk1492@gmail.com]
Sent: Friday, January 21, 2011 12:17 PM

To: EDU Testimony Subject: SB 8 testimony

SENATE COMMITTEE ON EDUCATION Senator Jill Tokuda, Chair

Hearing:

Jan. 24, 2011 at 1:15 pm Conference Room 225

Re: SB 8 RELATING TO EDUCATION

Testimony in support

Thank you for this opportunity to testify in support of SB 8, which contains the details needed to implement the Constitutional amendment approved by the electorate several months ago that creates a Board of Education (BOE) with members appointed by the Governor.

Voters approved the Constitutional amendment because they were frustrated with decades of neglect by the elected BOE toward public education. They hoped that the Governor would be able to appoint courageous, forward-thinking people to the BOE who would be able to make the changes needed to improve the quality of education.

SB 8 reflects what what voters approved when they said "yes" to the following question:

"Shall the Board of Education be changed to a board appointed by the Governor, with the advice and consent of the Senate, as provided by law?"

SB 8 sets forth the membership of the BOE and their terms of office, and is careful to ensure that all counties are represented on the BOE.

The bill gives the Governor full discretion in appointing the members of the BOE, subject to the advice and consent of the Senate. This is by far the most common method by which the Governor appoints public officials.

Unfortunately, a bill that will reportedly be considered by the House of Representatives would create an inferior method of selecting BOE members. That bill would force the Governor to appoint BOE members from lists developed by a committee. The majority of the committee would be neither elected by the people nor appointed by an elected official. Each list would have a maximum of only four names. I believe that voters who approved the Constitutional amendment did not think that the phrase "as provided by law" in the question could so drastically limit the Governor's discretion.

I urge the Senate Committee on Education to approve SB 8 and to retain full discretion by the Governor in appointing BOE members, subject to the advice and consent of the Senate.

John Kawamoto

From: Bryson Risso [brysonrisso@yahoo.com]
Sent: Bryson Risso [brysonrisso@yahoo.com]
Friday, January 21, 2011 1:50 PM

To: EDU Testimony

Subject: PLEASE PASS/ADOPT SB#8

Hello, my name is Bryson Risso. I am currently a senior at J.B. Castle High School. I believe in keeping decision making closest to those whom are most directly affected by those decisions. Therefore, us students deserve a voice in our own education and welfare. That is why I am asking you to please pass/adopt SB#8. It is what the students of Hawai'i want.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 21, 2011 3:50 PM

To: EDU Testimony

Cc: bill@berger-reeves.com

Subject: Testimony for SB8 on 1/24/2011 1:15:00 PM

Testimony for EDU 1/24/2011 1:15:00 PM SB8

Conference room: 225

Testifier position: oppose Testifier will be present: No

Submitted by: William reeves 2932 Makalei Place

Organization: Individual

Address: Honolulu Phone: 8089264776

E-mail: bill@berger-reeves.com

Submitted on: 1/21/2011

Comments:

IN OPPOSITION TO SENATE BILL 8 TO ESTABLISH A PROCESS FOR THE APPOINTMENT OF THE BOARD OF EDUCATION

Committee on Education

Date: January 24, 2011 Time: 1:00 p.m.

Having been involved in efforts to improve the existing Board of Education and more recently in the successful campaign to alter the state constitution to allow for the appointment of the Board of Education I object to the bill as written on a number of grounds.

Much of my concern stems from the basic fact that the bill suggests no criteria against which the public or the Senate can assess whether a nominee is most qualified for the job or at a minimum how that nominee fits into a broader vision of what a "highly qualified" Board of Education looks like.

I have heard the argument used that "direct appointment is what the voters voted for - not a process." Over the past year we commissioned extensive public polling and focus group work on the appointment process itself. The results of this research were clear yet twofold. Voters did care very deeply about public education, enough to cede their right to elect the BOE in the hope of improvement. They were also predominantly happy to let the Governor select the BOE directly and with great discretion. Nonetheless voters remained deeply concerned about potential future abuse of the appointment process and their inability to remedy that abuse. Fear of cronvism led the vast majority of those surveyed to favor some form of check and balance to minimize the potential "politicization" of public education that most saw as the biggest risk of an appointed BOE. As part of our ongoing work in public education we will have a new public poll in the field shortly to test whether people voted for change despite the lack of a transparent process or because of the lack of a transparent process. I strongly suspect the new poll will continue to bear that out the previous results.

I have also heard the argument that "the current Regents process doesn't work well enough for the BOE" but is it not the case that when the Regents operated under a directly appointed system similar to that which is being proposed the process was dominated by BOTH cronyism AND party politics? Was it not that process that was rejected handily via ballot initiative in 2006? It is difficult to understand why the Senate would offer

up a solution for the BOE so similar to one that was so recently abused and ultimately overturned by the voters. If the current Regents process is "broken" then by all means it should be fixed – but why are we the voters limited to the "false" choice between two processes whose imperfections have already been so clearly exposed?

I believe that the public itself has both a right and an obligation to perform a "watchdog" role on the policies that impact Hawaii's public schools. They demonstrated over the last 18 months that they are willing and able to advocate successfully on issues ranging from teacher furloughs to instructional hours. The lack of transparency created by the Senate bill as proposed makes it extremely difficult for the public to successfully perform its function as watchdog. I would also go so far as to suggest that without any objective understanding of what a future Governor defines to be a suitable BOE candidate or a "highly qualified" Board, the Senate itself cannot possibly perform this watchdog function on the public's behalf.

In addition to the above I have several more minor issues with the Senate bill:

- 1) Like many of you, I sit on a number of boards. I have found that the optimal size of any board tends to be the minimum number of people required to represent the views and skill sets necessary for that board to carry out its fiduciary responsibilities. I would suggest that the smaller the BOE is the better. It is important to remember that the role of each Board of Education member is to serve as a trustee of the entire system members do not represent specific constituencies. The key to a good board of trustees is to have diverse views but a singular focus.
- 2) Since any voting student member would naturally need to be recused on matters impacting such vital issues as collective bargaining and the selection of a Superintendent, a BOE with an odd number of voting adults could reach an impasse on all of those key issues. I believe the Senate should consider an even numbered Board of Education if one of those members is to be a voting student.
- 3) The self-selection of a Chair immediately polarizes the Board of Education. The popularity contest that follows every election (as members vie to be elected Chair themselves or trade their vote in favor of prized committees) serves no purpose. The Board of Education is a policy board I suggest that the Chair should be appointed directly by the Governor (with Senate confirmation) and should serve at his or her pleasure. Most of you know how divisive an elected Chair has been on the BOE in recent years it would be a mistake to continue this practice.

Thank you for your time and consideration,

Bill Reeves

mailinglist@capitol.hawaii.gov From: Friday, January 21, 2011 4:00 PM Sent:

EDU Testimony To:

debbieb@berger-reeves.com Cc:

Testimony for SB8 on 1/24/2011 1:15:00 PM Subject:

Testimony for EDU 1/24/2011 1:15:00 PM SB8

Conference room: 225

Testifier position: oppose Testifier will be present: Yes Submitted by: Deborah Berger Organization: Individual

Address: 2932 Makalei Place Honolulu

Phone: 808 381 9895

E-mail: debbieb@berger-reeves.com

Submitted on: 1/21/2011

Comments:

OPPOSE SB8

Establishes implementing legislation for the appointment of board of education members. January 24, 2011

Dear Chair Tokuda, Vice Chair Kidani, and Members of the Senate Committee on Education,

I oppose SB8 as the defining legislation for appointment of members of the Board of Education for several reasons:

- 1) Until a 2006 referendum, the UH Board of Regents had a system of direct appointment with confirmation by the Senate. SB8 imposes this pre-referendum UH BOR process for the Board of Education. The voting public overwhelming felt that this process resulted in cronyism and politics. Voters insisted on having a selection process to balance direct gubernatorial appointment & Senate confirmation. If we know that the old UH BOR direct appointment method failed, how can this be supported for the BOE today?
- 2) The public want a better board with greater gubernatorial accountability *for its selection*. Transparency about *how* the decision will be made will go far in gaining the trust of the public who have just delegated their authority to choose to those they felt might make better decisions. Without a nominating committee to vet candidates, nor any indication of process/ or search criteria/ or experience matrix, the Governor cannot be held accountable for her choices.
- 3) Clearly the public wants and deserves the best BOE that can be assembled. The BOE will comprise of members with varied and high levels of expertise and experience. They will make decisions that are in the best interests of Hawaii and Hawaii's children. In the decision-making many voices will be heard including those of the children in the system. However, I question the wisdom of including a voting student member in the BOE. If we are raising our expectations of a good board, experience matters. A highly selective process for a small board with greater expertise (not always necessarily in the field of education) will increase the chances for a better board.

We have an opportunity to craft a new process for BOE selection – potentially one which will work even BETTER than the current UH BOR process. Our experience with the UH BOR process is a tremendous asset for crafting a new process for the BOE. We must balance the need for a process that results in a well-composed, experienced, accountable BOE (with measures of anonymity for nominees), with that for transparency and gubernatorial accountability in the selection process. We must strive for a process that has the best odds of getting the best BOE over the longest period of time. This is watching out for the best interests of our public school system and the children it serves. SB8 does not pass this test.

Sincerely.

Deborah Berger 2932 Makalei Place Honolulu, HI 96815

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 24, 2011 1:12 AM

To: EDU Testimony
Cc: shaglund@hotmail.com

Subject: Testimony for SB8 on 1/24/2011 1:15:00 PM

Testimony for EDU 1/24/2011 1:15:00 PM SB8

Conference room: 225

Testifier position: oppose Testifier will be present: Yes Submitted by: Sue Haglund Organization: Individual

Address: Phone:

E-mail: shaglund@hotmail.com
Submitted on: 1/24/2011

Comments:

I oppose Senate Bill 8. This bill fails to address and create a fair due selection process with public input and support in the selection process of viable candidates for Hawaii State Board of Education. Senate Bill 8 is a reflection on how the University of Hawaii's Board of Regents are selected by Governor appointment and Senate approval. Where is a selection advisory commission? Where is the definition describing candidate selection process and the qualification he or she may have? By drafting a bill without an intermediary due process committee, such as a selection advisory commission, creates the formation of another failed process on how qualified members of the public are chosen as potential BOE member that decide the infrastructure policy-making of Hawaii State's public schools.

I urge the committee to vote against this measure and to reconsider the "due process" of a fair selection process with proper public input on how potential Board of Elections candidates are selected to be on the list and appointed by the governor. A fair judicious process is necessary, but not a direct appointment solely decided and selected by the governor with senate approval.

Thank you very much.

From: Cathleen_Olson/SUPT/HIDOE@notes.k12.hi.us

Sent: Friday, January 21, 2011 8:26 AM

To: EDU Testimony Subject: Appointment Process

Importance: High

Good Morning,

A thought concerning the appointment process:

A process for nominations from the field (perhaps via an online nomination application with back-up documentation upload capabilities) to be submitted electronically for consideration.

Thank you, Cathleen

Cathleen Olson Program Specialist Federal Compliance and Project Management Office Ewa Beach Office 91-740 Papipi Rd., Rm C-25 Ewa Beach, Hawaii 96706 Phone 808-689-1334 Fax 808-689-1365

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 24, 2011 5:54 AM

To: EDU Testimony Cc: thirr33@gmail.com

Subject: Testimony for SB8 on 1/24/2011 1:15:00 PM

Attachments: 170px-Shoninki24_-_disguises.gif; Buddhist Register.jpg

Testimony for EDU 1/24/2011 1:15:00 PM SB8

Conference room: 225

Testifier position: support Testifier will be present: Yes

Submitted by: Arvid Tadao Youngquist

Organization: I Love Kalihi Valley (est. 2009) Address: P O BOx 37403 Honolulu, Hawaii 96837

Phone: 808-587-2140 no voice mail

E-mail: thirr33@gmail.com
Submitted on: 1/24/2011

Comments:

Chair, EDU Senate Committee

Honorable Members of the EDU Committee

Good afternoon. I support SB8 Relating to Education (BOE appointment).

Reducing the number to 11 appointed members may be a good idea.

Hopefully, the effective date can be as near to end of Session as possible that Gov. Abercrombie can enact it before the Legislature leaves Town, have the individuals ready for confirmation hearings, and working with a transitional team.

I would like to thank Sen. Jill Tokuda and the various co-sponsors, especially the GOP Minority Caucus (Sen. Sam Slom).

Please report this important measure as quickily as humanly possible.

Mahalo for this opportunity to provide testimony.

Me Ke Aloha Pumehana,

Arvid Tadao Youngquist Two Time BOE At-Large Candidate Kalihi Valley resident

To: Senator Jill Tokuda

Senate Education Committee

From: Abbygail Sadoy

Subject: Student Representative on the Appointed Board of Education With Voting Rights

Aloha! My name is Abbygail Sadoy; I am a senior at Leilehua High School as well as a member of Central District student council. I am in full support of having a student representative on the appointed Board of Education (BOE) with voting rights. The student BOE member is the sole representative of 15% of Hawaii's population but has no voting rights on the matters that directly affect them. The opinions of the students are often disregarded in the policies passed by the Board.

The Student BOE representative is the only member of the BOE who spends everyday in Hawaii's schools so they know what the students experience, need and want. Their vote should count. States such as California, Maryland, Massachusetts, Tennessee, and Vermont all support the student BOE representative by granting them partial or full voting rights. For 22 years the BOE student representative has had the same responsibilities as other BOE members, so they should be granted voting rights on the decisions that directly affect themselves and their peers.

In granting the Student BOE Member partial voting rights, the decisions of the BOE can have a direct link between the schools and the Board of Education. I thank you for your time. I trust you will show your support for Resolution 67.

To: Senator Tokuda

From: Jennifer Wong

Subject: Student Representative on the Appointed Board of Education with Voting Rights

Aloha! My name is Jennifer Wong. I am a Leilehua high representative as well as a member of the Central District Student Council. I am in full support of having a student representative on the appointed Board of Education (BOE) with voting rights. The student BOE member is the sole representative of 15% of Hawaii's population but has no voting rights on the matters that directly affect them. The opinions of the students are often disregarded in the policies passed by the Board.

The Student BOE representative is the only member of the BOE who spends every day in Hawaii's schools so they know what the students experience, need and want. Their vote should count. States such as California, Maryland, Massachusetts, Tennessee, and Vermont all support the student BOE representative by granting them partial or full voting rights. For 22 years the BOE student representative has had the same responsibilities as other BOE members, so they should be granted voting rights on the decisions that directly affect themselves and their peers.

In granting the Student BOE Member partial voting rights, the decisions of the BOE can have a direct link between the schools and the Board of Education. I thank you for your time. I trust you will show your support for Resolution 67.

To: Senator, Jill Tokuda

Senate, Education Committee

From: Shawn Tanaka

Subject: Student Representative on the Appointed Board of Education With Voting Rights

Aloha! My name is Shawn Tanaka; I am a Junior at Mililani High School representing the class of 2012. I am in full support of having a student representative on the appointed Board of Education (BOE) with voting rights. The student BOE member is the sole representative of 15% of Hawaii's population but has no voting rights on the matters that directly affect them. The opinions of the students are often disregarded in the policies passed by the Board.

The Student BOE representative is the only member of the BOE who spends everyday in Hawaii's schools so they know what the students experience, need and want. Their vote should count. States such as California, Maryland, Massachusetts, Tennessee, and Vermont all support the student BOE representative by granting them partial or full voting rights. For 22 years the BOE student representative has had the same responsibilities as other BOE members, so they should be granted voting rights on the decisions that directly affect themselves and their peers.

In granting the Student BOE Member partial voting rights, the decisions of the BOE can have a direct link between the schools and the Board of Education. I thank you for your time. I trust you will show your support for Senate Bill No. 8.

To: Senator Jill Tokuda

Senate, Education Committee

From: Jared Takidguchi, Mililani High School

Subject: Student Representative on the Appointed Board of Education With Voting Rights

Aloha! My name is Jared Takiguchi; I am a Junior at Mililani High as well as a member of the class of 2012 student council. I am in full support of having a student representative on the appointed Board of Education (BOE) with voting rights. The student BOE member is the sole representative of 15% of Hawaii's population but has no voting rights on the matters that directly affect them. The opinions of the students are often disregarded in the policies passed by the Board.

The Student BOE representative is the only member of the BOE who spends everyday in Hawaii's schools so they know what the students experience, need and want. Their vote should count. States such as California, Maryland, Massachusetts, Tennessee, and Vermont all support the student BOE representative by granting them partial or full voting rights. For 22 years the BOE student representative has had the same responsibilities as other BOE members, so they should be granted voting rights on the decisions that directly affect themselves and their peers.

In granting the Student BOE Member partial voting rights, the decisions of the BOE can have a direct link between the schools and the Board of Education. I thank you for your time. I trust you will show your support for Senate Bill No.8.

From: Kevin Hirata [kevhirata@gmail.com]
Sent: Sunday, January 23, 2011 8:57 PM

To: EDU Testimony

Subject: Student Representative with Voting Rights on the Appointed Board of Education

To Whom It May Concern:

My name is Kevin Hirata, and I am currently a senior at Kaiser High School and the vice president of the Honolulu District Student Council. On behalf of my school and the district council, I would like to express support for Resolution 67 and Senate Bill 8. We believe that it is crucial for students to have representation on the Board of Education because students are ultimately the group that is most affected by BOE decisions. Having a voting student member on the board would ensure that students have a voice in decisions regarding their education.

There are over 170,000 students in Hawaii's public schools. Ignoring the opinions of such a large group would contradict the democratic traditions of our state and country. It is clear that Hawaii students support voting rights for the BOE student member. For the past twenty years, student representatives in the annual Secondary Student Conference have consistently voted in favor of this. The BOE student representative would be directly accountable to his or her constituents and would be the only direct link between students and state education authorities.

Numerous states, including Massachusetts and California, grant voting rights to their BOE student members. There is ample reason for this trend. Student members have first-hand experience with regard to the impacts of BOE decisions on student education. A student member would thus bring experience and knowledge that other board members would not necessarily be able to provide. The State of Hawaii would be wise to recognize the value of student representation by assuring students at least one seat on the Board of Education and granting voting rights to the student member.

While we support the state electorate's decision to transition from an elected to an appointed Board of Education, this decision should not mean that students will lose their voice in education policy making. Maintaining the position of the BOE student member and giving voting rights to the student representative will contribute to the success of educational policy for years to come. Thank you for your time, and I sincerely hope that you will support Resolution 67 and Senate Bill 8.

Kind regards,

Kevin Hirata

Vice President Honolulu District Student Council

From: chinenm003@hawaii.rr.com
Sent: Sunday, January 23, 2011 9:06 PM
To: EDU Testimony; Sen. Jill Tokuda

Subject: Student Representative on the Appointed Board of Education With Voting Rights

Aloha! My name is Melinda Sue Chinen; I am at Mililani high as well as a member of the Junior class student council. I am in full support of having a student representative on the appointed Board of Education (BOE) with voting rights. The student BOE member is the sole representative of 15% of Hawaii's population but has no voting rights on the matters that directly affect them. The opinions of the students are often disregarded in the policies passed by the Board.

The Student BOE representative is the only member of the BOE who spends everyday in Hawaii's schools so they know what the students experience, need and want. Their vote should count. States such as California, Maryland, Massachusetts, Tennessee, and Vermont all support the student BOE representative by granting them partial or full voting rights. For 22 years the BOE student representative has had the same responsibilities as other BOE members, so they should be granted voting rights on the decisions that directly affect themselves and their peers.

In granting the Student BOE Member partial voting rights, the decisions of the BOE can have a direct link between the schools and the Board of Education. I thank you for your time. I trust you will show your support for Resolution 67.

To: Senator Jill Tokuda

Senate, Education Committee

From: Lee, Sharmaine – Mililani High Student Body President

Subject: Student Representative on the Appointed Board of Education With Voting Rights

Aloha! My name is Sharmaine Lee; I am a junior at Mililani High as well as a member of the student body council. I am in full support of having a student representative on the appointed Board of Education (BOE) with voting rights. The student BOE member is the sole representative of 15% of Hawaii's population but has no voting rights on the matters that directly affect them. The opinions of the students are often disregarded in the policies passed by the Board.

The Student BOE representative is the only member of the BOE who spends everyday in Hawaii's schools so they know what the students experience, need and want. Their vote should count. States such as California, Maryland, Massachusetts, Tennessee, and Vermont all support the student BOE representative by granting them partial or full voting rights. For 22 years the BOE student representative has had the same responsibilities as other BOE members, so they should be granted voting rights on the decisions that directly affect themselves and their peers.

In granting the Student BOE Member partial voting rights, the decisions of the BOE can have a direct link between the schools and the Board of Education. I thank you for your time. I trust you will show your support for Senate Bill No. 8.

From: dana katsura [dkkatsura@gmail.com]
Sent: Sunday, January 23, 2011 9:50 PM
To: EDU Testimony; Sen. Jill Tokuda

Subject: keep student rep BOE

January 23, 2011

To: Senator Jill Tokuda

From: senate, Education Committee

Subject: Student Representative on the Appointed Board of Education With Voting Rights

Aloha! My name is Dana Katsura; I am the class of 2012 recording secretary at Mililani High School as well as a member of Associated Students of Mililani High School student council. I am in full support of having a student representative on the appointed Board of Education (BOE) with voting rights. The student BOE member is the sole representative of 15% of Hawaii's population but has no voting rights on the matters that directly affect them. The opinions of the students are often disregarded in the policies passed by the Board. The Student BOE representative is the only member of the BOE who spends everyday in Hawaii's schools so they know what the students experience, need and want. Their vote should count. States such as California, Maryland, Massachusetts, Tennessee, and Vermont all support the student BOE representative by granting them partial or full voting rights. For 22 years the BOE student representative has had the same responsibilities as other BOE members, so they should be granted voting rights on the decisions that directly affect themselves and their peers.

In granting the Student BOE Member partial voting rights, the decisions of the BOE can have a direct link between the schools and the Board of Education. I thank you for your time. I trust you will show your support for Senate Bill No. 8.

To: Senator Tokuda

Garrett Toguchi, Chair

Members of the Board of Education

From: Rona Lee Gallardo

Subject: Student Representative on the Appointed Board of Education With Voting Rights

Aloha! My name is Rona Lee Gallardo. I am a Farrington high school student, as well as a member of Honolulu District student council. I am in full support of having a student representative on the appointed Board of Education (BOE) with voting rights. The student BOE member is the sole representative of 15% of Hawaii's population but has no voting rights on the matters that directly affect them. The opinions of the students are often disregarded in the policies passed by the Board. The Student BOE representative is the only member of the BOE who spends everyday in Hawaii's schools so they know what the students experience, need and want. Their vote should count. States such as California, Maryland, Massachusetts, Tennessee, and Vermont all support the student BOE representative by granting them partial or full voting rights. For 22 years the BOE student representative has had the same responsibilities as other BOE members, so they should be granted voting rights on the decisions that directly affect themselves and their peers.

In granting the Student BOE Member partial voting rights, the decisions of the BOE can have a direct link between the schools and the Board of Education. I thank you for your time. I trust you will show your support for Resolution 67 and Senate Bill 8.