



**STATE OF HAWAII  
BOARD OF EDUCATION**  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Senate Committee on Judiciary**

Thursday, February 23, 2023  
9:45 a.m.  
Via Videoconference  
Hawaii State Capitol, Room 016

**Senate Bill 107, Senate Draft 1, Relating to the Board of Education**

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Board of Education (“Board”) respectfully provides **comments** on SB 107, which would authorize a majority of the members of the Board to elect a chairperson from among the members of the Board, allow the members to annually elect a chairperson upon the start of the next confirmed term for members, and remove the requirement that the chairperson be an at-large member.

The Board takes no position on legislation relating to the Board’s membership, as the Board believes it is most appropriate for the Legislature and governor to decide such matters. The Board will endeavor to provide the Legislature with any relevant information relating to Board membership matters to enable the Legislature to make informed decisions.

In 2010, the Legislature passed HB 2376, which proposed an amendment to the Constitution of the State of Hawaii to change the Board from one elected by voters to one appointed by the Governor. The conference committee report on the final form of HB 2376 explained that the purpose of the bill was to “improve the accountability of Hawaii’s public education system[.]” The public voted in favor of the proposed amendment that same year. Media reporting at the time linked anger over “Furlough Fridays,” which some at the time claimed “could have been prevented if the [B]oard had been more directly answerable to the governor.”<sup>1</sup>

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<sup>1</sup> Katherine Poythress, “Elected Board Of Education Gets Permanent Furlough,” *Honolulu Civil Beat*, October 28, 2010, <https://www.civilbeat.org/2010/10/6034-elected-board-of-education-gets-permanent-furlough/> (accessed February 3, 2023).

Changing the Board chairperson position from appointed by the governor to elected by the members of the Board lessens the governor's influence over the Board for a couple of reasons. First, it could take longer for a new governor to have one of his or her appointments become chairperson. Under the current law, a new governor could appoint someone to replace an outgoing at-large member upon the expiration of his or her term on June 30 and select that person to become chairperson as early as July 1, just eight months after taking over as governor. Under the structure proposed by the draft bill, the new governor could still appoint replacements for three outgoing members, but it is much less certain that any of them would become chairperson through an election by the members, especially since the new governor's appointees would still be the minority to the previous governor's appointees. Second, the governor would lose the ability to change the Board's chairperson at any time.

It is debatable whether or not this is desirable and ultimately up to the Legislature and governor to determine. On one hand, it could lend more stability to the Board and a smoother transition to a new administration. On the other, it could make it more difficult for a governor to accomplish his or her education initiatives and potentially reduce the accountability the new governor has over public education outcomes.

Thank you for this opportunity to testify on behalf of the Board.

A handwritten signature in cursive script that reads "William N. Arakaki".

Sincerely,

Bill Arakaki  
Chairperson, Board of Education 2023 Legislative Ad Hoc Committee