

Date of Hearing: Tuesday, February 9, 2010

Committee: House Committee on Judiciary

Person Testifying: Garrett Toguchi, Chairperson, Board of Education

Title of Bill: H.B. No. 2377, H.D. 1, Relating to Education

Purpose of Bill: Implements, upon ratification, the constitutional amendment that allows the Governor to nominate, by and with the advice and consent of the Senate, and appoint the members of the Board of Education (Board), as provided by law. Specifically, this bill, among other things: (1) Creates a nine voting-member Board that is appointed by the Governor; and (2) Creates the Board of Education Selection Advisory Council to establish criteria for qualifying screening, and presenting to the Governor, candidates for membership on the board; and presents to the Governor lists of qualified candidates from which Board members shall be nominated, by and with the advice and consent of the Senate, and appointed by the Governor.

Board's Position: Chairperson Karamatsu, Vice Chairperson Ito, and members of the House Committee on Judiciary, thank you for the opportunity to testify on H.B. No. 2377, H.D. 1.

The Board of Education (Board) opposes H.B. No. 2377, H.D. 1, which is enabling legislation to allow the Governor to nominate, by and with the advice and consent of the Senate, and appoint the members of the Board of Education, as provided by law.

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 H.B. No. 2377, H.D. 1, 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.

H.B. No. 2377, H.D. 1 would enable state officers to be eligible for appointment and membership on the Board of Education. This would allow legislators, council members, and other individuals who hold public office to be a member of the Board. This provision lends to a conflict of interest when the Board member holds dual roles and responsibilities as a Board-member/state officer of another branch or agency. For example, the Board member who is also a legislator, would be able to appropriate funds, restrict funds, and reduce funds in his or her Board-member/legislative capacity, as well determine how funds are allocated, restricted, and reduced in his or her Board-member/legislative capacity.

Unlike an appointed board, elected Board of Education members are nominated in a *nonpartisan* primary election and are elected in a *nonpartisan* general election. A nonpartisan elected board assures independence in appointing a superintendent, without the trappings of political party affiliation.

An elected board is representative of a diverse cross section of viewpoints and individuals who are reflective of our communities. An elected board offers varying viewpoints that are discussed and

hashed out publicly to form a Board position on policy and other educational matters. The great thing about an elected board is that anyone who meets the residency requirements, is a registered voter, and does not hold any other public state or county government office, can run for a seat on the state Board of Education. Former legislators, school administrators, teachers, a police chief, attorneys, social workers, a military officer, business executives, and others from diverse and varied professional backgrounds and experiences have all served or serve on our elected board.

The Board believes that citizen control over education is essential to ensure that all members of our community have a say, a voice, and a vote as to who represents them on their state education board. Under an elected governance structure, voters assert their right to determine who serves them in office and have the ability to elect individuals out of office.

Changing the Board of Education from an elected board to an appointed board is no panacea for the challenges facing education in our State. There is no evidence that a shift to an appointed board will be more effective, or accountable, or improve student

achievement. In fact, while the federal Race to the Top Fund grant advances educational reform in four specific areas: (1) adopting standards and assessments for student success; (2) building data 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 testify on this measure.

# Hawaii Business Roundtable

Testimony to the House Judiciary Committee

Tuesday, February 9, 2010

2:30 p.m.

Conference Room 325

**RE: Relating to Education - House Bill 2377 H.D. 1**

Chair Karamatsu, Vice Chair Ito 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 HB 2377 H.D. 1 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.

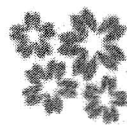
The members of the Hawaii Business Roundtable represent companies in Hawaii that collectively employ over 70,000 people in Hawaii. These employees and their families and all of Hawaii deserve a high quality public Education System.

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.

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.

Gary K. Kai, Executive Director  
Hawaii Business Roundtable  
1003 Bishop Street, Suite 2630  
Honolulu, Hawaii 96813



# Hawai'i's Children First

## Transforming Public Education

Tuesday, February 9, 2010  
2:30 p.m.  
Conference Room 325

TESTIMONY TO  
THE HOUSE COMMITTEE ON JUDICIARY

RE: HB 2377 (HD 1) – Relating to Education

Dear Chair Karamatsu, Vice-Chair Ito and Members of the Committee:

My name is Randy Baldemor and I write on behalf of Hawai'i's Children First. Hawai'i's Children First is an organization comprised of concerned citizens who support a number of education reforms, including an appointed board of education.

We are strongly supportive of the intent of HB 2377 (HD 1). In view of the current state of our education system and widespread public dissatisfaction, we believe the time is ripe for letting the community decide on how Board of Education members should be selected.

We believe that any discussion about the governance structure of our public education system should begin with a simple question:

**Is Hawai'i's public education system serving our children and our community effectively?**

While there are many examples of excellent principals, teachers and students, there is one inescapable conclusion – the system as a whole is letting our children and the community down. Consider the following statistics:

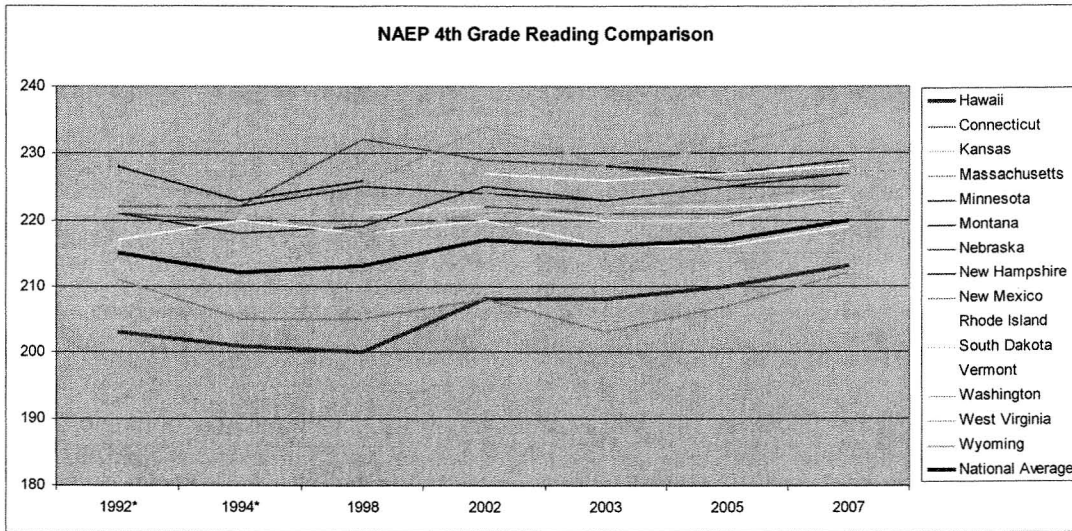
- 74% of our 4<sup>th</sup> graders and 80% of our 8<sup>th</sup> graders were below proficient in reading;
- 64% of our 4<sup>th</sup> graders and 75% of our 8<sup>th</sup> graders were below proficient in mathematics.

58% of our schools in 2008 did not meet Adequate Yearly Progress.

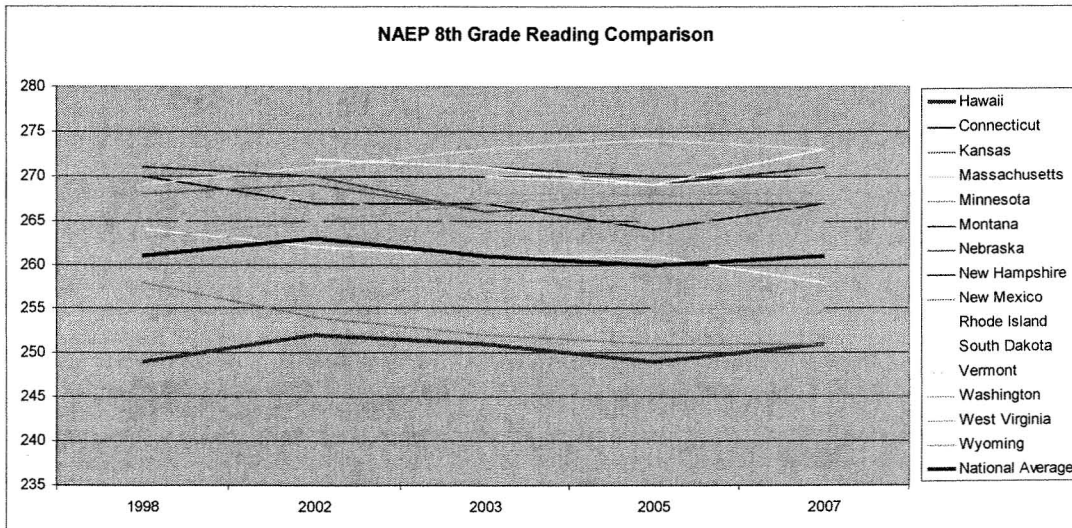




**2007 – 4<sup>th</sup> Grade Reading Ranking = 44th**



**2007 – 8<sup>th</sup> Grade Reading Ranking = 47th**



According to the U.S. Census Bureau, we rank 13<sup>th</sup> in the United States in terms of public education spending. We spend somewhere in the range of 40% to 50% or more of our general excise tax revenue on public education. Despite funding levels that appear to be very competitive with other states, we have one of the lowest amounts of instructional time in the year, made even worse by the school furloughs.

## **Who is responsible for the troubled state of our public education system?**

There are certainly many factors that influence poor student achievement, especially the quality of instruction in the classroom. But, when the education system seems to be failing on a statewide level over a prolonged period of time, we must look to leadership and governance.

Under our state constitution, the Board of Education has the responsibility to formulate statewide education policy. For approximately 45 years, our Board of Education has been elected and, during that period, spanning many terms of elected board members, the performance of our education system has been unsatisfactory. The problem is systemic and the method of selecting Board of Education candidates is a significant part of the problem.

## **How do we improve the system?**

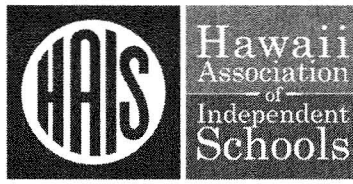
Since the 45 year “experiment” of an elected board has not led to satisfactory results, the time is appropriate to give strong consideration to a system that appoints the Board of Education. An appointed board is the most reasonable approach. An appointed board has the following benefits:

- Greater accountability – the governor becomes accountable for the state of public schools;
- 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
- Improved structural alignment that is conducive to reform.

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. There is only 1 state in the top ten with an elected state board. At the bottom of the rankings, forty percent of states in the bottom ten have elected boards, while only twenty percent have appointed boards. There are only five states with a mixed board or no board at all.

While we recognize Hawai‘i is unique and many factors have an influence upon student achievement, the adoption of an appointed Board of Education is an important step toward an improved education system. An appointed board will promote more thorough consideration of board candidates, greater accountability and stronger policy. We expect, in turn, this will help make a positive impact throughout the education system and, particularly, in the classroom.

Thus, we strongly urge the Committee to pass HB 2377 (HD 1) to restore accountability and efficiency in public education and to support a more prosperous education system that places Hawai'i's children first.



Tuesday, February 9, 2010

2:30 p.m.

Conference Room 325

TESTIMONY TO  
THE HOUSE COMMITTEE ON JUDICIARY

RE: HB 2377, HD1 – Relating to Education

Chair Karamatsu, Vice Chair Ito, 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 strong support of House Bill 2377 HD1**, which implements, upon its ratification, the constitutional amendment to Article X, Sections 2, of the Hawaii Constitution relating to the Board of Education.

HAIS is encouraged by this proposal by which the members of the Board of Education would be nominated and, by and with the advice and consent of the Senate, appointed by the Governor from lists of qualified candidates presented to the Governor by a Board of Education Selection Advisory Committee.

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 strong support of this measure. Our association pledges its participation in the ongoing dialogue concerning this measure and suggests that much more discussion will be required concerning the details already proposed concerning size of board, terms of board members, selection of board members, election of officers, and so forth.



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**Jim Williams**  
Interim Executive Director

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON  
JUDICIARY**

**RE: HB 2376, HD1 – PROPOSING AMENDMENTS TO THE HAWAII  
CONSTITUTION RELATING TO THE BOARD OF EDUCATION**

**HB 2377, HD1 – RELATING TO EDUCATION.**

February 9, 2010

**WIL OKABE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION**

Chair Karamatsu and Members of the Committee:

The Hawaii State Teachers Association opposes the bills for an appointed Board of Education. We support an elected board.

From the earliest days of our republic, American leaders recognized the central role public education plays in educating the whole people and creating a shared American culture and cohesive society. To this end, they created a citizenry group to guide and develop policies for education. These citizen groups are in every community across the nation and are known as school boards. School boards were chosen by the people they served. Today, 96% of the school boards are elected.

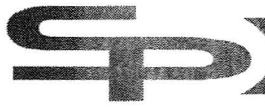
We believe in an elected Board of Education because we believe that an elected board is more likely to represent the view of the voters rather than the interest of the governor who appoints them. Elected board members would be accountable to the community, rather than be accountable to an individual, the governor. The electorate would hear what the candidates stand for and so would know what they were electing. Voters are more engaged, to know who the candidates are and to ask them questions about their positions. Under a system where offices are appointed, voters are not given an opportunity to directly question the people who will be making decisions. This interaction generates interest and ownership of our school system.

An appointed board would disenfranchise the parents who are active in the development of the school system.

The governor of the State of Hawaii is one of the most powerful governors in this nation. To allow the governor to appoint the board of education is to consolidate even more power in this office.

We urge this committee to hold HB 2376 and HB 2377.

Thank you for the opportunity to testify.



WAI'ANAЕ HIGH SCHOOL

SEARIDER PRODUCTIONS

VIDEO PRODUCTION · PRINT PUBLICATION · MUSIC RECORDING · WEB DESIGN

TESTIMONY TO  
THE HOUSE COMMITTEE ON EDUCATION

HB 2377 (HD1) – Relating to Education

Dear Chair Karamatsu, Vice-Chair Ito and Members of the Committee:

My name is Candy Suiso and I write on behalf of Searider Productions, an integrated multi-media program at Wai`anae High School.

We are strongly supportive of the intent of HB 2377. In view of the current state of our education system and widespread public dissatisfaction, we believe the time is ripe for letting the community decide on how board of education members, who are entrusted with shaping statewide education policy, should be selected.

We believe that by replacing the current Board of Education with one appointed by the governor will give school principals more authority over their resources and schools, and mandate more instructional time. Change is needed now.

Hawaii's elected Board system has been in place for 45 years, with *dismal results*. In 2009, Hawaii's 4<sup>th</sup> grade students ranked 38<sup>th</sup> in the nation in math. Our 8<sup>th</sup> grade students scored even worse, coming in at 43<sup>rd</sup> nationwide. These results are obviously unacceptable.

More money will *not* solve the problem. Hawaii already spends over \$11,000 per pupil, compared to \$9,666 per pupil spent nationwide. In fact, Hawaii outspends 37 states other states in dollars per pupil, yet 30 of those states still rank higher than Hawaii. Total state expenditures in 2009 were \$4 billion. Of that amount, \$2.3 billion, or a whopping 58%, were related to education.

While we recognize Hawaii is unique and many factors have an influence upon student achievement, an appointed board is the best option. An appointed board will provide a needed change that promotes more thorough consideration of board candidates and greater accountability. We expect, in turn, this will help to promote stronger education policy that makes a difference throughout the education system and, particularly, in the classroom.

Thus, we strongly urge the Committee to pass HB 2377 to restore accountability and efficiency in public education and to support a more prosperous education system that places Hawai'i's children first.