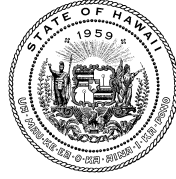


SB2242



EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

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

Before the
SENATE COMMITTEE ON EDUCATION & HOUSING

Monday, February 8, 2010, 1:45 PM
State Capitol, Room 225

S.B. 2242, S.B. 2958, S.B. 2959, S.B. 2961

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

The Administration **supports the intent** of these measures and proposes amending the bills to adopt the language in S.B. 2705 and 2706. Two of these bills, S.B. 2242 and S.B. 2961, retain the elected Board of Education but allow the next Governor to appoint the Superintendent. We are concerned this would further worsen the accountability within the public education system by creating a dual-headed entity that is trying to set policy for and manage the Department of Education.

These bills transfer the power to appoint the Superintendent of Education from the Board of Education to the Governor. We appreciate that these four measures recognize that there is a need to link the condition of the State's public education system with the Governor, who serves as the State's chief executive, as provided by law, but do not believe these measures totally address the key issue of governance.

Allowing the Governor to appoint the Superintendent will increase government accountability and allow students, teachers, families, and the community to hold the

senior elected official of the State responsible for the performance of our public education system.

The Administration also cautions the Committee against passing out bills that have the appearance of education reform, but merely make changes to the way in which Board of Education members are selected. For example, proposals to establish a commission to nominate candidates to the Board of Education would actually create another layer of bureaucracy and move the State further away from creating a system of increased accountability.

Thank you for the opportunity to provide testimony on these measures.

Date of Hearing: Monday, February 8, 2010

Committee: Senate Committee on Education and
Housing

Person Testifying: Garrett Toguchi, Chairperson, Board of Education

Title of Bill: S.B. No. 2242, Proposing an Amendment to the Hawaii Constitution
Relating to Education

Purpose of Bill: Proposes an amendment to Article X of the Hawaii State Constitution
to add a new section that specifies that the Superintendent of
Education shall: (1) be nominated by, by and with the advice and
consent of the Senate, and be appointed by the Governor; and (2) be
the chief executive officer of the public school system.

Board's Position: Chairperson Sakamoto, Vice Chairperson Kidani, and members of the
Senate Committee on Education and Housing, thank you for the
opportunity to testify on S.B. No. 2242.

The Board of Education (Board) opposes S.B. No. 2242, which
proposes a constitutional amendment to remove the power of the
Board to appoint the Superintendent of Education, to enable the
Governor to appoint the Superintendent as provided by law.

Under this bill, the power and authority of Hawaii's elected Board of
Education, determined and entrusted by the voters of our State
through the elections process, would be eroded and circumvented
through a process that appoints the superintendent who is selected by

the Governor.

A Governor-appointed superintendent would centralize educational decision-making and power too largely in the Executive Branch, while unbalancing the Board-Superintendent working relationship.

A governance structure where Board of Education members are elected and the Superintendent of Education is appointed by the Governor, from its inception, would lend itself to a fractured governance structure: Board members would be accountable to the voting public and the Superintendent would be accountable to one person only: the Governor. In essence, a Governor-appointed Superintendent strips away the responsibility of the Board that was entrusted to it by voters. The Superintendent, appointed in a partisan manner by the Governor, would have no commitment to support the decisions of the Board.

This “hybrid elected board/governor-appointed superintendent” governance structure would make educational decision-making and policy-making a tug-of-war between the Board and Superintendent. Under this bill, the governance structure set forth by the constitutional amendment would steer the Board’s and Superintendent’s focus and

efforts on forging a positive and productive relationship, which detracts from student learning and achievement. An *elected* board, with the power to appoint its superintendent, would place accountability with the Board. The Board would have the ability to select a chief executive officer of the public school system.

A board in which the superintendent is Governor-appointed would make public education partisan, with an appointed superintendent subject to the political affiliation of the governor at that particular time. An appointed superintendent would also be beholden to the governor, the appointing authority, with the governor having varying degrees of influence over his or her appointee in driving educational decisions and policy. An appointed superintendent would also fall in line with the Governor's direction and influence on educational matters and be in lock-step with the decisions of the governor.

For the reasons stated above, the Board opposes S.B. No. 2242 and believes that the governance structure offered in this bill is detrimental to educational decision-making and leadership. Thank you for the opportunity to testify on this measure.



SB2242

**A BILL PROPOSING AN AMENDMENT TO THE HAWAIIÏ CONSTITUTION
RELATING TO EDUCATION**

Committee on Education and Housing

Date: February 8, 2010

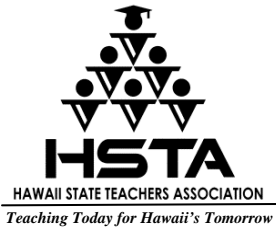
Time: 1:45 p.m.

Room: 225

The Office of Hawaiian Affairs (OHA) stands in opposition to SB 2242 which proposes to amend the HawaiÏ State Constitution to remove from the Board of Education the power to appoint the superintendent of education and which authorizes the governor to appoint the superintendent of education. The superintendent of education and the State Board of Education has its roots in the school laws of 1840 as does the entire educational system which as established by Kauikeaouli, Kamehameha III. It was he who stated, "Mine shall be a kingdom of literacy. The righteous man shall be the model of citizenry. The life of the land is perpetuated in righteousness". Such a "model of citizenry" was the first superintendent, native Hawaiian scholar and judge, John Papa IÏ, who served as the head of all schools and was the chief implementer of the policies and decisions made by the Board of Education of that time.

Superintendents continue to oversee the schools as chief educational leader and as the implementer of the policies and decisions of the Board of Education. Moreover, the election of the board of education reflects a deeply held American value of the separation of powers and this is especially true in regards to the separation of educational policymaking from partisan politics. Therefore, it would be unwise to place the superintendent of schools in the midst of partisan politics.

Consequently, OHA opposes any change to the HawaiÏ Constitution, as proposed in SB 2242, regarding the current selection of the school superintendent by the elected board of education. The HawaiÏ Constitution, Article X, Section 3, currently serves the people of HawaiÏ by granting authority to appoint the superintendent in a non-partisan, lay board of education elected by the people of HawaiÏ.



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TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION AND HOUSING

RE: SB 2568, SB 2938, SB 2569, SB 2570, SB 2571, SB 2242, SB 2958, SB 2959,
SB 2961

February 8, 2010

WIL OKABE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Sakamoto and Members of the Committee:

The Hawaii State Teachers Association believes in an elected school 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.

One of the arguments against of an elected board is that the voters do not know who the candidates are. We urge this committee to give serious consideration to House Bill 2424 which creates board districts. The board member would run from and be elected from a board district. This would create direct accountability to the voters.

We urge this committee to keep an elected board of education.

Thank you for opportunity to testify.



S E A C
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February 8, 2010

**Special Education
Advisory Council**

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Mr. Steve Laracuenta, *Vice
Chair*

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Ms. Sue Brown
Ms. Deborah Cheeseman
Ms. Annette Cooper
Ms. Phyllis DeKok
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Ms. Cari White
Ms. Jasmine Williams
Mr. Duane Yee
Mr. Shawn Yoshimoto

Jan Tateishi, Staff
Susan Rocco, Staff

Senator Norman Sakamoto, Chair
Senate Committee on Education and Housing
State Capitol
Honolulu, HI 96813

RE: SB 2242 – A BILL PROPOSING AN AMENDMENT TO THE
HAWAII CONSTITUTION RELATING TO EDUCATION

Dear Chair Sakamoto and Members of the Committee,

The Special Education Advisory Council (SEAC), Hawaii's State
Advisory Panel under the Individuals with Disabilities Education
Act (IDEA), **opposes** SB 2242 which proposes an amendment to the
Constitution of the State of Hawaii to transfer the authority to appoint
the Superintendent of Education from the Board of Education to the
Governor.

SEAC's position is that this amendment places too much authority in
the central government. We believe that an elected Board of Education
is more accountable to the voting public, and in order to maintain this
accountability, the elected Board must maintain the right to select the
Superintendent of Education.

Thank you for the opportunity to provide testimony on this issue.
Should you have any questions, I would be happy to answer them.

Sincerely,

Ivalee Sinclair, Chair