

SB2570

SD1



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

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

Before the
SENATE COMMITTEE ON JUDICIARY & GOVERNMENT OPERATIONS

Tuesday, February 23, 2010, 10:00 a.m.
State Capitol, Room 016

S.B. 2570 SD1 and S.B. 2571 SD1

Chair Taniguchi, Vice Chair Takamine, and members of the Committee:

Thank you for hearing bills today relating to Hawaii's public education system. S.B. 2570 SD1 proposes a constitutional amendment to require voting members of the Board of Education to be appointed by the Governor, with the advice and consent of the Senate, from pools of qualified candidates presented to the Governor by the Board of Education Candidate Nomination Commission. A second bill, S.B. 2571 SD1, makes the necessary statutory changes to effectuate the constitutional changes proposed in S.B. 2570 SD1.

The Administration has concerns with these measures as they have the appearance of education reform, but merely makes changes to the way in which Board of Education members are selected. For example, the focus of these bills is to establish a commission to nominate candidates to the Board of Education. To do so would actually create another layer of bureaucracy to an already opaque governance system and move the State further away from increasing accountability for the condition of public schools.

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

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

appointed by the Governor and confirmed by the Senate. The proposed question to be placed on the ballot is:

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

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

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

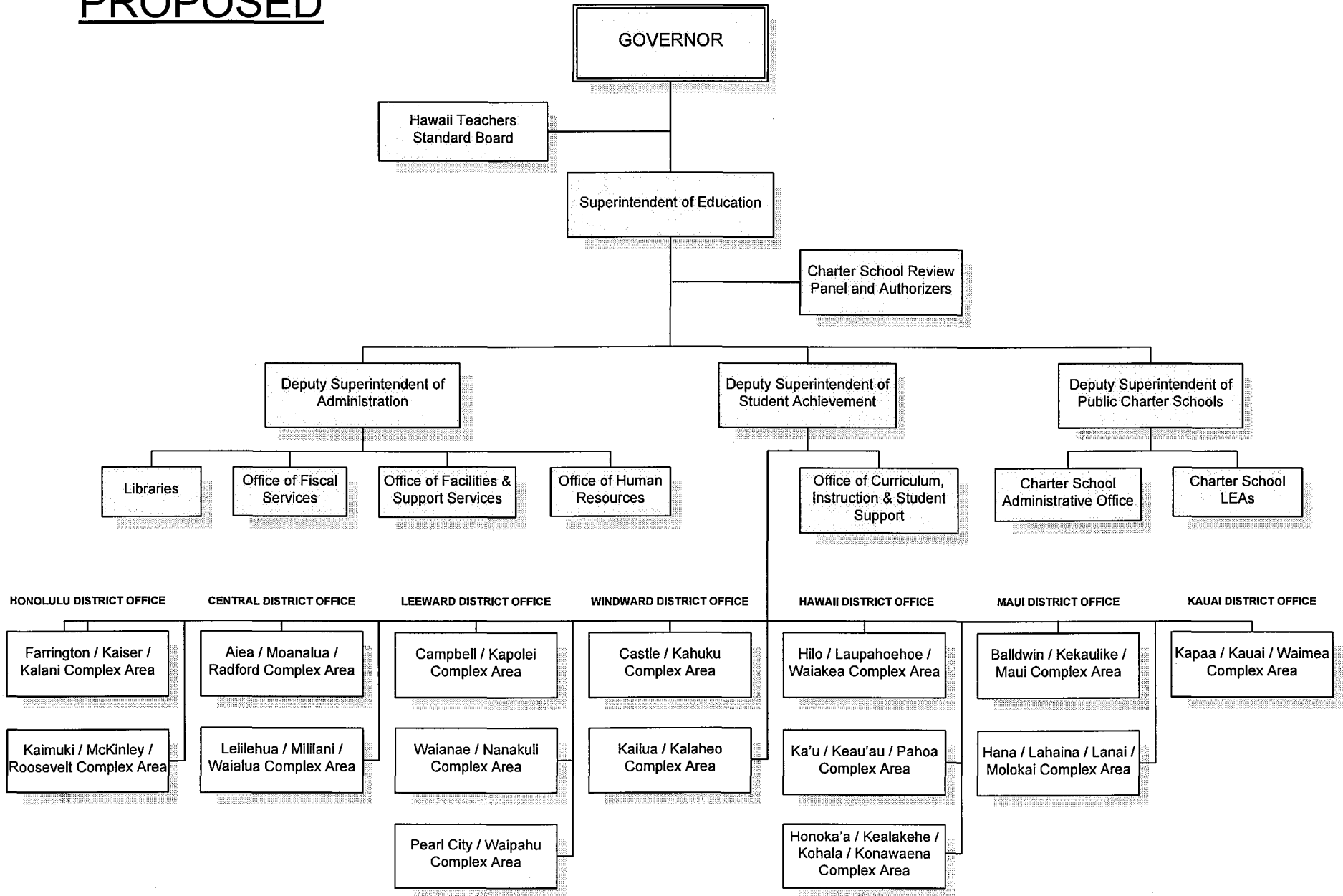
1. Repeals the powers and duties of the publicly-elected Board of Education and transferring most of these duties to the Superintendent of Education. For example, the Superintendent will have the authority to adopt administrative rules.
2. Authorizes the Governor to appoint the Superintendent of Education with the advice and consent of the Senate, which will align with the current process for selecting all other state department heads.
3. Authorizes the Superintendent to appoint three deputy directors. One deputy will be assigned to oversee the management of school administration, which will include the state libraries, fiscal services, facilities, and human resources. One deputy will focus on the department's efforts to improve student achievement through managing curriculum and providing students with the necessary support to improve student performance. One deputy will oversee the Charter School Administrative Office and facilitate development of public charter schools.

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

Therefore, we strongly urge the committee to adopt the language in S.B. 2705 and 2706, in lieu of the provisions in S.B. 2570 SD1 and 2571 SD1. A proposed organizational chart for the Department of Education is attached for the Committee's review.

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

PROPOSED



Testimony from the Governor's Office, Linda Smith, Senior Policy Advisor to the Governor:

Attached to this testimony were Senate Bill 2706 and Senate Bill 2705 in their entirety.

Date of Hearing: Tuesday, February 23, 2010

Committee: Senate Committee on Judiciary and
Government Operations

Written Comments

Agency: Garrett Toguchi, Chairperson, Board of Education

Title of Bill: S.B. No. 2570, S.D. 1, Proposing an Amendment to Article X, Section 2, of the Hawaii Constitution, to Change the Board of Education From an Elected Board to an Appointed Board

Purpose of Bill: Proposes an amendment to Article X, Section 2, of the Hawaii State Constitution to allow the Governor to appoint the members of the Board of Education, with the advice and consent of the Senate, from pools of qualified candidates presented to the Governor by the Board of Education Candidate Nomination Commission, as provided by law

Board's Position: Chairperson Taniguchi, Vice Chairperson Takamine, and members of the Senate Committee on Judiciary and Government Operations, thank you for the opportunity to submit comments on S.B. No. 2570, S.D. 1.

The Board of Education (Board) opposes S.B. No. 2570, S.D. 1, which proposes a constitutional amendment to allow the Governor to appoint the members of the Board, with the advice and consent of the Senate, from pools of qualified candidates presented to the

Governor by the Board of Education Candidate Nomination
Commission.

Under this bill, Hawaii's elected Board of Education, *determined by the voters* of our State, would be replaced with an appointed board, *determined by the Governor*.

A board appointed by the governor would centralize educational decision-making too largely in the Executive Branch. Under S.B. No. 2570, S.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.

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

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

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

Changing the Board of Education from an elected board to an appointed board is no panacea for the challenges facing education in our State. There is no evidence that a shift to an appointed board will be more effective, or accountable, or improve student achievement. In fact, while the federal Race to the Top Fund grant advances educational reform in four specific areas: (1) adopting standards and assessments for student success; (2) building data systems that measure student growth and success; (3) recruiting, developing, rewarding, and retaining effective teachers and principals; and (4) turning around our lowest-achieving schools, the grant competition does not suggest an appointed board governance structure.

Educational improvements are a continuous process that occurs

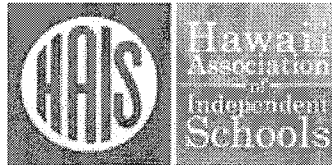
over time. Educational improvements occur when our educational system, schools, and classrooms are supported with adequate resources, a strong curricula, effective teachers, and other direct learning supports and resources to help children learn. These supports will have the strongest and most direct impact on student learning and achievement.

Education should be supported by all decision-makers and important stakeholders involved in education: the Board, the Superintendent, the Governor, the Legislature, and the community. Responsibility and accountability must be shared by all involved.

Lastly, state boards have always been regarded as critical to insuring education as a state function, with the responsibilities of state boards reflecting two deeply-held educational values: the lay governance of education and the separation of educational policymaking from partisan politics.

We ask you to entrust the public with the power to vote for their Board of Education members, as they do for their governor and legislators. Education is everyone's business, not just a few.

Thank you for the opportunity to comment in opposition to this
measure.



Tuesday, February 23, 2010
10:00 a.m.
Conference Room 016

TESTIMONY TO
THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

RE: SB 2570, SD1 – Proposes amendment to the Hawaii Constitution
relating to the Board of Education

Chair Taniguchi, Vice Chair Takamine, 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.

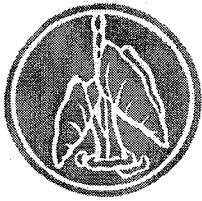
The Association is in **strong support of Senate Bill 2570 SD1**, which proposes amendments to Article X, Section 2 of the Hawaii Constitution to change the Board of Education from an elected board to an appointed board.

HAIS is encouraged by this proposal by which the members of the Board of Education would be appointed by the governor, with the advice and consent of the Senate, from pools of qualified candidates presented to the governor by the board of education candidate nomination commission, as provided by law.

HAIS believes that discussion of the merits of this measure is urgently needed during the 2010 Legislative Session, and further believes that this measure may be aptly designed, in general, to increase accountability concerning public education in Hawaii.

We believe this measure will also encourage the Board of Education to restructure and decentralize public education for the purposes of increasing student achievement and protecting student rights. This provides added incentive for our association to support ongoing discussion of this measure in the weeks ahead.

Thank you for the opportunity to testify in support of this measure. As this measure moves forward for continuing discussion we pledge our involvement in the discussion of the merits of this idea, along with a full examination of the details that may be needed to support implementation should the measure be placed before the voters next November.



Kanu o ka 'Aina Learning 'Ohana

Grows womb-to-tomb models of education that advance Hawaiian culture for a sustainable Hawaii

President
Kū Kahakalau Ph.D.

FEBRUARY 19, 2010

Vice President
Darryl Wise

TESTIMONY OF: Taffi Wise, Executive Director

Treasurer
Nancy Levenson

REGARDING THE FOLLOWING MEASURE: SB2570, S.D. 1

Trustee
Guy Kaulukukui Ph.D.

BEFORE THE: COMMITTEE ON JUDICIARY AND GOVERNMENT
OPERATIONS

DATE: TUESDAY, FEBRUARY 23, 2010 TIME: 10:00AM

LOCATION: Conference Room 016
State Capitol
415 South Beretania Street

Aloha Chair Taniguchi, Vice Chair Takamine, and members of the committee:

My name is Taffi Wise and I am the executive director of the Kanu o ka `Aina Learning `Ohana (KALO), which supports thousands of lifelong learners from multiple communities.

KALO is in **support of Senate Bill 2570, S.D.1** which proposes amendments to Article X, Section 2 of the Hawaii Constitution to change the Board of Education from an elected board to an appointed board.

KALO is encouraged by this proposal; we believe this measure will encourage the decentralization of public education for the purposes of increasing student achievement and the accountability concerning public education in Hawaii.

Thank you for the opportunity to testify in **support** of this measure, respectfully submitted.

P.O. Box 6511
Samuela, Hawaii'i 96743
Phone: 808-887-1117
Fax: 808-887-0030

Honoring The Past...Addressing The Present...Serving The
www.kalo.org Future



Monday, February 23, 2010
10:00 a.m.
Conference Room 016

TESTIMONY TO
THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

RE: SB 2570 – Proposing an Amendment to Article X, Section 2, of the Hawai'i Constitution, to Change the Board of Education from an Elected Board to an Appointed Board

Dear Chair Taniguchi, Vice-Chair Takamine 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 SB 2570. 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?

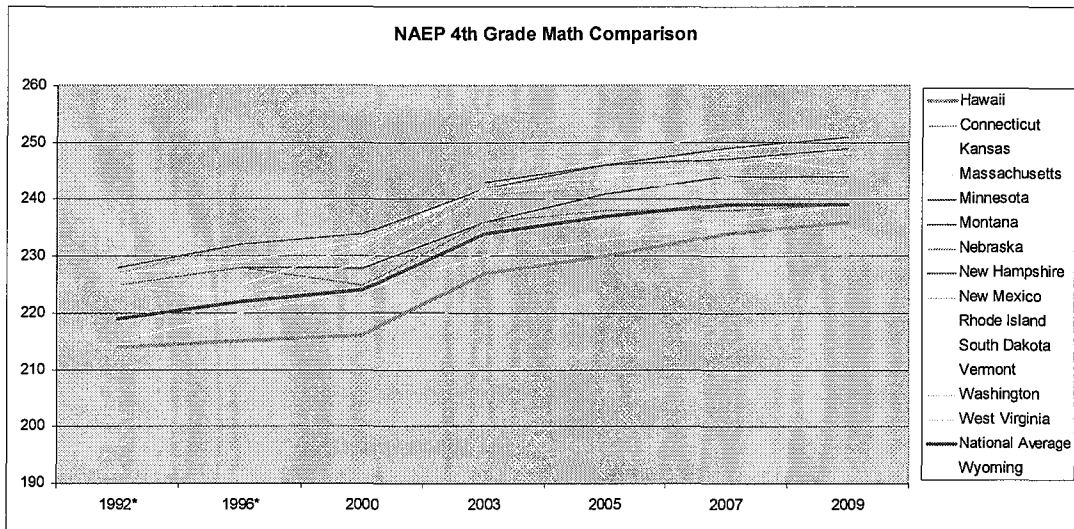
While there are many examples of excellent principals, teachers and students, there is one inescapable conclusion – the system as a whole is letting our children and the community down. Consider the following statistics:

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

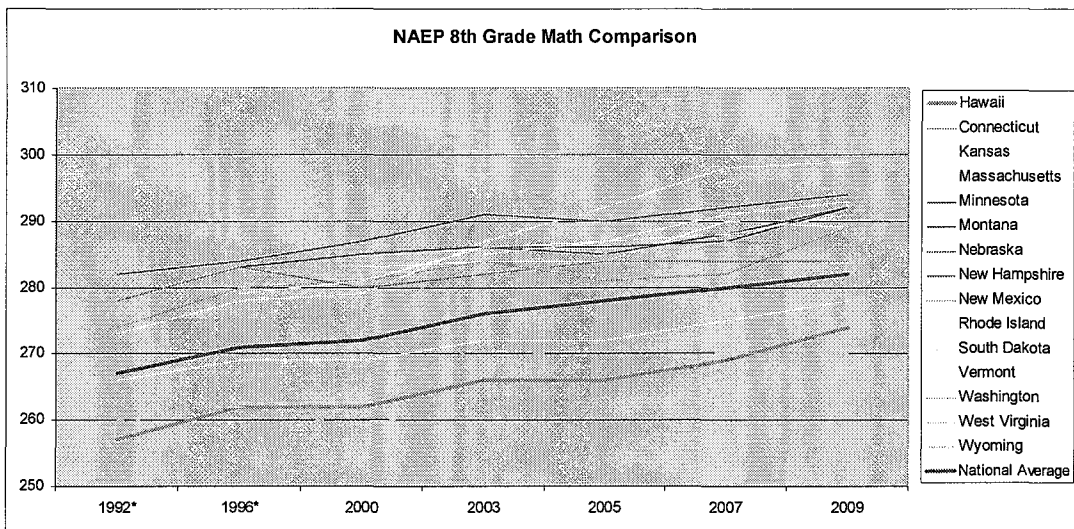
58% of our schools in 2008 did not meet Adequate Yearly Progress.

If we consider National Association of Educational Progress (NAEP) scores and compare Hawai'i to the U.S. average and "comparable" states (as defined by the Legislature, DOE and Hawai'i Education Policy Center in 2007), we are well behind in achievement:

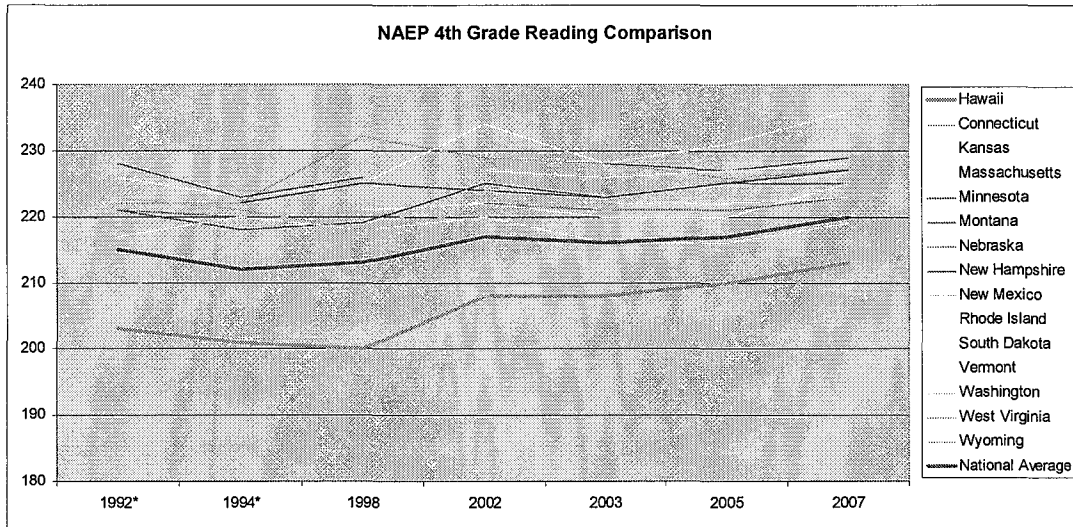
2009 – 4th Grade Math Ranking = 38th



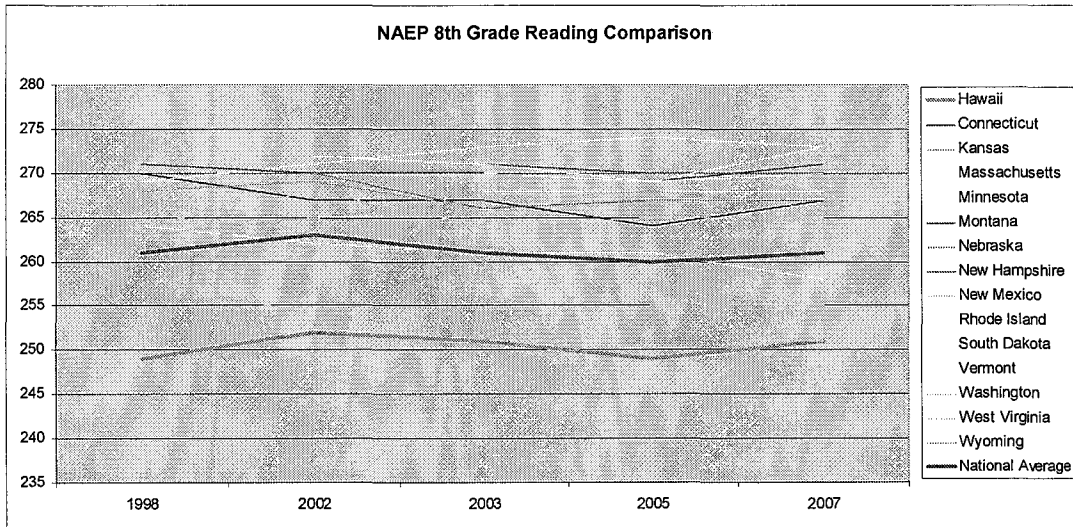
2009 – 8th Grade Math Ranking = 43rd



2007 – 4th Grade Reading Ranking = 44th



2007 – 8th Grade Reading Ranking = 47th



According to the U.S. Census Bureau, we rank 13th 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 student achievement, especially the quality of instruction in the classroom. But, when the education system seems to be underperforming 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 SB 2570 to restore accountability and efficiency in public education and to support a more prosperous education system that places Hawai'i's children first.



Testimony to the Senate Committee on Judiciary and Government Operations

Tuesday, February 23, 2010

10:00 a.m.

Conference Room 016

RE: Relating to Education - Senate Bill 2570, SD1

Chair Taniguchi, Vice Chair Takamine and Members of the Committee:

My name is Gary Kai and I am the Executive Director of the Hawaii Business Roundtable. The Hawaii Business Roundtable fully supports SB 2570, SD1 that proposes amendments to the Hawaii Constitution relating to the Board of Education. The Hawaii Business Roundtable supports the requirement that the Board of Education members to be nominated and, by and with the advice and consent of the Senate, appointed by the Governor from pools of qualified candidates presented to the Governor.

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

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

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

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

From: Steve Petranik [stevep@pacificbasin.net]
Sent: Monday, February 22, 2010 9:16 AM
To: JGO Testimony
Subject: Testimony on SB 2570, SD1; hearing Tues., Feb. 23, 10 am

Testimony on SB 2570, SD1; hearing Tues., Feb. 23, 10 am

Our public education system has failed our students over and over for decades. Furlough Fridays are simply that latest indication of a broken system. Changing the school board from an elected board to one that is appointed by the governor is the first, crucial step in fixing the system.

The other evidence of a broken school system is plentiful: test scores put Hawai'i near the bottom of all the states; public school graduates often can't pass union apprentice exams; UH says a majority of public high school graduates need remediation to take college courses; and local companies say most high school graduates are unprepared for entry-level jobs.

The current system is controlled by the Board of Education, Legislature and Governor. The divided responsibilities make it impossible to fixed the schools; we need the governor to be fully in charge.

Though an elected school board may seem more democratic, these elected boards have failed to give our children the education they need. Few individual voters watch school board campaigns nearly as closely as do the unions that represent teachers, administrators, and other employees of the DOE. But voters closely watch each election for Governor and the major issues in the campaigns are well reported and understood. If the Governor were accountable for public education, student outcomes and key education issues would be highlighted as a major part of the state's main political campaign.

Over the past 50 years, many attempts have been made to reform the DOE. Despite public support, the reforms have failed because the system defeated the people who are supposed to run the system because those people have divided authority.

There are many steps that are needed to fix our schools, but an essential first step is to give the governor the constitutional power to appoint the school board members.

Thank you for your consideration.

Steven Petranik
17 Aalapapa Place,
Kailua

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Steven Petranik
Editor
Hawaii Business magazine
1000 Bishop St., Ste. 405
Honolulu, HI 96813
office: 808.534.7584