



EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

Monday, January 31, 2011, 2:00 PM  
State Capitol Room 309

Testimony of  
HONORABLE NEIL ABERCROMBIE  
Governor, State of Hawaii

To the House Education Committee  
Representative Roy Takumi, Chair  
Representative Della Au Bellati, Vice Chair

HB338 Relating to Education

Chair Takumi, Vice Chair Bellati, and members of the Committee:

I commend the House Education Committee for their leadership in acting swiftly to establish implementing procedures for an appointed Board of Education (BOE). We need to appoint BOE members to take address important and time sensitive matters.

In November 2010, Hawaii's people voted decisively to change from an elected to an appointed BOE. 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." The voters stated their desire for a clear line of accountability between the Governor and the educational system's governance and outcomes. The Selection Advisory Council process proposed in HB338 diffuses accountability for appointing board members since the process limits the Governor's selection of BOE members to those presented by a committee whose members themselves are appointed.

The Governor should be able to reach out to the entire community for qualified candidates and to balance the BOE's composition for effective governance of public education. The Senate confirmation process provides opportunity for public input. I believe that this process will result in a Board of Education that is representative of the people and will steward public education wisely.

Thank you for your leadership on this matter, and I look forward to thoughtful and timely resolution of the issues identified in House Bill 338.



NEIL ABERCROMBIE  
GOVERNOR

BRIAN SCHATZ  
LIEUTENANT GOVERNOR

STATE OF HAWAII  
OFFICE OF THE LIEUTENANT GOVERNOR  
**OFFICE OF INFORMATION PRACTICES**

NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
Telephone: (808) 586-1400 FAX: (808) 586-1412  
E-MAIL: oip@hawaii.gov  
www.hawaii.gov/oip

CATHY L. TAKASE  
ACTING DIRECTOR

To: House Committee on Labor and Public Employment

From: Cathy L. Takase, Acting Director

Hearing: January 31, 2011, 2:00 p.m.  
State Capitol, Room 309

Re: Testimony on H.B. 338  
Relating to Education

---

Thank you for the opportunity to submit testimony on H.B. No. 338.

This bill would create a Board of Education Selection Advisory Council to create appointee lists for the Board of Education.

OIP takes no position on the creation of the Council, but has concerns about the provision for shortened meeting notice and the record confidentiality provision, beginning at page 5, line 7 and at page 12, line 17 of the bill respectively.

Regarding the page 5 provision allowing for only two days' notice for an agenda to discuss legislation, OIP notes that the Sunshine Law has an existing provision, section 92-8, that allows a board to call an emergency meeting on short notice where there is an unanticipated event, such as a legislative hearing date, that requires action before the usual six day notice period. The existing provision has additional safeguards to protect the public's ability to find out about the emergency meeting, which this provision does not. If the legislature

believes that the existing provision is not working as intended and needs to be altered, then OIP would strongly recommend that such alteration be made in the Sunshine Law itself and made applicable to all boards, rather than changing the Sunshine Law's requirements piecemeal for an individual board.

As to the confidentiality provision on page 12, OIP believes that it is unnecessarily broad, covering as it does **all** information in the council's possession. If the intent is to protect the identities of candidates, this could be accomplished much more simply by stating that candidates' identities shall be confidential. The council would then be able to withhold the names as well as other information that would reasonably allow identification. If the intent is in fact to make confidential all information that the council has, of whatever sort, then OIP would suggest that this committee clarify why such a broad confidentiality provision is necessary.

Thank you for the opportunity to testify.



**HB 338 RELATING TO EDUCATION**  
House Committee on Education  
House Committee on Labor and Public Employment

January 31, 2011

2:00 p.m.

Room 309

---

The Office of Hawaiian Affairs (OHA) offers the following comments on **HB 338**, which would require the members of the Board of Education to be nominated and, with the advice and consent of the Senate, appointed by the Governor from lists of qualified candidates presented to the Governor by the Board of Education Selection Advisory Council.

The OHA Administration will recommend that the OHA Board of Trustees support HB 338 with an amendment that requires that three of the six members from the City and County of Honolulu 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.

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

**The League of Women Voters of Hawaii**

**49 South Hotel Street, Room 314**

**Honolulu, HI 96813**

**tel: (808) 531-7448 / fax: (808) 599-5669**

Testimony of  
League of Women Voters-Hawai'i

To the House Committees on Labor and Public Employment  
e-mail: [EDNtestimony@capitol.hawaii.gov](mailto:EDNtestimony@capitol.hawaii.gov)  
Representative Roy M. Takumi, Chair, Education  
Representative Della Au Belatti, Vice-Chair, Education  
Representative Karl Rhoads, Chair, Labor & Public Employment  
Representative Kyle T. Yamashita, Vice-Chair

HB338, Relating to Education

Chair Takumi, Vice Chair Belatti, Chair Rhoads, Vice Chair Yamashita and members of the Committees:

The Board of Directors of the League of Women Voters of Hawai'i opposes HB338, as written. Passing a bill that will limit the governor to selecting board members from a short list prepared by a selection commission defeats the primary reason for converting to an appointed board. Handing the governor a short list from which to make his selections abrogates the idea of accountability, no matter how experienced, talented and well-trained those individuals may be. The League feels that the only acceptable route to accountability will be for the sitting governor to make the nominations himself or herself with the advice and consent of the Senate, through confirmation of the nominees. It is only reasonable that in order to hold someone accountable for results, they must have the freedom to make their own choices for whoever will serve on their cabinet or board.

No process is perfect, but giving the governor freedom to select whomever he or she wants (subject to Senate confirmation) is the one that makes it possible to hold someone accountable for results (yet has a reasonable check on that power). Until we are at a place in our democracy where every citizen shares in the general responsibility for and rewards of good government, we will need to be led by a governor who accepts responsibility and accountability.

Thank you for the opportunity to testify.

Valere McFarland, Ph.D.  
Education Chair  
League of Women Voters of Hawai'i



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · [www.fracturedpolitics.com](http://www.fracturedpolitics.com) · Kris Coffield, Editorial Director

---

## TESTIMONY ON HOUSE BILL 338, RELATING TO EDUCATION

House Committee on Education  
Hon. Roy Takumi, Chair  
Hon. Della Au Belatti, Vice Chair

Monday, January 31, 2011, 2:00 PM  
State Capitol, Conference Room 309

Honorable Chair Takumi and committee members:

I am Kris Coffield, editorial director of Fracturedpolitics, an emergent political action network. Currently, the network boasts over 50 local members, though I offer this testimony only on behalf of myself, in opposition to HB 338.

Though I support the intent of HB 338, I feel that this legislation does not fulfill the Hawaii electorate's call for the establishment of a clear line of accountability in educational governance, as expressed by our overwhelming approval of the Hawaii Board of Education Amendment, Question 1, during last year's elections. Instead of instituting unequivocal accountability, this bill creates an advisory council for the purpose of vetting nominations, thereby undermining calls for effective reform.

An advisory council inhibits accountability by diluting gubernatorial responsibility for appointment decisions, thereby ushering forth a system in which competing factions can, and likely would, shift blame back and forth. If incoming Board of Education members fail to enact policies that elevate academic achievement, the governor could blame the advisory council for offering poor choices or employing substandard evaluation protocols, while the advisory council could blame the governor for selecting the least qualified of the presented candidates. In fact, the formation of an advisory council all but absolves the governor of responsibility, since the governor must select from the limited choices offered by the council. Thus, the process for selecting members of the advisory council would become as important, and potentially controversial, as the process for selecting board members, should HB 338 become law. Unfortunately, the process outlined in section §302A-B(f) of this bill attempts to represent all stakeholders in Hawaii's educational system. That is a noble ambition, but soliciting appointments to the council from the governor, Senate president, House speaker and Hawaii P-20 council, then tasking the governor with making appointments to the school board that are subject to Senate confirmation (to say nothing of competing factions on the advisory council, once formed), vitiates any direct link between student achievement and the political process. As drafted, HB 338 incorporates at least six individuals or political bodies into the overall nominating process for prospective candidates. With so many hands in the pot, how will voters be able to determine who wrote the recipe for success or failure?

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 unpalatable to the governor, leading to delayed nominations and gridlock. Either way, 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 §302A-A(a)(2) of this measure.

Also, HB 338 fails to extend voting privileges to the Board of Education’s student member, furthering the marginalization of the primary stakeholders in educational governance. Such callous dismissal of the concerns of students is abhorrent. Though young, students have repeatedly demonstrated an eagerness to exercise civic responsibility when afforded the opportunity, as evidenced by the success of programs like Kids Vote Hawaii. Moreover, 70 percent of high school students polled in a 2008 survey favored enfranchising the student member, except on personnel matters, a step already taken by states as varied as California and Vermont, both of which have appointed school boards.

A final concern is the place of Native Hawaiians and charter schools at the table of educational governance. Currently, Native Hawaiians comprise roughly 30 percent of the state’s public school student population, according to the Office of Hawaiian Affairs. Numerous programs have been implemented in Hawaii’s schools to acknowledge and promote our host culture, including the teaching of Native Hawaiian language, history, music and agricultural methods. Yet, as written, HB 338 incorporates no guarantor of Native Hawaiian representation on the Board of Education or proposed advisory council, nor does the bill guarantee representation for the state’s 31 charter schools, some of which, like Kaneohe’s Hakipu’u Learning Center, embody the ‘olelo no’eau, “Ma ka hana ka ‘ike,” (the knowing is in the doing) by integrating modern technological demands with traditional Hawaiian practices to prepare Hawaiian students for 21<sup>st</sup> century jobs, without sacrificing their cultural heritage.

A better process for selecting Board of Education members is articulated in SB 8, SD1, which has been passed by the Senate Committees on Education and Ways and Means, and is likely to pass the full chamber, this week. I encourage the committee to consider SB 8, SD1, as opposed to passing the flawed legislation before you, today.

Mahalo for the opportunity to testify in opposition to this bill.

Sincerely,  
Kris Coffield  
*Editorial Director*  
Fracturedpolitics



HOUSE OF REPRESENTATIVES  
THE TWENTY-SIXTH LEGISLATURE  
REGULAR SESSION OF 2011

COMMITTEE ON EDUCATION  
Rep. Roy M. Takumi, Chair

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT  
Rep. Karl Rhoads, Chair

HB 338  
Relating to Education

Chair Takumi, Chair Rhoads and Members of both Committees.

My name is Max Sword, here on behalf of Outrigger Hotels Hawaii, in support of the intent of this bill. Outrigger Hotels is committed to the betterment of education here in Hawaii. With an educated worker, we get a better and stronger workforce.

Outrigger has been part of the previous effort with Act 51, when the Outrigger President 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.

While we support the intent of this bill such as its provisions of advice & consent by the Senate, we believe that having candidates go thru a selection advisory council is cumbersome and will discourage those who want to serve from putting their names forward.

We support making the Governor having the appointing authority to make the straight appointments to the BOE, with maybe some guidelines to go along with geographic considerations, such as having at least a minimum number of BOE members with 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.



Dennis C. Maher  
734 Hahaione Street  
Honolulu, Hawaii 96825  
January 31, 2011

Hawaii State Legislature  
Honolulu, Hawaii

Dear Members of the Legislature:

I am writing this letter in testimony for the upcoming vote on proposed legislation Bill # HB 338 regarding the appointed Board of Education. This bill requires members of the board be nominated and presented to the Governor by a selection advisory council.

As a member of the community, I have heard a great deal of feedback about this pending change, some of which has not been positive. There are concerns about potential furloughs, changes to the system, and the lack of attention given to the special needs community. These concerns are driven by past furloughs, increased costs, and changes to services provided to the special needs community; some of which the existing "elected" Board of Education fought to prevent.

We understand the majority has spoken and that this will be implemented, however, we have a recommendation on the diversity of this newly appointed board to provide the public a voice and still allow for individuals with the proper background to lead. It is also our hope they guide it in the proper direction so all children will receive the services required in order for them to become the productive citizens of our future.

The following is the recommended make up of the board and we respectfully request that this be taken into serious consideration:

- 1) Five (5) seats to be individuals with background in Public or Private Education.
  
- 2) Three (3) seats to be individuals with backgrounds in Human Services, Special Education, Social Services or Psychology.
  
- 3) Three (3) seats to be individuals from the community and to include parents with special needs children.

We strongly believe this make up of individuals will provide broader input from a very diverse group to ensure that all children's educational needs are met and will also give the community more of a voice, which it previously lacked, in the process and outcomes.

Hawaii State Legislature  
January 31, 2011  
Page 2

Mahalo for your consideration!

Sincerely,

Dennis C. Maher  
Community Children's Council  
East Honolulu District  
Professional Co-Chair  
DMaher@TrumpHotels.com  
808-590-0950

**Support HB338**

**BOE members to be nominated by a selection advisory panel, appointed by the governor with advice and consent of the senate.**

January 28, 2011

Dear Chair Takumi, Vice Chair Belatti, and Members of the House Committee on Education,

I support HB338 as the defining legislation for appointment of members of the Board of Education for several reasons:

1) It provides a method by which an important check-and-balance to the authority of the governor can be exercised in the selection process of BOE members. Until a 2006 referendum, the UH Board of Regents had a system of direct appointment with confirmation by the Senate similar to that proposed in SB8. The voting public overwhelming felt that this process resulted in cronyism and politics and in 2006, voters insisted on having a selection process to balance direct gubernatorial appointment with 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 choices. Indeed, there are many ways to ensure transparency; a nominating committee that vets candidates is but one method. Another way that provides gubernatorial accountability but without compromising candidate privacy might be for the governor to provide a vision for board characteristics or an experience matrix by which the governor will make her selection. This way, the public can still hold the governor accountable for her choices without necessarily having to attack a poor-choice-candidate in the confirmation process.

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 process, many voices will be heard including those of the children in the system. I support the inclusion of a student representative in the BOE and also agree that she should not be a voting member. 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 past UH BOR process. Our experience with the current 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.

Sincerely,  
Deborah Berger  
2932 Makalei Place  
Honolulu, HI 96815

Dear Chair Takumi and members of the House education committee,

Thank you for the opportunity to testify on HB338, and for introducing the bill. My name is Marguerite Higa, I am a member of Save Our Schools Hawaii, a parent of a public school child and a graduate of Mililani High School. Today I am testifying as an individual.

**I am in full support of HB338**, although I do have some suggestions which I will detail below.

Last year, the people voted to give up their democratic right to vote for the BOE, which was very difficult for many people. Yet, they did so because of the HOPE for a better qualified and more functional BOE. Now that we have a pro-education governor, however, there are many in the legislature who want to completely disregard process. Would people feel the same way if Lt. Gov. Aiona were elected instead? The process must stand, no matter who is in office.

The people did not vote to do away with an elected system where the concern was that the elections were manipulated by campaign spending to get poor candidates into office, only to be replaced by a system whereby a governor can pick whomever they like, for whatever reason, and all done in secret. This is extremely dangerous!!! And easily subject to cronyism, political payback, and partisan politics. There is no accountability when the process is secret.

Senate confirmation at the end of the process is simply not enough. It is only a mechanism for eliminating the losers from confirmation. We MUST REMEMBER that the people voted for A BETTER QUALITY BOARD.

Eventually, HB338 will have to face off with SB8. I urge you to fight for a process that maintains as much transparency as legally possible, with robust avenues for public input. That is the only way that we can hope to have a system that promotes candidate quality.

**Suggestions for HB338 to improve focus on improving BOE quality:**

**302A-A. I believe the student member should be allowed to vote**, except in personnel matters and other specific conflicts of interest. The students are living the educational system, care deeply, and have valuable contributions. If this happens, I recommend reducing the number of Honolulu members from 6 to 5 to maintain an odd number. Do not increase BOE size, large size tends to dilute effectiveness.

**302A-A (f) The governor should be allowed to directly appoint the chair of the BOE** for two reasons: 1) Internal elections will immediately cause the members to begin jockeying for position and creating camps and alliances which can create toxic dynamics and destroy function. 2) It will improve the communication and alignment with the governor's office. Because the rest of the board is nominated by the selection advisory council, it does not give the governor "too much" power.

**302A-B (b). The number of qualified candidates presented to the governor should be**

**increased to a minimum of 4-6 per vacant position**, preferably more to allow the governor sufficient choice of quality candidates to choose from. In the event that there are simultaneous vacancies, the nominees should be pooled (i.e., choose 2 from among 12). We want to have the best chance to get the best people.

**302A-B (c 1-2). The criteria for BOE members and the screening process should be made public and the process should be open for public comment.** We cannot have accountability if the process is secret.

**302A-B (f). Include language specifying that each member of the selection advisory council should be education experts** in addition to operating in a non-partisan manner.

**302A-B (f). Therefore, in section 2-3, the members from the legislature should be nominated by the senate and house education chairs**, being the members that are most informed regarding education issues, and not the Senate President and Speaker of the House.

**302A-B. The public should have opportunity for comment on how the performance of the selection advisory council.** If they select poor BOE candidates, the public should have the opportunity for input. The nominating individuals (gov, leg, P-20) should be required to take public input on advisory council performance.

**(Stricken 302A-1106.5) The BOE should be required to have at least one public meeting on Oahu and one on a neighbor island per year (rotating among islands).** This language was stricken from the bill, but it is critical that the public have input. Last year, during the furlough crisis, the BOE was the most responsive party to public concerns. It was clear that they felt it was their duty, being elected by the public. Now that they are appointed, there is a danger that they will not feel the same accountability to public concerns.

Thank you for your service.

Sincerely,  
Marguerite Higa

## EDNtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 30, 2011 9:38 PM  
**To:** EDNtestimony  
**Cc:** shaglund@hotmail.com  
**Subject:** Testimony for HB338 on 1/31/2011 2:00:00 PM

Testimony for EDN 1/31/2011 2:00:00 PM HB338

Conference room: 309  
Testifier position: support  
Testifier will be present: Yes  
Submitted by: Sue Haglund  
Organization: Individual  
Address:  
Phone:  
E-mail: [shaglund@hotmail.com](mailto:shaglund@hotmail.com)  
Submitted on: 1/30/2011

### Comments:

In Support of HB 338

There are three important factors in my opinion that need to be set in place since our November elections' approval for a governor-appointed Board Of Education.

1-first and foremost: Process

An adequate system of a selection process needs to be set in place when we have a governor-appointed BOE. A selection advisory council set-up similar to the judicial selection commission is a viable necessity. And HB 338 does that; it sets a process and creation of an advisory selection council in selecting and placing on the governor's list of BOE selection potential members of the public to serve as members of BOE.

2-Procedure

first and foremost a step-by-step description of an internal structure and composition of an advisory council and secondly proper procedural rules need to be provided. HB 338 places and provides a detailed description of the 7-member council. My recommendation, however, in the section of Hawaii P-20 council's 4-members appointed should be reduced to a 2-member appointed. The other 2-members appointed should be by a local organization or coalition specializing on the advocacy and improving the quality of education in Hawaii's public schools. By diversifying appointments with another local organization or coalition besides Hawaii P-20 council opens doors to a more public input and support. Currently not one member of Hawaii P-20 council involves the general public. You have members of who are business executives, high-ranking UH administrative employees, a few local educational organizations and employees of a private school, as well as high-ranking public officials from the State of Hawaii government sector.

-where is the average Joe or Jane?

-How would Hawaii P-20 council be fair in selecting their 4-members appointed to sit on the advisory council in comparison to the one member appointed by the governor/house of representatives and senate?

3-Lastly: Accountability and Public Input I am very well-aware that a candidate's advisory council's selection process for BOE candidates under HB338 is subjected to Chapter 92F. Nevertheless public awareness, transparency and accountability should be taken into consideration. When i state transparency and accountability I am referring to a fairness process. Be Fair on who are selected as council advisory members, be Fair in the mechanics and structural components of BOE selection process and be Fair and Accountable in making sure

that all matters regarding an advisory council's process and procedure remains non-partisan in all matters as stated in HB 338, not only on paper, but IN PRACTICE and IN-SPIRIT.

Therefore I highly recommend and urge the committee to pass HB 338 with amendments. Thank You.

**IN SUPPORT OF HOUSE BILL 338 TO ESTABLISH A PROCESS FOR THE  
APPOINTMENT OF THE BOARD OF EDUCATION**

**Committee on Education**

**Date: January 31, 2011 Time: 2:00 p.m.**

**I fully support some form of checks and balances through which both the Senate and the public can hold future Governors accountable for nominating candidates that fit with a consistent and aligned vision of a “highly qualified” Board of Education.**

**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 cronyism led the vast majority of those surveyed to favor some form of checks and balances to minimize the potential “politicization” of public education that most saw as the biggest risk of an appointed BOE.**

**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 anyone would consider 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. Without any objective understanding of what a future**



**Governor defines to be a suitable BOE candidate or a “highly qualified” Board, neither the public nor the Senate itself can possibly perform this watchdog function.**

**While I agree with the Governor that time is of the essence and that the Legislature should move with all due haste to facilitate the replacement of the existing BOE I also feel strongly that process alone can minimize the risk of repeating the missteps of the past. Getting this decision wrong will clearly have grave consequences for Hawaii’s public school children.**

**In addition to the above I have several more minor issues with the 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.**

**2) 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**

House of Representatives

Committee on Education  
Roy Takumi, Chair  
Committee on Labor and Public Employment  
Karl Rhoads, Chair

Monday, January 31, 2011; 2:00 p.m.  
Capitol Conf. Room 309

Testimony  
HB 338

Chairman Takumi, Chairman Rhoads and members of the Committees on Education and on Labor and Public Employment.

My name is Jim Williams and I am testifying in opposition to HB 338. I urge your committees to hold this bill, and instead expedite consideration of Senate Bill 8, which is to be voted on by the Senate this week.

House Bill 338 provides for implementation of an appointed Board of Education through nomination by a board of education selection advisory council, and subsequent appointment by the Governor and confirmation by the Senate.

The selection advisory council provided for in this bill is unnecessary and contrary to the public desire to have more accountability for the progress of our public education system. During the period preceding the election, there was considerable effort by various groups to support the Constitutional amendment that passed overwhelmingly. The key theme of the support for the amendment was to make the Governor ultimately accountable for improvements in our education system. Diluting the Governor's appointing power will also dilute accountability.

The result of the election is that we have a "lame duck" board of education. To get on with the business of improving our public schools, it is imperative that this Legislature act quickly to give the Governor the authority to appoint the BOE. This bill should be held, so that you do not set forth a competing proposal to SB 8 that will delay final enactment possibly to the end of the session in May.

I urge you to respond to the current consensus among education, labor and business groups and join with the Senate in passing a straightforward measure providing for appointment of the Board of Education by the Governor with confirmation by the Senate. The best way to do this is to hold this bill and give quick consideration to SB 8.

Thank you for this opportunity to testify in opposition to HB 338.

Jim Williams  
Honolulu

## EDNtestimony

---

**From:** Susan Irvine [susan.r002@gmail.com]  
**Sent:** Monday, January 31, 2011 11:36 AM  
**To:** EDNtestimony  
**Subject:** HB388

To the House Committees on Labor and Public Employment,  
Monday, January 31, 2:00 p.m. state capitol, conference room 309

Representative Roy M. Takumi, Chair, Education  
Representative Della Au Belatti, Vice-Chair, Education  
Representative Karl Rhoads, Chair, Labor & Public Employment  
Representative Kyle T. Yamashita, Vice-Chair

HB338, Relating to Education

Chair Takumi, Vice Chair Belatti, Chair Rhoads, Vice Chair Yamashita and members of the Committees:

I would like to go on record opposing HB 388. The voters of Hawaii voted for a clear line of accountability in governing our statewide DOE. The Governor needs ultimate responsibility for appointing the BOE. Please defeat this bill.

Thank you,  
Susan Irvine

--

Sue Irvine  
1443 Wailuku Drive  
Hilo, HI 96720  
808 935 8080 home  
808 895 3421 cell  
[susan.r002@gmail.com](mailto:susan.r002@gmail.com)

## EDNtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 31, 2011 11:27 AM  
**To:** EDNtestimony  
**Cc:** sgd8@hawaiiantel.net  
**Subject:** Testimony for HB338 on 1/31/2011 2:00:00 PM

Testimony for EDN 1/31/2011 2:00:00 PM HB338

Conference room: 309  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Susan Dursin  
Organization: Individual  
Address: 83-5583 Middle Keel Road Captain Cook, HI 96704  
Phone: 808-328-8514  
E-mail: [sgd8@hawaiiantel.net](mailto:sgd8@hawaiiantel.net)  
Submitted on: 1/31/2011

**Comments:**

I feel that the people voted for direct appointment by the governor, with no intervening selection body. Only with direct appointment is the process transparent and the governor fully responsible. Additionally, it is important for us in the public to see that appointees were chosen for their own strengths and for how those strengths work into the overall makeup of the board.

Having them go through a selection committee of people we do not know muddies the waters; it also restricts the governor's ability to put together the best working group.

Please do not support HB338.

Thank you for the chance to testify.