



Friday, January 28, 2011
State Capitol Room 211

SB 8 Relating to Education

To: Senate Ways and Means
Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair

Testimony of: Debi Hartmann 
Executive Director
Democratic Party of Hawai'i

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

In November 2010, Hawai'i's people voted decisively to change from an elected to an appointed board of education. 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 Democratic Party of Hawai'i supports the passage of SB 8 which provides, by law, the implementing procedures for appointing Board of Education members. We appreciate your leadership in moving this issue forward expeditiously.

Given the community's demand for more accountability for education, we feel that it is responsible to move wisely and quickly to establish the implementing procedures. We need the new appointed board in place to take action on important and time sensitive matters.

The voters have established a clear line of accountability between the Governor and the educational system's governance and outcomes. The Senate confirmation process gives the public an opportunity to comment on gubernatorial appointees. We believe that this process will result in a Board of Education that is representative of the people and will steward public education wisely. SB 8 establishes the procedures to operationalize the accountability and quality demanded by the public.

With that said, I would request your attention to page 6 line 9-14. The issue of a majority of members constituting a quorum equals 6. Yet you require only 5 as a quorum. There appears to be an inconsistency in the language? Is a quorum a majority or 5 that is less than a majority?

DEMOCRATIC PARTY OF HAWAII

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On page 7 line 1 the Governor must notify the Senate in writing within 10 days of removing a person from the Board yet on page 2 lines 12-14 the Governor must also hold a public hearing in order to remove a person from the Board. Should this language be incorporated in this section as well?

Finally, is the justification for the reduction in community located BOE meetings from two in each school district annually to one in each county annually economic?

The first two concerns are technical; the third is more toward open government. What attempts are going to be in place to insure opportunities for neighbor islands to participate in BOE meetings when they will only be visited once in a school year?

Thank you for your consideration of these concerns. We look forward to thoughtful and timely resolution of the issues identified in SB 8.



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The Twenty-Sixth Legislature, State of Hawaii
Hawaii State Senate
Committee on Ways and Means
Testimony by
Hawaii Government Employees Association
January 28, 2011

S.B. 8 S.D. 1 – RELATING TO EDUCATION

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the concept of S.B. 8 S.D. 1 that allows the governor to appoint the members of the board of education with the advice and consent of the senate. As written, the Governor will be accountable for public education in our state.

The electorate amended our state constitution to allow for an appointed board of education. As a result, we believe the legislature should make every effort to approve enabling language that will establish a process that will expedite the appointment of a new board of education on or before this legislative session adjourns. This will definitely help to ensure leadership stability in public education.

S.D.1 provides the student member with the right to vote on all issues except personnel related matters. We find this modification to be more acceptable although our membership is not solidified on this issue.

We appreciate the opportunity to provide written testify in support of S.B. 8 S.D.1.

Respectfully submitted,

Leiomalama Desha
Executive Assistant



To the Honorable Members of the Hawaii State Legislature:

On the Board of Education, the student member does *not* know more than the other Board members. But neither do the adult members have a monopoly on insight. “Different” is the word that former Representative Berg used when she spoke to me—the student member knows *different*, not more, but different. And that’s the essence of the matter.

Though I only served one term on the state Board, I did learn at least enough to figure out what the biggest and most portentous problems the DOE faced, prominently among which was communication within the DOE, but not communication in general. *Generally*, I felt the DOE did a good job of communication within the schools and within the state and district offices. But what was lacking *specifically* was communication *between* those at the school level and those at the state level.

More honestly, as a student, I saw the aloofness with which those at the top tried to fix problems (the BOE members relied heavily on the suggestions of the state DOE personnel). They were well-intended, even well-researched, but not well-rooted in the reality of the classroom. It was no help that most Board members weren’t closer to this reality than some of the DOE personnel. But the voters and the legislature, with the appointment of the Board, have made a positive step to change this. I believe granting the student member voting rights is another step forward, and I thank you for recognizing this in SB8. With highly professional colleagues who will listen with I suspect more attention, or at least more empathy, the student member has a chance to be taken seriously. The Board has a chance to anchor the DOE in reality and to bring about information from the worm’s eye view.

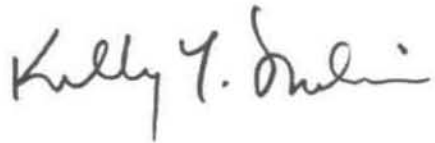
I write with optimism because I’ve been on two very different educational panels, one the Board, the other the Performance Standards Review Commission, which was repealed by law last year for lack of funds. On the former, I was disappointed with the petty politics, the lack of insight, and even when well-intentioned, seemingly no grasp on the reality of the classroom. In contrast, with the latter, I was surprised by the commonly shared student-centric vision, professional and healthy dialogue and debate, a *depth* of insight, and always well-intentioned, a tight grip on the realities of the classroom and cafeteria and school yard. The Performance Standards Review Commission was professional, focused, efficient, and its members have my greatest admiration.

I think what made the big difference between the BOE and the PSRC was the human constitution of the panels themselves. On the Board, we had, if political, at least very smart, very accomplished people, impressive in many ways. But they couldn’t question a state-level DOE specialist’s proposals when they contradicted realistic challenges—most of the Board members haven’t been in a classroom in decades. On the other hand, the members of the Review Commission, appointed, were students, teachers, principals, education professors, and educational leaders. Whether by repetition or study, they knew their stuff. When there were big differences in perspective, say between the students, teachers, and principals, all learned from each other. There was vision, cooperation, work accomplished.

Other than thanking you for your continued support of the student member’s voting privileges, I am not making any specific request. Rather, I hoped I could share my expectations and experiences with you as something simply to keep in mind as you considered the future of the Board. Rather than serve as the directions, my thoughts I hoped could help you form a good destination. These are just my perspectives, shaped by my experiences, my biases, and my beliefs. They certainly are not wiser or more applicable than those of a legislator, only different, but hopefully in that aspect, also of value. I believe this is the essence of what we need on the Board, all grounded but also diverse perspectives.

May the committees and the full bodies of the legislature work well, cooperatively, and arrive at a positive solution for Hawaii's kids. May you serve as examples of what the new Board can be like. Thank you for your consideration of, work on, and diligence to this matter. I wish you luck on the monumental challenge (and opportunity) ahead of you!

Very truly yours,

A handwritten signature in black ink that reads "Kelly Y. Maeshiro". The signature is written in a cursive style with a large, stylized initial "K".

Kelly Maeshiro
Former BOE Student Member, 2009-2010

TESTIMONY ON SENATE BILL 8, SENATE DRAFT 1, RELATING TO EDUCATION

Senate Committee on Ways and Means

Hon. David Y. Ige, Chair

Hon. Michelle Kidani, Vice Chair

January 28, 2011, 10:30 AM

State Capitol, Conference Room 211

Honorable Chair Ige and committee members:

I am Kris Coffield, editorial director of Fracturedpolitics, an emergent political action network born out of a weblog. Currently, the network boasts over 50 local members, though I offer this testimony only on behalf of myself, in support of SB 8, SD1, with minor changes.

While I was initially opposed to the appointment of Board of Education members, the overwhelming approval of the Hawaii Board of Education Amendment, Question 1, during last year's elections, gave lawmakers a mandate for streamlining accountability within the state's educational bureaucracy. In eliminating the creation of an advisory council to vet potential board members, SB 8 accomplishes that task. An advisory panel would inhibit accountability and contravene the will of the electorate by diluting gubernatorial responsibility for appointment decisions, thereby creating a system in which competing factions can, and likely would, shift blame back and forth. 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 unacceptable to the governor, leading to delayed nominations and gridlock. In either case, 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 SB 8, SD 1.

Furthermore, passage of SB 8, SD 1 would extend voting privileges to the Board of Education's student member (§302A-A). Too often, students, the primary stakeholders in the state's school system, are disenfranchised from participating in their own governance. Yet, as has been demonstrated by the success of programs like Kids Vote Hawaii, students are eager to exercise civic responsibility when afforded the opportunity. Moreover, 70 percent of high school students polled in a 2008 survey favored

granting the student member voting power, a step already taken by states as varied as California and Vermont.

Finally, apportioning seats by county, as this legislation does, allays the disproportionate advantage reaped by O'ahu-based representatives under the current system. Today, 10 out of 13 of the school board's voting members are from O'ahu, accounting for 77 percent of the Board of Education's total votes, despite O'ahu's population accounting for roughly two-thirds, or 66 percent, of the statewide total. Even allowing that the vast majority of the state's student population attends class on O'ahu, the most recent census data, released in 2010, expose higher rates of population growth for outer island counties as compared to the City and County of Honolulu. For example, Hawaii County and Maui County grew at 19.6 and 13.3 percent, respectively, while the City and County of Honolulu grew at a 3.6 percent clip. Clearly, population growth is trending toward outer island communities. Power sharing inequalities are borne out by student population statistics, too, as City and County of Honolulu enrollment stands at 116,952 for the 2010-2011 academic year, accounting for approximately 69 percent of the state's total enrollment of 169,987, a number that, again, falls short of the 77 percent of votes allocated to representatives of districts falling within Honolulu's boundaries. If SB 8, SD 1 is codified promptly and properly into law, this disparity in voting clout could be redressed through a combination of minimizing guaranteed seats (§302A-A, as amended) and geographical considerations during the nomination and confirmation process (§302A-F, as amended).

One concern I had with the bill, as previously drafted, was the potential reappointment of the Board of Education's student member "even though the member is no longer a student at the time of reappointment." This concern was alleviated, however, by the addition of a provision to §302A-C(c) mandating that the student member be a student at the time of reappointment and for the majority of his or her second term, thereby ensuring the continued enfranchisement of public school students. Further passages were added to §302A-C(c) stipulating that the student member must maintain an overall grade point average of 2.0 or higher and will not participate in votes on personnel matters. Both of these amendments strengthen the bill, in my opinion, by bringing it into accord with similar measures enacted nationwide, as does the inclusion of Hawaii's P-20 Partnerships in section §302A-F.

A lingering concern is the place of Native Hawaiians and charter schools at the table of educational governance. As expressed at the Senate Committee on Education's previous hearing on this measure, 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, SB 8, SD 1 incorporates no guarantor of Native Hawaiian representation on the Board of Education, 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. Encouraging the governor to

consider the needs Native Hawaiians and charter schools during the appointment process is one way to address the issue. A more efficient vehicle for ensuring representation for Hawaii's indigenous people would be to amend subsection §302A-A(a)(1)(E) to enact the appointment of six at-large members, at least one of whom must be of Native Hawaiian ancestry. Another way of executing indigenous representation, should the question of ancestry be complicated by issues relating to blood quantum, would be to amend section §302A-A by adding a subsection (e) inviting the Office of Hawaiian Affairs to appoint a nonvoting Native Hawaiian representative to the board, in a similar mode as provision §302-A(d), which invites the state's senior military commander to appoint a nonvoting military liaison. Such a change would also entail revising the title of section §302A-A to read: "Board of Education; members; military representative; Native Hawaiian representative."

Again, it is imperative that the State Legislature act on this matter with alacrity. Besieged by a range setbacks—furlough Fridays, infighting over the execution of drug-testing, cyberbullying, achievement gaps on national assessments, and ongoing teacher shortages, just to name a few—Hawaii's education system is now, more than ever, in need of consistent leadership that can be held accountable to the public trust. Passage of SB 8 is a step toward realizing that goal.

Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Editorial Director
Fracturedpolitics