

LATE
SB 452

LATE



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

February 5, 2013, 3:00 PM
State Capitol Room 414

Testimony of
Policy Office of the Governor, State of Hawaii

To the Senate Higher Education Committee
Senator Brian Taniguchi, Chair
Senator Gilbert Kahele, Vice Chair

Senate Bill 452 – Relating to the Board of Regents of the University of Hawaii

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

Thank you for the opportunity to provide testimony in support of Senate Bill 452 (SB452). The bill proposes amendments to 304A-104 of HRS. The amendments would delete reference to a Regents Candidate Advisory Council, effective upon voter approval of a constitutional amendment to Article X, Section 6, of the Hawaii State Constitution as proposed in SB453.

Together, SB452 and SB453 would modify the appointment process for the Board of Regents of the University of Hawaii by deleting constitutional and statutory references to the Candidate Advisory Council for the Board of Regents of the University of Hawaii.

The Governor believes that the University of Hawaii system is the single most underutilized public resource in Hawaii. UH contributes to and plays a leadership role in every element of improving Hawaii. The UH Regents provide vital leadership to ensure that college is accessible and affordable for students on all islands, support the entrepreneurial professor, facilitate innovation and technology transfer, support renovation, support premier education and research projects, and improve student success.

In making appointments for boards and commissions, the Governor considers the individual qualities—personal and professional—of the candidates, as well as how the candidates would balance the board in terms of their experience, skill sets or perspectives. The Board of Regents' balance among the members is important to fulfill the Board's charge to govern and steward public higher education. Governor

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Abercrombie believes that flexibility need to balance many characteristics of the candidates to reflect the diversity of Hawaii and the functional needs of the Board of Regents. Considering only a limited "short list" of candidates currently provided by a candidate advisory council makes it extremely challenging to balance the Board on the many dimensions of importance to the University and our state.

The UH and state are best served by a process that increases the Governor's flexibility to appoint Regents which is accomplished by this bill, together with SB453.

Thank you for your consideration.



HAWAI'I EDUCATIONAL POLICY CENTER TESTIMONY

LATE

Presented by Jim Shon, Director
Hawaii Educational Policy Center
February 5, 2013

COMMITTEES: SENATE Higher Education
DATE: February 5, 2013
TIME: 3 pm
PLACE: Conference Room 414

RE: SB 452 RELATING TO BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII
POSITION: HEPC supports efforts to encourage but not impose best practice. This testimony is also applicable to OTHER BILLS RELATING TO AUTONOMY.

COMMENTS:

HEPC is supportive of best practices for education governing boards. However, based on previous research on Best Practices, the Legislature, acting as a kind of governing board, should tread lightly in imposing highly specific restrictions that may constrain the UH in fulfilling its pivotal role in our State.

Several basic questions could be asked when dealing with a semi-autonomous organization such as a University. These include:

Are there "persistent problems" with a decision of a generally well functioning leadership group?

Are there "persistent problems" with the selection or appointment process of leadership?

Are there "persistent problems" with the general internal management or governance of an organization?

While these three may be related, there is often a misdiagnosis of a single problem as a persistent one, or a disagreement with a decision that is interpreted to be a flaw in how leadership is selected.

In 2003 HEPC did a study on **The Effective Policy Board A Handbook on Maximizing the Effectiveness of Education Boards as Policy Makers** October 2003

<http://manoa.hawaii.edu/hepc/pdf/Reports/Effective%20Policy%20Board.pdf>

This study focused mostly but not exclusively on boards of education. It also examined best practices of governing boards in general. Its analysis could apply to both the Board of Regents, as well as this legislative body.

To summarize these “best practices” offered by the various researchers cited in this report, effective boards

- focus on big picture tasks such as forming and sustaining a mission, a set of goals, or major policies.
- minimize time spent micromanaging the details of school systems.
- manage and analyze the information and data available to assist in decision making.
- develop their own voice, as distinct from a superintendent or university president, and communicate well with the community.
- see their school as part of a larger public education continuum.
- value governance retreats for evaluation and goal setting, as well as ongoing improvement at the board level.

The following Master Checklist from that report summarizes many of the items addressed in this handbook, including broad policy development, management of data and information, key partnerships, and a communication strategy.

Broad Policy Development

- Identify and periodically reaffirm the board’s purpose, mission, and authorities.
- Create measurable goals and timelines for policy ends, not means.
- Identify existing policies that support the board’s mission.
- Review the existing strategic plan or initiate efforts to develop a plan and policies designed to achieve the board’s measurable goals and objectives.
- Analyze issues using research-based data from many sources.
- Include educational stakeholders in discussions about issues and policy making before decisions are framed or made.
- Invite the public to participate in issue oriented forums separate from board business meetings.
- Guide policy development by providing clear directions to staff, and adopting outcomes that are objective and measurable.
- Acknowledge individuals providing input.
- Establish and implement policy review cycles.

- Provide annual training for board members.

Managing Data and Information

- Insist on the relevancy of information.
- Insist on balance in the amount of information.
- Understand who makes decisions and at what level.
- Understand the importance of the timing of information.
- Seek the sources of new ideas and innovations.
- Emphasize big picture perspectives.
- Employ systemic P–20 policy approaches.
- Cultivate an operational understanding of reform.

Key Partnerships

- Identify a primary spokesperson for public policy issues.
- Develop a specific strategy for policy-level engagement with the administration/organization under board’s jurisdiction.
- Adopt a clearly defined policy on how issues are directed to staff.
- Establish meaningful times and venues for interaction with the governor.
- Establish a process for regular communication with members of key legislative committees and their staff;
- Regularly transmit information regarding the board’s activities to the legislature;
- Invite legislators or staff to the board’s work sessions, and prepare briefings for newly elected legislators informing them of the board’s mission, goals, and strategic plan (NASBE, 2000).
- Establish a process for communication and interaction with key education stakeholders, including unions, the business community, researchers, principals, professors, etc.
- Arrange meetings and schedules to facilitate inter-board dialogue and
- collaboration, including P–20 initiatives.

Communication

- Select articulate, technically competent persons to facilitate effective board communications.
- Develop ability to reach the media on short notice.
- Prepare regular public service announcements on TV and radio on behalf of the board.
- Develop a summary of board actions or business for distribution by fax or email to the educational community, policy makers and decision makers.

- Develop a multi-layered email list-serve for board members, key administrative staff, district and school personnel, and policy makers.
- Adopt procedures consistent with the sunshine law for communications among board members.
- Adopt a meeting schedule of that minimizes conflicts with other educational policy boards.
- Adopt a strategy for regular contact with media representatives to ensure relationships are healthy and productive, as well as to make contact with new media people.

About HEPC

Purpose and Mission

The purpose of the Hawaii Educational Policy Center (HEPC) is to provide objective, data-based information in the form of policy briefs, reports, articles, and forums bearing on public and private education policy and practices at all levels. The target audiences for HEPC publications and events are educators, policymakers, and other education stakeholders in the State of Hawaii.

HEPC conducts, sponsors, commissions, and/or coordinates analytical studies that inform policy discussions. Examples of issues that are addressed include:

- Performance-based assessments
- Teacher Resignations
- State financial support for public education
- Declining enrollments at the University of Hawai'i
- Implementing health education standards
- Readiness of children to succeed in school
- Feasibility of establishing a K-16 student data system
- Middle-level education in Hawai'i
- Characteristics of upper division dropouts at UH Manoa

The HEPC provides the infrastructure to support data-based decision-making and uses data sources such as the U.S. Census, National Center for Educational Statistics, Public Welfare, and the Hawai'i State Department of Education.

HEPC recognizes that the Hawaii Department of Education and the University of Hawaii are among the largest public institutions in our State. Understanding the issues and policy challenges of the DOE and UH are of importance to decision makers, researchers, and stakeholders throughout the community.

HEPC is requesting capacity funding of \$150,000 per year, which will allow HEPC to ramp up its ability to retain expert research and staff to assist policy makers in Hawaii. Currently, HEPC is benefitting from some capacity

support through the UH College of Education. However, this is not sustainable in the long run, and is not enough to add staff.

HEPC has produced reports requested by the Legislature in the past and looks forward to exploring opportunities to be of service in the near future.

Members of the HEPC Senior Advisory Group are the following:

HEPC Senior Advisory Group

Kathleen Berg, Director, Curriculum Research & Development Group

Terance Bigalke, Director, East West Center Education Program, East West Center

Susan Chandler, Director, College of Social Sciences Public Policy Center, University of Hawaii at Manoa

Joan Husted, former Executive Director, Hawaii State Teachers Association

Meda Chesney Lind, Professor, Women's Studies, University of Hawaii at Manoa

Warren Nishimoto, Director, Center for Oral History, University of Hawaii at Manoa

Edward J. Shultz, Dean, School of Pacific and Asian Studies, University of Hawaii at Manoa

Liam Skilling, Director of the Part-Time JD Program and Academic Assistance, Lecturer in Law, University of Hawaii at Manoa, William S. Richardson School of Law

Katherine Tibbetts, Principal Research Associate, Kamehameha Schools

Charles Toguchi, former Hawaii Superintendent of Education

Donald Young, Dean, College of Education, University of Hawaii at Manoa

Our newly upgraded Web site: <https://coe.hawaii.edu/>

Among the major reports HEPC and its affiliated researchers have conducted (available on its web site) are:

A Policy History of Standards-based Education Reform in Hawaii;

Standards-based Education Reform in the United States since "A Nation at Risk";

Report To The Legislature On Senate Concurrent Resolution 118 Sd1 Hd1 – Improving The Community's Understanding Of The Department Of Education's Programs And School Expenses Including A Comparison With Other States On Adequacy Of Funds;

Interim Report to the Legislature on Senate Concurrent Resolution 56 S.D. 1 Requesting the HEPC to Report on the Retention and Change in Assignment of Teachers within the Department of Education;

Middle Level Grade Configuration: Impact on Hawai'i's Schools;

Hawaii Department of Education Survey on Education for Military Families in Hawaii.

Reinventing Education (Act 51) Reports

- Implementing the Reinventing Education Act of 2004, Sep 2004
- Single School Calendar for Hawaii's Public School, Oct 2004
- Changes in Education Management, Jan 2005
- Act 51 Requires Change, Dec 2004
- Weighted Student Formula, Feb 2005

- Principal Discretionary Budget Control, Mar 2005
- Does the Principal as CEO Analogy Work?, Mar 2005

Suggested Proposed changes to 304A-104 (b)

SECTION 1. Section 304A-104, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) At its first meeting after June 30, ~~{a meeting preceding July 1 of each year}~~, the board of regents shall elect a chairperson and vice-chairperson, who shall serve until adjournment of its first meeting after ~~[up to two vice chairpersons whose terms shall be from July 1 to]~~ June 30 of the next year or thereafter until their successors are appointed. ~~[elected.]~~ The board shall appoint a secretary, who shall not be a member of the board. The president of the university shall act as executive officer of the board. A majority of the board of regents shall constitute a quorum to conduct business, and the concurrence of a majority of all the members to which the board of regents is entitled shall be necessary to make any action of the board of regents valid. The board shall meet at least ten times annually and, from time to time, may meet in each of the counties of Hawaii, Maui, and Kauai."