



## HOUSE OF REPRESENTATIVES

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Floor Speech on House Bill 2332, House Draft 1  
By Rep. K. Mark Takai  
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### Governor Lingle's Constitutional Amendment Not Backed By Sound Research

*NOTE: People interested in this speech and Governor Linda Lingle's education reform constitutional amendment should read the entire content of House Bill 2332, HD 1, which can be found on the Legislature's website at [www.capitol.hawaii.gov](http://www.capitol.hawaii.gov) (the specific link for this bill is at [http://www.capitol.hawaii.gov/sessioncurrent/bills/hb2332\\_hd1\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb2332_hd1_.htm)).*

*Additionally, people interested in knowing about the education reform plan proposed by the House Democrats, **Putting Students First**, can check out our plan at the end of this speech. HB 2002, HD 1 contains a significant portion of the **Putting Students First** plan. This bill can be found on the Legislature's website (the specific link for this bill is at [http://www.capitol.hawaii.gov/sessioncurrent/bills/hb2002\\_hd1\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb2002_hd1_.htm)).*

I rise to speak against this measure.

Some people have argued that our decision tonight is very simple. Let the People Decide, they say.

It's not that simple, Mr. Speaker.

Our decision tonight is about Matthew, my two-year-old son, and Kaila, my nine-month-old daughter. Our decision tonight is about every little boy and every little girl. Our decision tonight is about our hopes and dreams for our future.

I believe that everyone can agree with Superintendent Pat Hamamoto when she says, "Education is about teaching kids so they can be successful adults."

Student achievement is about good teaching and instruction in good schools having adequate resources, highly qualified professionals and supportive parents and communities.

“Governance is not the single most important reason for school success or school failure,” Hamamoto said.

In fact, even Bill Ouchi, who wrote “Making Schools Work,” admits that “if you focus only on decentralization, you’ll get a decentralized district, but with low student achievement.”

I agree with the preamble of the Governor’s work group, Citizens Achieving Reform in Education (CARE), which states: “Education is one of the most precious gifts that one generation can give to the next. Education enables people to reach their highest potential. Education enables each of us to be productive and earn a living. We all value education.”

However, I don’t believe that this bill, HB 2332, gets us to where we all want to be.

Here are some of my reasons why.

**Constitutional Amendment.**

Let’s look at the question that the Governor is proposing to be placed on the ballot. The question on page 119 read as follows: “Shall the existing public education system be reformed by replacing the existing department and board of education with elected local school boards?”

This question is deceptive, at best. What are the details?

Look at pages 115-119. The governor is proposing to eliminate the elected statewide school board. She proposes to replace the elected statewide school board with an appointed statewide commission. The voters three times rejected the elimination of the elected board with an appointed board. Some may argue that this appointed board will have no significant authority and that significant decision-making will only occur at the local school board level. This is simply not true. Look at pages 116-117. Here, the Governor details the responsibilities of this appointed statewide commission, which includes setting statewide academic standards and ensuring that all state and federal mandates are fulfilled.

So who appoints the members of this appointed statewide commission? Well, that’s a very interesting question because the constitutional amendment is silent on this issue. But, in the statutory provisions of this bill on pages 8-10 (these are the ones that the Legislature can adopt and can change at any time), the Governor proposes to allow the House Speaker and the Senate President to appoint the members of this commission. The

Governor will confirm these appointments. This is a very interesting idea, but there are significant concerns regarding this proposal. First, each of the members of the commission will come from one of the seven local school board districts. Can you imagine what will happen? Let's play this out. Who will appoint the Kauai representative? Will the Speaker appoint the Kauai member and the President appoint the Maui member and the Speaker appoint the Leeward Oahu member and the President appoint the Honolulu member? And let's just say that the Speaker and the President cannot agree with their recommendations within 30 days after the ratification of the constitutional amendment. What happens then? Well, the bill proposes to allow the Governor to make these appointments.

Did I mention what will happen if the Speaker and the President both agree and send to the Governor their seven appointments and the Governor rejects their appointments? According to the bill, the Speaker and the President will then have 15 days to make another appointment. Then the Governor will have 30 days to confirm the recommendation. If she again rejects the appointment, the Speaker and the President will have another 15 days to make another appointment. This can go on and on.

Here's what I think will happen on this issue. Again, this is not in the constitutional amendment, nor is it in the question. What will happen is that the Governor will recommend that the Legislature change the language of the law to allow her to appoint the members of the statewide appointed board. This again will not be a constitutional amendment because the amendment is silent on this issue.

Let's look at the details of these local school boards. On page 115, the constitutional language says that there shall be at least seven school districts as provided by law. What does "as provided by law" mean? That means that Legislatures in the future will be allowed to increase this number from seven to 283 through a bill and the voters will not have a chance to vote on this. Additionally, the statutory language allows each of these seven local school boards to approve the separation of a part of a school district into a separate school district without any changes to the constitution or state law. I will go into further detail about this proposal later.

So let's be very honest with the voters. If this is going to make it on the ballot, the question on the ballot should read: "Shall the elected statewide board of education be replaced with an appointed statewide board of education, whose members of this appointed statewide board shall be appointed by the House Speaker and the Senate President and shall be confirmed by the Governor; and shall the statewide Department of Education be replaced with at least seven local school boards and seven local departments of education; and shall the Legislature determine the number and the selection process of both the appointed statewide board and the elected local boards?"

Now that's enough about Part II of the bill. What about the first 113 pages?

### **The Statutory Provisions**

If you think that the problems with the last six pages are not enough, the concerns that I have regarding the first 113 are much more significant. But before I spend some time speaking about these concerns, I would like to mention a few items that I feel are terribly important to this discussion.

Mr. Speaker, I understand that we work in a political process. I understand that quite well. I also understand that our decisions are sometimes based on politics. That is clear. However, I believe that we were elected to make the best decisions for our constituents and for the state. My decision today is not based on tonight's sound bite, but based on sound research. My decision today is based on what appears to be solid evidence against the decentralization of an educational school district.

The Governor in her testimony before the committees said, "The positive impact of school district size has been examined extensively. Studies of 37 states plus the District of Columbia have all reached the same conclusion. There is a direct connection between smaller school districts and higher student achievement."

I asked the Governor to back up her statements with the data. Instead of providing what I had thought would be the studies of the 37 states and the District of Columbia, what we received was one – a single – study commissioned by the Heartland Institute, an ultra-conservative think tank that supports school vouchers. The study conducted by Herbert Walberg was done in 1993 (more than a decade ago). The spokeswoman for the CARE group, noted that the study suggested that "as states' average school size increases, student achievement declines (and) as states' average school district size increases, student achievement declines."

However, there are a number of points worth mentioning about the Walberg report. Another researcher, UCLA's Sibyll Carnochan said that Walberg's examination of data "fails to incorporate data on socio-economic background, ignoring variations among student populations between schools, districts, and states that are likely to correlate strongly with student achievement."

There is no dispute with Walberg's data on small schools. Unfortunately, he cannot adequately separate this from the small district variable.

I also contacted both the Education Commission of the States and the National Conference on State Legislatures. Both organizations agreed that there is very little evidence that carrying out what this bill proposes to do will raise student achievement.

In fact, one doesn't need to look too far to see that there is no compelling evidence that smaller school districts will raise student achievement. Recent Honolulu Star-Bulletin

headlines read “Research fails to back gov on school boards. Lingle says smaller districts will improve student performance, but experts say there is little evidence.” And “Gov’s school claim in doubt. Research indicates the benefits of smaller schools, but not districts, experts say.” (Morning Edition and Evening Edition, Honolulu Star-Bulletin, Wednesday, Feb. 18, 2004)

The Star-Bulletin editorial was even more to the point. The editorial pointed out that the “studies of 37 states plus the District of Columbia” that the Governor cited was in fact just one study that “was not conclusive.” (“Debate on school boars misses the target. The issue: Experts say there is little evidence to support Governor Lingle’s contention that smaller districts will improve test scores.” Honolulu Star-Bulletin, Thursday, Feb. 19, 2004).

The editorial also noted that “education experts and other studies have found little evidence that district size influences student performance one way or the other. More significant elements of improvement are good curriculum, smaller schools, smaller class size, qualified teachers and parental involvement.”

The Governor’s lead advocate for this reform said that she didn’t “want to get into this huge debate over how accurate the studies are.” But, I agree with the Star-Bulletin editorial, which said, “accurate data is required if the public is to decide the future of public education.”

Even UH College of Education Dean Randy Hitz testified on this bill saying that “Some people have suggested that students in smaller school districts achieve at higher levels than students in larger school districts. There is no solid research to support this claim.”

The Star-Bulletin says that Governor Lingle has not yet connected the dots. Well let’s look at some of these so-called dots.

I have found more than 20 significant issues in the first 113 pages. I would like to spend some time on just a few.

### **Collective Bargaining**

The proposal before us suggests that collective bargaining will occur in each local school district. The bill says (page 14, line 20-22) that “each local school board shall be responsible for all issues of governance and operations of the school district.”

So what does this mean? One needs to look at numerous examples of school districts across the nation as to how devastating this will be to our school system, especially those schools in the rural areas.

In fact, the bill attempts to bust the principals' union – the principals will no longer be unionized. In other words, the Honolulu School District could pay their high school principals \$20,000 more each year than the Leeward School District. Can you imagine what will happen to principals in the other three Oahu school districts?

Let's take this one step further. What will happen if the teachers were paid \$20,000 more each year in the Honolulu School District versus the Leeward School District?

Let's not be kidding ourselves. Let's be very clear about the intended and unintended consequences to this proposal.

### **Election of School Board Members**

The Governor's proposal creates seven local school boards each comprised of five elected members. These elected members will be elected at-large from the entire school district. As an example, in the Honolulu School District, which comprises of the school complexes from Farrington in Kalihi to Kaiser in Hawaii Kai, there may be 10 candidates for the five seats. I would suggest that the elected majority of the board members of this district would probably come from Hawaii Kai or Manoa or Kahala. What will happen to those residents in Kalihi?

What about the Maui School District. Can you imagine how the voters on Lanai and Molokai will feel when their five school district members come from Maui? Now is this better?

What about those voters on the Waianae Coast in the Leeward School District?

As we are well aware, the drawing or redrawing of district boundary lines for election purposes is not as simple as following school district lines. In fact, every 10 years, the US Census Bureau calculates Hawaii's population based on small, manageable census blocks. Unfortunately, these census blocks, many times, cross community lines, school district lines, and school complex lines. It's not that simple.

### **The Birthing of School Districts**

The bill on Page 7-8, allows for the creation of new school districts. All a community needs to do is petition their local school board to become a separate school district.

As an example, if the Pearl City Complex wishes to separate from the Leeward School District, it is the members of the Leeward School District that will approve such a request. If granted, the entire Pearl City Complex and the affected community will be a separate school district. In other words, what was once seven, will now be eight.

The bill says that members of this new Pearl City District School Board will be elected at the next general election. As I mentioned earlier, this is not as simple as it really sounds.

We will need to convene an apportionment commission to grab census blocks of the areas of our community from which our students live. In Pearl City, this is even more complicated because the Pearl City Complex also includes a significant portion of Waipio Gentry (across from Waikele) in Waipahu.

And, by the way, look on page 8, lines 1-3, the decision of the local school boards are final. So, if Molokai wants to become its very own district, and the Maui School District does not approve of such an effort, there is no further options for the people of Molokai, no appeals process, nada.

### **Hawaii Labor Relations Board**

On page 72, lines 12-14, there is a proposed change that will have devastating consequences on labor and collective bargaining issues. How this amendment got in the bill and how it even fits within the scope of the title of this bill are beyond me.

Changing the “board” to the “director of labor and industrial relations or designated representative” is quite significant. This proposal is under HRS chapter 89, Collective Bargaining in Public Employment. The “board” mentioned on line 13 is the Hawaii Labor Relations Board. In other words, this bill will totally tilt collective bargaining in favor of the administration. Instead of requiring the Labor Relations Board to investigate and rule on specific individuals, employees and positions, this bill, if approved, would give this power to the labor director. Can you imagine this happening?

### **Conclusion**

There are many more concerns that I have, but I will stop here and request that the members spend time reading this bill. There are, as the Star-Bulletin points out, very significant dots that need to be connected. In fact, Mr. Speaker, this bill is like Swiss cheese because it’s full of gaping holes.

I agree with Governor Lingle when she during her State-of-the-State address said: “Now is the time to move forward with great determination because each year of further delay means thousands more students will lack the basic education they need. . . This is not about politics or my idea versus your idea; this is about the kids.”

This is about the kids, Mr. Speaker. About my two children, Matthew and Kaila. I, we, have much at stake here.

Mr. Speaker, the Governor said that “Politicians all too often think about the next election. Statesmen think about the next generation. . . Let us instead be remembered as good statesmen who rose above the sound and fury to better serve all the people of Hawaii.”

I totally agree with the Governor. Let's put policy before politics and let's all be statesmen.

I urge our colleagues to vote against this measure.

### **Putting Students First – The House Democrats' Education Reform Plan**

We are proposing a bold, innovative, fundamental policy shift in the way our schools are funded, operated and administered. Our approach will put resources where it belongs: directly in the schools. Our approach, **Putting Students First**, will put resources where it belongs: directly into the schools at the school level thereby reducing the bureaucracy and dramatically decentralizing the system. We believe that learning occurs in the classroom, not in the boardroom. We believe that the individual school is the critical key to improve student achievement.

**Putting Students First** will result in:

- Principals who are free to use their resources, financial and curricular, to run the school.
- Principals who use measurable goals to establish a culture of achievement.
- The presence of master teachers who bring out the best in a faculty.
- Ongoing professional development of the teachers and principals.
- Decision making involving staff, parents, students and community members at the school level.
- Effective and integrated curriculum from K-12 so that students build upon what they've learned.
- Safe and healthy schools.

**Putting Students First** distributes basic education resources more consistently and fairly on a per-pupil basis across schools, and everyone can see and understand how resources are allocated and spent in each school. Without creating additional layers of bureaucracy, **Putting Students First** has the following advantages:

- Flexibility.
- Based upon unique learning need of individual students.
- Budgeting is transparent.
- Direct community and teacher involvement.
- Encourages innovation and initiative.
- Majority of resources are given directly to the school.
- Parents can decide where to send their children to school.

Under **Putting Students First**, each school receives a budget in a dollar amount instead of positions. The principal is ultimately responsible to decide what staff and non-staff items to purchase with these dollars. Under this approach, each school has more room to design and use innovative instructional programs that match the specific characteristics and needs of its students, parents, and community.

We are moving these ideas forward in HB 2002 HD1, which establishes the **Putting Students First** initiative. HB 2002 HD1 will:

- 1) Require the Department of Education by the 2006-07 school year to apply a Student Weighted Formula so that funds are based upon the needs of each student in that school.
- 2) Replace the current School/Community-Based Management (SCBM) system and require an Elected School-Site Council to be implemented at each school to ensure that the public plays a critical role in public education.
- 3) Appropriate funds for a Principals' Training Academy to ensure that principals will have the necessary skills to be true educational leaders. The proposal in this paper tasks principals with significant, new leadership responsibilities and challenges. Before any responsible business assigns a task to an employee, it trains the employee for the task. There is a significant staff development piece that needs to be done to prepare principals for this assignment. Two great models are underway in Hawaii - one is the Principals Leadership Academy being operated by a collaboration of funders with support from the Hawaii Business Roundtable. A second is a partnership between the University of Hawaii's College of Education and the Hawaii Association of Independent Schools who have jointly designed a curriculum intended to train leaders for private schools in Hawaii for the future. Both systems could be parts of and serve as models for a redesigned staff development curriculum to be put in place to allow public school leaders to be trained for success.
- 4) Appropriate funds to provide incentives for teachers to become National Board Certified. Teachers who are board certified will serve as master teachers in the schools where they teach.
- 5) Mandate that the various agencies such as DAGS, Budget and Finance, DOH, Attorney General, that impede the autonomy of the Department of Education begin the process of shifting their responsibilities over to the DOE for more efficient and effective management of our schools.
- 6) Ends the micro-management of the governor and legislature in the education system by eliminating all educational programs dictated by law. This will allow

each school to decide which programs they desire free from interference from the governor and legislature.

Greater community involvement and decentralization at the school level brings its own challenges. A workable balance of shared power and responsibility needs to be developed. However, **Putting Students First** puts the focus where it should be: at every school in every community without additional layers of bureaucracy.

**Putting Students First** decentralizes the system by empowering the individual schools to control their resources in ways that best reflect their needs. **Putting Students First** gives each school the flexibility to adjust and to adapt to change quickly and with a minimum of bureaucracy. **Putting Students First** is simply about putting students first.

**Honolulu Star-Bulletin, Wednesday, February 18, 2004, page A-1.**

**Research fails to back gov on school boards**

**Lingle says smaller districts will improve student performance, but experts say there is little evidence**

By Susan Essoyan

To Gov. Linda Lingle, the problem is clear, and so is the solution.

Students in the largest school districts in the country tend to do poorly on national tests, she says, so break up Hawaii's single district into seven local school boards and results should improve.

But educational researchers contend that it is not so simple. They say there is little evidence that altering district size will raise student achievement.

Policy analyst Jennifer Dounay of the nonpartisan Education Commission of the States says research points to other factors as key to improving student performance: teacher quality, small schools, small classes and a challenging curriculum.

"There's a stronger research link in those areas than there is to school district size," she said. "There are so many variables that can go into a given district that can affect student achievement. I haven't seen any research that says if your district is 1,000 or fewer students, for example, there's going to be a concurrent improvement in student achievement."

The Denver-based commission provides a national exchange of information on educational trends and research.

Hawaii's House Education and Judiciary committees are scheduled to meet tomorrow to decide on the governor's proposed constitutional amendment to set up seven school boards, among other bills. Legislators received widely divergent testimony at their Jan. 30 hearing on breaking up Hawaii's statewide school board.

"Some people have suggested that students in smaller school districts achieve at higher levels than students in larger school districts," said Randy Hitz, dean of the University of Hawaii College of Education, testifying on his own behalf. "There is no solid research to support this claim."

He added, "There is a large body of research indicating the benefits of small schools, but there is no such body of research on small school districts."

Hawaii has one of the largest districts in the country, with 182,000 students, but it also has some of the biggest schools. Hawaii's high schools average 1,468 students, compared with a national average of 752, according to the National Center for Education Statistics. Some local high schools are trying to develop "schools within schools" to give students a more personal experience.

In her testimony, Lingle painted a different picture of the research on district size and test scores.

"The positive impact of school district size has been examined extensively," she told legislators. "Studies of 37 states plus the District of Columbia have all reached the same conclusion. There is a direct connection between smaller school districts and higher student achievement."

Asked later by the Star-Bulletin to identify those studies, Lingle said she was actually referring to just "one study of 37 different states."

"This is a well-known fact that the larger the district, the lower the student achievement," she said. "The existing system has proved incapable of turning around low student achievement. The obvious conclusion is to try a different structure."

The study she cited, "Losing Local Control" by Herbert J. Walberg and Herbert J. Walberg III, appeared in the June-July 1994 issue of Educational Researcher. It averaged school district sizes in each state and compared the results to the state's performance on the 1989-1990 math test of the National Assessment of Educational Progress.

The article said the “results suggest that, other things being equal, states with larger average size schools or districts achieve significantly less well on average.”

But it went on to call for more research, saying such “effects may depend on the level of education or socioeconomic status of the state,” which weren’t included in the analysis.

The Hawaii Educational Policy Center testified that there are various reasons why huge urban districts with more than 500,000 students tend to have lower test scores. Such districts also face more poverty, crime, substance abuse, single-parent families and ethnic minorities.

“We cannot say that mega-urban districts ‘cause’ low achievement any more than we can say that low achievement causes large districts,” said Jim Shon, associate director of the center, at the University of Hawaii. “Statistically we have correlation, but not causation.”

Lingle referred questions about the data to Laura Thielen, a member of the Board of Education who is working with the governor to promote local school boards. Thielen highlighted research by Robert Bickel and Craig Howley that measured the interaction of poverty, district and school size, and student test scores in five states.

Their study, published in the online Education Policy Analysis Archive in 2000, found that in impoverished areas, student performance was generally higher if districts and schools were small, although not in affluent districts.

“We haven’t found a one-to-one effect, but using a multivariable analysis ... large schools in large districts are worse for poorer kids,” Thielen said.

“I don’t want to get into this huge debate over how accurate the studies are,” she added. “There is a lot of data out there and research that shows that this has merit. There is some connection with student achievement.”

The seven local districts proposed for Hawaii, ranging from 10,000 to 37,000 students, are not small by national standards. The average size of a U.S. school district is 3,200 students.

Dounay said the trend has been to consolidate rural districts across the United States, and Hawaii will be a rare test case if it decides to break up its district.

“It’s a one-of-a-kind thing,” she said. “If it does separate into different districts, it will be really interesting to watch to see if it does have an impact.”

**Honolulu Star-Bulletin, Thursday, February 19, 2004, Editorials, page A-10.**

**Debate on school boards misses the target**

**THE ISSUE: Experts say there is little evidence to support Governor Lingle's contention that smaller districts will improve student performance.**

SPLITTING the statewide Board of Education into smaller bodies could make school governance more accessible to the community and result in voters making more informed choices in the election of board members. Whether such restructuring would help student achievement, however, remains equivocal.

In promoting her plan to break up the school board as pivotal to improving public education, Governor Lingle has not yet connected the dots. This complex and consequential undertaking demands that the governor present accurately data that supports her assertions. More importantly, it behooves Lingle and her panel of advocates to give full consideration and weight to research even if it may conflict with her premise. If not, her ambitious and admirable effort to overhaul the education system will suffer and so will Hawaii's children.

Lingle, in testimony to the state Legislature, erred when she said, "Studies of 37 states plus the District of Columbia have all reached the same conclusion" that there is "a direct connection between smaller school districts and higher student achievement." When Star-Bulletin reporter Susan Essoyan asked the governor to identify the studies, Lingle said she was really referring to just one study of 37 states.

That study, published 10 years ago, was not conclusive. Instead, it said that "results suggest" states with larger average size schools or districts "achieve significantly less well," but that more research was needed because such key factors as socioeconomic status had not been part of the survey.

Meanwhile, education experts and other studies have found little evidence that district size influences student performance one way or the other. More significant elements of improvement are good curriculum, smaller schools, smaller class size, qualified teachers and parental involvement.

School board member Laura Thielen, an advocate for multiple school boards and a member of the governor's education reform committee, acknowledges that the panel has not found "a one-to-one effect" between small districts and student achievement. One study she cites has found that in impoverished areas, students did better if both districts and schools were small, but curiously, this did not hold true in affluent districts. In addition, the seven districts the governor proposes would still contain between 10,000 to 37,000 students, far more than the national average of 3,200 students per district.

Thielen says debating “how accurate” the information presented by the governor deflects attention from the issue. Be that as it may, accurate data is required if the public is to decide the future of public education. Further, the political debate about school districts and multiple boards should take a back seat to making changes that we know directly affect student performance. The question should be less about who is right, and more about what is right.