

Linda Lingle
Governor



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LATE TESTIMONY

FOR: HB172, Relating to Reconstituting Schools
DATE: Wednesday, February 04, 2009
TIME: 2:00 p.m.
COMMITTEE(S): Education and Labor & Public Employment
ROOM: Conference Room 309
FROM: Maunalei Love, Executive Director

Chairs Takumi and Rhoads, Vice Chairs Berg and Yamashita, and Members of the Committees:

Thank you for the opportunity to testify today on this measure. CSAO recognizes the intent of this bill to enable the Superintendent of Education to ensure that schools are successful in their restructuring efforts under No Child Left Behind. We do believe that the portion of this bill regarding the charter school review panel is unnecessary. The superintendent already has the ability to make recommendations to the Charter School Review Panel when necessary. Indeed, regular communications between the superintendent, the panel and the CSAO are common. We respectfully ask that the committee amend this bill, either by:

1. Deleting the proposed new subsection 302A- (b) [concerning charter school review panel] or, in the alternative,
2. Amending the proposed subsection (b) to read as follows:

“(b) The superintendent may recommend actions to the charter school review panel that should be taken to reconstitute a charter school, which has been in restructuring as defined by the No Child Left Behind Act of 2001, Public Law 107-110, for three or more school years as a charter school, and may recommend that the charter school review panel revoke the charter school's charter.”

Thank you again for the opportunity to testify and for your support of charter schools.



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The Twenty-Fifth Legislature, State of Hawaii
The House of Representatives
Committee on Education
Committee on Labor and Public Employment
Testimony by
HGEA/AFSCME Local 152
February 04, 2009

LATE TESTIMONY

H.B. 172 Relating To Reconstituting Schools

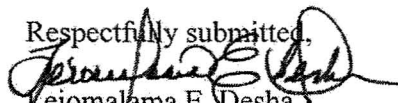
The Hawaii Government Employees Association, HGEA/AFSCME, Local 152, AFL-CIO opposes H.B. 172 Relating to Reconstituting Schools.

Wages, hours and other terms and conditions of work are negotiable matters with us as the exclusive representative of bargaining units 02, 03, 04, 06, 08, 09 & 13. We oppose any measure that seeks to circumvent our collective bargaining agreements.

When the No Child Left Behind Act was initially passed into law HGEA inquired with the department about potential impact on employees. We encouraged the department of education to negotiate a process with us that could potentially address the various options embedded in the law including the reconstitution of schools. If the employer endeavors to be proactive, they certainly have every right to bring the issues to the bargaining table. The former superintendent of education did not support a complete reconstitution of any school and his administration did not submit any proposal to us for negotiations. In addition, Superintendent Hamamoto's administration has not submitted any proposal to us regarding the reconstitution of schools.

It appears that the employer's strategy and plan for implementing NCLB did not incorporate negotiating with the unions. In our state the public employer has a legal obligation to enter into consultation and negotiations with us in a timely fashion. Their failure to do so should not be rewarded by adversely impacting the collective bargaining rights of public employees. As an example, if the superintendent of education decides to replace the entire staff at a school in accordance with this measure, will the action be considered a reduction in force, reassignment or termination? These are very serious issues that will likely be compounded by the department's current procedures regarding personnel affected by weighed student formula, personnel affected by proposed reorganizations and the overall budget issues facing our state and nation,

Thank you for the opportunity to testify.

Respectfully submitted,

Leiomalama E. Desha
Executive Assistant