

**SB 2470, SD1**



LINDA LINGLE  
GOVERNOR

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CHIEF NEGOTIATOR

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OFFICE OF COLLECTIVE BARGAINING  
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February 23, 2010

TESTIMONY to the  
SENATE COMMITTEE ON WAYS AND MEANS  
For Hearing on Wednesday, February 24, 2010  
10:00 a.m., Conference Room 211

By

MARIE C. LADERTA  
CHIEF NEGOTIATOR

**Senate Bill No. 2470, S.D. 1  
Relating to Education**

**WRITTEN TESTIMONY ONLY**

CHAIRPERSON MERCADO KIM AND MEMBERS OF THE COMMITTEE:

The purpose of S. B. No. 2470, S.D. 1, is to require all public schools to implement a minimum of two hundred days of classroom instruction per school year.

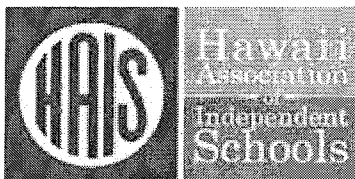
The Office of Collective Bargaining has **comments** on the proposed amendments to Chapters 302A, and 302B, HRS.

The public employer and the Hawaii State Teachers Association (HSTA) have historically negotiated collective bargaining agreements which contain the number of instructional days and hours within each school year. This is based upon Chapter 89, HRS, where the public employer and the public employee union are required to negotiate on matters of wages, hours, and conditions of employment. Should this bill pass, the HSTA and other affected unions with members employed in the Department of Education (DOE) are likely to negotiate for higher wages if additional instructional

days are required to meet the statutory minimum set forth in this bill. We note that the testimonies of both HSTA and the DOE on S.B. No. 2470 similarly raised the issue of cost for any additional instructional days. This measure may also remove the flexibility of the DOE to negotiate the number of instructional days as may be necessary to adjust for prevailing fiscal conditions.

We further note that Section 89-19, HRS, provides that Chapter 89 takes precedence over any conflicting statutes or legislation. Therefore, DOE employees in bargaining units 01 and 05 who have the right to strike pursuant to Sections 89-11 and 89-12, HRS, may do so without regard to the minimum number of instructional days required by this bill.

Thank you for the opportunity to testify on this measure.



Wednesday, February 24, 2010

10:00 a.m.

Conference Room 211

TESTIMONY TO  
THE SENATE COMMITTEE ON WAYS AND MEANS

RE: SB 2470, SD1 – Relating to Education

Chair Mercado Kim, Vice Chair Tsutsui and Members of the Committee:

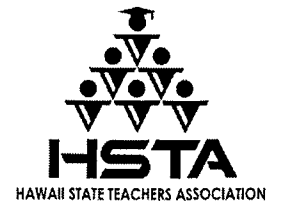
My name is Robert Witt and I am executive director of the Hawaii Association of Independent Schools (HAIS), which represents 99 private and independent schools in Hawaii and educates over 33,000 students statewide.

**The Association is in strong support of the intent of Senate Bill 2470 SD1 – Relating to Education** which requires all public and charter schools to implement a minimum of two hundred days of classroom instruction per school year and prohibits any collective bargaining from containing provisions that would shorten the school year for public school employees to less than two hundred days of classroom instruction per school year.

HAIS believes that the interest and education of Hawaii's children should be our first priority. Today's students are expected to know more, to meet higher standards, and to achieve proficiency in higher level skills so they can compete in a highly competitive economic global marketplace. It is an economic imperative that we increase the number of school days to promote the achievement and attainment of Hawaii public school students sufficient for success in college, career and citizenship in the 21<sup>st</sup> century.

We are in support of interim steps to implement this measure and to reach the goal of a minimum 200 days of classroom instruction within the next three to five years, returning first – as soon as possible – to a minimum of 180 days of classroom instruction, and then incrementally increasing to 190 days and thereafter, within a period three to five years to a minimum of 200 days of classroom instruction, thus bringing Hawaii into alignment with both emerging national standards, and, even more importantly, current international standards for advanced nations.

Thank you for this opportunity to testify in support of the intent of this measure.



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**Karolyn Mossmar**  
Vice President  
**Joan Kamila Lewis**  
Secretary-Treasurer  
**Jim Williams**  
Interim Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON  
WAYS & MEANS

RE: SB 2470, SD 1 – RELATING TO EDUCATION.

February 24, 2010

WIL OKABE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Kim and Members of the Committee:

The Hawaii State Teachers Association offers the following comments on SB 2470, SD 1:

- We believe that it is within the purview of the Board of Education to set the minimum number of instructional minutes for students.
- We also believe that the legislature has the discretion to set parameters for collective bargaining as long as it does not infringe upon the constitutional rights of the public employee to negotiate the core subjects of wages, hours and other conditions of employment. Article XVI of the Unit 5 agreement contains a provision which sets the instructional minutes for teachers. The subject matter has been negotiated since inception of collective bargaining.
- Increasing the number of hours would incur great costs at a time when the governor and the legislature are seeking ways to cut costs.

Thank you for the opportunity to testify.



# *Innovations Public Charter School*

75-5815 Queen Ka'ahumanu Hwy.  
Kailua Kona, Hawaii 96740  
Phone: (808) 327-6205 Fax: (808) 327-6209

February 22, 2010

To: Senate Committee on Education and Housing  
And Committee on Labor

From: Barbara Woerner, Director  
Innovations Public Charter School

Re: SB 2470

Chairpersons Sakamoto and Takamine and Members of the Senate Committees on Education and Housing and Labor:

I support efforts to restore Furlough Fridays. The disruption in learning has been evident and will most likely show up on Hawaii State Assessment Test Results. Mandating the number of school days is not, in my opinion, the solution. Increasing the number of days has the potential to cause further problems with state education budgets and does not guarantee improved performance for children.

I would respectfully ask that charter schools be removed from this bill. As education innovators, it is imperative that we be given the autonomy to work with our education community and Local School Board to decide what works best for our students.

As a charter school, we have chosen to work longer hours resulting in the equivalent of 21 additional school days. We did what we thought was best for the students. Having longer blocks of time to engage our learners worked well for us. Innovations PCS is a three-time recipient of the Hawaii Distinguished Schools Award based on its academic performance.

Increasing the student school year by four (4) additional weeks will impact important learning time for families, teachers and students. We value having time for families to travel together, for staff to take professional development courses, attend conferences and to travel to enrich their classroom units, and for students to have time to explore their interests and spend time with family.

Having the autonomy to develop a schedule that works for our learning community has led to academic success for our students. If we are mandated to have students attend a specified number of days, we will lose the ability to plan and schedule what works best for our students.

I applaud the committee's efforts to ensure that students receive a quality education. I ask that you support autonomy by removing charter schools from SB 2470 leaving the decision of scheduling to charter schools and their Local School Boards.

Sincerely,

Barbara Woerner,  
Director