

SB750

Date of Hearing: Wednesday, February 11, 2009

Committee: Senate Committees on Education
and Housing, and Labor

Board: Education

Person Testifying: Garrett Toguchi, Chairperson, Board of Education

Title of Bill: S.B. No. 750, Relating to Schools

Purpose of Bill: (1) Notwithstanding collective bargaining agreements, memorandums of agreement, or memorandums of understanding, authorizes the Superintendent to reconstitute any public school, except a charter school, that has been in restructuring, as defined in the federal No Child Left Behind Act of 2001, for more than three school years. (2) Specifies that the Superintendent may take action to any public school, except a charter school, to replace all or most staff, enter into contracts with private entities to manage schools, and change school community council membership. (3) Enables the Superintendent to take action to recommend to the Charter School Review Panel, actions that should be taken to reconstitute a charter school, and recommend revocation of a charter school's charter. (4) Requires the Board to adopt rules pursuant to Chapter 91, Hawaii Revised Statutes, to implement the provisions in the bill.

Board's Position: Chairpersons Sakamoto and Takamine, Vice Chairpersons Kidani and Taniguchi, and members of the Senate Committees on Education and Housing, and Labor, thank you for the opportunity to submit testimony in support of S.B. No. 750.

Under the federal No Child Left Behind Act of 2001 (NCLB), Adequate Yearly Progress (AYP) is the measure that is used to hold schools and school districts accountable for student achievement under the law. For each year that a school fails to make AYP, the sanctions becoming increasingly severe for that school that continues to fall short of the AYP targets. By 2013-2014, all students must be proficient in mathematics and reading.

To reach universal proficiency in 2013-2014, and without significant amendments to the NCLB Act, such as acknowledging growth in test scores, using measures beyond test scores in evaluating schools, and receiving adequate federal funding to meet the mandates of the law, the Department of Education (Department) must be able to consider and implement the range of corrective actions under the federal law.

This bill would enable the Superintendent to: (1) reconstitute any public school except a charter school that has been in restructuring for more than three school years; and (2) recommend to the Charter School Review Panel (Panel), actions that the Panel should take to reconstitute a charter school. Reconstituting a school is one of the options specified under the NCLB Act.

Thank you for the opportunity to submit testimony in support of S.B. No. 750.

Date of Hearing: February 11, 2009

Committee: Senate Education and Housing/Labor

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent

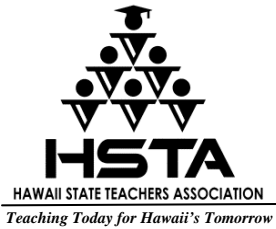
Title: S.B. No. 750, Relating to Schools

Purpose: Authorizes the Superintendent of Education, notwithstanding collective bargaining agreements, memorandums of agreement or memorandums of understanding, to reconstitute any public school except a charter school; recommends to the charter school review panel specific actions that should be taken to reconstitute a charter school; and recommends that the charter school review panel revoke a charter for any school that has been in restructuring for three or more years.

Department's Position: The Department of Education supports S.B. No. 750. Union contracts and state laws do not allow the Superintendent of Education and the Charter School Review Panel to implement the full range of restructuring options outlined in the No Child Left Behind Act (NCLB) Act of 2001 for schools with multiple years of low student achievement. Restructuring in Hawaii currently is a state takeover with limited enforcement authority. A public school has the option to convert into a charter school, which results in governance change and significant curriculum reform.

Restructuring research funded by the Gates Foundation found that successful turnaround of schools has consistently failed to demonstrate significant growth in improving academic achievement of students unless dramatic, comprehensive, and substantive reform efforts are implemented. The research purported that these efforts should include: 1) protected space that dismantles common barriers to reform; 2) leaders with the authority to act; and 3) decision-making that revolves around actions based on the needs of students, rather than the needs of adults. Thus, S.B. No. 750, which gives the Superintendent of Education and the Charter School Review Panel the responsibility and authority to implement dramatic reforms in schools, is crucial for Hawaii's school improvement turnaround.

However, we recommend that the section in S.B. No. 750 that reads "The superintendent, in any school except a charter school, may take action including, ...changing the membership of the school community council," be amended to be in alignment with Act 51. We recommend that the language read, "The Superintendent, in any school except a charter school may take actions that include...recommending to the Board of Education actions provided for in §302A-1124(d)."



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TESTIMONY BEFORE THE SENATE COMMITTEES ON EDUCATION & HOUSING AND LABOR

RE: SB 750 – RELATING TO SCHOOLS.

February 11, 2009

ROGER TAKABAYASHI, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Sakamoto, Chair Takamine, and Members of the Committees:

The Hawaii State Teachers Association **strongly opposes SB 750**, which authorizes the Superintendent of Education, notwithstanding collective bargaining agreements, memorandums of agreement or memorandums of understanding, to reconstitute any public school, except a charter school. In essence, this bill will allow the superintendent to remove some or all school staff (principal, teachers, educational assistants, etc.) and replace them with a new staff. It is in this regard that HSTA is gravely concerned about the power granted by the bill. Our concerns are in three areas:

1. In Section 2, lines 7-9, it states that the superintendent will be allowed to reconstitute a public school “notwithstanding collective bargaining agreements, memorandums of agreement, or memorandums of understanding . . .”

In a memo dated February 4, 2005, Superintendent Hamamoto stated that “restructuring of public schools in Hawaii shall follow all applicable federal, state or local laws, including policies, procedures, rules, regulations, due process, and appropriate collective bargaining agreement provisions. Specifically, all transfers and/or removal of school personnel from their assigned schools must follow appropriate School Code provisions, collective bargaining agreements, and due process procedures.”

The School Code, under Superintendent-Directed Transfers, states “The Superintendent may, in extraordinary situations, when considering the welfare of the students, the school or the good of the Department, direct the transfer of any teacher or any educational officer.” This section does not qualify restructuring as an extraordinary situation.

If the last statement from Superintendent Hamamoto's memo is accurate, the removal of some or all of a staff at a restructuring school is a breach of School Code, collective bargaining agreements, and due process procedures.

2. A counterproductive, negative message would be sent to Hawaii teachers. Teachers are already experiencing a hardship when they are being asked to ensure that their students are meeting standards, benchmarks, and AYP scores in reading and math, regardless of a student's circumstances, needs or learning barriers.

Now, the DOE proposes hanging a sword over teachers' heads, threatening them with removal and transfer to another institution, not because of anything they have personal control over, but because the school as a whole is supposedly not performing at an acceptable level. If a teacher who is performing at a level of excellence is part of a staff to be removed, and he or she were reassigned, that would be unacceptable. If that teacher is kept in place and all other teachers and staff members are replaced, both the excellent teacher who loses trusted support people and the replaced teachers who lose a mentor will be negatively impacted. These are just a few issues that are troubling in regards to how this bill could affect teacher morale.

3. The State NCLB results for the School Year 2007-08, show that 78 out of 283 Hawaii public schools are restructuring, 17 schools are planning for restructuring, and a collective 30 schools are in the school improvement category (year 1 or 2) and the corrective action category (year 1). The rest of the schools (158) are in good standing, unconditional or pending. As the bar is raised on AYP scores in reading and math, it becomes more difficult for students to get a passing score. Within a couple of years, as the passing score is raised, there will likely be many more schools in restructuring.

What will the superintendent do then? Once most schools are in restructuring will the superintendent be shuffling teachers from one restructuring school to another? How about in 2014, when all schools are expected to meet the 100% scores in reading and math according to the NCLB law? It's entirely possible we will have all schools in restructuring. What will the superintendent do then? Will the superintendent look at other ways to solve this issue, such as possibly extending the school day or year without compensation to the teachers? Rational people know that all children will not get an A in all classes, and they know that every child will not achieve the required score in math and reading. When extended to its logical conclusion, NCLB becomes a grossly inferior imitation of serious education reform.

I would like to share a personal perspective. Before becoming President of HSTA, I taught at Dole Middle School. The teachers at Dole are outstanding. Recently, the

administration team won the Tokioka Excellence in School Leadership award and Dole Middle School's principal is one of the finest principals I have worked with since 1970 when I started teaching in Hawaii. Despite these vast accomplishments, Dole did not meet AYP for the 6 years and therefore would be a school considered for reconstitution.

We have to remember we are dealing with students who come from disadvantaged homes, often without the benefits that students elsewhere take for granted, such as personal computers and educated parents who can help them and who speak English. The number of learning barriers and special needs at these schools is not well understood or appreciated.

I believe if the administration and ALL the teachers at Dole Middle School were placed at Punahou and taught the Punahou children who come to school with a private school background, the students would still achieve at the "Punahou" level. Likewise if the Punahou administration and teachers were placed at Dole, the result would not be "Punahou" products. It's not correct to assume that the academic outcome is the result of the school administration and faculty. It is the background and needs, as well as the barriers to learning that the student brings which determine the school's ability to meet APY.

By now, it should be apparent that the NCLB law is, in fact, a travesty of a workable solution for the education challenges facing our state and our nation. HSTA believes that reconstitution based on NCLB benchmarks is an imprudent approach to addressing the problem of restructuring schools.

We strongly urge the committees to reject this bill.

Thank you for the opportunity to testify.

To: The Honorable Norman Sakamoto, Chair
Members of the Senate Committee on Education and Housing

The Honorable Dwight Takamine, Chair
Members of the Senate Committee on Labor

From: Lynn Fallin, Executive Director/Chief Executive Officer
Ho'okako'o Corporation

Date: February 9, 2009
Time: 2:00 pm
Place: Room 225
State Capitol

Subject Senate Bill (SB) 750

The Ho'okako'o Corporation recognizes the intent of SB 750. The intent is to allow for the Superintendent of Education to make decisions and recommendations when a school is under restructuring/reconstitution under the federal NCLB.

HC believes that the portion of the bill regarding the charter school review panel (CSRP) is unnecessary. The authority is in place for the Superintendent to make the recommendations when necessary. HC and its' three schools are already working with the CSRP when necessary.

Two DOE schools chose to convert to charter status and to partner with the Ho'okako'o Corporation as their reconstruction option under NCLB – Kualapu`u School (2004) on Molokai and Kamaile Academy (2007) in Waianae. Thru the partnership with the HC, conversion to charter status the school community has been empowered by the choice to convert and the local flexibility to improve student outcomes.

We are pleased to report that Kualapu`u School (KUU) on Molokai has moved out of NCLB restructuring status by making the NCLB AYP for two consecutive years in SY 2006-2007 and SY 2007-2008. *KUU is no longer in restructuring and now a school in good standing.*

Kamaile Academy (KA) is just beginning its' journey and should have the opportunity to stay the conversion course that its' school community has chosen. After completing the transition year in SY 2007-2008 moving from the DOE to conversion status, KA began its' first official year as a full fledged conversion this school year (SY 2008-2009). *In spite of the many challenges with KA's large population of homeless and houseless families and a transiency rate of about 34% during the school year, KA has made good progress.*

School Year 2007-08

- Increase in parent involvement
- Increase in community support

- More programs offered for students and their families that are culturally relevant and appropriate

School Year 2008 – 09

- Recruit and hire Teach for America teachers.
- Implement a comprehensive organizational development human resource model including facilitative and shared leadership, improved teacher recruitment, new teacher induction program and plans for new and innovative site based union contract negotiations.
- Approval for opening middle school and for extended day/extended learning time.

Waimea Middle School (WMS) is currently working with CSRP and its' restructuring plan has been approved. HC is extremely optimistic about the growth that WMS will be making as long as it has adequate resources. In SY 2006-2007, the state BOE made a decision to support Waikoloa Elementary School expansion on the Big Island from a K-5 school to a K-8 school. Waikoloa was a feeder school to Waimea Middle School, a public conversion charter school. Waimea Middle's enrollment has been reduced significantly due to the expansion. The Waimea school community is pleased that the students of Waikoloa now have a community school and do not have to commute to Waimea; however as a result of the K-8 expansion, Waimea Middle's student enrollment has been reduced from about 530 students in the first year of conversion in SY 2004-2005 and decreased about 70-80 students from each school year to about 280 students anticipated in SY 09-010. The reduction in student enrollment is forcing WMS to reduce its budget and to make deep and painful cuts in faculty, staff and programs for students in SY 09-010.; Further cuts will be extremely detrimental to the school being able to deliver services to its' students and fulfill the terms of the charter and meet NCLB requirements.

BACKGROUND ABOUT HO`OKAKO`O CORPORATION

Ho'okako'o Corporation is a private, non-profit organization established in 2002.

Our mission is helping HC conversion chart schools reinvent themselves for the purpose of improving the academic achievement and personal growth of their students. Collaborating with communities, educators, and families, Ho'okako'o provides conversion charter schools with expertise and resources to improve student achievement.

To partner with HC, a school must undergo a comprehensive systems and organizational review process in all aspects of the school – financial resource management, human resources, leadership and governance communications and marketing, organizational systems and operations, student support services, curriculum/instruction and assessment, and student learning and achievement. Using the comprehensive review findings, the school must develop a school strategic plan and a dashboard to benchmark and measure success. The school is expected to implement the strategic plan and review progress over 3- 5 years and all budget decisions should be based on the strategic plan and dashboard.

HC believes that certain necessary conditions must be met for a conversion charter school to be successful. The necessary conditions for HC schools are:

- Effective school leadership
- Capable teachers with high expectations and the skills to work together in focused learning communities
- Curriculum that is aligned, articulated, and integrated
- Parents and the greater community with a sense of ownership in the school and willingness to be part of the change process
- Personalized schools
- More time on instructional and co-curricular activities
- Data and results driven
- Supportive and effective policies and regulations

The creation of conversion charter schools was made possible in 2002 when the Hawaii legislature passed Act 2. The Act expanded education choices through charter conversion schools in Hawaii and allows eligible non-profit organizations to manage and operate conversion schools and to provide a \$1 match for every \$4 state dollars. The matching funds are intended to enrich and not to supplant state funding of public schools.

Conversion charter schools are not under the DOE jurisdiction. However, conversion charter schools continue in their role as the public feeder school for the geographical community in which the school is located just like DOE schools. The conversion schools must accept all students within the public school service area. The school has an obligation to guarantee services that are at minimum comparable to their DOE counterparts.

HC was established with a partnership between HC's volunteer board of directors and Kamehameha Schools. The non-profit HC volunteer board serves as the school board for the conversion charter school. HC provides and/or brokers technical support in organizational change, instructional expertise, organizational systems and supports, policy and interface with major stakeholders. As an HC partner, KS has contributed technical support and funding. HC and the partner conversion charter schools leverage resources and support from many additional partners, including philanthropic foundations and trusts, government, unions, business and family/community volunteers in order to benefit the conversion charter school as the school implements its plans..

As an education change agent, HC seeks partnerships with public school communities committed to implementing the following necessary conditions for conversion school success:

For example, one of the major initiatives that HC will focus on in the next two to three years is on planning for and implementing extended learning time (ELT)/extended school day at each of its partner schools. To accomplish ELT, each of the schools will be undergoing comprehensive school redesign when implementing the necessary conditions for success.

Three Current HC Conversion Charter Schools

The three HC conversion charter schools are all in communities with significant socio-economic need. On October 15, 2008, the official student enrollment count date for charter schools, the three schools enrollment totaled 1444 students or almost 19% of the charter school enrollment.

- Waimea Middle School, a 6 - 8 grade conversion charter school in Waimea on Hawai'i Island, 357 students
- Kualapu'u Elementary School, a K-6 conversion charter school on Molokai, 375 students
- Kamaile Academy, a K-8 conversion charter school in Waianae on Oahu, 712 students

Examples of School Outcomes/Results

Overall each school has shown a trend of steady growth. Initial measures of success include:

School Year 2006-07

A growth in reading and math scores (at Kualapu'u); increased student attendance at Kualapu'u and Waimea; a decrease in the special education population due to improved identification, remediation, and curriculum (at Kualapu'u); new programs offered (at Kualapu'u and Waimea); greatly increased family involvement (Waimea); Waimea and Kualapu'u achieved AYP.

School Year 2007-08

Kualapu'u met federal NCLB AYP targets for two consecutive years and was awarded school in good standing status.

HC and School Concerns

HC appreciates the legislative support and responsiveness over the years. HC requests that the legislature support and implement the legislatively mandated charter school funding formula as intended. During the 2008 legislative session, the charter schools received big cuts in the per pupil allocation from \$8150 per pupil for SY 2007-2008 to \$7588 per pupil for SY 2008-2009. We acknowledge that the state is faced with economic downturn; however, the charter school per pupil allocation has already been cut and should not be reduced any further.

In SY 2009-2010, HC anticipates that Waimea Middle's enrollment will be reduced by about 80 students due to the expansion of Waikoloa Elementary to a K-8 school. The Waimea school community is pleased that the students of Waikoloa now have a community school and do not have to commute to Waimea; however as a result of the K-8 expansion, Waimea Middle's student enrollment has been reduced from about 530 students in the first year of conversion to about 280 students in SY 09-010. The reduction in student enrollment forces WMS to reduce its budget and make dramatic cuts in faculty, staff and programs for students.

Testimony Presented Before the
Senate Committee on Education and Housing
February 11, 2009, 2:00 pm, Room 225
by

Mary Anne Raywid
Co-Chair
Education Committee
League of Women Voters of Hawai'i
49 South Hotel Street, Room 314
Honolulu, Hawaii 96813

SB 750: Relating to Reconstituting Schools

Chair Sakamoto, Vice Chair Kidani, and Members of the Committee:

My name is Mary Anne Raywid, and I am Co-Chair of the Education Committee for the League of Women Voters of Hawai'i. One of the basic tenets of the League of Women Voters concerns facilitating citizen participation in government decision making. Therefore, the League of Women Voters of Hawai'i **opposes this measure**, which places full power for all decisions regarding education in the hands of one individual. All personnel actions, including the hiring and firing of the principal and teachers, would be made by one individual. Putting one individual in charge of all decisions appears to be a serious mistake in any democracy.

It is conceivable that members of the advisory body; i.e., the School Community Council, might have to be replaced, but it would be a serious mistake to replace an entire governing body consisting of citizens with the decision being made solely by the superintendent. The public is supposed to have a voice in running the schools – and this is removing that voice entirely and giving it instead to the superintendent.

Kamaile Academy's enrollment fluctuates dramatically during a school year because of the large number of houseless and homeless families and therefore it is very difficult to project the student enrollment. In addition to big fluctuations in enrollment, two of the five state's new homeless shelters and housing are located within the school's boundaries. HC is very concerned that the children that Kamaile serves need many more student support services – health and social services than the school is able to provide.

Further cuts erode KUU's ability to deliver services to the students it serves in very challenging economic times for the Molokai community. KUU employs 70 full and part time employees. The cuts may send a message to the school community and students that the hard work, commitment, performance and the positive results achieved by becoming an NCLB AYP in good standing do not matter.

Thank you for the opportunity to provide information about HC and HC schools and to testify on this legislation.