

**SB 1485**

**Date:** 02/11/2011

**Committee:** Senate Education

**Department:** Education

**Person Testifying:** Kathryn S. Matayoshi, Superintendent of Education

**Title of Bill:** SB 1485 Relating to Reconstituting Schools

**Purpose of Bill:** Allows the superintendent of education to reconstitute a public school, except for certain charter schools. Allows the superintendent to recommend actions to charter school review panel, including the revocation of a school's charter.

**Department's Position:** The Department supports this bill as written and urges its passage. This bill will clarify the authority of the superintendent in HRS302A-1114 to meet those duties found in HRS302a-1111. Passage of this bill will further demonstrate the support and commitment of the Hawaii State Legislature for transformative educational reform outlined in the Hawaii Race to the Top application.



**SB 1485**  
**RELATING TO RECONSTITUTING SCHOOLS**  
Senate Committee on Education

February 11, 2011

1:15 p.m.

Room 225

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The Office of Hawaiian Affairs (OHA) **OPPOSES** SB 1485. This bill allows the superintendent of education to reconstitute a public school, except for certain charter schools. In addition, the bill allows the superintendent to recommend actions to the Charter School Review Panel, including the revocation of a school's charter.

SB 1485 seeks to define the superintendent's authority within the context of the No Child Left Behind Act of 2001 (NCLB). This bill partially mimics section 1116, Title I of NCLB. Unfortunately, SB 1485 fails to include the essential elements of the federal school improvement model: (a) prompt notification and involvement of parents; (b) school choice options; (c) corrective action procedures; and (d) evidentiary procedures.

Hawaiian-focused charter schools were created to, for the most part, serve the Native Hawaiian community, which has underachieved in the public school system. While our beneficiaries generally thrive in charter schools, some do struggle due to their socio-economic circumstances.

The SB 1485 model of educational reform lacks context because it ignores the socio-economic status of the community the school serves. One key finding of a study of 262 Hawai'i public schools was that school characteristics like free/reduced lunch, enrollment, percentage of special education students, percentage of "Limited English Proficient Students," number of principals and teachers at the school for five years or more affect student achievement and outcomes.<sup>1</sup> A school cannot be reconstituted without attending to this significant finding.

Therefore, OHA urges the committee to HOLD SB1485. Mahalo for the opportunity to testify on this important measure.

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<sup>1</sup> Mayor, Roberta Adrian (1991). *The relationship between school characteristics, student outcomes, and support of school constituent groups for proposed curriculum change to improve student outcomes*. Ed.D. dissertation, University of Hawai'i, United States -- Hawaii. Retrieved October 4, 2010, from Dissertations & Theses @ University of Hawaii.(Publication No. AAT 9129692).



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The Twenty-Sixth Legislature, State of Hawaii  
The Senate  
Committee on Education  
Testimony by  
HGEA/AFSCME Local 152  
February 04, 2011

**S.B. 1485 - Relating To Reconstituting Schools**

The Hawaii Government Employees Association, HGEA/AFSCME, Local 152, AFL-CIO opposes S.B. 1485 Relating to Reconstituting Schools.

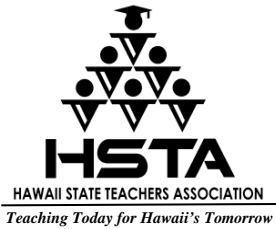
The State Constitution provides public employees the right to organize for the purposes of collective bargaining. Wages, hours and other terms and conditions of work are negotiable matters with HGEA as the exclusive representative of bargaining units 02, 03, 04, 06, 08, 09 & 13. We oppose any measure that seeks to circumvent our collective bargaining rights.

As written, this bill only requires the department to negotiate the process of reassigning employees of the school to other positions within the department for which the employees are qualified. This language is very limiting and presumes there are sufficient positions for the potential reassignment of employees. In view of WSF, recent reorganizations and overall budget constraints, we disagree.

Thank you for the opportunity to testify.

Respectfully submitted,

Leiomalama Desha  
Executive Assistant



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Executive Director

## TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION

RE: SB 1485 – RELATING TO RECONSTITUTING SCHOOLS.

February 11, 2011

WIL OKABE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Tokuda and Members of The Committee:

The Hawaii State Teachers Association opposes SB 1485, 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 four areas:

1. The notion of reconstituting schools came from federal law. In 2001, Congress reauthorized the Elementary and Secondary Education Act by passing the No Child Left Behind Act. In that law, Congress recognized collective bargaining in Section 1116 (d), which states. . .”

(d) CONSTRUCTION– Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) **or under the terms of collective bargaining agreements**, memoranda of understanding, or other agreements between such employees and their employers.

This means that the superintendent must recognize and honor collective bargaining agreements in existence at the time the law was passed. The collective bargaining agreement between the Hawaii State Teachers Association and the State of Hawaii, Board of Education was in existence in 2001.

The ESEA statute is clear about honoring collective bargaining. State law should not supersede federal law.

2. 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; therefore, 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.
  
3. 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. Knowing that the department is moving to the National Common Core Standards means more training and work in aligning curriculum with less time to meet collaborate and develop their school’s plan for assessment and professional development causes more stress and angst amongst our teachers.

With this bill the DOE proposes yet another huge morale buster for teachers 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.

4. Race-To-The-Top and Schools of Innovation are topics of high interest in looking at Student Achievement. While the department, HSTA and other public sector unions are actively engaged in discussions on Reform Models it makes no sense to shuffle teachers from one restructured school to the next. Eventually all schools will end up in restructuring as the bar continues to be raised on AYP scores. We all know that every child will not get an A in all classes, and we 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.

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 further believe that the discussions taking place in the Zones of Innovation and Race-To-The-Top provide a better opportunity to dialog problem solve as an Educational Community that can truly

focus on every child's needs. Let's not react while we are trying to resolve our problems. In fairness to teachers, administrators, students, and parents, let's make sure we have the infrastructure in place to assess standards that measure student achievement and growth, provide for a fully functioning longitudinal data system that can be used to support student assessments and evaluations, ensure every classroom has a highly effective teacher in every school with the supports in place to sustain that and provide the wraparound supports in every school so that we truly help the lowest performing schools achieve. Moving personnel from one school to another without the necessary supports and infrastructures in place does not ensure student achievement. And isn't that what we all want and are trying to strive for a quality education, providing every student every opportunity to be productive citizens who are college and career ready when they leave our public school system.

For these reasons, HSTA opposes SB 1485.

Thank you for the opportunity to testify.



## KAMEHAMEHA SCHOOLS

Testimony to the Senate Committee on Education

Hearing Date: Friday, February 11, 2011

1:15 p.m. – Conference Room 225

Kalei Kailihiwa  
Director, Ho‘olako Like  
Kamehameha Schools

Good afternoon Chair Tokuda, Vice Chair Kidani and members of the Senate Committee on Education. My name is Kalei Kailihiwa Director of Ho‘olako Like of Kamehameha Schools. Thank you for this opportunity to testify in support of SB 1485 which allows the superintendent of education to reconstitute a public school, except for certain charter schools as well as allows the superintendent to recommend actions to the charter school review panel, including the revocation of a school’s charter.

Kamehameha Schools supports promoting the achievement and success of Hawaii public school students and, as such, has been a collaborator with the Hawaii public charter schools for over eight years. As part of our Education Strategic plan, KS hopes to significantly impact more Hawaiian children ages 0-8 and grades 4-16+, and their families/ caregivers over the next five years, in collaboration with others whenever possible.

Currently, Kamehameha Schools works with 13 nonprofit tax-exempt organizations, including `Aha Punana Leo, OHA, KALO and Ho`okako`o Corporation, to assist a total of 14 start-up and 3 conversion charters with special projects, professional development, and technical assistance.

Kamehameha Schools believes that these efforts provide more positive educational choices and ultimately enhances academic achievement and greater school engagement for Hawaiian students. Through these collaborations, Kamehameha Schools currently assists more than 3,800 students in eleven communities on 4 major islands, within the public education system.

In summary, supporting and replicating the successful strategies found in Hawaiian-focused charter schools is a good way to invest in education that has potential benefits for the entire public school system.





February 11, 2011  
1:15 p.m.  
Conference Room 225

TESTIMONY TO  
THE SENATE COMMITTEE ON EDUCATION

RE: SB 1485 – Relating to Reconstituting Schools

Dear Chair Tokuda, Vice Chair Kidani, 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.

We support SB 1485, which would allow the superintendent of education to reconstitute a public school that has been in restructuring for four or more years, as well as recommend actions to the charter school review panel, including revocation of the school's charter.

We believe reconstitution is a tool the superintendent needs to be able to catalyze change in schools that are not serving our children well. The superintendent would be able to use this strategy to significantly benefit children whose learning has not been adequate in our most struggling schools.

Mahalo for this opportunity to testify.