

# S.B. NO. 2789

JAN 25 2012

---

## A BILL FOR AN ACT

RELATING TO EDUCATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. A quality education for all our keiki is the  
2 foundation of our social and economic future.

3           Hawaii's steady gains on the National Assessment of  
4 Educational Progress, the "Nation's Report Card," show that  
5 Hawaii's educational improvement efforts are moving us in the  
6 right direction. In 2011, Hawaii was the only state that  
7 demonstrated significant gains in all grade levels and subjects  
8 tested. However, we still have a long way to go and must  
9 accelerate improvement for our children to benefit from the  
10 economic, social and civic opportunities in our state and global  
11 community.

12           In 2010, the State's race to the top plan (the "plan") was  
13 one of 12 selected by the U.S. Department of Education, and was  
14 widely supported by government, education and community leaders  
15 and stakeholders. The plan establishes clear principles, policy  
16 actions and timetables for changes in policies, practices and  
17 outcomes in areas critical to transforming public education.

1           The legislature finds that the plan sets out actions that  
2 are ambitious and essential to the transformation of our  
3 education system.

4           According to established research, effective teaching is  
5 the school-based factor that contributes most to student  
6 achievement. Students who have effective teachers demonstrate  
7 higher performance, and multiple years with effective teachers  
8 has been demonstrated to close the gap in achievement for  
9 disadvantaged and academically underperforming students with  
10 their more advantaged peers.

11          The legislature believes that investing in our educators  
12 will have the most significant impact in educational outcomes  
13 for children and our state, and that effective educators are  
14 critical to our children having the best chance at reaching  
15 their potential and achieving their dreams.

16          Supporting educators' effectiveness requires a  
17 comprehensive approach including clear expectations for  
18 students, aligned systems of support from classrooms to the  
19 state offices, flexibility for innovation, and a performance-  
20 based management system for educators - including educational  
21 officers, principals and teachers - that provides a clear career  
22 path with meaningful performance measures, rigorous evaluation,

S.B. NO. 2789

1 quality feedback for improvement, targeted teacher support, and  
2 opportunities and rewards for effective educators.

3 In 2004, the legislature enacted a comprehensive education  
4 reform bill, Act 51, the "Reinventing Education Act of 2004."  
5 The legislature finds that the framework established in Act 51  
6 should be updated and aligned with evolving research on  
7 educational improvement as well as the State's race to the top  
8 plans which are included in the department's long term strategic  
9 plan.

10 The purpose of this Act is to provide the directive, means,  
11 and flexibility to establish a performance management system  
12 that cultivates and supports highly effective educators and that  
13 implements our state's race to the top commitments by:

14 (1) Requiring the department to review and revise, as  
15 appropriate and based on the principles and policy  
16 framework described in the State's race to the top  
17 plan, its recruitment, evaluation, support, tenure,  
18 incentive, classification, and compensation policies  
19 and practices to develop, measure and hold educators  
20 accountable for facilitating student learning and  
21 growth;

22 (2) Requiring the department to provide data to the Hawaii  
23 teacher standards board for each state approved

S.B. NO. 2789

1 teacher education program about the performance of  
2 each program's completers employed by the department;  
3 and

4 (3) Requiring the department to report to the legislature  
5 no later than twenty days prior to the regular session  
6 of 2013, 2014 and 2015 on the performance management  
7 system status and effectiveness, actions taken by the  
8 board of education and department with respect to the  
9 performance management system, and legislative action  
10 required to enable the system, as well as any other  
11 action required to enable implementation of the  
12 State's race to the top plan.

13 SECTION 2. Section 302A-1004, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15 "(a) The department shall implement a comprehensive system  
16 of educational accountability to motivate and support the  
17 improved performance of students and the education system. This  
18 accountability system shall:

19 (1) Include student accountability; school or collective  
20 accountability; individual professional accountability  
21 for teachers, principals, and other employees; and  
22 public accounting to parents, community members,

- 1 businesses, higher education, media, and political  
2 leadership;
- 3 (2) Link authority and resources to responsibility;
- 4 (3) Define clear roles for all parties and lines of  
5 responsibility and mutual obligation and develop a  
6 collaborative process with stakeholders, including  
7 representatives of appropriate bargaining units,  
8 parents, administration, and students;
- 9 (4) Assess and track measures of academic achievement,  
10 safety and well-being, and civic responsibility of  
11 individual students at selected grade levels and  
12 report trend data on these measures over time  
13 annually;
- 14 (5) Invoke a full and balanced set of appropriate  
15 consequences for observed performance, including  
16 rewards and recognition for those schools or educators  
17 that meet or exceed their goals, assistance to those  
18 that fall short, and sanctions for those that, given  
19 adequate assistance and ample time, continue to fail  
20 to meet goals;
- 21 (6) Involve an annual statewide assessment program that  
22 provides a report card containing trend data on  
23 school, school complex, and system performance at

S.B. NO. 2789

1 selected benchmark grade levels with performance  
2 indicators in areas relating to student achievement,  
3 safety and well-being, and civic responsibility.

4 These performance indicators shall include but not be  
5 limited to:

6 (A) Student performance relative to statewide content  
7 and performance standards[~~;~~ and] including gaps  
8 in achievement between all students and student  
9 groups persistently achieving at lower levels;

10 (B) School attendance and dropout rates;

11 (C) High school completion/graduation rates,  
12 graduates that met benchmarks for college and  
13 career readiness;

14 (D) Rates of students entering and persisting in  
15 postsecondary education and training;

16 (7) Require that teachers and administrators engage in the  
17 continuous professional growth and development that  
18 ensure their currency with respect to disciplinary  
19 content, leadership skill, knowledge, or pedagogical  
20 skill, as appropriate to their position. This  
21 requirement may be established by the department in  
22 terms of credit hours earned or their equivalent in  
23 professional development activity certified by the

S.B. NO. 2789

- 1 department as appropriate in focus and rigor;
- 2 (8) Establish an explicit link between professional  
3 evaluation results and individual accountability  
4 through professional development of the knowledge,  
5 skill, and professional behavior necessary to the  
6 position, by requiring that results of the  
7 professional evaluation be used by the department to  
8 prescribe professional development focus and content,  
9 as appropriate;
- 10 (9) Include an annual statewide fiscal accountability  
11 program, which includes a published report card that  
12 contains trend data on school, school complex, and  
13 systemwide plans and results, including:
- 14 (A) Amounts allocated;
- 15 (B) Amounts expended;
- 16 (C) Amounts carried over; and
- 17 (D) Any significant changes to the budget, with an  
18 explanation for the change;
- 19 (10) Include an evaluation of the effectiveness of for  
20 individual educators including complex area  
21 superintendents, [and] principals, and teachers in  
22 supporting:
- 23 (A) Students' academic achievement, safety and well-

S.B. NO. 2789

- 1 being, and civic responsibility; ~~and]~~
- 2 (i) Students' academic achievement shall
- 3 constitute 50 per cent of the evaluation
- 4 rating of effectiveness;
- 5 (ii) Students' academic achievement shall be
- 6 based on the educators' contribution to
- 7 student academic learning and growth; and
- 8 (iii) The measurement of students' academic
- 9 achievement must consist of multiple
- 10 measures to include statewide assessment and
- 11 other student learning objectives, as
- 12 determined by the department, and cannot be
- 13 based on a single standardized test score.
- 14 (B) The satisfaction of stakeholders affected by the
- 15 work of the ~~[complex area superintendents and~~
- 16 ~~principals]~~ educators, which may be measured by
- 17 broadbased surveys; and
- 18 (C) Other measures of professional practice,
- 19 appropriate to the position. ~~[Fiscal]~~Other
- 20 measures include fiscal accountability[-]for
- 21 administrators and classroom practice and student
- 22 engagement for teachers.
- 23 (11) Establish an annual rating of performance that



S.B. NO. 2789

1           differentiates using at least four performance levels,  
2           as determined by the department. The annual rating of  
3           performance shall be based on the evaluation of the  
4           effectiveness of individual educators and shall  
5           commence no later than July 1, 2013."

6           SECTION 3. The department shall submit findings including  
7 status of the performance management system, actions taken by  
8 the board of education and department with respect to the  
9 performance management system, and proposed legislation, no  
10 later than twenty days prior to the convening of the regular  
11 session of 2012, 2013, and 2014.

12           SECTION 4. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14           SECTION 5. This Act shall take effect upon its approval.

15

16

INTRODUCED BY: 

17

BY REQUEST

18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

**Report Title:**

Public Schools; Education

**Description:**

Provides the department the directive, means and flexibility to establish a performance management system that cultivates and supports highly effective educators and that implements our State's race to the top commitments.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

## JUSTIFICATION SHEET

DEPARTMENT: Education

TITLE: A BILL FOR AN ACT RELATING TO EDUCATION.

PURPOSE: To provide the department the directive, means, and flexibility to establish a performance management system that cultivates and supports highly effective educators and that implements our state's race to the top commitments.

MEANS: Amend section 302A-1004(a), Hawaii Revised Statutes.

JUSTIFICATION: These sections amend the department's educational accountability system to align with the State's race to the top plan and department's strategic plan. The educational accountability system, established in 2004 by Act 51, the "Reinventing Education Act of 2004," will be expanded to include all educators including teachers. The provisions require performance contracts for educators. The provisions provide a framework for performance evaluation with an annual rating of each educator's effectiveness based on measures which include students' academic achievement, safety and well-being, and civic responsibility; satisfaction of stakeholders, and other measures of professional practice.

Impact on the public: The public will have additional information about educational performance in the state. The public will have additional assurances about the rigor the department's performance management system and educators' evaluations based on effectiveness. These provisions strengthen educational accountability in the state and support the State's race to the top and department's strategic plans.

Impact on the department and other agencies:

The department will provide data on additional performance indicators for the State's race to the top goals. The department will develop a robust accountability system with performance based management system that provides feedback for educators to improve their teaching and leadership resulting in increased student learning and growth. The system includes performance evaluation that measures educators' effectiveness and performance contracts which were initiated for educational officers under Act 51 (2004). The department will also provide data to teacher preparation programs on the performance of each program's completers employed by the department. The department will have clear statutory authority to implement the performance evaluation including student achievement measures, as described in the State's race to the top plan.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: N/A.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.