
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 PART I

2 SECTION 1. Research studies consistently demonstrate that
3 investing in the effectiveness of our teachers is the most
4 productive means to increase student achievement and ensure that
5 students are prepared to either continue their education beyond
6 high school or engage in careers of their choice. The State's
7 greatest investment in public education is the quality of
8 personnel in the department of education. Maximizing the impact
9 of this human capital investment is the greatest point of
10 leverage Hawaii has to increase student learning and growth to
11 improve public education outcomes for our children and the
12 State. The legislature finds that the department of education
13 and board of education must accelerate their efforts to increase
14 the effectiveness of the State's teachers and educational
15 officers.

16 In 2010, the United States Department of Education awarded
17 the State a \$74,934,761 race to the top grant. The State's race
18 to the top plan and the department of education's strategic plan



1 include targeted initiatives to develop great teachers and great
2 leaders to the benefit of Hawaii's students. The legislature
3 endorses the State's race to the top framework to accomplish
4 these improvements in educator effectiveness, described in the
5 State's race to the top plan, which outlines clear principles
6 and policy actions and sets a timetable to implement a new
7 performance management evaluation system and related human
8 resource management support.

9 Aligned with the State's race to the top commitments, the
10 department of education has developed and begun a two-year pilot
11 effort to establish a performance management system that will
12 cultivate highly effective teachers and principals through
13 recruitment, evaluation, support, tenure, and compensation.
14 Based on an evaluation of the pilot project, including feedback
15 from pilot participants, the great teachers great leaders task
16 force, and technical experts, the department of education will
17 implement a new evaluation system for teachers statewide
18 beginning July 1, 2013.

19 The performance management system will keep teaching and
20 student learning at the heart of teacher and educational officer
21 evaluations and link educator effectiveness to the facilitation
22 of student learning and growth. Hawaii's educators deserve a



1 high quality evaluation system that provides the tools they need
2 to continuously improve their teaching and leadership to advance
3 student learning. To accomplish this, the evaluations must be
4 fair, transparent, timely, rigorous, and valid.

5 The purpose of this part, therefore, is to require the
6 board of education to establish a permanent performance
7 management system including an evaluation component that is
8 based upon the department of education's pilot project and that
9 supports the development of highly effective educators.

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

12 "(a) The [~~department~~] board shall implement a
13 comprehensive system of educational accountability to motivate
14 and support the improved performance of students and the
15 education system. This accountability system shall:

16 (1) Include student accountability; school or collective
17 accountability; individual professional accountability
18 for teachers, principals, and other employees; and
19 public accounting to parents, community members,
20 businesses, higher education, media, and political
21 leadership;

22 (2) Link authority and resources to responsibility;



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



- 1 ~~safety and well being, and civic responsibility].~~
- 2 These performance indicators shall include but not be
- 3 limited to:
- 4 (A) Student performance relative to statewide content
- 5 and performance standards[~~+~~and] including gaps
- 6 in achievement between all students and student
- 7 groups persistently achieving at lower levels;
- 8 (B) School attendance and dropout rates;
- 9 (C) High school completion and graduation rates, and
- 10 number of graduates that met benchmarks for
- 11 college and career readiness; and
- 12 (D) Rates of students entering and persisting in
- 13 postsecondary education and training;
- 14 (7) Require that teachers and administrators engage in the
- 15 continuous professional growth and development that
- 16 ensure their currency with respect to disciplinary
- 17 content, leadership skill, knowledge, or pedagogical
- 18 skill, as appropriate to their position. This
- 19 requirement may be established by the [~~department~~]
- 20 board in terms of credit hours earned or their
- 21 equivalent in professional development activity



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



- 1 ~~(A) Students' academic achievement, safety and well-~~
- 2 ~~being, and civic responsibility; and~~
- 3 ~~(B) The satisfaction of stakeholders affected by the~~
- 4 ~~work of the complex area superintendents and~~
- 5 ~~principals, which may be measured by broadbased~~
- 6 ~~surveys; and~~
- 7 ~~(C) Fiscal accountability.]~~

8 Include a consistent performance management program
 9 that shall include an evaluation of educational
 10 officers and teachers to provide information necessary
 11 to improve professional practice and leadership on a
 12 consistent and continuing basis in order to
 13 successfully facilitate student learning and growth.

14 The evaluation shall:

- 15 (A) Be performed at least once in each school year;
- 16 (B) Result in an annual rating of each employee's
- 17 performance; and
- 18 (C) Be based on professional practice and
- 19 contribution to student learning and growth;
- 20 provided that student learning and growth shall
- 21 be:



- 1 (i) Determined through the use of multiple
2 measures; provided that it shall not be
3 based on a single standardized test score;
4 and
5 (ii) Included as a significant factor toward the
6 annual rating.

7 The board shall define evaluation criteria, assign
8 responsibilities for the application of the criteria,
9 including training for those responsible for
10 conducting evaluations, and identify uses for
11 evaluation results. The board shall determine
12 evaluation categories, ratings, and labels. The board
13 may establish evaluation rating categories that are
14 equivalent to those provided in this chapter,
15 including "exemplary" and "satisfactory".

16 SECTION 3. Section 302A-638, Hawaii Revised Statutes, is
17 repealed.

18 [~~§302A-638~~] ~~Evaluation of teachers and educational~~
19 ~~officers.~~ The department shall establish an evaluation program
20 for all teachers and educational officers. The evaluation shall
21 be performed at least once in each school year. The program
22 shall define the criteria for evaluation and assign



1 ~~responsibilities for the application of the criteria. The~~
2 ~~evaluation of a teacher or educational officer shall be on the~~
3 ~~basis of efficiency, ability, and such other criteria as the~~
4 ~~department shall determine."]~~

5 SECTION 4. The evaluation of principals required under
6 this part shall be implemented no later than December 31, 2012.
7 The evaluation of teachers and educational officers other than
8 principals required under this part shall be implemented no
9 later than July 1, 2013.

10 SECTION 5. The department of education shall submit to the
11 legislature its findings, including the status of the
12 performance management system required by this part, actions
13 taken by the board of education and department with respect to
14 the performance management system, and proposed legislation, if
15 any, no later than twenty days prior to the convening of the
16 regular sessions of 2013 and 2014.

17 PART II

18 SECTION 6. The legislature finds that Hawaii is one state
19 among many addressing tenure in response to federal education
20 reform guidelines and articles in *The New York Times*, *Time*
21 magazine, *USA Today*, and newspapers across the country reveal
22 the intensity of the tenure debate. As of August 2011, eighteen



1 state legislatures have modified various elements of their
2 tenure or continuing contract policies, with a majority of
3 states requiring a probationary period of three to five years.
4 Many states have also integrated performance evaluations in
5 their tenure statutes, tying teacher impact on student outcomes
6 to the attainment of tenure.

7 The legislature finds that while it is imperative to
8 maintain the job security that teacher tenure represents, it is
9 equally imperative to modify tenure requirements in order to
10 implement any meaningful education reform in the State.
11 Specifically, the legislature finds that the current two-year
12 probationary period required of teachers prior to attaining
13 tenured status is too short a window in which to adequately
14 prepare teachers and assess whether an individual teacher is
15 effective. Accordingly, the purpose of this part is to require
16 that all teachers entering the service of the department of
17 education for the first time serve a minimum probationary period
18 of three years prior to obtaining tenure.

19 SECTION 7. Chapter 302A, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



Report Title:

Public Schools; Education

Description:

Provides the Board of Education the directive, means, and flexibility to establish a performance management system that includes an evaluation of teachers and educational officers. Requires teachers first entering Department of Education employment to serve a probationary period of three years prior to attaining tenure. Effective July 1, 2012. (SB2789 HD2)

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

