
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 the children of the
2 State is the 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
11 global community.

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



1 The legislature finds that the race to the top plan sets
2 out actions that are ambitious and essential to the
3 transformation of our education system. According to
4 established research, effective teaching is the school-based
5 factor that contributes most to student achievement. Students
6 who have effective teachers demonstrate higher performance, and
7 spending multiple years with effective teachers has been
8 demonstrated to close the gap in achievement between
9 disadvantaged and academically underperforming students and
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. Supporting
16 educators' effectiveness requires a comprehensive approach
17 including clear expectations for students, aligned systems of
18 support from classrooms to the state offices, flexibility for
19 innovation, and a performance-based management system for
20 educators, including educational officers, principals, and
21 teachers, that provide a clear career path with meaningful
22 performance measures, rigorous evaluation, quality feedback for



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

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

14 (1) That teachers be employed by the department of
15 education for a minimum of three years before being
16 eligible for tenure, beginning with contracts
17 negotiated for the contract period beginning July 1,
18 2013;

19 (2) The department of education to review and revise, as
20 appropriate and based on the principles and policy
21 framework described in the State's race to the top
22 plan, its recruitment, evaluation, support, tenure,



1 incentive, classification, and compensation policies
2 and practices to develop, measure, and hold educators
3 accountable for facilitating student learning and
4 growth;

5 (3) The department of education to provide data to the
6 Hawaii teacher standards board for each state-approved
7 teacher education program regarding the performance of
8 each teacher that completes the program and is
9 employed by the department; and

10 (4) The department of education to report to the
11 legislature no later than twenty days prior to the
12 regular sessions of 2013, 2014, and 2015, on the
13 performance management system status and
14 effectiveness, actions taken by the board of education
15 and department with respect to the performance
16 management system, and legislative policies required
17 to enable the system, as well as any other action
18 required to enable implementation of the State's race
19 to the top plan.

20 SECTION 2. Chapter 89, Hawaii Revised Statutes, is amended
21 by adding a new section to be appropriately designated and to
22 read as follows:

1 "§89- Employment; teachers. (a) Beginning with
2 contracts negotiated for the contract period beginning July 1,
3 2013, any collective bargaining contract made between the
4 exclusive representative of bargaining unit (5) and a public
5 employer shall allow the vesting of tenure to commence only upon
6 the completion of three years of service by the employee to the
7 department of education."

8 SECTION 3. Section 302A-1004, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) The department shall implement a comprehensive system
11 of educational accountability to motivate and support the
12 improved performance of students and the education system. This
13 accountability system shall:

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

20 (2) Link authority and resources to responsibility;

21 (3) Define clear roles for all parties and lines of
22 responsibility and mutual obligation and develop a



1 collaborative process with stakeholders, including
2 representatives of appropriate bargaining units,
3 parents, administration, and students;

4 (4) Assess and track measures of academic achievement,
5 safety and well-being, and civic responsibility of
6 individual students at selected grade levels and
7 report trend data on these measures over time
8 annually;

9 (5) Invoke a full and balanced set of appropriate
10 consequences for observed performance, including
11 rewards and recognition for those schools or educators
12 that meet or exceed their goals, assistance to those
13 that fall short, and sanctions for those that, given
14 adequate assistance and ample time, continue to fail
15 to meet goals;

16 (6) Involve an annual statewide assessment program that
17 provides a report card containing trend data on
18 school, school complex, and system performance at
19 selected benchmark grade levels with performance
20 indicators in areas relating to student achievement,
21 safety and well-being, and civic responsibility.

1 These performance indicators shall include but not be
2 limited to:

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

7 (B) School attendance and dropout rates;

8 (C) High school completion and graduation rates, and
9 number of graduates that met benchmarks for
10 college and career readiness; and

11 (D) Rates of students entering and persisting in
12 postsecondary education and training;

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



- 1 (8) Establish an explicit link between professional
2 evaluation results and individual accountability
3 through professional development of the knowledge,
4 skill, and professional behavior necessary to the
5 position, by requiring that results of the
6 professional evaluation be used by the department to
7 prescribe professional development focus and content,
8 as appropriate;

- 9 (9) Include an annual statewide fiscal accountability
10 program, which includes a published report card that
11 contains trend data on school, school complex, and
12 systemwide plans and results, including:
 - 13 (A) Amounts allocated;
 - 14 (B) Amounts expended;
 - 15 (C) Amounts carried over; and
 - 16 (D) Any significant changes to the budget, with an
17 explanation for the change;

- 18 (10) Include an evaluation of the effectiveness of
19 individual educators, including complex area
20 superintendents [~~and~~], principals, and teachers, in
21 supporting:

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



1 Other measures include fiscal accountability[-]
2 for administrators, and classroom practice and
3 student engagement for teachers; and

4 (11) Establish an annual rating of performance that
5 differentiates at least four performance levels, as
6 determined by the department. The annual rating of
7 performance shall be based on the evaluation of the
8 effectiveness of individual educators and shall
9 commence no later than July 1, 2013."

10 SECTION 4. The department of education shall submit to the
11 legislature its findings, including the status of the
12 performance management system required by this Act, 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 2012, 2013, and 2014.

17 SECTION 5. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Public Schools; Education

Description:

Requires, beginning with contracts negotiated for the contract period beginning July 1, 2013, that teachers be employed by the department of education for three years before being eligible for tenure. 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. Effective 7/1/2050. (SD2)

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

