

Honolulu, Hawaii

March 22, 2012

RE: S.B. No. 2789
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Education and Labor & Public Employment,
to which was referred S.B. No. 2789, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

beg leave to report as follows:

The purpose of this measure is to improve the public
education system by requiring the Department of Education to,
among other things:

- (1) Include additional specified performance indicators in
the annual statewide assessment program required under
Act 51, Session Laws of Hawaii 2004;
- (2) Include an evaluation of effectiveness for teachers in
the accountability system required under Act 51, Session
Laws of Hawaii 2004; and
- (3) Establish annual performance ratings, using at least
four performance levels, based on an evaluation of
individual educator effectiveness.

This measure also requires collective bargaining contracts
negotiated beginning with the contract period beginning July 1,
2013, to allow the vesting of tenure for teachers only upon the
completion of three years of service with the Department of
Education.



The Governor, Department of Education, University of Hawaii System, Harold K. L. Castle Foundation, Hui for Excellence in Education, Hawaii Business Roundtable, Kaneohe Ranch, and a concerned individual supported this bill. The Chamber of Commerce of Hawaii and Hawai'i Educational Policy Center supported the intent of this measure. IMUAlliance supported this bill with amendments. The Hawaii State Teachers Association and several concerned individuals opposed this measure. The Office of Hawaiian Affairs and National Governors Association provided comments.

Your Committees have amended this measure by:

- (1) Amending the purpose section and adding additional purpose language to more accurately reflect the purpose and changes made in the bill;
- (2) Deleting language placed in Chapter 89, Hawaii Revised Statutes, requiring that teachers be employed by the Department of Education for three years before being eligible for tenure;
- (3) Repealing the requirement that an evaluation of student safety and well-being, civic responsibility, and stakeholder satisfaction be included in the Department of Education's system of educational accountability;
- (4) Repealing the requirement that the Department of Education include an evaluation of principal effectiveness in supporting student academic achievement, safety and well-being, and civic responsibility; the satisfaction of stakeholders; and fiscal accountability in its system of educational accountability;
- (5) Repealing the requirement that complex area superintendents be evaluated;
- (6) Deleting the requirement that the annual rating differentiate at least four performance levels as determined by the Department of Education;



- (7) Requiring the Department of Education to include a consistent performance management program, including an evaluation component for teachers and educational officers in its system of educational accountability;
- (8) Requiring the Department of Education to define evaluation criteria for its performance management program and assign responsibility for the application of the criteria, including training for the evaluators;
- (9) Requiring the Department of Education to identify uses for evaluation results;
- (10) Requiring that the evaluation result in an annual rating of each employee's performance, be conducted at least once in each school year, and be on the basis of professional practice and contribution to student learning and growth;
- (11) Requiring that contribution to student learning and growth be determined through the use of multiple measures, not be based on a single standardized test score, and be included as a significant factor toward the annual rating;
- (12) Requiring the Board of Education to determine evaluation categories, ratings, and labels for the performance management program;
- (13) Permitting the Board of Education to establish evaluation rating categories equivalent to those used in Chapter 302A, Hawaii Revised Statutes, including "exemplary" and "satisfactory";
- (14) Removing the requirement that the Department of Education report to the Legislature prior to the 2012 regular Legislative session;
- (15) Requiring the evaluation of principals to be implemented no later than December 31, 2012;
- (16) Inserting language in Chapter 302A, Hawaii Revised Statutes, requiring that all teachers entering the service of the Department of Education for the first time serve a probationary period of three years, with an



extension to a total of five years, with specified conditions; and

- (17) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Education and Labor & Public Employment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2789, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2789, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committees on Education and
Labor & Public Employment,



KARL RHOADS, Chair



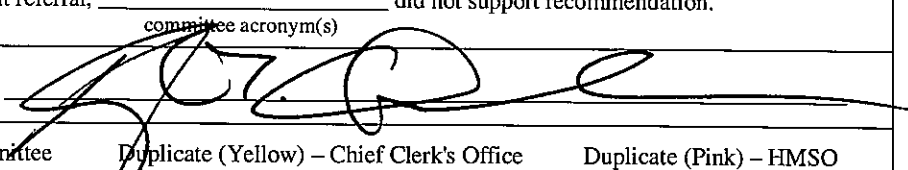
ROY TAKUMI, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSR 1155-12

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: SB 2789 SD2	Committee Referral: EN/LAB, FIN	Date: 3-19-12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. YAMASHITA, Kyle T. (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty				/
5. ICHIYAMA, Linda	/			
6. LEE, Marilyn B.	/			
7. LUKE, Sylvia	/			
8. OKAMURA, Tom				
9. SAIKI, Scott K.	/			
10. SOUKI, Joseph M.				/
11. TAKUMI, Roy M.	/			
12. FONTAINE, George R.	/			
13. JOHANSON, Aaron Ling		/		
TOTAL (13)	9	1	-	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				