



HB2527, HD2
RELATING TO EDUCATION
Senate Committee on Ways and Means

March 29, 2012

9:00 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) offers the following comments on HB2527 HD12, a bill that requires the Department of Education to establish a performance management system that includes an evaluation component for teachers and educational officers, and requires teachers entering the service of the Department of Education for the first time to serve a minimum probationary period of three years.

OHA continues to have grave concerns about amending Section 302A-638, Hawaii Revised Statutes, regarding evaluation of teachers and educational officers, especially as these amendments appear to lack the guidance and expertise of professional research evaluators. Again, Shepard and Dougherty (1991) found that performance-based evaluation led to negative relocation of curriculum, and Corbett & Willson (1991) found that there was a narrowing of curriculum. Many pieces of testimony have touted research, but none have cited that research for the legislature. As a result, amendments are being made on speculative citation.

OHA has continued concern regarding (c) (1), which states that “A teacher shall have facilitated, at minimum, one year's worth of learning growth in the teacher's students,” and “student learning and growth shall constitute fifty percent of the evaluation rating.” How is that “facilitation” measured? How is “a year’s worth of learning growth” measured? These are very risky requirements to insert into statute, given that there are no valid and reliable methods to measure “facilitation” and “a year’s worth of learning growth” in existence.

Lastly, the statute should require a formal and independent evaluation of the evaluation system developed by the department and a required report to the legislature.

OHA recommends not adopting this measure until empirical evidence and research is provided to the legislature. Mahalo for this opportunity to provide comment.



Testimony to the Senate Committee on Ways and Means

Thursday, March 29, 2012

9:00 a.m.

Conference Room 211

RE: Relating to Education – House Bill 2527, HD2

Chair Ige, Vice Chair Kidani and Members of the Committee:

My name is Gary Kai and I am the Executive Director of the Hawaii Business Roundtable. The Hawaii Business Roundtable fully supports HB 2527 SD2 that requires the Department of Education to establish a performance management program that includes an evaluation component for teachers and educational officers and requires that teachers entering the service of the Department of Education for the first time serve a minimum probationary period of three years. This provides the Department of Education 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.

This bill will clarify the authority of the Hawaii DOE to implement an evaluation system for educators and improve outcomes for our students. It will allow the public to have assurances about the rigor of the DOE's performance management system and educators' evaluations based on effectiveness. In our member organizations, employees are evaluated based on outcomes, and performance evaluation is essential to developing better staff members and professional workers.

The members of the Hawaii Business Roundtable employ thousands of graduates of Hawaii's public school system, and helping educators improve their effectiveness through a strong performance evaluation system is important to the success of our children.

We believe improved student outcomes are critical to the future of our state, and improving educator effectiveness is a key element to achieving those outcomes.

Our members are prepared to be a part of, and support the vision created by the Race to The Top plan for Public Education in Hawaii.

Thank you very much for the opportunity to testify and we look forward to joining your efforts to improve Public Education in Hawaii.

Gary K. Kai, Executive Director
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TESTIMONY FOR HOUSE BILL 2527, HOUSE DRAFT 2

Senate Committee on Ways and Means
Hon. David Y. Ige, Chair
Hon. Michelle N. Kidani, Vice Chair

Thursday, March 29, 2012, 9:00 AM
State Capitol, Conference Room 211

Honorable Chair Ige and committee members:

I am Kris Coffield, representing the IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in support of, with proposed amendments for HB 2527, HD2, relating to education.

While we continue to believe that a compensation-based performance management system would be most effective if negotiated through collective bargaining and assented to by educators, we understand the necessity of maintaining and maximizing federal dollars during a time of fiscal austerity. Moreover, though we find fault with portions of the Board of Education's performance evaluations policy (which may abrogate the State Constitution's collective bargaining guarantee for state employees by classifying probationary teachers as "at will" employees, subject to termination without recourse to grievance protocols), we concurrently commend state lawmakers, as well as the Hawaii State Teachers Association, for continuing discussions about evaluative procedures that have resulted in submission of a contract proposal to Gov. Neil Abercrombie for review. Ultimately, owing to the intricacies of the legislative process, legislation legalizing state mandated merit pay is unlikely to be implemented prior to the week of March 25, when Race to the Top officials are scheduled to visit the state to assess progress in instituting reforms. The negotiating table, then, is the quickest, and perhaps only, route to successful retention of the state's remaining \$71 million in RTTT grant funds, if success depends upon immediate action.

That said, we feel that the addition of the following amendments would strengthen this measure as it moves through the legislative process:

First, we urge you to amend the language of this measure to specify that to achieve a rating of "effective," a teacher must facilitate **an average of** one year's worth of growth among

his or her students, thereby changing Section 3, subsection (c)(1) to read, “A teacher shall have facilitated, at minimum, **an average of one year's worth of learning growth in the teacher's students,**” and Section 3, subsection (c)(2) to read, “A principal shall have developed teachers rated 'effective' and facilitated, at minimum, **an average of one year's worth of learning growth at the principal's school.**”

Second, we believe that the Board of Education, rather than the State Legislature, should determine the percentage of an evaluation based on student learning and growth (or student achievement) measures. We are particularly concerned that the percentage currently stated in the bill—50 percent—may need to be adjusted after assessing the results of the state's pilot evaluation program, as it unfolds. Thus, we suggest **deleting** the following provision from Section 3, subsection (c): “provided that student learning and growth shall constitute fifty per cent of the evaluation rating.”

Third, given that a number of variables beyond a teacher's control impact matriculation of a student into and through postsecondary learning programs, such as availability of funding for inflated tuition and housing costs, we strongly encourage you to either delete Section 7, subsection (a)(6)(D) or revise it to read, “**Rates of students entering and persisting in postsecondary education, vocational training, military service, and employment,**” thus accounting for a plurality of the predominant means of putting formal education into practice beyond graduation. As an alternative, amending this provision to match the language in the strategic plan from which it is drawn would make the subsection specific to rates of remediation. To accomplish this, (a)(6)(D) would need to be amended to read, “**rates of students entering and persisting in postsecondary education and training without remediation.**”

Fourth, while we strongly support the lengthening of a teacher's pre-tenure probationary period from two to three years, we are concerned about the lack of clarity provided in Section 10 about the conditions under which the DOE may extend the period of probation for a non-tenured teacher. Thus, we suggest revising Section 10, subsection (a)(2) to read, “**At or prior to the end of the three-year period of probation, the department may extend the probationary period of a teacher receiving a rating of less than “effective” for additional periods not to exceed a total probationary period of five years.**”

Fifth and relatedly, we strongly urge you to dispel concerns about the lack of a due process guarantee for teachers who may be unfairly judged less than “effective” by adding a subsection to Section 3, or wherever else may be appropriate to read either, “**The department shall provide an opportunity for teachers and education officers receiving a less than “effective” rating to contest the fairness or validity of such a rating,**” or, “**Teachers and education officers subject to the evaluation component required under this section and who receive a rating of less than “effective” shall have the right to contest the fairness or validity of an evaluation through the grievance procedure of their respective exclusive representative.**”

Again, we hope that, at the end of the day, this bill will be rendered unnecessary by successful collective bargaining negotiations. Until then, we seek to foster a spirit of collaboration on best practices. Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Legislative Director
IMUAlliance