HB2527 HD2

Relating to Education; Performance Management

EDU/JDL, WAM

EXECUTIVE CHAMBERS

HONOLULU

NEIL ABERCROMBIE
GOVERNOR

Monday, March 19, 2012, 10:00 AM
State Capitol Room 016

Testimony of
NEIL ABERCROMBIE
Governor, State of Hawaii

To the Senate Committees on Education and Judiciary & Labor
Senator Jill Tokuda, Chair, Education Committee
Senator Michelle Kidani, Vice Chair, Education Committee

Senator Clayton Hee, Chair, Judiciary & Labor Committee
Senator Maile Shimabukuro, Vice Chair, Judiciary & Labor Committee

HB 2527_HD2 - Relating to Education

Chair Tokuda, Chair Hee, Vice Chair Kidani, Vice Chair Shimabukuro, and members of the Committees:

Thank you for hearing HB2527_HD2. I appreciate the Senate Education and Judiciary & Labor Committees' leadership in addressing the important matter of educational accountability and improved learning for our children. I strongly support HB2527_HD2. It is a priority bill in the administration package for the 2012 legislative session.

HB2527_HD2 reflects the intent of SB2789_SD2 which the Senate passed Third Reading on March 6, 2012. Like SB2789_SD2, HB2527_HD2 expands the Hawaii Revised Statute provisions for educational accountability established in the "Reinventing Education Act of 2004" (Act 51, Session Laws of Hawaii 2004). Based on Act 51, HRS 302A-1004 established a "comprehensive system of educational accountability to motivate and support the performance of students and the education system. This accountability system shall… (i)nclude an evaluation of effectiveness." HB2527_HD2 updates the accountability framework to include teachers in the evaluation and specifies student learning and growth as criteria for evaluation of educators. Additionally, HB2527_HD2 includes a provision that establishes three years of service as the minimum before a teacher is eligible for tenure.

HB2527_HD2 takes a different approach to statutory revisions than SB2789_HD2. HB2527_HD2 revises statutes about teacher and educational officers evaluation (HRS 302A-638) by providing conforming language to clarify and reinforce student learning as

a critical component of performance management, about incentives for exemplary and quality teachers and principals (HRS 302A-701, 703, 704), and about salary increases (HRS 302A-626). Thus, HB2527_HD2 maintains the purpose of SB2789_SD2 but accomplishes some housekeeping to conform statutes with the performance management system.

Currently, the law allows the State to establish a performance management system. Under HRS 89-9(d), the employer and exclusive representative of bargaining unit members cannot agree to "any proposal which would be inconsistent with the merit principle… or would interfere with the rights and obligations of a public employer to… determine qualifications, standards of work and the nature and content of examinations(, and to) hire, promote, transfer, assign and retain employees in positions

Though consultation with the Attorney General's office, we confirmed the state's authority to implement most aspects of the performance management system, with the exception of the effects of the evaluation on personnel (i.e., compensation). However, despite these clear guidelines in the law, the state's position on the scope of management rights could be challenged. We cannot afford that delay.

Therefore, this legislation is important to clarify this authority. This bill would also establish the Legislature's intent that the state Department of Education should have a performance management system in which educators would receive an annual evaluation rating of their effectiveness and that educators' contribution to student learning and growth would be a significant factor in determining the rating. Proposed provisions would begin no later than July 1, 2013, which is the period beyond the current employment terms for educators.

Performance management, including an educator evaluation based on effectiveness, is a critical component of the state's Race to the Top plan. In its December 21, 2011 letter placing the state's Race to the Top grant on "high risk status," the U.S. Department of Education identified "ongoing delays in finalizing master and supplemental contracts between HSTA and the State have impacted the state's ability to make progress" as a major concern. The U.S Department of Education identified the Great Teachers Great Leaders and Zones of School Innovation projects as most affected by delays in achieving agreement between the state and the teachers' union. Affirming and clarifying the legal authority of the state to move forward with pilot then statewide implementation of annual educator evaluations with a rating of effectiveness will go a long way to addressing the U.S. Department of Education's concerns; in response to the early January tentative agreement with HSTA, Education Secretary Arne Duncan congratulated Hawaii for "a major breakthrough."

However, Race to the Top is only a small contributor to our motivation for action and support for a performance management system that includes a robust evaluation system. Evaluation of educators' effectiveness provides the basis to support development of personnel, reward effective educators, remediate marginal educators,

dismiss ineffective/unsatisfactory educators, identify highly effective individuals for leadership roles, and ensure equitable distribution of effective educators. It is the right thing to do for children. It is also the national and federal direction for educational improvement. Recent federal grants, current congressional proposals to reauthorize *No Child Left Behind*, and federal criteria for state waivers for *No Child Left Behind* include requirements from the Race to the Top framework.

DOE's plan to development the performance-based evaluation is thoughtful, is based on research and best practice, and includes feedback from educators. Evaluations must be fair and objective. In the Race to the Top plan, the DOE and HSTA had agreed to work on the evaluation development and implementation collaboratively; the early January tentative agreement with HSTA had included the DOE's commitment to professional collaboration with teachers and HSTA in developing and implementing the performance-based evaluation tools and continued protection for teachers against unfair evaluations. Currently, DOE is engaged in a two-year pilot to develop performance evaluation tools, provide teachers and principals opportunities for feedback, train teachers and principals, and establish systems of support, and the pilot involves and values teachers and principals' feedback.

As I shared with you in my State of the State address:

> We must continue our focus on our children and students' performance. We cannot wait any longer. We wanted to cross the Race to the Top finish line side-by-side with the HSTA. Make no mistake we will cross that finish line. Our students deserve no less.

Doing so requires that we use all management, administrative, legislative and legal tools we have at our disposal to implement an evaluation system that not only measures, but achieves student growth; turns around low-performing schools; and supports teachers in increasing their effectiveness. These tools include Board of Education action to enable the performance management system.

The Board of Education adopted a policy on Teacher and Principal Performance Evaluation (Board Policy 2055) and revised its policy on Recruitment, Employment, Retention and Termination (Board Policy 5100). These policies, adopted on February 21, 2012, are pending consult and confer with the unions. The BOE is expected to consider union responses and take final action on the policies in April, 2012.

HB2527_HD2 remains critical to ensuring that the statute enables performance management grounded in student learning and professional practice. Additionally, HB2527_HD2 establishes clear legislative policy direction for performance management and educator effectiveness and emphasizes the importance of student achievement, learning and growth.

We will continue to work with the BOE, Superintendent, unions, and educators to establish processes that respect the professionalism of our educators and that achieve

better outcomes for our students. We appreciate and ask for your support of this bill. Your leadership in exercising the state's legislative tools to support improved teaching and learning is critical to improve outcomes for our children and for our state.

Thank you for your consideration.

Date: 03/19/2012

Committee: Senate Education
Senate Judiciary and Labor

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: HB 2527,HD2(hscr783-12) RELATING TO EDUCATION

Purpose of Bill: Requires the Department of Education to establish a performance management system that includes an evaluation component for teachers and educational officers. Requires that teachers entering the service of the Department of Education for the first time serve a minimum probationary period of three years. (HB2527 HD2)

Department's Position:
The Department of Education supports HB 2527, HD2. At its core, an effective performance management system supports employee performance and growth. Our current evaluation system does not provide consistent feedback to our employees about their professional practice, as well as the impact their work is having on student outcomes. This legislation focuses on using multiple measures of effectiveness to gauge success, so we can help our employees maximize the impact they have on students. The Department supports the Legislator's actions for new teachers to complete three years of satisfactory probationary service to be eligible for tenure, and requests the following clarification be made. "§89-Employment; teachers. (a) Beginning with contracts negotiated for the contract period beginning July 1, 2013, any collective bargaining contract made between the exclusive representative of bargaining unit (5) and a public employer shall allow the vesting of tenure to commence only upon the completion of three years of **satisfactory probationary** service by the employee to the department of education." In addition, this legislation clarifies that the Department will have the same core expectations of teachers, administrators, and complex area superintendents. This commitment and authority is required by our Race to the Top Plan, the federal School Improvement Grant funds, and the request for flexibility under the Elementary and Secondary Education Act.

OFFICE OF HAWAIIAN AFFAIRS
Legislative Testimony

HB 2527, HD2
RELATING TO EDUCATION
Senate Committee on Education
Senate Committee on Judiciary and Labor

March 19, 2012 | 10:00 a.m. | Room 016

The Office of Hawaiian Affairs would like to offer the following comments on HB 2527 HD2, 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 that requires teachers entering the service of the Department of Education for the first time to serve a minimum probationary period of three years prior to obtaining tenure.

OHA offers the following caution on the amendment to Section 302A-638, Hawaii Revised Statutes, regarding evaluation of teachers and educational officers, specifically:

> (b) Each teacher and educational officer shall be evaluated on efficiency, ability, and contribution to student learning and growth and the evaluation criteria shall include an assessment of the effectiveness of individual teachers and educational officers in supporting: (1) Student learning and growth, which shall consist of multiple measures, to include student assessment, as determined by the department; (2) Fiscal accountability and instructional leadership on the part of educational officers; and (3) Effective classroom practice and student engagement on the part of teachers."

Firestone, Mayrowetz and Fairman (1998) found that high stakes testing in Maryland and Maine had little effect on instructional practice and Jones et al (1999) found mixed results in North Carolina. Moreover, performance-based evaluation has been found to lead to negative relocation of curriculum (Shepard and Dougherty, 1991) and a narrowing of curriculum (Corbett and Wilson, 1991). Measuring the "contribution" of teachers and educational officers to student learning and growth is new and has not been well researched. Consequently, this section should require that the evaluation of teachers be research-based. In addition, the statute should require a formal and independent evaluation of that evaluation system.

Currently, there are no metrics or rubrics in existence to measure the causal effects of "contribution." Therefore, requiring that "student learning and growth shall constitute fifty percent of the evaluation rating," as described in subsection (c) appears arbitrary. Again, this requirement should be vetted. OHA recommends not adopting this measure until empirical evidence and research is provided to the legislature. Mahalo for this opportunity to provide comment.

UNIVERSITY OF HAWAI'I SYSTEM
Legislative Testimony

Testimony for the
Senate Committee on Education and
Senate Committee on Judiciary and Labor
Monday, March 19, 2012 at 10:00 am
State Capitol Room 016
Submitted by
Dr. Linda K. Johnsrud, Executive Vice President for Academic Affairs/Provost,
University of Hawai'i

Dear Chair Tokuda, Chair Hee and Members of the Committees:

I am writing in support of HB 2527, HD 2 which provides the Hawai'i Department of Education the directive, means and flexibility to improve teacher and principal effectiveness so that Hawaii's youth can achieve future success.

The University of Hawai'i educates the majority of Hawai'i's teachers, preparing them to be educators who impact the lives of our keiki, Hawai'i's future. However, upon receipt of their degree, the graduates still have much to learn from their professional practice, and we hope to have instilled in them a culture of life-long learning. As with all professions, it is important that educators receive effective evaluation and feedback so that they learn and grow in their profession.

This bill is essential to clarify and reinforce the authority of the Hawai'i DOE to implement an evaluation system for teachers and principals and improve outcomes for our students. This is not about punishing our hard-working teachers; it is about having an effective evaluation tool that can measure progress and provide feedback so that teaching can continually improve. Student outcomes as a factor will be included, but it will include professional practice as well. We are especially pleased that the evaluation system will include feedback from current teachers and principals who are involved in the pilot program.

Having a strong evaluation system can only improve student outcomes, which are absolutely critical to the future of our state. Our youth need to be prepared for college or a living-wage job, and improving educator effectiveness is a key element to achieving those outcomes.

Thank you for this opportunity to submit testimony.

Statement of
Tabitha Grossman, Ph.D., Program Director, Education Division

before the

Senate Committee on Education
and the
Senate Committee on Judiciary and Labor

on

HB2527

on behalf of

The National Governors Association

March 19, 2012

Good Morning,

Thank you, Senator Tokuda, Senator Hee, and members of the Senate Committee on Education, for allowing me to provide written testimony on HB2527. At the request of Governor Abercrombie's staff, I have reviewed the draft legislation and offer the following remarks.

My organization, the National Governors Association Center for Best Practices (NGA Center) works to provide governors and their staff with consultative services on best practices in state policy. I lead work in the NGA Center on human capital policy. In my work, I offer guidance to governors and their key policy staff on topics that pertain to teachers and principals. I am a noted expert on educator compensation and educator evaluation. I currently lead a project that provides intense technical assistance to four states working to create state policies that support the rigorous evaluation of teachers.

The proposed legislation establishes a comprehensive and aligned approach for evaluating educators. Using this as the foundation of Hawaii's educator evaluation system is not only considered a best practice in educator evaluation, but it also is consistent with what other states have adopted in the last 18 months. In addition, the research on educator evaluation consistently recommends that evaluation systems best serve teachers when they provide opportunities for educators to grow professionally through regular, high-quality feedback from evaluators and professional development that is tied to their evaluation results. Without the link between evaluation results and professional development, teachers will not be able to access the professional development that helps them improve their practice and thereby improves student achievement. This bill does just that and represents a concerted effort to ensure that Hawaii's evaluation system is supportive of educators and their professional development needs.

The bill codifies the need to make student achievement part of a teacher's overall evaluation rating, which is something seen in many states and is consistent with what now has been recognized as a best practice in educator evaluation. While the bill acknowledges the need to codify the weight given to student achievement in an educator's evaluation rating, it does take into account the need to measure other aspects of a teacher's professional practice. Research clearly points out that using only one measure (regardless of what measure that is) to determine an educator's effectiveness is both imprecise and inconclusive.

It is important to note that while the bill codifies that need to assign at least 50 percent of an educators' evaluation rating to student achievement results, it does not define what constitutes the other 50 percent of an educators' evaluation rating. Many states have not codified what constitutes the entire 100 percent of an educators' evaluation rating; however, they have used statute to grant the authority to make that determination to another governing body, in most cases, the state board of education. In other states, statutes have established an advisory committee that reviews research on the matter and makes recommendations to another governing body. Regardless of the approach you elect to use, I would suggest that you consider adding to this bill a requirement that the individuals assigned to evaluate educators are trained to do so. Many states have done this as an assurance to the individuals being evaluated and the public that person or persons evaluating educators have been adequately prepared to do so and have passed an examination administered to them that demonstrates they have mastered the training provided and are ready to conduct evaluations. This will be of particular importance for evaluators conducting classroom observations in particular. Emerging research sponsored by the Bill and Melinda Gates Foundation indicates that in spite of rigorous training on how to conduct classroom observations, imprecision is found and that inter-rate reliability is difficult to achieve. Given this research, as well as what we know from states that have been using classroom observations for

years, training to conduct classroom observations for the purpose of *rigorous* educator evaluation that ties the results of those evaluations to high-stakes, such as employment, licensure, tenure, and compensation is very important.

Thank you for opportunity to review this bill. I applaud your efforts to create an aligned system of evaluation that supports educators and their professional growth. I think this bill represents a positive step in that direction. If I can provide any additional assistance to you, please let me know. Thank you.

Teaching Today for Hawaii's Tomorrow

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HAWAII STATE TEACHERS ASSOCIATION

Wil Okabe
President
Karolyn Mossman
Vice President
Joan Kamila Lewis
Secretary-Treasurer
Alvin Nagasako
Executive Director

TESTIMONY BEFOR THE SENATE COMMITTEES ON
EDUCATION AND JUDICIARY AND LABOR

RE: HB 2527, SD2 -- RELATING TO EDUCATION.

March 19, 2012

WIL OKABE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chairs Tokuda and Hee and Members of the Committee:

The Hawaii State Teachers Association continues to oppose HB 2527 SD2, relating to education, which directs the Department of Education to establish a performance management system and extends the probationary period for new teachers from two to three years.

HSTA believes that the creation of a performance management system that effects the compensation and reemployment of teachers, or "merit pay," should be subject to collective bargaining procedures, not legislated by the state. Any evaluation system that excludes educators from the design and implementation process, as this bill does, is destined to not only ostracize incumbent and prospective teachers, but also discount the insights and experiences of those professionals most heavily involved with the day-to-day instruction of our students.

The Hawaii State Board of Education has passed a policy on performance evaluations meant to facilitate implementation of a "system", if this bill moves forward. The BOE's policy contains several glaring errors and we have raised our concerns. For example, their policy refers to probationary teachers as "at will" employees, who may be terminated at any time by the DOE, without recourse to HSTA's—or any—grievance procedure. At will employment defines an employment relationship in which the employer can break the relationship without liability if there is no contractual arrangement governing employment or the employee does not belong to a collective bargaining unit. Probationary teachers are not "at will" employees, but union members subject to the HSTA-BOE master agreement as defined by statute. They become contracted employees when hired. The only way to mandate unilateral departmental authority over hiring and firing is to specifically exclude probationary teachers from the master agreement by canceling their collective bargaining rights.

This policy is a clear violation of Article XIII of the State Constitution, which provides the right to collective bargaining for all public employees.

Additionally, HSTA believes performance evaluations must be based upon multiple facets of a student's performance and that a well developed evaluation process must be designed to have clear targets that are fair, coherent and validated by research. The evaluation should be designed to support the practice of teaching. We must address not only a student's test taking skills, but also their long-term academic performance and growth. While this bill prohibits the use of a single standardized test in relating student achievement to teacher effectiveness, it does not prevent the *sole* use of standardized assessments. The National Education Association has stated "Evaluations must be meaningful; providing all teachers with clear and actionable feedback linked to tailored professional development.

We are also concerned that this bill may hold teachers responsible for the continuing, lifelong education of their students. In its current form, this proposal penalizes teachers whose students' entrance into and achievement in postsecondary schooling does not immediately follow high school graduation. Section 3, subsection (a)(6)(D) states that performance indicators may include "Rates of students entering and persisting in postsecondary education and training." How do you interpret this? As you know the cost of a college education is spiraling upward. At the University of Hawaii at Mānoa, for example, resident tuition has been increased to well over $4,000. Textbook and boarding prices are equally subject to inflation. As college costs continue to rise, many students will be forced to delay their dream of obtaining a degree. Since our teachers cannot control economic conditions or decisions made within a family, they should not be held accountable for educational choices based on these factors, like higher education enrollment.

We must remind you that federal RTTT officials will be visiting Hawaii during the week of March 25 to reassess the state's grant status, a date that falls in the middle of the legislative calendar. That means that this bill cannot be implemented prior to reassessment, leaving only the DOE's recently launched pilot evaluation program, currently being hosted in two "zones of innovation" (Nanakuli and Wai'anae on Oahu, as well as Ka'u, Keaau, and Pahoa on the Big Island), as evidence of "progress." Because the pilot evaluation program is, by definition, an experimental program, its results cannot and should not be interpreted as representative of all schools. Like any pilot program, the costs and benefits of the experiment must be analyzed at regular intervals and cannot be fully determined prior to the program's completion. It is too soon to tell whether or not the model used in the program will lead to lasting gains in teacher effectiveness and student achievement. What happens if student achievement declines during the experiment? What happens if the DOE's longitudinal data tracking system suffers a technological glitch or fails? Would evaluations be performed based upon compromised data? A decision that effects the compensation and employment of the state's 13,000 teachers should not be based on speculation.

Because the pilot program remains in its infancy, however, these scenarios, as troubling as they may be, are just as possible as more hopeful pictures drawn by the DOE.

Across the nation, data collection has been besieged by errors, costly to communities, and often misinterpreted by the media and public. If our schools are the centers of their communities, they must be provided with accurate information to boost student achievement. Please consider the damage and mistrust that could result from launching a new evaluation system without proper preparation, including harm to schools' relationships with the communities they serve. Will the DOE, BOE and legislators take the blame if the new evaluation guidelines fail, after being hastily implemented? Or will teachers who have had little input on these policies, be blamed for setbacks, as they so often have before.

Again, any reference made to the details of an evaluation system, right now, is purely hypothetical, since only a "pilot" evaluation system exists in. What is called for by this bill gives educators little comfort about their inclusion in the design and implementation of a new evaluative model that will ultimately be used to judge their professional status. This bill is providing a way to circumvent the collective bargaining process therefore, on behalf of our members we must oppose this measure. We ask that you do the same. Our members want negotiations to continue and their rights protected. The efforts of the Administration to continue on this path could be harmful to all of our Union brothers and sisters.

Thank you for the opportunity to testify.

HAWAII BUSINESS ROUNDTABLE INCORPORATED

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Testimony to the Senate Committee on Education and Committee on Judiciary and Labor

Monday, March 19, 2012
10:00 a.m.
Conference Room 016

RE: Relating to Education – House Bill 2527, HD2

Chairs Tokuda and Hee, Vice Chairs Kidani and Shimabukuro and Members of the Committees:

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
Hawaii Business Roundtable
1003 Bishop Street, Suite 2630
Honolulu, Hawaii 96813

The Chamber of Commerce of Hawaii
The Voice of Business in Hawaii

Testimony to the Senate Committees on Education and Labor & Judiciary and Labor
Monday, March 19, 2012 at 10:00 a.m.
Conference Room 016, State Capitol

RE: HOUSE BILL NO. 2527 HD2 RELATING TO EDUCATION

Chairs Tokuda and Hee, Vice Chairs Kidani and Shimabukuro and members of the committees:

The Chamber of Commerce of Hawaii ("The Chamber") supports the overall objectives of HB 2527 HD2 relating to Education.

The Chamber is the largest business organization in Hawaii, representing 1100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. The organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

This measure establishes implementing legislation for the appointment of board of education members. The bill 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. The measure also 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.

Workforce education is a high priority for the Chamber. To remain competitive, businesses need employees who are prepared to address the quickly altering demands of the 21st century workplace. Therefore, a quality education and improved student outcomes are vital to the success of our students, communities and the economy.

Therefore, the Chamber believes that a strong and effective performance evaluation system is important to the success of our children and as such, supports the overall objectives for improving the quality of public education as provided in this measure.

Thank you for the opportunity to submit testimony.

HAWAI'I EDUCATIONAL POLICY CENTER
Informing the Education Community

Written Testimony
presented before the
Senate Committee on Education
and
Senate Committee on Judiciary and Labor
March 19, 2012, 10:00 am, Room 016
by
Hawai'i Educational Policy Center

HB2527, HD2 RELATING TO EDUCATION

Chair Tokuda, Vice Chair Kidani and Members of the Committee on Education;
Chair Hee, Vice Chair Shimabukuro and Members of the Committee on Judiciary and Labor.

HEPC respectfully submits the following as input for consideration in the decision making process on issues concerning the evaluation of teachers and principals

HEPC supports of the intent of HB2527, HD2, which provides the Hawai'i Department of Education the directive, means and flexibility to improve educator effectiveness so that Hawai'i's youth can achieve future success.

This bill clarifies and reinforces the authority of the Hawai'i DOE to implement an evaluation system for teachers and principals 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.

HEPC points out that notwithstanding the provision of this bill, HRS Chapter 89 provides that when there is a conflict between a negotiated collective bargaining agreement (CBA) and another state law, the CBA prevails. It is common practice in Hawai'i to include teacher and principal evaluations in the CBAs. Therefore, we suggest that if the intent is to fully implement the provisions of HB 2527 HD2 the bill should also amend Chapter 89.

HEPC also points out that it is crucial for student learning in the 21st century that student achievement not be limited to scores on high-stakes tests, but also include multiple measures of success that incorporate student growth as determined by classroom work, project-based and inquiry-based learning, attendance, and other factors. This is the time to move beyond "teaching to the test" not only for students but also for teacher

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and principal evaluations. The following provisions of this bill directly address this, and deserve your support:

(1) Student learning and growth, which shall consist of multiple measures, to include student assessment, as determined by the department;
(2) Fiscal accountability and instructional leadership on the part of educational officers; and
(3) Effective classroom practice and student engagement on the part of teachers.
The department may include other criteria at its discretion.

As long as the criteria for student learning and teacher success are broad, this is a step in the right direction.

Regarding principal evaluation, when a school achieves accreditation for the maximum number of years (6), HEPC believes this is an indication that a rigorous whole-school evaluation has been implemented and both management and leadership of the school community is excellent. HEPC respectfully suggests WASC full accreditation should in itself be a major criterion for principal evaluation.

As noted above, both teacher and principal evaluation criteria as embodied in this bill would need amendments to Chapter 89, or at least be framed as the goal of the State and DOE to be sought in CBA negotiations.

Thank you for this opportunity to testify.

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HUI FOR EXCELLENCE IN EDUCATION

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Senate Committee on Education
Senator Jill Tokuda, Chair
Senator Michelle Kidani, Vice Chair

Senate Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair

March 15, 2012

Dear Chairs Tokuda and Hee, Vice Chairs Kidani and Shimabukuro, and Committee Members:

This testimony is submitted in support of HB2527 HD2.

The Hui for Excellence in Education (HE'E) is a diverse coalition of over 30 parent and community organizations dedicated to improving student achievement by increasing family and community engagement and partnerships in our schools. Our member list is attached.

On August 24, 2010, the U.S. Department of Education announced Hawaii as a winner of a $75 million Race to the Top grant. The grant received broad support including many community organizations that are now part of the HE'E Coalition. On behalf of these partners, we feel it is important that our DOE, the HSTA, and others continue to work together to insure that the education reforms are completed and successful.

This bill allows the DOE the directive, means, and flexibility to establish a performance management system that cultivates and supports highly effective educators and implements Hawaii's Race to the Top commitments.

The bill has some important benefits to the community and families:

- It creates greater transparency about the performance management system so that the public understands the system put in place
- It establishes a framework for an evaluation system, but is not too prescriptive so that teachers and the department can select a model that works for both parties

- It aligns our current laws with the Race to the Top commitments

Our Coalition has great respect for our teachers and our DOE administration and we are confident that they can move forward and implement a fair and effective performance evaluation system.

We would like to request one amendment to the bill:

The Coalition would like to encourage the department to include parent/family feedback in the teacher evaluation process. Families are key partners in the success of students and appropriate efforts to include their input would be valuable in the evaluation process.

We would be glad to work with the legislature, department and unions to make this effort successful.

Thank you for the opportunity to testify and for your consideration.

Our support of this bill represents a 75% consensus or more of our membership.

Sincerely,

Cheri Nakamura
HE‘E Coalition Director

Academy 21

After-School All-Stars Hawaii

*Castle Complex Community Council

Center for Civic Education

*DOE Windward District

*Faith Action for Community Equity

Fresh Leadership LLC

Girl Scouts Hawaii

*Good Beginnings Alliance

Harold K.L. Castle Foundation

Hawai‘i Athletic League of Scholars

*Hawai‘i Charter School Network

*Hawai‘i Education Matters

*Hawai‘i Nutrition and Physical Activity Coalition

Hawai‘i State Student Council

Hawai‘i State Teachers Association

Hawai‘i P-20

Hawai‘i 3Rs

It’s All About Kids

*INPEACE

Joint Venture Education Forum

Kamehameha Schools

*Kanu Hawai‘i

Kupu A‘e

*Leaders for the Next Generation

McREL’s Pacific Center for Changing the Odds

*Our Public School

*Pacific Resources for Education and Learning

*Parents and Children Together

*Parents for Public Schools Hawai‘i

Punahou School PUEO Program

The Learning Coalition

US PACOM

University of Hawai‘i College of Education

Voting Members (*)

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TESTIMONY FOR HOUSE BILL 2527, HOUSE DRAFT 2

Senate Committee on Education
Hon. Jill N. Tokuda, Chair
Hon. Michelle N. Kidani, Vice Chair

Senate Committee on Judiciary and Labor
Hon. Clayton Hee, Chair
Hon. Maile S.L. Shimabukuro, Vice Chair

Monday, March 19, 2012, 10:00 AM
State Capitol, Conference Room 016

Honorable Chair Tokuda, Chair Hee, and committee members:

I am Kris Coffield, representing the IMUAlliance, 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

Kris Coffield **(808) 679-7454** **imuaalliance@gmail.com**

Erin Conner

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 19, 2012 6:28 AM
To: EDU Testimony
Cc: tgeorge@castlefoundation.org
Subject: Testimony for HB2527 on 3/19/2012 10:00:00 AM

Testimony for EDU/JDL 3/19/2012 10:00:00 AM HB2527

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Terrence George
Organization: Harold K.L. Castle Foundation
E-mail: tgeorge@castlefoundation.org
Submitted on: 3/19/2012

Comments:
Passage of this legislation will clarify and strengthen the law mandating performance contracts for principals; will provide a fair and reliable way of assessing the strengths of individual teachers. By providing a means to determine the effectiveness of teachers and administrators, this bill will help the Hawaii State DOE to tailor professional development for individual educatiors, and for all of a school's and complex's educators, in a far more focused and effective manner.

Testimony
in SUPPORT of the CONCEPT
of HB2527, HD2
RELATING TO EDUCATION
submitted by David H. Rolf
to the Senate Education Committee and the Senate
Judiciary and Labor Committee
for the public hearing
10 a.m. Monday, March 19, 2012
in Conference Room 016
Hawaii State Capitol

Chair Tokuda, Vice Chair Kidani, Chair Hee, Vice Chair Shimabukuro and members of the committees:

I am David Rolf, a longtime business owner and longtime supporter of public education. I'm a product of both public and parochial schools. My wife Sheri and I have seen our two sons, Joshua and Noah, born and raised in Hawaii—and educated in both public and parochial schools.

Both sons are graduates of Mililani High School. Josh went on to California Baptist University to receive his undergraduate degree and later received his Masters degree from Southwestern Baptist Theological Seminary in Fort Worth Texas and serves now as the Minister of Missions Mobilization for Prestonwood church in Plano Texas. Noah, went on to receive his degree from Baker University, a Methodist school, in Kansas and now is an eighth grade science teacher in the Waco Independent School District in Waco, Texas.

My curriculum vitae relating to serving on a governor-appointed education task force committee and also on the National Education Goals' Panel's Future of the goals Task Force, along with other education related projects and teacher reward programs, is included in a hard-copy 125-page document provided along with this testimony.

My wife Sheri and I are in support of the concept of HB2527, HD2 which would require the Department of Education to establish a performance management program that includes an evaluation component for teachers and educational officers. The bill also requires that teachers entering the service of the Department of Education for the first time serve a probationary period of three years.

The 24-page "Liftoff" Plan, which Sheri encouraged me to write after I served on the National Education Goals Panel task force, has had buy-in from business groups and is similar to the state's Race to the Top program in many respects. It had a projected cost of $25 million at the time, in 1999. Now more than a dozen years have passed and interestingly, during those 12 years, a generation of students has come and gone through a public school learning program that could be now operating at a higher level—one that could have enthusiastic students, and joy-filled educational staff, administrative staff and parents.

A point to be noted here is that we have known the answers for a very long time.

They fundamental elements of the Liftoff program are same as those found in all successful education programs: 1) A rigorous content-based curriculum, 2) which is taught to willing students by enthusiastic, trained, teachers, and 3) is well-supported by parents and the community.

On the other hand, Race to the Top, lacks a content curriculum, and "content" is the FOUNDATION of any educational program. Such lack of content can later lead to the temptation to manipulate test results for desired outcomes. Teachers, parents, and students, then will be reluctant to place their trust in such a program.

We encourage the legislature to stay the course with the worthy concepts found in HB 2527, HD 2, with our hope that a rigorous content curriculum can be established that will build a STRONG FOUNDATION that will result in high level achievements for all in the program.

Respectfully submitted,
David and Sheri Rolf
Owners, Rolf Advertising
1100 Alakea St. Suite 2601
Honolulu, Hawaii 96813
Tel: 808 593-1533

March 16, 2012

Hon. Sen. Jill Tokuda, Chair, Senate Committee on Education
Hon. Sen. Michelle Kidani, Vice-Chair, Senate Committee on Education
Hon. Sen. Clayton Hee, Chair, Senate Committee on Judiciary and Labor
Hon. Sen. Maile Shimabukuro, Vice Chair, Senate Committee on Judiciary and Labor
Members of the Senate Committee on Education
Members of the Senate Committee on Judiciary and Labor
Hawaii State Legislature State Capitol
Honolulu, HI 96813

RE: Testimony in support of HB2527 HD2, RELATING TO EDUCATION

Dear Chair Tokuda, Chair Hee and Members of the Committees:

Thank you for the opportunity to provide testimony on such an important issue.

I wholeheartedly support the proposed legislation to establish a performance management system in the Department of Education (DOE), but also wish to offer two amendments to the current version of the bill. These suggested changes serve to address my concerns regarding potential measurement error in the evaluation process:

(1) First, the committee may wish to adjust the language of section 302A-638, subsection (b) to read "student learning and growth, which shall consist of multiple statistically reliable and valid measures, including but not limited to, student assessment, as determined by the department."

(2) Second, the committee should also consider adding a requirement in section 302A-638, subsection (e): "The evaluation component required under subsection (a)…no later than July 1, 2014. The department shall contract with external expert consultant(s), who shall assist in the development of the performance management system and analysis of associated data."

Background

As a doctoral candidate in clinical psychology at the University of Hawai'i at Manoa, I have dedicated my body of research to examining data from evaluation systems for youth receiving community mental health services (including Hawai'i's Child and Adolescent Mental Health Division). That said, it is clear from my studies of multiple fields that measuring performance and providing feedback improves performance (e.g., Bickman, 2011). Since Hawai'i is required to implement a performance management system in order to fulfill its requirements for continued Race to the Top (RTTT) funding, it is unquestionably clear that if we hope to develop and maintain high quality educators, an effective performance management system is necessary.

Support for suggested amendment (1)

(1) First, the committee may wish to adjust the language of section 302A-638, subsection (b) to read "student learning and growth, which shall consist of multiple statistically reliable and valid measures, including but not limited to, student assessment, as determined by the department."

Reliability and validity are defined as statistical qualities of measures which indicate (a) the accuracy of the actual instrument and (b) the success of the instrument in measuring what we hope to be measuring. Since the bill indicates that data from the DOE performance management program will influence job status and incentives, it is absolutely vital that the department be held accountable for utilizing measures that actually work.

Current wording of the bill puts an unnecessary emphasis on student assessment scores and does not fully acknowledge the need for a statistically sound and comprehensive approach. This is particularly unwise, as recent studies of value-added models of teacher effectiveness (using student assessment data) indicate that reliability is not very high across most models (Rose, Henry, & Lauen, 2012). If it is within the scope of the bill to dictate the specific elements of the program, I recommend that the committee consider a standardized evaluation system that incorporates student assessments (i.e., value-added statistical methods including a three level hierarchical linear model, student fixed effects, or a univariate response model; Rose, Henry & Lauen, 2012), classroom observations by several well-trained reporters, and student and family surveys. Recent research indicates that this multifaceted approach offers greater predictive power, greater reliability, and increased opportunities for diagnostic insights regarding teacher strengths and weaknesses than systems with one or two measures alone (e.g., Gates Foundation, 2012).

Support for suggested amendment (2)

(2) Second, the committee should also consider adding a requirement in section 302A-638, subsection (e): "The evaluation component required under subsection (a)…no later than July 1, 2014. The department shall contract with external expert consultant(s), who shall assist in the development of the performance management system and analysis of associated data."

Developing a meaningful evaluation system is a challenging scientific process, requiring expert understanding of the (a) theoretical orientation of the tests, (b) practical considerations, (c) fit of the standardization sample, and (d) adequacy of reliability and validity of the tests (Groth-Marnat, 2009). Even after creating effective assessment tools, there is possibility of error and confirmation bias in data analysis. More specifically, people tend to "test those cases that have the best chance of verifying current beliefs rather than those that have the best chance of falsifying them" (Clayman & Ha, 1987, p.211). Such biases may become significantly problematic. For example, an evaluator may be hesitant to give a teacher an "ineffective" rating because of his relationship with the teacher as a fellow DOE employee. Similarly, while analyzing student assessment data, DOE statisticians might unknowingly search for evidence that suggests that students are performing well, rather than scrutinizing the data with an unbiased eye.

In order to both craft the most statistically sound evaluation program and reduce the possibility

of measurement error or bias, I suggest that the DOE be required to seek competitive applications from external expert consultants. These contracted agencies (or individuals) would be charged with collaboratively developing the evaluation system and examining associated data. Such a model is similar to the North Carolina department of education, which solicited competitive applications and awarded an evaluation contract to the best agency proposal: the Consortium for Educational Research and Evaluation – North Carolina [CERE-NC; a consortium comprised of the SERVE Center (UNC-Greensboro), the Carolina Institute for Public Policy (UNC-Chapel Hill), and the Friday Institute for Educational Innovation (North Carolina State University)]. This effort would provide the Hawai'i DOE with the necessary support to construct an evidence-based, state of the art data program, particularly given its challenges with implementing such a system in the past (i.e., Reinventing Education Act of 2004).

Conclusion

I am confident that most teachers and administrators would welcome an effective performance management system. However, it is our collective duty to ensure that the evaluation program is both informative and free from significant measurement error or bias. Bill Gates recently wrote: "developing a systematic way to help teachers get better is the most powerful idea in education today. The surest way to weaken it is to twist it into a capricious exercise in public shaming." I wholeheartedly agree with his approach and hope that the legislature and DOE will focus on creating a personnel system that truly helps teachers and administrators improve.

Thank you for the opportunity to testify.

Respectfully,

Trina Orimoto, M.A.
Ph.D. Candidate (and future public school parent)
University of Hawai'i at Manoa

March 18, 2012

To: Senator Jill Tokuda, Chair of the Senate Education Committee
Senator Michelle Kidani, Vice-Chair of the Senate Education Committee
Senator Clayton Hee, Chair of the Senate Judicial and Labor Committee
Senator Maile Shimabukuro, Vice-Chair of the Senate Judicial and Labor Committee
Members of the Senate Education Committee
Members of the Senate Judicial and Labor Committee

Re: HB 2527 HD2

Dear Senators,

My name is Jodi Maeda and I am a math teacher at Kaua`i High School. I am writing in strong opposition to HB 2527, regarding evaluation and tenure for teachers. There are several reasons why I am opposed to this bill. For starters, evaluation and tenure should be an issue that is collectively bargained at the negotiations table. In addition, this bill does not clearly define the evaluation tool and how it will be implemented. This leads to my final point, about the bill not including provisions for due process rights in the case of a dispute over an evaluation.

The public school teachers in Hawaii have been asked to "take their share" and make sacrifices since October 2009. From "Furlough Fridays" to the loss of our VEBA health plans to pay cuts to "DLWOP" days, and most recently, with the implementation of a last, best, final offer by the Governor. Financial sacrifices are one thing, but to impose a non-negotiated contract and then follow it up by trying to pass laws that affect our working conditions – all while we are still making those financial sacrifices – is about as disrespectful as it gets. Teachers feel as though we are under attack for no reason. The demands of the job are increasing, while resources decrease. Our collective bargaining rights are basically disappearing before our very eyes. How is it that everyone likes to claim that public education is a top priority, but when it comes to collaborating with the very people who got their PROFESSIONAL degrees in education, no one seems to think it's a good idea?

This bill, HB 2527, is a perfect example of how teachers are being micromanaged. The focus appears to be on just passing "something" that says teachers need to be evaluated. While you might not think this is true, teachers are not saying that they do not want to be evaluated. It's not about the idea of being evaluated – it is about the process of how that evaluation will be carried out. We are currently evaluated and teachers are fine with what is in place. However, when you look at tying compensation to evaluations, it raises a lot of red flags for people. With our current system, teachers can still be marked "marginal" or "unsatisfactory" if they do not meet the requirements of the job. However, there are also due process rights in place for those who feel that they were evaluated unfairly. This bill, as it is currently written, does not address this issue.

Here are some scenarios and questions you should consider before passing any bill that deals with evaluations and teacher pay. If you are looking at a student improvement – teacher A has a high number of students reaching proficiency to begin with and teacher B has a smaller amount of student reaching proficiency. During the follow up assessment, teacher A has less students improve, because he/she already had a high number of proficient students. Teacher B, on the other hand, moves a larger percentage of student to proficiency, because he/she had less to begin with. Who is considered the "better" teacher? Another question to consider – how would you handle a situation where a principal (or any evaluator) and the teacher have personality differences or issues and the teacher feels that they were not mark satisfactory, due to those personal issues? You have to be aware that there are a lot of "effective" administrators and there are also a number of "ineffective" administrators. Are all of them going to be in charge of evaluating all teachers? What makes them qualified? Would you be okay with your pay being determined by the Governor's evaluation of what kind of job you are doing? Wouldn't you want to make sure there was something in place to ensure that the evaluation was fair and not based on power or personal agendas?

Please stop to consider the ramifications of passing this bill. Teachers deserve respect and the opportunity to collectively bargain these issues. Again, remember that it is not that teachers are against evaluations. We just want to be sure it is done fairly and that our due process rights will not be taken away from us. Please vote NO to HB 2527. Thank you for your time and consideration.

Mahalo,

Jodi T. Maeda
Kaua`i High School
Lihue, Hawaii

Erin Conner

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 18, 2012 4:33 PM
To: EDU Testimony
Cc: Dkeikoa@hawaii.rr.com
Subject: Testimony for HB2527 on 3/19/2012 10:00:00 AM

Testimony for EDU/JDL 3/19/2012 10:00:00 AM HB2527

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Diane Aoki
Organization: Individual
E-mail: Dkeikoa@hawaii.rr.com
Submitted on: 3/18/2012

Comments:
Please disregard my previous testimony, I did not change the Bill number to HB 2527, This one is corrected.

I am testifying in opposition to SB 2789. In this bill, you are attempting to legislate items that should rightly be subject to collective bargaining. I am in opposition because imposing actions on teachers without their input, without their voice, without full consideration of how these actions affect them, is extremely demoralizing and disrespectful. If your goal is to improve educational outcomes for children, demoralizing their teachers is not the logical way to do it. Imagine the opposite - treating teachers as professionals, honoring their education and dedication, entrusting them with the education of their students. Imagine sending your own children to schools with teachers who know they are honored and respected. Now imagine sending your own children to schools who have teachers who are depressed and demoralized because of imposed policies.

Laws are so concrete, so set in stone. It is not the appropriate venue for affecting positive change in the schools. If you know anything about education, you must know how many different “reforms” have been tried over the years. They may start out as good ideas, but then there is reality - children and their teachers are human beings, not machines! Good intentions can go awry in practice. Collective bargaining is the appropriate venue for collaboration between the Department and the teachers. A case in point is the federal law, No Child Left Behind. It has been widely accepted that this law was a mistake, was more harmful than useful. Yet, we are stuck with it, long after it was scheduled to be reauthorized. We have to live with it, even though we know that it has caused schools to be more and more about the tests, and less and less about the needs of children. Anytime you move away from the needs of children, you are in trouble, which is where SB 2789 seems to be heading.

If you are keeping up with the education news across the country, you would know that the states who have imposed legislation relating to teacher evaluation, such as in Tennessee and New York, are finding out that the problems are huge. They are finding they do not have the capacity to evaluate teachers fairly, so a lot rides on the test scores. Rather than identifying the so-called “bad” teachers, in this “value-added model,” it is easy for good teachers to be rated ineffective. In New York, a teacher of gifted students was rated in the 6th percentile because her students’ scores went down .05 of a point. In my own experience, I had a very smart girl a couple of years ago, who scored very well in 4th grade. I had her again in 5th grade, and her scores went down about 20 points. She was still incredibly accomplished and was accepted to board at Kamehameha Schools when she was in 7th

grade. I don’t feel I failed her because her scores went down in 5th grade. I can try to explain it but there is really no way to isolate the reason. I don’t think it is reflective of her learning or my teaching. But in a state like New York or Tennessee, my job and my reputation would be in jeopardy. I am a good teacher. You would want me to teach your children. I have no problem being evaluated, but the way this bill is written seems to be heavily weighted towards an evaluation based on test scores. “Student performance” is code for test scores.

Chapter 89 and it's provisions for collective bargaining is the best venue to ensure the teacher voice on issues that affect their working conditions. Though the bill does mention that the Department intends to collaborate with teachers, the current relationship between the department and teachers is one of mistrust, evident in the failed ratification. The teachers did not trust that the Department would be fair in developing an evaluation tool. The evidence and common experience is adversarial, rather than collaborative. We need collective bargaining to have a strong mechanism to hold the Department accountable for collaboration.

I respect lawmakers and lawmaking. We need you to consider laws that will save lives, the environment, promote the social good and civil and human rights, improve the economy. Seat belt laws, drunk driving laws, no-smoking laws - these are good laws. SB 2789, should not become law. Please allow us to collaborate with the Department on these measures through collective bargaining. It will be better for all.

Thank you for your consideration of my views.
Diane Aoki
Kealakekua, Hawaii

Sent from my iPad