



EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

Monday, April 2, 2012, 3:00 PM  
State Capitol Room 308

Testimony of  
NEIL ABERCROMBIE  
Governor, State of Hawaii

To the House Committee on Finance  
Representative Marcus Oshiro, Chair  
Representative Marilyn Lee, Vice Chair

SB 2789\_HD1 - Relating to Education

Chair Oshiro, Vice Chair Lee, and members of the Committee:

Thank you for hearing SB2789\_HD1. I appreciate the House Ways and Means Committee's leadership in addressing the important matter of educational accountability and improved learning for our children. I strongly support SB2789\_HD1. It is a priority bill in the administration package for the 2012 legislative session.

SB2789\_HD1 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) include an evaluation of effectiveness of complex area superintendents and principals in supporting students' achievement, safety and well-being and civic responsibility and the satisfaction of stakeholders affected by (their) work." SB2789\_HD1 updates the accountability framework by specifying that teachers and educational officers are included in the comprehensive system of educational accountability and establishes a performance framework which clearly states the legislative intent that evaluation should be on the basis of professional practice and student learning.

Revisions reflected in SB2789\_HD1 take into account new Board of Education policies adopted on February 12, 2012 which are currently pending consult and confer with labor unions; the BOE is expected to finalize these policies in mid-April. SB2789\_HD1 reflects legislative policy direction for performance management and educator effectiveness and emphasizes the importance of student achievement, learning and growth. However, this version of the bill directs the BOE to establish the specific

implementation parameters for that policy direction. As an example, SB2789\_HD1 requires that student learning be a "significant factor" in educator evaluation but relies on BOE policy to establish the weight.

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. Proposed provisions for teachers would begin no later than July 1, 2013, which is the period beyond the current employment terms for teachers.

Act 51 (2004) directed the DOE to establish a principal performance contract and invested in educational leadership by making principals 12-month employees. I am monitoring the DOE and BOE's progress in establishing performance-based evaluations for principals. The principals' performance-based evaluation is an I.O.U. from 2004 and is a critical component of a system-wide performance management system including teachers.

Last week, the U.S. Department of Education conducted an intensive site visit for Hawaii's Race to the Top grant. They met with principals, teachers, DOE leaders, union representatives, and many other leaders in the state to assess the state's progress in making significant changes to improve education for our children. The performance-based evaluation continue to be the highest profile issue for Hawaii, as well as other states identified as having difficulty in implementing their Race to the Top plans.

However, Race to the Top is only one reason to establish a performance management system that includes a robust evaluation system. Evaluation of educators' effectiveness supports the development of personnel, rewards for effective educators, remediation for marginal educators, dismissal of ineffective/unsatisfactory educators, identification of highly effective individuals for leadership roles, and 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, based on research and best practice, and includes feedback from educators. Evaluations must be fair and objective. Teachers and principals' feedback has been incorporated in the design of this year's evaluation pilot in 18 schools. Principals have conducted more than 400 classroom observations using a tool recommended by teacher leaders. Last week, students began completing the TRIPOD survey which provides evidence of teachers' engagement of their students in areas that are proven to impact student learning. Next year, 63 additional schools will be piloting the evaluation to provide further opportunities for educator input and to refine the process statewide implementation in the 2013-14 school year.

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.

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:** 04/02/2012

**Committee:** House Finance

**Department:** Education

**Person Testifying:** Kathryn S. Matayoshi, Superintendent of Education

**Title of Bill:** SB 2789,SD2,HD1(hscr1155-12) RELATING TO EDUCATION.

**Purpose of 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. 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 July 1, 2050. (SD1)

**Department's Position:**

The Department of Education supports SB 2789, SD2,HD1(hscr1155-12). 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 also supports the Legislature's actions for new teachers to complete three years of satisfactory probationary service to be eligible for tenure. 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.



# UNIVERSITY OF HAWAI'I SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Finance  
Monday, April 2, 2012, 3:00 pm, State Capitol Room 308

by Dr. Linda K. Johnsrud, Executive Vice President for Academic Affairs/Provost,  
University of Hawai'i

SB2789, SD 2 RELATING TO EDUCATION

April 1, 2012

Dear Chair Oshiro and Members of the Committee on Finance:

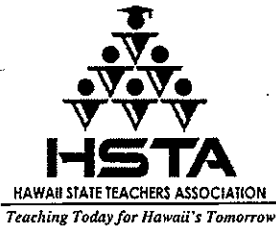
I am writing in support of SB2789, SD2 which provides the Hawai'i Department of Education the directive, means and flexibility to improve teacher and principal effectiveness so that Hawaii's youth can achieve future success.

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.



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**Wil Okabe**  
President

**Karolyn Mossman**  
Vice President

**Joan Kamila Lewis**  
Secretary-Treasurer

**Alvin Nagasako**  
Executive Director

## TESTIMONY BEFORE THE HOUSE COMMITTEE ON FINANCE

RE: SB 2789 SD2 HD1 – RELATING TO EDUCATION.

April 2, 2012

**WIL OKABE, PRESIDENT**  
**HAWAII STATE TEACHERS ASSOCIATION**

Chair Oshiro and Members of the Committees:

The Hawaii State Teachers Association continues to oppose SB 2789 SD2 HD 1, 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 still 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 negotiations, not mandated 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. We acknowledge the importance of accountability and the need for fairness in the process.

From a financial perspective, this bill may pose a significant funding liability to the state. The administrators tasked with performing a large portion of teacher evaluations are already overworked and unable to perform annual evaluations for probationary teachers every school year, using the



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current PEP-T process. They also find it difficult to meet the requirements of evaluating tenured teachers every five years as also provided under the PEP-T process. Demanding that administrators evaluate all teachers annually will likely require the department to hire additional administration or vice-principals at every school to handle the workload. Additionally, the evaluation model being piloted by the DOE requires input from all education stakeholders. Procedures for feedback will need to be created to ensure involvement, since no such mechanisms for evaluations currently exist. And then there is the cost of implementing evaluations themselves, which must involve education consultants, displaced professional time for educators performing evaluations, collaboration with teachers and HSTA, the establishment of new due process protocols, and reams of documentation. All of that costs money. In Washington, gradual phasing in of a new performance evaluation system and training for those administering evaluations carries an estimated price tag of \$13.4 million over four years. Other states have faced similar, or even bigger, financial challenges. Since our state budget is projected to run a deficit of over \$100 million annually beginning in 2014, is this mandate something the state can really afford at this time? Will it truly change outcomes for students? Furthermore, we note that this measure applies to both educational officers and teachers. As we just mentioned, though, administrators, including principals, will play a large role in determining a teacher's overall evaluation score. Yet, this responsibility is not included in this bill's evaluation details for educational officers.

The Hawaii State Board of Education recently 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





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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, it must be concluded, is a clear violation of Article XIII of the State Constitution, which provides the right to collective bargaining for all public employees.

Additionally, HSTA research has shown performance evaluations **must** be based upon multiple facets of a student’s performance and a well developed evaluation process must be designed with clear targets that are fair, coherent, and validated by research on teaching practice. 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 indicator statement? 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 are visiting Hawaii to reassess the state's grant status, and have said that they will not be making any final judgement for several weeks,



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after they depart. That means 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 Pahoia 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 accept responsibility 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? Teachers are not worried about being held accountable but this bill gives them 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.



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This bill circumvents the collective bargaining process and may set a precedent for allowing the state and the Governor to use the Legislature anytime it doesn't get its way during labor negotiations. Therefore, on behalf of our members, we must oppose this measure. We ask that you do the same.

Thank you for the opportunity to testify



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Legislative Director

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**TESTIMONY FOR SENATE BILL 2789, SENATE DRAFT 2, HOUSE DRAFT 1**

**House Committee on Finance  
Hon. Marcus R. Oshiro, Chair  
Hon. Marilyn B. Lee, Vice Chair**

**Monday, April 2, 2012, 3:00 PM  
State Capitol, Conference Room 308**

Honorable Chair Oshiro 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 SB 2789, SD2, HD1, 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 a decision made by Race to the Top officials regarding our state's grant status. 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 (though we note that these amendments may be beyond the purview and scope of your committee):

First, 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 revise Section 2, subsection (a)(6)(D) 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."

Second, 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 7 about the conditions under which the DOE may extend the period of probation for a non-tenured teacher. Thus, we suggest revising Section 7, 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, equivalent to, or lower than satisfactory for additional periods not to exceed a total probationary period of five years."

Third 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 2, 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."

Fourth and finally, we encourage you to amend Section 2, subsection (a)(10)(C)(i) to read, "Determined through the use of multiple measures; provided that it shall not be based on a single solely on standardized test scores," thereby ensuring that standardized metrics will not be the only tools used in assessing student growth as it relates to performance evaluations.

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

841 Bishop St., Suite 301  
Honolulu, Hawaii 96813



Telephone: 808 926-1530  
Contact@HEECoalition.org

House Committee on Finance  
Representative Marcus Oshiro, Chair  
Representative Marilyn Lee, Vice Chair

April 2, 2012

Dear Chair Oshiro, Vice Chair Lee and Committee Members:

This testimony is submitted in support of SB2789 SD2 HD1.

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  
Hawaii Athletic League of Scholars  
\*Hawaii Charter School Network  
\*Hawaii Education Matters  
\*Hawaii Nutrition and Physical Activity Coalition  
Hawaii State Student Council  
Hawaii State Teachers Association  
Hawaii P-20  
Hawaii 3Rs  
It's All About Kids  
\*INPEACE  
Joint Venture Education Forum  
Kamehameha Schools  
\*Kanu Hawaii  
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 Hawaii  
Punahou School PUEO Program  
The Learning Coalition  
US PACOM  
University of Hawaii College of Education  
Voting Members (\*)



## FINTestimony

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**m:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, April 02, 2012 5:30 AM  
**To:** FINTestimony  
**Cc:** debbievida@gmail.com  
**Subject:** Testimony for SB2789 on 4/2/2012 3:00:00 PM

Testimony for FIN 4/2/2012 3:00:00 PM SB2789

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Debbie Anderson  
Organization: Individual  
E-mail: [debbievida@gmail.com](mailto:debbievida@gmail.com)  
Submitted on: 4/2/2012

### Comments:

At 4/2/2012 3:00:00 PM in Room 308, The House Committee on Finance is scheduled A G E N D A # 2 to hear SB 2789, SD2, HD1 (HSCR1155-12).

Honorable Chair Rep. Marcus R. Oshiro, and Vice Chair Rep. Marilyn B. Lee, and member Representatives:

One line in this bill has significant financial implications for the State of Hawaii, as it is very likely to lead to expensive lawsuits seeking remedies for harmful practice. Please consider amending to strike this line, as it is not requested by either of the parties, and would constitute an extremely poor management procedure.

Proposed Amendment to strike SECTION 3. (g) second line: "After the initial agreement is negotiated, provisions on the impact of the performance management program on personnel may be reopened only upon the mutual agreement of the parties."

This line could prohibit the use of two standard management practices that improve "initial" program designs over time:

1. Audit: methodical examination and review to verify whether the program is accomplishing its objectives is essential to government accountability to the public. Audits and attestation engagements provide an independent, objective, nonpartisan assessment of the stewardship, performance, or cost of government programs.
2. Meta-evaluation: Personnel evaluation systems should be examined periodically using these and other appropriate standards, so that mistakes are prevented or detected and promptly corrected, and sound personnel evaluation practices are developed and maintained over time.

Please do not handcuff proper management of new initiatives. This line may also have the unfortunate consequence of postponing an "initial" agreement.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Date:** Sunday, April 01, 2012 10:08 AM  
**To:** FINTestimony  
**Cc:** ms.melanie.chan@gmail.com  
**Subject:** Testimony for SB2789 on 4/2/2012 3:00:00 PM

Testimony for FIN 4/2/2012 3:00:00 PM SB2789

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Melanie A. Chan  
Organization: Individual  
E-mail: [ms.melanie.chan@gmail.com](mailto:ms.melanie.chan@gmail.com)  
Submitted on: 4/1/2012

### Comments:

Dear Chair Oshiro and Committee Members,

I am a public school teacher on the island of Maui and I would like to thank you for your continued support of public school teachers. Today I am writing to ask the Committee to vote no on the Performance Evaluation and Teacher Tenure Bill.

First, as a teacher, I am not opposed to accountability and the evaluation of teachers. However, I believe that teacher evaluation must be fair, reliable and validated by research.

Second, issues such as Teacher Performance Evaluation and Tenure should be a part of our collective bargaining process; they should not be circumvented by legislative mandates. I voted no during the recent contract vote because the contract language concerning teacher evaluation was vague; SB2789 also incorporates nebulous language.

Legislators at many levels of government say, "Put children first." My feeling is, na keiki o Hawai'i, Hawai'i's children, cannot be "put first" if their kumu, their teachers, are made last by vaguely worded legislative mandates that circumvent our collective bargaining rights.

Educators care for our community's children. We do or make the other professions in our Hawai'i community. Teacher Performance Evaluation and Teacher Tenure should be an item that is collectively bargained between the union and the employer. Teacher Performance Evaluation must be clear for all parties, validated by research, and funded appropriately so that implementation is reliable. Chair Oshiro and Committee Members, I ask you to please care about educators and vote no on SB2789. Mahalo nui.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Date:** Sunday, April 01, 2012 12:40 PM  
**To:** FINTestimony  
**Cc:** lorinelson53@gmail.com  
**Subject:** Testimony for SB2789 on 4/2/2012 3:00:00 PM

Testimony for FIN 4/2/2012 3:00:00 PM SB2789

Conference room: .308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Lori Nelson  
Organization: Individual  
E-mail: [lorinelson53@gmail.com](mailto:lorinelson53@gmail.com)  
Submitted on: 4/1/2012

### Comments:

This matter of teacher probation/teacher tenure is best decided by educators who have a clue what it is like to undergo the process of completing our education in our first several years of experience on the job. We are knowledgeable about what it takes to turn a raw graduate into a successful teacher, and we know what it looks like when that process fails. Our vehicle for implementing that knowledge is the teacher contract, and by legislating about this, you are working to take this process out of the hands of those who know best what it should be. Please keep your hands off of the performance and tenure issues that are best left to the contract negotiation process, in which process teachers express our mana about what it takes to become a successful teacher.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**At:** Sunday, April 01, 2012 3:11 PM  
**To:** FINTestimony  
**Cc:** marybethmurphy11@yahoo.com  
**Subject:** Testimony for SB2789 on 4/2/2012 3:00:00 PM

Testimony for FIN 4/2/2012 3:00:00 PM SB2789

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Marybeth Murphy  
Organization: Individual  
E-mail: [marybethmurphy11@yahoo.com](mailto:marybethmurphy11@yahoo.com)  
Submitted on: 4/1/2012

**Comments:**

I am in opposition to this bill. As a tentured teacher I feel it is very important to preserve the santicity of tenure. However, it is very important that we know what is being expected of us as well as how we are being assessed. As teachers, we provide the same information and expectations to our students, why can't we be afforded the same rights by our employer?

It is very clear to the majority that this is being done as a way to punish us for not accepting the horrible contract that was offered to us by the current administration. This retaliation is not only childish and unprofessional, but it seeks to take our collective organizing rights away.

Again, I am in opposition of this bill!

Mahalo,  
Marybeth Murphy

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**It:** Sunday, April 01, 2012 3:11 PM  
**Subject:** FINTestimony  
**Cc:** lottj001@hawaii.rr.com  
**Subject:** Testimony for SB2789 on 4/2/2012 3:00:00 PM

Testimony for FIN 4/2/2012 3:00:00 PM SB2789

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Jonathan Lott  
Organization: Individual  
E-mail: [lottj001@hawaii.rr.com](mailto:lottj001@hawaii.rr.com)  
Submitted on: 4/1/2012

### Comments:

This bill just feels like another disincentive to trying to weather these tough times and remain in the teaching profession. Already I feel attacked from all sides, and am weighing whether I can afford (financially and psychologically) to hang in there "for the kids." Please consider that there are already ways to deal with poor teachers. Yes, they take time--that's called, "due process."

## FINTestimony

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**m:** mailinglist@capitol.hawaii.gov  
**at:** Sunday, April 01, 2012 8:14 AM  
**To:** FINTestimony  
**Cc:** buller.laura@gmail.com  
**Subject:** Testimony for SB2789 on 4/2/2012 3:00:00 PM

Testimony for FIN 4/2/2012 3:00:00 PM SB2789

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Laura Buller  
Organization: Individual  
E-mail: [buller.laura@gmail.com](mailto:buller.laura@gmail.com)  
Submitted on: 4/1/2012

### Comments:

Please vote no on SB2789 Teacher Performance and Tenure. Teachers are not opposed to an evaluation process but definately want to be a part of the development of the evaluation tool. Tenure is also an important part of evaluating teacher effctivness. Both performance evaluations and tenure are collective bargaining rights and need to be honored as a union and employer obligation not part of the legislature. You can not put students first if you make teachers last.

Thank you for your NO vote.

Laura Buller

## FINTestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, March 31, 2012 1:45 PM  
To: FINTestimony  
Cc: hibooklady@yahoo.com  
Subject: Testimony for SB2789 on 4/2/2012 3:00:00 PM

Testimony for FIN 4/2/2012 3:00:00 PM SB2789

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Rhonda Park  
Organization: Individual  
E-mail: [hibooklady@yahoo.com](mailto:hibooklady@yahoo.com)  
Submitted on: 3/31/2012

### Comments:

I am a special education elementary teacher in the Farrington complex. We are battling daily against diminishing pensions, health care benefits costing more and more and the possibility of losing tenure. Collective bargaining should not be circumvented by the legislative process and initiated by the bullying transmitted from the Governors office. Bullying should not be tolerated in our society. Bullying is not allowed in our schools or to incubate in our government offices. If we can say no to drugs, no to domestic violence, why not say no to bullying by our Governor? Your no vote for the right reason could win the war waged against the HSTA-members. AKA-the DOE teachers. Your no vote should reflect what the people want. Your voting record will be on record forever as a historical document. Consider a moment to reflect on your beginnings in politics; your desire to do good as a public servant when you cast a vote for the right reasons not what you believe is best for the people. You were not voted into office to exercise your opinion. As an intermediary, you trust, listen and vote accordingly. At this time my communique is asking you to cast a no vote on HB2527 and SB2789. Join me in desire to kill HB2527 and SB2789. Your no vote is my voice. Thank you for doing a good job.....

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 31, 2012 1:58 PM  
**To:** FINTestimony  
**Cc:** ej\_96822s@yahoo.com  
**Subject:** Testimony for SB2789 on 4/2/2012 3:00:00 PM

Testimony for FIN 4/2/2012 3:00:00 PM SB2789

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Edgar Ramones  
Organization: Individual  
E-mail: [ej\\_96822s@yahoo.com](mailto:ej_96822s@yahoo.com)  
Submitted on: 3/31/2012

**Comments:**

I oppose this bill because of the uncertainty of this evaluation. Its not fair that I have to be evaluated by a tool that is not drafted.I support the right like any other person who belongs to a union to collective bargaining. It is a right those before us have fought for and for us to maintain. Thank you for your time.



## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Date:** Saturday, March 31, 2012 1:58 PM  
**To:** FINTestimony  
**Cc:** jbayez@gmail.com  
**Subject:** Testimony for SB2789 on 4/2/2012 3:00:00 PM

Testimony for FIN 4/2/2012 3:00:00 PM SB2789

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Julio Bayez  
Organization: Individual  
E-mail: [jbayez@gmail.com](mailto:jbayez@gmail.com)  
Submitted on: 3/31/2012

**Comments:**

I oppose this bill because of the uncertainty of the evaluation process. There should be a set evaluation process before there is an evaluation. Not the other way around.

## FINTestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, March 31, 2012 2:04 PM  
To: FINTestimony  
Cc: Lizzi@hawaii.rr.com  
Subject: Testimony for SB2789 on 4/2/2012 3:00:00 PM

Testimony for FIN 4/2/2012 3:00:00 PM SB2789

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Lisa Martin  
Organization: Individual  
E-mail: [Lizzi@hawaii.rr.com](mailto:Lizzi@hawaii.rr.com)  
Submitted on: 3/31/2012

### Comments:

This bill leaves many questions unanswered. That is why we voted no on the contract. Please allow HSTA to represent me at the bargaining table so I can receive a fair deal and have a part in an evaluation that is good for students and fair for teachers.

## FINTestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, March 31, 2012 2:04 PM  
To: FINTestimony  
Cc: grapeape464@yahoo.com  
Subject: Testimony for SB2789 on 4/2/2012 3:00:00 PM

Testimony for FIN 4/2/2012 3:00:00 PM SB2789

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Jodi Pung  
Organization: HSTA  
E-mail: [grapeape464@yahoo.com](mailto:grapeape464@yahoo.com)  
Submitted on: 3/31/2012

### Comments:

As a special education teacher having evaluations having anything to do with assessing us with anything to do with test scores would be unfair. We are doing our best to expose our sped students to grade level standards but are up against a wall when tryin gto have them pass HSA. To be judged by scores would mean that we may never truly be judged fairly because we deal with students with multiple handicaps reading at a many grade levels.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 31, 2012 1:57 PM  
**To:** FINTestimony  
**Cc:** jbayez@gmail.com  
**Subject:** Testimony for SB2789 on 4/2/2012 3:00:00 PM

Testimony for FIN 4/2/2012 3:00:00 PM SB2789

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Julio Bayez  
Organization: Individual  
E-mail: [jbayez@gmail.com](mailto:jbayez@gmail.com)  
Submitted on: 3/31/2012

### Comments:

I oppose this bill because of the uncertainty of the evaluation process. There should be a set evaluation process before there is an evaluation. Not the other way around.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 31, 2012 5:58 PM  
**To:** FINTestimony  
**Cc:** dkeikoa@hawaii.rr.com  
**Subject:** Testimony for SB2789 on 4/2/2012 3:00:00 PM

Testimony for FIN 4/2/2012 3:00:00 PM SB2789

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Diane Aoki  
Organization: Individual  
E-mail: [dkeikoa@hawaii.rr.com](mailto:dkeikoa@hawaii.rr.com)  
Submitted on: 3/31/2012

### Comments:

I am a 5th grade teacher at Kealakehe Elementary School in Kona, Hawaii. I just finished my evaluation with the current Pep-T system. It was an exhilarating process, setting goals based on student needs, having a conference with my administrator, and planning next steps. This is how teacher evaluation should be. If it is imposed without collective bargaining, as this bill seems to indicate, I am afraid you will have resistant and angry teachers. This is no way to reform education. It must be done with respect and honoring the collaborative process that collective bargaining ensures. Thank you for your consideration of my views.

## **FINTestimony**

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**n:** mailinglist@capitol.hawaii.gov  
**t:** Sunday, April 01, 2012 8:55 AM  
**To:** FINTestimony  
**Cc:** stephenono@hotmail.com  
**Subject:** Testimony for SB2789 on 4/2/2012 3:00:00 PM

Testimony for FIN 4/2/2012 3:00:00 PM SB2789

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Stephen Onol  
Organization: Individual  
E-mail: [stephenono@hotmail.com](mailto:stephenono@hotmail.com)  
Submitted on: 4/1/2012

Comments: