

WRITTEN COMMENTS

Date: 02/28/2012

Committee: Senate Ways and Means

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 2789,SD1 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 and appreciates the Ways and Means Committee's willingness to allow further discussion on the bill. At its core, an effective evaluation 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. 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.



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

Tuesday, February 28, 2012, 9:00 AM
State Capitol Room 211

Testimony of
NEIL ABERCROMBIE
Governor, State of Hawaii

To the Senate Committee on Ways and Means
Senator David Ige, Chair, Ways and Means Committee
Senator Michelle Kidani, Vice Chair, Ways and Means Committee

SB 2789_SD1 - Relating to Education

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

Thank you for hearing SB2789_SD1. I appreciate the Senate's leadership in addressing the important matter of educational accountability and improved learning for our children. I strongly support SB2789_SD1. It is a priority bill in the administration package for the 2012 legislative session.

SB2789_SD1 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_SD1 proposes to update the accountability framework to clarify and reinforce student learning as a critical component of performance management.

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." Furthermore, HRS 302A-638:

establish(es) an evaluation program for all teachers and educational officers. The evaluation shall be performed at least once in each school year. The program shall define the criteria for evaluation and assign responsibility for the application criteria. The evaluation of a teacher or educational officer shall be on the basis of efficiency, ability and such other criteria as the department shall determine.

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 will include 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. Last week, the BOE passed policies articulating a similar framework for performance management; these policies are pending consult and confer with the unions which will take 45 days. 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.

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.



SB 2789 SD1
RELATING TO EDUCATION
Senate Committee on Ways and Means

February 28, 2012

9:00 a.m.

Room 211

The Office of Hawaiian Affairs would like to offer the following **COMMENTS** on SB 2789 SD1, a bill which provides the department of education the directive, means and flexibility to establish a performance management system that cultivates and supports highly effective educators and implements our State's Race to the Top commitments:

Section 3(a)(10)(A) states that the accountability system shall include "an evaluation of the effectiveness of individual educators, including complex area superintendents, principals, and teachers, in supporting students' academic achievement, safety and well-being, and civic responsibility," provided that "students' academic achievement shall constitute fifty per cent of the evaluation rating of effectiveness." However, Firestone, Mayrowetz and Fairman (1998) found that high stakes testing in Maryland and Maine had little effect on instructional practice. Jones et al (1999) found mixed results in North Carolina. Moreover, high stakes, 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). Instead of increasing teacher effectiveness and instructional practice, Section 2(a)(10)(A)(i)'s requirement may prompt the opposite result.

Section 3(a)(10)(A) also states that students' academic achievement shall be based on the educator's contribution to student academic learning and growth. However, there are no metrics or rubrics in existence to measure causal effects of contribution.

Section 3(a)(10)(C) states that the evaluation of effectiveness shall also assess teachers' support of classroom practice and student engagement. There are no published studies on the relationship between classroom practice and student achievement in Hawai'i. Studies elsewhere show mixed results. For example, Saxe, Gearhart & Seltzer's (1999) analyses of student learning in the domain of fractions revealed that alignment of classroom practices with reform principles was related to student achievement in problem solving, but not computation.

OHA's comments are meant to help policymakers judge the effectiveness of educational policies and to prevent misleading or missing information from leading to suboptimal decisions, especially as they impact our *kumu* (teachers) and *keiki o Hawai'i Nei*. Mahalo for this opportunity to provide comment.

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Senate Committee on Ways and Means
Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair

February 26, 2012

Dear Chair Ige, Vice Chair Kidani and Committee Members:

This testimony is submitted in support of SB2789 SD1.

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 (*)