



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

Wednesday, March 14, 2012, 2:10 PM
State Capitol Room 309

Testimony of
NEIL ABERCROMBIE
Governor, State of Hawaii

To the House Committees on Education and Labor & Public Employment
Representative Roy Takumi, Chair, Education Committee
Representative Della Au Belatti, Vice Chair, Education Committee

Representative Karl Rhoads, Chair, Labor & Public Employment Committee
Representative Kyle Yamashita, Vice Chair, Labor & Public Employment Committee

SB 2789_SD2 - Relating to Education

Chair Takumi, Chair Rhoads, Vice Chair Belatti, Vice Chair Yamashita, and members of the Committees:

Thank you for hearing SB2789_SD2. I appreciate the House Education and Labor & Public Employment Committees' leadership in addressing the important matter of educational accountability and improved learning for our children. I strongly support SB2789_SD2. It is a priority bill in the administration package for the 2012 legislative session.

SB2789_SD2 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_SD2 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.

Since these committees last considered the House companion bill, HB 2527, on February 6, 2012, 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.

In light of the BOE's action on this matter, SB2789 should be amended to reflect the pending Board policies. SB2789 should reflect legislative policy direction for performance management and educator effectiveness and emphasize the importance of student achievement, learning and growth. However, BOE policies should reflect the specific implementation parameters for that policy direction. As an example, SB2789 should maintain reference to educators' professional practice and to student achievement as component of teachers' effectiveness (in addition to complex area superintendent and principals' effectiveness), but some of the specifics provided in SB2789, for example that "50% of the evaluation rating of effectiveness should be

based on students' academic achievement" can be left to BOE policy.

The committees should also consider some technical changes addressed by HB2527_HD1. For example, current HRS refers to educator evaluation in two sections: HRS 302A-638 and HRS 302A-1004. HB2527_HD1 clarified the matter by having HRS 302A-1004 refer to HRS 302A-638.

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: 03/14/2012

Committee: House Education
House Labor & Public Employment

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 2789,SD2 (SSCR2760) 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. (SD2)

Department's Position:

The Department of Education supports SB 2789, SD2. 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 Legislative'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.



Wil Okabe
President

Karolyn Mossman
Vice President

Joan Kamila Lewis
Secretary-Treasurer

Alvin Nagasako
Executive Director

HOUSE COMMITTEE ON EDUCATION

RE: SB 2789, SD2 -- RELATING TO EDUCATION.

March 14, 2012

WIL OKABE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Takumi and Members of the Committee:

The Hawaii State Teachers Association respectfully opposes SB 2789, SD 2, 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. 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.



SB 2789 SD2
RELATING TO EDUCATION
House Committee on Education
House Committee on Labor and Public Employment

March 14, 2012

2:00 p.m.

Room 309

The Office of Hawaiian Affairs would like to offer the following **COMMENTS** on SB 2789 SD2, 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 3(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.



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

before the

Senate Committee on Education

on

SB 2789

on behalf of

The National Governors Association

March 13, 2012

Good Morning,

Thank you, Senator Tokuda and members of the Senate Committee on Education, for allowing me to provide written testimony on SB 2789. 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 the 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-rater reliability is difficult to achieve. Given this research, as well as what we know from states that have been using classroom observations for

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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.



**Testimony to the House Committees on Education and Labor & Public
Employment
Wednesday, March 14, 2012 at 2:10 p.m.
Conference Room 309, State Capitol**

RE: SENATE BILL NO. 2789 SD2, HD1 RELATING TO EDUCATION

Chairs Takumi and Rhoads, Vice Chairs Bellati and Yamashita and members of the committees:

The Chamber of Commerce of Hawaii ("The Chamber") supports the overall objectives of SB 2789 SD2 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.

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House Committee on Education
Representative Roy Takumi, Chair
Representative Della Au Belatti, Vice Chair

House Committee on Labor and Public Employment
Representative Karl Rhoads, Chair
Representative Kyle Yamashita, Vice Chair

March 13, 2012

Dear Chairs Takumi and Rhoads, Vice Chairs Belatti and Yamashita, and Committee Members:

This testimony is submitted in support of SB2789 SD2.

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 (*)



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

TESTIMONY FOR SENATE BILL 2789, SENATE DRAFT 2

**House Committee on Education
Hon. Roy Takumi, Chair
Hon. Della Au Belatti, Vice Chair**

**House Committee on Labor and Public Employment
Hon. Karl Rhoads, Chair
Hon. Kyle T. Yamashita, Vice Chair**

**Wednesday, March 14, 2012, 2:10 PM
State Capitol, Conference Room 309**

Honorable Chair Takumi, Chair Rhoads, 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, 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 encourage you to replace the contents of this bill with the contents of HB 2527, HD2, as amended by the House Committees on Finance and Education, prior to first crossing. From our perspective, the language contained in the House draft better clarifies the establishment and provisions of an evaluation system, while also detailing requirements for rating differentiation and permitting incentives for professional development. We further urge you to amend the language of the House draft, if imported, 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, 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.

Third, 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."

Fourth 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."

If, on the other hand, you decide to keep the current language of SB 2789, SD2 intact, we urge you to incorporate the second and fourth suggestions enumerated above into Section 3(a)(6)(D) and Section 3(a)(11), respectively, while also amending Section 3(a)(10)(A)(iii) to

read, "The measurement of students' ~~academic achievement~~ **learning growth** shall consist of multiple measures to include statewide assessment and other student learning objectives, as determined by the department, and 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. We would also ask that you repeal any existing language requiring the evaluation of student safety and well-being, civic responsibility, and stakeholder satisfaction, as these items, too, involve variables that are largely beyond the control of individual educators.

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



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Testimony to the House Committees on Education and Labor & Public Employment

Wednesday, March 14, 2012

2:10 p.m.

Conference Room 309

RE: Relating to Education – Senate Bill 2789 SD2

Chairs Takumi and Rhoads, Vice Chairs Au Bellati and Yamashita, 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 SB 2789 that 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

belatti2 - Kate

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 11, 2012 8:04 PM
To: EDNtestimony
Cc: souza_dena@yahoo.com
Subject: Testimony for SB2789 on 3/14/2012 2:10:00 PM

Testimony for EDN/LAB 3/14/2012 2:10:00 PM SB2789

Conference room: 309
Testifier position: Oppose
Testifier will be present: No
Submitted by: Dena Souza
Organization: Individual
E-mail: souza_dena@yahoo.com
Submitted on: 3/11/2012

Comments:

Aloha Honorable Representatives,

I am asking that you do not pass the Bill SB2789 (SD2 Relating to Education.

There are many reasons why this bill should not go through. First, test scores among our diverse students are not possible for teachers to guarantee success. There are numerous reasons outside of a teachers control that influence this. Problems such as homelessness, drug abuse, broken families, immigration from non English speaking countries are just a few of the factors that affect students success. Teachers can not control these, and these factors will affect a student's scores and a Teacher's position. Teachers can't be the only ones held accountable any longer!

On the same topic, of test scores, it is really terrible that education is all about test scores. Unfortunately, teaching to the test has become a reality for many teachers and students. This has led education to become dry, boring and something that students feel unsuccessful. I feel that there needs to be a relevant and rigorous evaluation tool that insures student interest and success. This will help students want to persevere.

Teacher evaluation is also something that needs attention. It is crucial that teacher evaluation is fair and open. I do feel that teachers need practice before they can be granted tenure. Teachers should be consulted and involved in creating a fair evaluation tool. I have personally experienced terrible Pep-T experiences. The administration at some schools can be very unfair. We need an evaluation tool that is fair and workable for all.

My final comment is about pay cuts and teachers getting a fair salary. It is really sad that teachers are experiencing their third year of pay cuts, when all other prices are going up. I have had to take on a second job just to pay my gasoline bill!

Teachers work so hard to keep students learning to be successful in life, school and with each other. It is important that teachers receive respect from the community, families and the legislature. Please vote no on SB2789 SD2

belatti2 - Kate

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 7:27 AM
To: EDNtestimony
Cc: nonrev25@hotmail.com
Subject: Testimony for SB2789 on 3/14/2012 2:10:00 PM

Testimony for EDN/LAB 3/14/2012 2:10:00 PM SB2789

Conference room: 309
Testifier position: Oppose
Testifier will be present: No
Submitted by: Carol Seielstad
Organization: Individual
E-mail: nonrev25@hotmail.com
Submitted on: 3/12/2012

Comments:

Please do not pass this bill. The DOE has not yet implemented its administrator evaluation system. I currently teach special education students. Basing my evaluation on their test scores is simply not reasonable. Please do not pass this bill.

Thank you for the opportunity to testify.

Carol Seielstad (Dist 14-1)

IN SUPPORT OF SB2789 / HB2527

This testimony is in support of enabling legislation SB2789 which brings teachers line with other performance-related contractual requirements in place for principals and complex area superintendents.

SB 2789 is "enabling" legislation that would clarify the State's established authority to administer a performance management system for Hawaii's public school teachers. Such an evaluation protocol is a critical step in fulfilling Hawaii's obligations under the federal Race to the Top program through which the state stands to gain \$75mm in much needed funding to be directed toward public education reform.

Some have portrayed this legislation as unilaterally imposed without sufficient stakeholder input or buy in. In fact while the DOE's development plan is based upon national research and best practices the ultimate evaluation system will be further adapted through extensive collaboration with teachers and educators make it more relevant to Hawaii's public schools. It will contain numerous safeguards to insure that the system remains both transparent and fair. The DOE also plans to engage in a two year pilot to test the jointly developed tools and to provide both teachers and principals with further time to provide input into the process.

Ultimately a transparent and fair evaluation system developed in a collaborative manner and focused upon the clear goal of strengthening Hawaii's educators as opposed to punishing them is better for all concerned. Better for principals, who can more impactfully provide support and professional development where it is needed, better for teachers who can more accurately measure the effectiveness of their diverse approaches and learn from each other's successes and most importantly better for Hawaii's public school students who will be the ultimate beneficiaries of teaching techniques that are more productive and self-reinforcing.

I urge you to support this legislation as an important component of the multi-faceted and collaborative reform efforts now taking place to transform the culture within Hawaii's public schools.

Thank you for your time and consideration,

Bill Reeves

I am writing in opposition to SB 2789 SD2. These issues, which you are attempting to write into law, should be part of negotiations between Hawaii State Teachers Association and the Department of Education/Board of Education.

I support accountability and evaluations that are reliable and valid. To this end, it is important that teachers are included in the development of an effective evaluation tool. Many people outside of education believe if there was annual evaluation of teachers, all of the ineffective teachers will be eliminated. That may not be true. It is not the evaluation tool as much as it is the implementation of the tool. PEP-T calls for teacher evaluation every five years. Before that it was PATH for evaluation. I have been teaching in Hawaii schools for 27 years. In that entire time, I believe I had an administrator observe my class twice – one was a new VP at the beginning of PEP-T and one was this year by a new principal. Even during my probationary period, I was in three different schools and I cannot recall being observed. I was just called into the office to sign off on my paperwork. Even so, it is important for teachers to be included in the development of the tool so we can have confidence in its fairness and reliability. We want to be judged on the things we have control over, not the outcome of some obscure test or whether or not a student goes on to college.

Collective bargaining is very important to me and many other teachers. Legislation that bypasses negotiations disrespects employees. Show respect for the ones who are working every day to make education effective for our children. Allow us to address these issues through the collective bargaining process. Teachers and HSTA are willing to settle our contract through those means, not through legislation.

Please vote no on SB 2789 SD2.

Colleen Pasco
P.O. Box 597
Kapaau, HI 96755

belatti2 - Kate

From: Diane Aoki [ddkaoki@me.com]
Sent: Tuesday, March 13, 2012 9:57 AM
To: EDNtestimony
Subject: Testimony SB 2789

Dear Representatives,

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.

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
Kealahou, Hawaii

Sent from my iPad

belatti2 - Kate

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 1:15 PM
To: EDNtestimony
Cc: plstanfield@gmail.com
Subject: Testimony for SB2789 on 3/14/2012 2:10:00 PM

Testimony for EDN/LAB 3/14/2012 2:10:00 PM SB2789

Conference room: 309
Testifier position: Oppose
Testifier will be present: No
Submitted by: Patty Stanfield
Organization: Individual
E-mail: plstanfield@gmail.com
Submitted on: 3/13/2012

Comments:
Aloha!

I've been happily working as a (terirific!) school librarian here in Hawai'i for the last 24 years. As you might imagine, I do a good bit of reading.... and I encourage others to do the same.

Might I suggest that you take some time to familiarize yourselves with the tremendous "error rates" associated with Betebenner's "Student Growth Percentiles; the quotes by Damian Betebenner himself regarding the fact that his model was never intended to draw conclusions/connections between student achievement and individual teachers; the quotes by Charlotte Danileson herself (whose "Framework for Teaching" is apparently going to be used for observational purposes in the schools) regarding the fact that her model was never designed for evaluation purposes -- that "if teachers are fired (as a result of it being used) they will sue.... and they will win;" and the current debacle unfolding in New York City regarding the posting of thousands of teachers' grossly erroneous!) individual "scores" being released in the city newspapers.

What worries me about the proposed legislation here is the way the term "individual teachers" is thrown in over and over and over and over. Hopefully Hawai'i is not planning to follow the (utterly insane!) precedent being set in New York City; surely each of you will agree that following New York City's lead will do nothing but drive Hawai'i's highly-educated, excellent, hard-working, outrageously-dedicated teachers away in droves... not necessarily something something that would bode well for Hawai'i's youth.

Teachers here, many of whom are parents, naturally want what's best for Students. Reform?... sure, fine. We do however have some serious concerns about Legislation that's clearly being rushed top-speed through the process in order to save a federal grant.

I believe, as do most of my colleagues (teachers and administartors both) that these issues should be settled by Educators as opposed to Legislators. Please allow collective bargaining between the DOE and HSTA and HGEA sort out the details of how to go about improving education for Hawai'i's Keiki, okay?

I repectfully request that you take my testimony into account when making your (hopefully enlightened!) decision.

Mahalo!

.....Patty. :)



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony for the
House Committee on Education and the
House Committee on Labor and Public Employment
Wednesday, March 14, 2012 at 2:10 pm
Conference Room 309

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

SB2789, SD2 RELATING TO EDUCATION

Dear Chair Takumi, Vice Chair Belatti, Chair Rhoads, Vice Chair Yamashita and
Members of the Committees:

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 Hawaii's teachers, preparing them to
be educators who impact the lives of our keiki, Hawaii'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.

Testimony on SB2789, SD 2 RELATING TO EDUCATION
By Terrence R. George, Executive Vice President & COO, Harold K.L. Castle
Foundation

March 13, 2012

To Chair Takumi and Chair Rhoads:

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

This bill will clarify and reinforce the authority of the Hawaii DOE to implement an evaluation system for teachers and principals, and improve outcomes for our students. Hawaii has already made significant progress in piloting such a system in 18 of its schools, using a fair and reliable process based on research-tested tools co-designed by teachers, union leaders, scholars, and education officials in school districts such as Memphis, whose teachers, like those in Hawaii, are represented by the National Education Association.

Recent surveys show that Hawaii's teachers largely welcome a performance management system as long as it is fair, reliable, not based on a single high-stakes test, and linked to tailored professional development both for the evaluators and for the teachers. Principals in the 14 schools in the Kailua-Kalaheo district are already using an online evaluation of their performance that is part of a comprehensive coaching strategy to improve the effectiveness of large teams of instructional leaders. The results in those schools have been very strong: student achievement has grown rapidly, because teachers are more effective. Teachers are more effective because instructional leaders are stronger, due to coaching that was tailored based on the initial principal performance evaluations. In short, a well-designed talent development system can strengthen teaching and learning in every classroom, every day—a necessary condition for Hawaii to achieve its educational goals.

We adults owe each of Hawaii's children the opportunity to be taught well in every year of their K-12 education, so they are ready to succeed in college and to secure a living-wage job. Improving educator effectiveness is a key element to making that opportunity real for every child. Thank you for this opportunity to testify.

Sincerely,

Terrence R. George
Executive Vice President and Chief Operating Officer
Harold K.L. Castle Foundation email: tgeorge@castlefoundation.org