

# SB2993

Relating to Education;  
Tenure

EDU/JDL, WAM

**Date:** 02/03/2012

**Committee:** Senate Education  
Senate Judiciary and Labor

**Department:** Education

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

**Title of Bill:** SB 2993 RELATING TO EDUCATION.

**Purpose of Bill:** Eliminates the vesting of tenure for certain employees of the Department of Education.

**Department's Position:**

The Department is submitting comments regarding SB 2993. Hawaii is committed to lengthening the probationary period for new teachers to ensure there is adequate time to evaluate their effectiveness before they earn the benefits of tenure. When structured properly, the award of tenure can affirm the attainment of professional status. Under the State's current contract with the Hawaii State Teachers Association (HSTA) for School Year 2009-2011, licensed teachers achieve tenure after two years of satisfactory service. The Department's Race to the Top application/current research supports extending the probationary period to no earlier than three years, with a new teacher evaluated as "Satisfactory" or "Effective" for three years. The Department understands that it may take three to five years of service for novice teachers to demonstrate and sustain effective practices.<sup>1</sup>

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<sup>1</sup>McGuinn, Patrick. (February 2010). Drew University and Institute for Advanced Study, Center for American Progress, *Ringing the Bell for K-12 Teacher Tenure Reform*.



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The Twenty-Sixth Legislature, State of Hawaii  
The Senate  
Committee on Education  
And  
Committee on Judiciary and Labor  
Testimony by  
HGEA/AFSCME Local 152  
February 03, 2012

**S.B. 2993 - Relating To Education**

The Hawaii Government Employees Association, HGEA/AFSCME, Local 152, AFL-CIO opposes S.B. 2993 that amends Chapter 89 by adding a new section that essentially precludes bargaining units (5) and (6) from negotiating the vesting of tenure or continued expectations of employment in an employment relationship into collective bargaining agreements. In addition, it also eliminates tenure status for all incumbent tenured teachers and educational officers.

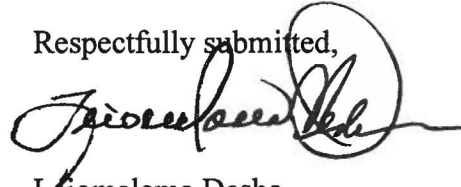
The department of education is responsible to provide a comprehensive personnel system that includes a full array of services including recruitment, appointment, retention professional development, training, resources, support, evaluation and termination. Inherent in the department's personnel system is the responsibility of the department to appoint educational officers that meet the qualifications and the training requirements of the department. Once appointed, the department is responsible to provide on-going professional development, training, support and resources for educators to do the job. Educational officers are responsible to meet the high standards delineated in the Profile of the Effective School Leader.

Tenure is not given to educational officers, they are required to complete department established probationary requirements. Tenure in the department is obtained by continued employment based on (a) successful completion of probationary requirements; and (b) demonstrated competency at progressively higher levels of performance. On satisfactory completion of the probationary period, educational officers earn tenure in

their positions. If disciplined, a tenured educational officer is entitled to just and proper cause. Finally, but perhaps most important is that tenure is associated with academic freedom and risk taking. This bill is inherently unfair and we request that it be held.

Thank you for the opportunity to testify.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Leiomalama Desha", written in a cursive style. The signature is positioned below the text "Respectfully submitted," and above the printed name and title.

Leiomalama Desha  
Deputy Executive Director



Senate Committees on Education  
and Judiciary and Labor  
Friday, February 3, 2012  
2:15 p.m.

**SB 2993, Relating to Education.**

Dear Chairs Tokuda and Hee and Committee Members:

On behalf of the University of Hawaii Professional Assembly (UHPA), our union stands strongly opposed to the passage of SB 2993. The elimination of the principle of tenure, whether the educators are either teachers or principals, violates a tenet that has been a standard of the American system of public education. Tenure is more than just a form of job security, it is the basis upon which the profession has been built, and which has brought about the most inclusive system of public education on globe, K through 20. Tenure sets the professional standards for education based on the concept of academic freedom. It has precluded the “politicization” of American public education and the imposition of doctrinaire curricula, whether based on political or religious ideologies. The struggle over the centuries has been against the forces that seek to apply “one mind” to the public education of our children, young adults, and adults under the color of government. Hawaii, of all places should both understand and appreciate the concept of tenure and the positive impact it has in the development of a multi-cultural society.

I am sure that this bill was not introduced with any thought to the consequences beyond a misguided assumption that it would allow the Hawaii State Department of Education to terminate teachers and principals, without recourse, based on the opinion of unidentified individuals. The potential abuse of this authority does not further any improvement in student learning outcomes, nor does it offer our citizens a hope for a better future. The elimination of tenure in the DOE will not advance the stated educational goals articulated either by our Governor or any member of this Legislature. There is absolutely no objective evidence from any other jurisdiction in the United States of America that shows a positive correlation between the elimination of tenure for teachers and improvements in student achievement. This bill undermines open and challenging collaboration among teachers and principals by imposing conditions that easily silence academic debate.

Tenure and academic freedom have allowed our colleges and universities to be the envy of people around the world, and it has led to discoveries and innovations that have literally changed the lives of human beings.

**UNIVERSITY OF HAWAII  
PROFESSIONAL ASSEMBLY**

1017 Palm Drive · Honolulu, Hawaii 96814-1928  
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We urge this committee, the leadership of the Senate, and all members of the 2012 Legislature to reject this proposed legislation.

Respectively submitted,

A handwritten signature in black ink, appearing to read "J.N. Musto". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

J.N. Musto, Ph.D.  
Executive Director



KANEOHE  
RANCH

February 1, 2011

The Honorable Jill N. Tokuda, Chair and Members  
Senate Committee on Education  
The Honorable Clayton Hee, Chair and Members  
Senate Committee on Judiciary & Labor  
Hawaii State Legislature  
State Capitol  
Honolulu, HI 96813

**RE: Testimony on SB2993 RELATING TO EDUCATION**

Ladies and Gentlemen:

This testimony is submitted in support of SB2993, with reservations.

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 Hawaii DOE team proved we could compete successfully and we were one of eleven states and the District of Columbia to win, placing third in the final standings. We won because of a bold plan to improve education outcomes for all Hawaii's children. Nothing is more important to our State's future. Hawaii's 2011 NAEP scores showed the Department is making progress.

SB2993 provides a means to adjust the time requirement for tenure as needed to preserve Hawaii's Race to the Top grant.

Although this writer hopes these matters can be achieved through collective bargaining, a portion of this legislation is needed to protect the Race to the Top grant. The remainder of the bill will be very controversial. Dialogue is needed on all these subjects. The writer commends the introducers of this bill for raising a difficult and controversial subject. Hopefully it can promote private dialogue.

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

Thank you for this opportunity to testify and for your kind consideration of these matters.

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

Thank you for this opportunity to testify and for your kind consideration of these matters.

Very truly yours,

H. Mitchell D'Olier  
President and  
Chief Executive Officer

# Radcliffe & Associates, LLC

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222 South Vineyard Street, Suite 401, Honolulu, HI 96813-2453 Phone (808) 524-4459 Fax (808) 599-4340

February 3, 2012

Senator Jill Tokuda, Chair  
Senator Clayton Hee, Chair  
Committees on Education and Judiciary & Labor  
Hawaii State Capitol, Room 225

**RE: SB2993 Relating to Education**

Chairs Tokuda and Hee, and Members of the Committees on Education, and Judiciary & Labor:

My name is John Radcliffe and I spent thirteen years as Executive Director of the HSTA, seventeen more years as the Associate Executive of the UHPA, and, so far, a total of thirty-six years as a lobbyist and advocate for educators in Hawaii. In those thirty-six years, and in the fifty-three years since statehood, SB 2993 is the first attempt by Democrats in the Hawaii legislature to take away tenure from educators. It signals a shift in Democratic Party philosophy that hits at the heart of what it means to be a free educator.

A free educator will speak the truth without regard to discipline or termination knowing that s/he has the protection of tenure. *Academic tenure is the status given to an educator who has satisfactorily completed teaching for a trial period and is, therefore, protected against summary dismissal by the employer.* In essence, it confers a property right to a job. It enshrines and protects due process.

Some will argue that a union contract is good enough. That due process can be enshrined in contract language. And it can. But the recent events in Hawaii and in other states, surrounding contractual disputes, suggest that contractual rights, too, can be swept away. In the end, an employer can run over employees.

Legislated tenure is job protection for those who make it through probation.

I realize that most legislators in Hawaii have no history of understanding what it was like to be a teacher in America without tenure, and without contracts, but I remember. Did I say that I was a teacher union official here since 1976? That's true, but I began my career in 1965.

When I began, we had nothing but our courage. If you stood up against bigotry you could be fired. You could be fired for any reason, and for no reason. It meant that if you did not kowtow to the boss, the boss's family, politicians, or anybody with more power than you, you could be fired. It meant that if you did not belong to a union or even if you did, you could be fired for either quality. In the 60's and early 70's I organized teachers in Wisconsin, Illinois, Indiana, Tennessee and Virginia, and defended men and women who stood up to school boards and were fired for it. Teachers who taught *Catcher in the Rye* and were fired



Senator Jill Tokuda, Chair  
Senator Clayton Hee, Chair  
Committees on Education and Judiciary & Labor  
February 3, 2012  
Page 2

for it. Teachers who marched and spoke out for racial justice and against the Vietnam War, and were fired for it. We did not win them all. But once we had tenure enshrined in the law, it helped. Once we had the legal right to bargain, that helped too

Please do not take a fundamental right of due process away. You'll regret it if you do. Once such rights are swept away, democracy is weakened.

Thank you for the opportunity to submit written testimony.

Respectfully Submitted,

John H. Radcliffe  
President, Radcliffe & Associates, LLC



February 2, 2012

Senate Committees on Judiciary and Labor and Education  
Chairs, Sen. Clayton Hee and Sen. Jill Tokuda  
Vice Chairs, Sen. Michelle Kidani and Sen. Maile Shimabukuro

### **Testimony in strong opposition to HB 2993**

Pride At Work Hawai'i, an affiliate of the Hawai'i State AFL-CIO which works to mobilize lesbian, gay, bisexual, and transgender (LGBT) workers and their supporters for full equality and to build mutual support between the labor movement and the LGBT community, strongly opposes SB 2993, which would remove tenure rights for public school teachers and principals.

The protections tenure provides help attract and retain qualified teachers, and encourages innovation and academic freedom. The tenure system protects basic rights to due process and against arbitrary dismissal. Without tenure, qualified teachers will be drawn to higher salaries in the private sector.

It is particularly concerning that this bill has been introduced at a time when public workers in Hawai'i and across the US are facing ongoing pay cuts and unprecedented attacks on their bargaining rights. **Teachers should be at the center of decision-making about how to make our public schools better, not be treated as scapegoats.**

We strongly urge this committee to reject this anti-worker, anti-education bill.



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 2993, RELATING TO EDUCATION**

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

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

**Wednesday, February 3, 2012, 2:15 PM  
State Capitol, Conference Room 225**

Honorable Chair Tokuda, Chair Hee 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 strong opposition to SB 2993, relating to education.

While the IMU Alliance sympathizes with the intent of this bill, which seeks to ensure that Hawaii's keiki are given quality instruction by highly effective teachers, we feel that the eradication of teacher tenure is a gigantic step backward for our state's education system. Teacher tenure exists for a number of reasons. First, as education and labor expert Carl E. Van Horn has noted, tenure protects teachers from being dismissed for personal, political, or other non-performance related causes. Second, according to the New Teacher Project, tenure prohibits school districts from replacing experienced teachers with newer, less costly teachers, a concern that has become more important, in recent years, as school districts grapple with budget cuts stemming from lagging local and national economic indicators. Third, tenure protects teachers from being terminated for using innovative pedagogical techniques and employing controversial curricula. Fourth, tenure provides employment security that is beneficial in attracting new teachers into the education profession. Given that teachers receive approximately 15 percent lower weekly pay than workers with comparable education and work experience, according to the Economic Policy Institute, eliminating tenure would provide a further barrier to attracting the best and brightest young minds into the field that most directly impacts the socioeconomic prosperity of our state's future. Fifth, removing tenure disincentivizes pedagogical flexibility, encouraging teachers to "teach to the tests" upon which their evaluations are mostly likely to be based in the absence of professional stability. Need to take a breath yet?

Okay, now that you're oxygenated, we can move on. Sixth, the preservation of tenure allows educators to openly disagree with school, district, and state administrators, without fear of professional reprisal. Seventh, tenure protects teachers from being prematurely and wrongfully dismissed in the event that a student makes a false accusation of harassment or misconduct, or a parent makes such an accusation to school administrators or a school district. Unfortunately, districts may find it more expedient to remove a teacher when threatened with expensive litigation, rather than fully investigate complaints in accordance with due process standards. Eighth, contrary to popular opinion, tenure encourages the careful selection and cultivation of effective teachers. According to the late economist Fritz Machlup, the fact that tenured teachers are difficult to remove encourages administrators to take additional care when making hiring and personnel decisions. Ninth, formal dismissal processes guaranteed by tenure safeguard educators against punitive evaluation systems, allowing underperforming teachers recourse to available professional development programs prior to termination. Tenth and lastly, teachers work better absent the constant fear of dismissal. Anxiety about one's professional status translates into anxiety in the classroom, compromised instruction, and lower achievement for our public school students.

Additionally, the IMUAlliance is shocked and appalled at the repeal of teacher reemployment rights contained in §302A-608, as per Section 7 of this bill. State mandated performance evaluations—which we also oppose, to be clear—do not require the elimination of hiring guarantees for teachers. The eradication of reemployment rights, when coupled with performance evaluations, means that teachers will be rehired or fired on an annual basis, based solely upon evaluation metrics. We understand that the intent of eliminating reemployment rights is to allow administrators flexibility to hire the most effective teachers, while terminating the contracts of underperforming educators. Deletion of §302A-608 inhibits effective teaching by increasing volatility in the educational marketplace, however, preventing, among other things, the rehiring of teachers laid off because of economic downturns and implementation of professional development programs designed around longterm goals for a stable educational workforce, including many programs imported into Hawaii's schools by mainland education consultants for the purpose of increasing achievement at schools failing to meet adequate yearly progress benchmarks.

Finally, this bill is not consonant with the objectives outlined in Hawaii's successful Phase 2 application for Race to the Top funding, which calls for an extension of the department of education's pre-tenure evaluation period from two to three years and tying the reception and continuance of tenure to performance evaluations. For example, on page 13 of the grant application, item 3 under “Hawaii's Career and College Readiness Agenda” on cultivating and rewarding effective teaching states, “HIDOE will cultivate a highly effective performance-oriented teacher and principal workforce whose evaluation, tenure, and compensation are linked to their effectiveness in facilitating student growth.” On page 107, under subsection (D)(2) on “Improving teacher and principal effectiveness based on performance,” line item (iv)(c) poses

the question of, “Whether to grant tenure and/or full certification (where applicable) to teachers and principals using rigorous standards and streamlined, transparent, and fair procedures.” On page 150, relating to the development of induction programs to comport with gold standards, complex areas are projected to “be expected to help track and report on the continued effectiveness of teachers—as measured by the new evaluation system—that were prepared by and received tenure through their induction program.” On page 151, the DOE states its intent to “ensure only teachers gauged as at least “Effective” are granted tenure,” in accordance with minimum standards for new teacher induction programs. The department's application even extols, on page 32, an agreement reached with the Hawaii State Teachers Association to increase the pre-vestment evaluation period—during which time a teacher is currently evaluated annually—to three years, accompanied by annual evaluations that account for student growth measures as 50 percent of a teacher's overall assessment. It should be obvious, then, that the department, itself, does not condone or call for the elimination of tenure in its prior applications and reports, and that the passage of a bill discarding tenure violates the tenets of our state's RTTT application, further jeopardizing \$75 million in federal education funds that have already been placed at “high risk” because of failure to comply with and enact objectives articulated in the DOE's proposal.

Put simply, it is time to stop using tenure—and teachers—as a scapegoat for an underperforming education system. Any changes to the Department of Education's current tenure system should be subject to collective bargaining and the consent of all impacted educators, who should only be subjected to rigorous new professional standards and attendant consequences if and when they “buy in” to such changes. Mandating these changes outside of Chapter 89 is an abhorrent violation of collective bargaining agreements, prior education reform proposals, memoranda of understanding between the state and HSTA, and, most importantly, teachers' rights as respected professionals. Mahalo for the opportunity to testify in strong opposition to SB 2993.

Sincerely,  
Kris Coffield  
*Legislative Director*  
IMUAlliance

## Erin Conner

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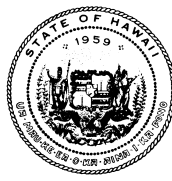
**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 10:21 AM  
**To:** EDU Testimony  
**Cc:** debrab@financefactors.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Comments Only  
Testifier will be present: No  
Submitted by: Debra Bringman  
Organization: Individual  
E-mail: [debrab@financefactors.com](mailto:debrab@financefactors.com)  
Submitted on: 1/31/2012

### Comments:

If this bill is to remove poor performing school teachers out of the public school system, then I am in full support of this bill. I believe tenure hurts the school system and our keiki in the long run. I work for a private employer and if my performance was bad, I would lose my job. I believe teachers should be held at the same standard. Teachers rate students all the time. Accountability is a good thing. It motivates people to do their best.



**STATE OF HAWAII**  
DEPARTMENT OF EDUCATION  
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February 3rd, 2012  
2:15p.m.

To: The Honorable Tokuda, Chair  
and Members of the Senate Committee on Education

From: Gloria Ilagan, BA,ME, SpEd.,ABD  
Physical Education/Health Instructor

Re: S.B. 2993, Relating to Tenure

The teachers of the West Hawaii School Complex **strongly oppose** this bill that undermines the value of teacher retention and experience in the “hands on field” of Education.

Teachers are not merely employees, we *are* the Public Servants that have a vested interest in providing **counsel, instruction, resources, safety, and stability** in the lives of those who are dependent. We are at the mercy of our evaluators who determines the standards of practice and of our clients who we deal with on a regular basis.

Tenure is earned through a probationary period by observation of practice and evaluation that ensures standards have been met by the teacher. Usually a period of two years, sometimes more than that if the subject area is not in the Highly Qualified position, as opposed to the industry standard of three to six months in fields outside of teaching.

Tenure as stated from the DOE School Code “*is obtained by continued employment based on (a) successful completion of probationary requirements; and (b) demonstrated competency at progressive higher levels of performance.*”

The Department sets the standards and is performed by the Administrator. Tenure is earned after an agreed upon process for probationary training. If the process to obtain tenure is broken, then fix the process, not eliminate the process of tenure. Doing away with tenure sets the stage for Administrators to arbitrarily hire and fire. Civil rights are at stake.

Teachers with more knowledge and experience will lose earned credits and benefits and seek gainful employment elsewhere. Teachers for “emergency hires” such as the “Teach of America” are incentives to fill urgent or short-term vacancies and obtain standard training without previous experience.

Student achievement cannot be guaranteed with high teacher turnover rates. In mathematics and science “*teachers who have a standard certification have a statistically significant positive impact on student test scores relative to teachers who either hold private school certification or are not certified in their subject area*” (Goldhaber & Brewer, 2000).

It is the quality (type of degree), experience and relationships that veteran teachers have over those who have not met the standards of tenure that can lead to higher student achievement.

**Please do not support this bill for the sake of the future of our State. Mahalo for not supporting this bill.**

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Mara Saltzman Matsumura  
Organization: Individual  
E-mail: [artistmarasaltz@hotmail.com](mailto:artistmarasaltz@hotmail.com)  
Submitted on: 1/30/2012

Dear Hawaii State Legislators:

I am a special education, elementary school teacher on the Big Island of Hawaii. I am pleased that educational reform is at the forefront of Hawaii legislation recently and I sympathize with the intent of SB 2993. We all want better schools. However, I am writing to you in strong opposition to SB 2993. I have numerous reasons for my strong opposition, which I explain below.

First, I want to let you know that I am a committed, licensed, experienced teacher with a MA degree in education from a top university. I have thirteen years' experience as a k-12 teacher, with 5 years completed in Hawaii as a special educator. The DOE teacher salary is not my motivating force behind my work. My motivating force behind my work is that I want my student to succeed in class and in their lives. I want my special education students to have opportunities in life to succeed, just as their non-disabled peers have opportunities.

Tenure is an incentive for teachers to stay and hone their skills when a competitive salary is not, at all, an incentive in Hawaii. My question to you as you consider HB 1668 is how does the state plan to draw in and keep highly qualified teachers? What role do the principals play in teachers' success? Under what conditions are teachers successful? How will HB1668 help struggling learners?

My biggest fear about HB 1668 is NOT a fear of losing my tenure or job. My biggest fear about HB 1668 is that it will stifle teacher input and creativity, it will silence insightful teacher discourse, and it will force teachers to follow leaders even if the leaders are inept, misinformed, or rushing to follow protocols and to make fast decisions. I believe that the biggest strength of any school that I have ever worked in was that teachers openly discussed their ideas on how to improve the larger school system, the school, and their own classrooms. Teachers that I know regularly share their strengths and weaknesses with their colleagues and administrators in order to process what is happening in their classrooms, to grow as professionals, and to help their colleagues learn and grow as well. Teachers critique state-wide and school wide initiatives, not because we feel hopeless, but because we want to advocate for positive change and make minor and larger adjustments that help our students. For example, the Hawaii State Alternate



Assessment (HSAA) is possibly an unreliable way to measure the learning and skills of the most profoundly disabled students. When I have gone to trainings for the HSAA, I have shared my input about what works and what does not work with that assessment. The training leaders have asked me come back and share again but if I am under pressure to share what works and I am under pressure to not mention what does not work, my input is worthless. I fear that one day soon I will be sitting in meetings where my colleagues, who truly know what I know about education and children, end up saying what they heard they should say to keep their jobs and not what they know to be truths about their own classrooms and schools.

Additionally, when school systems and principals value teacher input, they will be better able to recruit the best and brightest teachers. Critical thinkers and good planners analyze issues from all sides and discuss the possible repercussions before taking action. A school without critical thinkers and planners will have thoughtless followers leading 21<sup>st</sup> century children into the future. That truly scares me.

I also have a fear of working in a system that does not acknowledge what I do to do my job well. Loss of tenure is another strike against teachers across the board. I also want to let you know that I tutor other teachers' students on my own time for no extra pay or acknowledgement, I voluntarily attend committees and trainings on my own time outside of school hours, and then I take home and additional 36 hours a week of paperwork (special education documents to write, lessons to plan, papers to assess, materials to make) which I complete in the evenings, on weekends, and on holidays. If legislators are concerned about why underperforming teachers' employment has been maintained, then legislators should look at the leadership in the school system as well. How effectively have principals evaluated teachers in recent years, what research-based strategies do they employ to help their teachers grow, how do they go above and beyond state expectations (not just test scores), and what do they do to promote student growth and parent involvement?

I see that principals have great difficulty getting the required Pep-T evaluations done at the current rate for probationary and tenured teachers. I heard from colleagues across the state that principals don't have time to visit their classrooms and often complete "ghost" or phony evaluations just to get it done. Does the state have a plan to support principals in getting the evaluations done and for ensuring that the evaluations are based on actual, reliable pieces of evidence? Is there a plan for validating evaluations that remove teachers from their positions or is removal at the sole discretion of the principal, who may be bias, unknowledgeable, rushed, or under pressure?

Tenure is not "job for life security." That is a huge misconception. Tenure is due process and tenure ensures academic freedom. By academic freedom, I am referring to what I said in the paragraph above regarding teachers having the "freedom" to share ideas, to implement

innovative pedagogical techniques, and to help their colleagues. By insisting that legislators protect due process, I am mean that systems need to be in place before legislation is passed to ensure that administrators cannot make arbitrary decisions regarding a teacher's employment status and that administrators cannot simply replace expensive, experienced, and effective teachers in order to save money, to silence opposing opinions, or to hire their cronies.

I understand that Hawaii has had great difficulty recruiting Highly Qualified (licensed, trained) teachers in several license areas, including special education. HB1668 would undermine the state's previous efforts to fill vacancies. The issue of recruiting and keeping highly qualified special educators is a big issue here. Does the state have plan in place to ensure that underperforming and challenged students (particularly special education students) will have highly qualified, licensed, experienced teachers? Do the state assessments, as well as the alternate state assessments for the most profoundly disabled students, accurately measure what students have learned in a given year? What if special education teachers' students don't make the score quotas? Does the state plan to fire highly qualified, experienced, compassionate special educators based on scores on tests that don't meet the students at their level?

In the effort to provide equal opportunity and the same learning opportunities to all children, the state is forgetting to meet students where they are. How could we possibly get them to where they need to go if we don't meet them at the level where they really are? Please, before you enact this bill, look at the Hawaii State Alternate Assessment and see if it's reliable, "cheat" proof, and practical for the most profoundly disabled students. Principals and administrators may not really know what the Hawaii State Alternate Assessment (HSAA) entails and may wrongly dismiss teachers required to give the HSAA to students who have no chance of passing them. I hate to say that students have no chance of passing because I really believe in equal opportunity. However, I always question if we are wasting our time when we spend less on toileting skills for some disabled students and more on abstract reasoning. For example, how could a student that can't add 3+4 possibly multiply a fraction? In the end, it's not equal opportunity, any way you look at it, when we don't have time to reinforce students' current abilities, build on what they know, and provide them with needed life skills because we are too busy teaching students who can't talk, count by 1's, or use the toilet independently how to form inferences, multiply fractions, calculate volume, or identify character traits in Romeo and Juliet.

Schools in my area on the Big Island have great difficulty replacing teachers who leave the island or who leave teaching altogether. Unlicensed substitutes with minimal training in education replace those teachers and such a system is a great disservice to the students.

Administration is slow to complete the necessary paperwork to hire new, highly qualified teachers. I have been told that new teacher paperwork is processed slowly at the state and district levels, prohibiting principals from hiring teachers in a timely fashion. Interviews and hiring is done late each summer on a regular basis here on the Big Island. Many other states hire highly qualified, licensed, experienced "leave-replacement" teachers for extended leaves. In Hawaii, the schools are forced to hire under-trained, unlicensed substitutes to teach in long term leave replacement situations (several months at a time). Leave-replacement positions do not exist as they do in other states. I ask, what systems are in place in Hawaii to prevent this problem from growing if more teachers are to be replaced? Tenure is an incentive for teachers to stay and hone their skills when a competitive salary is not, at all, an incentive in Hawaii. How does the state plan to draw in and keep highly qualified teachers?

Legislators, I implore you to consider these questions I have asked above before you enact SB 2993. I have to say that this is the most important letter I have ever written in my life. I hope this is not the last chance I am able to reach out to you to fix our schools with my real name on the letter. A future without freedom and opportunity is not a future for my students, for me, or for any of your constituents.

Sincerely,

Mara Saltzman Matsumura

Teacher in Hilo (Waiakea Complex) and Resident of Kea'au in Puna

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Mary Ann Sadaoka  
Organization: Individual  
E-mail: [odysseyhaw@gmail.com](mailto:odysseyhaw@gmail.com)  
Submitted on: 1/30/2012

This is my written testimony opposing the passage of this bill that would eliminate tenure for teachers. Tenure is granted to teachers by our administrators after we have taught and been evaluated for what, in essence, is three years. We are then evaluated through an evaluation process called PEP-T on a regular basis. If anything appears needing improvement, suggestion can be given, the teacher can be assigned a mentor, etc. The system is already in place to assure that the teacher receives the resources needed to improve.

I question why this has become a legislative issue? The common response is that with tenure bad teachers cannot be removed. This is simply not true. What tenure does is allow teachers due process. What does the proposed bill do? It allows for the arbitrary removal of a teacher through processes that have not been spelled out and are open to interpretation by an administrator. This bill does an injustice to the vast majority of teachers who work many hours at their job and at home. It does nothing for those dedicated teachers who seek out professional development (and pay for it out of their own pockets) to keep their skills and teaching methods up-to-date.

I sincerely appeal to you to oppose this bill! It is a disservice to teachers and leaves all teachers vulnerable to the whim of others rather than to a system of checks and balances.

January 29, 2012

To Whom This May Concern:

I am writing to you to express my strong opposition to SB 2993 relating to Teacher Tenure. Your bill will end tenure for those who are currently tenured teachers and not allow for future teachers to become tenured. I worked very hard to achieve my goal to be a tenured teacher and I am very proud of that fact.

Adopting such legislation would be a violation of our statutory and constitutional right to collectively bargain over wages, hours, and conditions of work. It is also a direct attack on our membership, our profession, and a lack of recognition and respect for the valuable service that our veteran teachers provide to the State of Hawaii.

Having worked at a Charter School where tenure was not possible, and where the administrator could let anyone go because he ran an "at will" school is one of the main reasons I left the Charter, to work for the DOE. I then had to earn tenure with the DOE.

I had a dear friend and colleague at a school whose administrator was more than unfair towards many of her teachers. In fact, the Labor Board ruled against the administrator in regards to all the claims – and the administrator was relieved of her duties and removed from the school. Without tenure, the teachers involved could've lost their jobs! Is that okay with you?

We have been hurt by so many – the governor, superintendent, senators, representatives, etc. – why would you want to hurt us even more by taking away our tenure? What will you gain by taking away our tenure? Nothing! Tenure already earned by teachers should NOT be taken away. Perhaps you could extend the length of time, or the process, to obtain tenure – but do NOT take it away from those of us who worked hard to obtain it.

Teachers want excellent teachers in every classroom. Every teacher wants to work besides an excellent teacher helping students learn and preparing them to succeed in life. Tenure laws ensure that education employees are treated in a fair and equitable manner. It is incomprehensible that the legislature would even consider hearing this bill that will basically negate our rights to employment without political corruption, favoritism, or nepotism.

Tenure reminds the employer that we have rights and it gives the employer a process to follow to help employees become more effective. It says the Employer cannot arbitrarily let us go because they want someone else.

Our Union has a right to bargain this under the Constitution and I don't want to lose my rights to have them do that for me. Please stop this bill immediately from going forward and let us work together to protect our right to tenure.

Thank you,

Lawrence Denis III  
Computer Resource Teacher  
Waikoloa Elementary & Middle School

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 6:04 AM  
**To:** EDU Testimony  
**Cc:** Lisa.M.Galloway@gmail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Lisa Galloway  
Organization: Individual  
E-mail: [Lisa.M.Galloway@gmail.com](mailto:Lisa.M.Galloway@gmail.com)  
Submitted on: 1/31/2012

### Comments:

MYTH: Only teachers get tenure. FACT: Almost all civil servants get it, they just call it due process, & they usually get it 4 times faster than teachers.

MYTH: Tenure means bad teachers can't be fired. FACT: Tenure means good teachers can't be fired without cause. Bad teachers have always been let go when needed.

MYTH: There are too many bad teachers in public education. FACT: The vast majority of teachers are good at what they do, and revoking tenure won't make bad teachers better, it will cause fewer people to enter the profession, and more to leave it.

Please view this short CBS video to understand this issue better:

<http://www.cbsnews.com/video/watch/?id=6923344n&tag=cbsnewsTwoColUpperPromoArea>

PLEASE OPPOSE THIS BILL!

Dear Members of the Senate Education, Judiciary and Labor, and Ways and Means Committees,

I oppose SB 2993 which eliminates tenure for all K-12 teachers and principals. Tenure protects academic freedom, a fundamental aspect of learning and teaching. Tenure does not and was never meant to protect and ensure job security for teachers and principals that perform poorly. This act does nothing to enhance student learning outcomes, but rather is simply vindictive towards teachers and principals.

Sincerely,

Brent Sipes  
Professor, University of Hawaii at Manoa  
1949 Naio St.  
Honolulu, HI

**OPPOSE SB 2993**

**Senator Jill N. Tokuda, Chair of Education**

**Senator Michelle N. Kidani, Vice-Chair**

I am writing to you to express my strong opposition to SB 2993 relating to Teacher Tenure. Your bill will end tenure for those teachers who are currently tenured and not allow for future teachers to become tenured. I worked very hard to achieve my goal to become a tenured teacher and I am very proud of that fact. My tenure was awarded through observation and evaluation of my teaching practices. The awarding of my tenure followed an agreed upon process for probationary training. I do not believe that rescinding my tenure, or the tenure of other experienced teachers, will solve any issues that the public school system has.

I'm sure you would agree that our schools need to attract the best teachers and tenure is important to continue to attract people to the teaching profession and keep experienced teachers.

Our Union has a right to bargain this under the Constitution and I do not want to lose my right to have them do that for me. Please stop this bill immediately from going forward and let us work together to protect our right to tenure.

Thank you.

Renee Hashimoto

Science teacher, Konawaena High School



Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Dawn Ravae Todd  
Organization: Individual  
E-mail: [ravaetodd@hotmail.com](mailto:ravaetodd@hotmail.com)  
Submitted on: 1/31/2012

Aloha,

I am writing to testify that I am opposed to SB 2993, I believe American citizens have the right to due process. Adopting such legislation would be a violation of the statutory and constitutional right to collectively bargain. It is a direct attack on the teaching profession and demonstrates a general lack of recognition and respect for the valuable service that our veteran teachers provide to the State of Hawaii.

This bill would unfairly target older, experienced teachers. With the pressure to save money and all costs...naturally the higher paid teachers would be the first to lose their positions. Teachers are will be told that this is not the case but they were also told that tenured already earned would not be taken away....so why should they believe this latest version of the truth.

Tenure teachers are employees who have successfully complete probation and who have been appointed on a continuous basis to a permanent unobligated position. They have worked hard and met the standard. Tenure teachers continue to be evaluated, *it is not a job for life..* If there are issues the employer currently follows a process to help teachers be more effective. It simply states that the employer cannot arbitrarily let a teacher go because they want someone else (not even if the other person would be much lower on the pay scale).

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 12:33 PM  
**To:** EDU Testimony  
**Cc:** happyscrappersjam@yahoo.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Sally Pestana  
Organization: Individual  
E-mail: [happyscrappersjam@yahoo.com](mailto:happyscrappersjam@yahoo.com)  
Submitted on: 1/31/2012

### Comments:

Elimination of tenure for teachers will take Hawaii backwards in the journey to improve education. Elimination of tenure appears to be a result of an incorrect connection of accountability and tenure. Tenure does not protect bad teachers. Bad management protects bad teachers. A well trained principal and superintendant have all the tools they need in the BOE/DOE/HSTA collective bargaining agreement to protect the system from being saddled with poor teachers. Eliminating tenure will have no impact on that process. What it will do is make the profession of teaching much less appealing to those considering it as a profession, and teaching in Hawaii much less appealing to experienced teachers considering moving here to practice their profession. I've had the opportunity to observe other states that have stripped tenure from their teaching professionals. It has resulted in nightmarish consequences for the state, its economy, and most importantly the students. Please learn from their errors and kill this bill.

To whom it may concern-

I wish to register my strong opposition to SB 2993, in the matter of ending teachers' rights to due process. You may dress it up however you like- call it ending tenure, call it creating the opportunity to rid our schools of bad teachers, but the truth of the matter is that tenure will not prevent a bad teacher from being fired, but it will protect a teacher who has been unfairly targeted for termination- for whatever reason, by any individual.

I doubt that my testimony will actually be read, and as I have students waiting for my attention (not to mention tests to correct and lesson plans to be prepared) I will hit only the highlights, largely borrowed from one of my colleagues:

- Please do not single out teachers for further degradation- you have already taken our VEBA, cut our pay and vilified us in the press. Please do not take away our right to due process, AKA 'tenure'. Almost all civil servants get due process, and they usually get it 4 times faster than teachers.
- Tenure means good teachers can't be fired without cause. Bad teachers have always been let go- as long as their administration had a legitimate, documentable reason for firing someone and opportunities remediation were provided.
- The vast majority of teachers are good at what they do, and revoking tenure won't make bad teachers better, it will cause fewer people to enter the profession, and more to leave it.

Thank you for your time and attention to this matter. Please work WITH teachers, not against us, to improve education in Hawaii.

Ashley Olson

Lahainaluna High School teacher

**Erin Conner**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 1:29 PM  
**To:** EDU Testimony  
**Cc:** tambvu@gmail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: tam vu  
Organization: Individual  
E-mail: [tambvu@gmail.com](mailto:tambvu@gmail.com)  
Submitted on: 1/31/2012

Comments:

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 1:55 PM  
**To:** EDU Testimony  
**Cc:** sheaharper@hotmail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: shea harper  
Organization: Individual  
E-mail: [sheaharper@hotmail.com](mailto:sheaharper@hotmail.com)  
Submitted on: 1/31/2012

**Comments:**

"I oppose HB 1668 which eliminates tenure for all K-12 teachers and principals.""I oppose HB 1668 which eliminates tenure for all K-12 teachers and principals."

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 1:58 PM  
**To:** EDU Testimony  
**Cc:** dgweidman@gmail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Doug Weidman  
Organization: Individual  
E-mail: [dgweidman@gmail.com](mailto:dgweidman@gmail.com)  
Submitted on: 1/31/2012

### Comments:

This falls under the classic "problem searching for a solution" scenario which governments engage in. Tenure is simply the right to not be fired without cause. Really why wouldn't a government want that right for all people. Government should be extending it to all not taking it away. This bill moves our state backwards not forward

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 3:07 PM  
**To:** EDU Testimony  
**Cc:** lisa@worksureontheweb.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Lisa Lessing  
Organization: Individual  
E-mail: [lisa@worksureontheweb.com](mailto:lisa@worksureontheweb.com)  
Submitted on: 1/31/2012

Comments:  
January 31st, 2012

To Whom It May Concern:

Re: Bills to End Teacher Tenure HB 1668

The idea of ending Teacher Tenure is unfair and premature. It is premature because we have yet to come to an agreement on a FAIR and EFFECTIVE system for evaluating teachers. The majority of teachers are not against evaluations; we just want it to be fair and constructive. Movies like "Waiting for Superman" portray tenure as a system that protects ineffective teachers. This simply is not so. We have already a Pep-T system that (when used correctly by administration) can help struggling teachers or pave the way for them to move on. Most teachers I know are in favor of again, a fair and effective evaluation system that includes mentoring for struggling teachers. Right now what tenure does is allow teachers due process and protection against parents and administration that can sometimes be intimidating and even resort to bullying. In a litigious society such as ours we need and deserve due process. We have gone through a very rigorous "probation" and been evaluated by Administration in a system that is more intensive than most occupations must endure. We ask can only hope and pray for your support. Many politicians just give lip service to supporting education...for once please do what is right and let this bill die. We need time to develop a system that is fair and effective.

Mahalo!

Lisa Lessing  
U.S. History Teacher  
Kahuku High and Intermediate

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 3:32 PM  
**To:** EDU Testimony  
**Cc:** harney.jan@gmail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Jan Harney  
Organization: Kahuku High  
E-mail: [harney.jan@gmail.com](mailto:harney.jan@gmail.com)  
Submitted on: 1/31/2012

Comments:



## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 4:31 PM  
**To:** EDU Testimony  
**Cc:** rhorie@lava.net  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Ruth Horie  
Organization: Individual  
E-mail: [rhorie@lava.net](mailto:rhorie@lava.net)  
Submitted on: 1/31/2012

**Comments:**

I believe that tenure is essential for the academic freedom of teachers.

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 6:25 PM  
**To:** EDU Testimony  
**Cc:** paulettcfeeney@gmail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Paulette Feeney  
Organization: Individual  
E-mail: [paulettcfeeney@gmail.com](mailto:paulettcfeeney@gmail.com)  
Submitted on: 1/31/2012

### Comments:

Tenure was established to ensure academic freedom in the classroom. It is a mistake to remove this protection. Eliminating the opportunity for tenure will only erode the State's ability to attract the best teachers. Rather than alienate an entire profession, work with teachers and principals to establish meaningful measurements of their performance.

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225

Testifier position: Oppose

Testifier will be present: No

Submitted by: Theresa Sanchez

Organization: Individual

E-mail: [mauka-96797@hawaiiantel.net](mailto:mauka-96797@hawaiiantel.net)

Submitted on: 1/31/2012

Please do not support Senate Bill 2993. I earned my tenure by earning degrees in education and school counseling. I had to satisfactorily pass a 2 year probationary period and have been evaluated regularly since my initial employment with the DOE 16 years ago. Tenure already earned by teachers should not be taken away. Our tenure does not guarantee a job, but it does mandate that due process be followed before a teacher is dismissed. The purpose of this bill is unclear to me. Is the reason for this bill is to make it easier to fire bad teachers in an effort to improve teachers in the State? If this is its purpose, then the better way to improve teachers in the State is to improve the process of teacher evaluations. Arbitrarily taking tenure away from teachers who have earned it does not hurt the bad teachers. It hurts the good teachers. And does not attract people to the profession nor to teaching in Hawaii.

Theresa Sanchez

**Erin Conner**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 7:08 AM  
**To:** EDU Testimony  
**Cc:** mauit4@gmail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: teresa brown  
Organization: Individual  
E-mail: [mauit4@gmail.com](mailto:mauit4@gmail.com)  
Submitted on: 2/1/2012

**Comments:**

I oppose SB2993 which eliminates tenure for all k-12 teachers and principals.

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
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: 2/1/2012

SB2993 SENATE EDUCATION COMMITTEE, CHAIRED BY SEN. JILL TOKUDA, meeting Friday at 2:15 in room 225.

Aloha,

This is a rebuttal to a proposed amendment to Chapter 89, HRS, (the State's collective bargaining law), adding language that will eliminate all current teacher's tenure status after July 1, 2012, rather than grandfathering in all tenured teachers. It will also make it illegal for HSTA to negotiate tenure protection for teachers in the future.

For the record, we need to clarify this proposal with information. It is not tenure reform, leaving the system in place with improvements. It is gutting altogether any change in rights after a probationary period. We need to evaluate this proposal.

Definitions:

Tenure status is given to an educator who has satisfactorily completed teaching for the probationary period of 2-3 years and is, therefore, protected against arbitrary or summary dismissal by the employer. Teacher tenure does not equate to Supreme Court life employment. We are talking about a set of rules and regulations outlining due process. This process provides teachers with warnings and time to improve before being fired, the right to take their case to a panel and appeal it higher if they disagree with a ruling. This process can help teachers be more effective.

Rights

Tenure is a legal commitment (set by the state and negotiated union contracts) to procedural due process. Collective bargaining is a human and constitutional right (United Nations **Declaration of Human Rights**). Adopting such legislation would be a violation of our statutory and constitutional right to collectively bargain over wages, hours, and conditions of work. Given Hawaii's reputation for civil rights, such as the 2011 controversial gay marriage, it is astounding that the legislature would even consider having a hearing on a bill that will basically negate our rights to enjoy continued employment without political corruption, favoritism or nepotism. It is also a direct attack on our membership, our profession, and a lack of recognition and respect for the valuable service that our veteran teachers provide to the State of Hawaii.

Financial

Entering education is a commitment of time and money. To train and hire educators costs the U.S. \$7 million annually. If a teacher graduates from a State-Approved Teacher Education Program (SATEP), they have had student teacher experience successfully. During their probationary period, they should have gone through induction programs. Administrators can terminate teachers during this time without cause. A licensed teacher must have invested at least 4 years in a college education, and is likely to have continuing student loan obligations. Public institutions have a track record of institutional continuity. This allows them to make a credible offer of job security. They can then pay correspondingly less salary, so the out-of-pocket expense to parents/taxpayers ends up being lower with tenure than without. After receiving tenure, teachers have annual contracts. The teaching profession has a 50 percent turnover every five years. Teachers can make more money in a second job waiting tables. If you strip away fair dismissal laws, educators will be relegated to disposable workers.

To qualify for a home loan, applicants need job security of at least 2 years (the probationary period is longer). Prior to tenure, teachers never feel comfortable. In West Hawaii, to keep employment they can be forced annually to move rentals as they travel over 200 miles daily. Communities benefit if teachers are

able to afford to become homeowners, particularly with schools in the most remote locations like Hana. Teachers need the stability of tenure to form bonds and relationships with students, parents, and other faculty. I've been blessed to work for over a dozen years in one community, and have known the seniors since they were in kindergarten. Tenure supports excellence in education and encourages "career" educators to become leaders. By the time teachers like Malama Solomon's sister have taught generations of learners, a teacher has greater influence and intellectual leadership. Tenure is one way to demonstrate the impact, significance, value of educators to society at large.

Tenure's primary purpose is to protect competent teachers from arbitrary nonrenewal of contract for reasons unrelated to the educational process. The Department of Education expressly prohibits retaliation against anyone engaging in protected activity. However, administrators have significantly more power and control over financial decisions than mere teachers (under the Reinventing Education Act of 2004 especially). This would be akin to disbanding the entire legislature and turning complete control over to the Governor without checks and balances. Act 51 has been demoralizing for teachers.

Due process is necessary in order to avoid the type of abuses of the past, favoritism, racism, etc. The cynical reality: the teaching force is 75% female, while Administration is primarily male. Ending tenure protections will "take over any sense of fair play between employer and employee." Absent today's rules, teachers will not have fair treatment by administrators. Eliminating tenure could bring back the tyranny and injustice of capricious administrators. Past abuses by those in power can relate to:

- Pregnancy
- Personal beliefs,
- "Insubordination"
- Personality conflicts
- Replacing older teachers with younger ones for less pay.
- Nepotism, for which Hawaii has faced notorious cases.
- A legal act such a moving a long-time kindergarten teacher to sixth grade can be devastating to a teacher.

Educators must be able to advocate on behalf of students to administrators without fear of reprisal or retaliation. Teachers could be intimidated from political activity. A couple of examples:

- 1) A non-tenured teacher in a New York charter school was fired because she complained about discriminatory and illegal conduct toward the school's special needs students.
- 2) A non-tenured special education teacher in Michigan was fired for complaining about the size of her teaching load—that's a problem for the students, not just the teacher. Class size is a significant factor in student success.

Those teachers risked their jobs for their students, and lost. How would putting more teachers at risk help? When teachers cease to advocate, we cease to fulfill one of the most essential elements of teaching: the act of caring.

We do not want good teachers removed for arbitrary reasons. We need vital protections for teachers. For example, teachers are able to fail students who deserve to fail regardless of how influential they are to the school. It allows teachers to become whistleblowers. It protects teachers' freedom of speech. Freedom of speech is especially important when teachers write articles on issues which their administrators may not be in favor of informing the public. Tenure is the same as seniority in other jobs. Teachers are often forced into uncomfortable situations (such as failing students, choosing certain students). An employee who must make so many important and confrontational decisions needs job protection. Tenure allows teaching to become a profession. Without it, teaching is just a job.

The greatest risk would be to academic freedom. It is imperative that teachers be allowed to practice their profession without undue interference from those whose interests lie only in the bottom line. a necessary component to promoting teacher experimentation. They believe that for our schools to excel, teachers must be able to experiment with different teaching styles until they find the one that is most successful for them, and their students. These people believe that without tenure, teachers would not feel comfortable experimenting, for fear that if one of their experiments was not extremely successful they would be terminated.

Tenure was designed to protect the classroom as a place of inquiry. It was meant to protect professionals from undue political interference in the work of education. Tenure provides economic job security, tied to the otherwise uncompetitive pay in comparison to other professions. Given the college education requirements, historically female professions such as teaching and nursing have significantly

lower salaries than professions such as law or medicine. Tenure helps define a culture of professional standards and attracts more qualified teachers. Education benefits society at large with breakthroughs in the sciences and the humanities, notes Stanford historian Kennedy. "Universities are one of the very few institutions in our society where people can think about long-term projects."

Education used to be thought of as a higher good. Internationally, what's changed is that we now live in a society where the market has become the model. Krantz says, "If we leave it to General Motors and Microsoft to carry out these functions, then civilization as we know it is in jeopardy." Wealthy industrialists such as the Koch brothers have started writing and undermining professors.

#### Aftermath

If you "abolish tenure" the real question is this: under what conditions will teachers be fired? If we don't think about what happens next, it's like building an airplane in the sky. We must examine both immediate consequence and long-term outcomes.

Without tenure, we would not be able to attract the best and brightest to teach in our schools. Since California made it easier to fire ineffective teachers, for example, the number of graduates seeking teaching credentials fell by 29 percent.

It will drive away some of our BEST teachers. Eliminating tenure could prompt some good teachers to move to nearby states offering more protection, said Chris Guinther, the president of the Missouri National Education Association. Loss of tenure can create an atmosphere leading to teacher shortages. Hawaii has more to lose, because of its isolation. Our in-state system of teacher training does not produce enough teachers annually to fill the positions open.

Loss of tenure will diminish the intellectual quality of ideas. Politicians have interfered with teachers since at least 399 B.C.E., when Anytus and Meletus, a couple of extremists in the Athenian Assembly, arranged for the execution of Socrates. After all, he was nearly 70.

The consequences of doing away with tenure will result in all kinds of injustices. Though federal and state laws protect workers from unfair and discriminatory practices, the alternative to tenure is heading into court, during which justice can be a long time coming.

#### Solutions

The best designs for school improvement work in collaboration with teachers. Teachers are the mentors of the new inductees, and have a vested interest in colleagues carrying the load for their school.

Tenure is granted by administrators. Ineffective administrators are a big part of the problem (and yet proposals are set to quintuple the evaluation load). Another part of the solution, which is more specific to teacher tenure, is more subtle, essential, and potentially easy. If we held administrators accountable individually in terms of their own performance evaluation tied to pay and retention -- for rigorously implementing the existing legal requirements for teacher evaluation, the courts will predictably provide the requisite message that tenure is quite the opposite of ironclad protection for bad teachers. In 2012, the National Board for Professional Teaching Standards plans to unveil its voluntary performance evaluation for Principals. Rewarding this nationally-acclaimed and piloted process might be an option to build toward the promised Principal performance system.

Tenure does not mean necessarily a costly and complicated process for terminating a poorly performing teacher. The balance between a teacher's individual rights and the school's institutional responsibility can be a fairly efficient process. The extent of the procedural process that is "due" depends initially on the will of the public at the state legislative and local contractual level. It may be no more than reasonable written notice of the charges and a one- or two-night board hearing with prompt impartial review.

The prevailing belief is that the outcome of litigation is usually in favor of the plaintiff-teacher, not the defendant-district. Quite the contrary is true. Schools districts consistently win the vast majority of the court decisions concerning the involuntary cessation of a teacher's employment based on incompetency. In a comprehensive canvassing of court decisions based on teacher evaluation for competency, the defendant districts prevailed in more than a 3:1 ratio, and there was no significant difference between the outcomes for non-tenured as compared to tenured teachers. Indeed, in an often-touted table from the National Center for Education Statistics' 2007-2008 School and Staffing Survey, the standardized percentage of teachers in the United States who lost their jobs due to poor performance via the non-renewal of non-tenured teachers (.7%) was half of that for the termination of tenured teachers (1.4%).

Underfunding education is the greatest form of mismanagement, at the federal level, and with Weighted Student Formula starving neighbor island community schools. Rather than being just over 10% of

a state's budget, some states have set education funding at 30%. Legislators, administrators, etc. want teachers to basically do exactly what they say, give them not enough resources and then blame them if they don't succeed in a time of tremendous fiscal instability and fiscal pressures. "Unless and until a multifaceted reform package, including the investment in compensation and professional development attracts and retains a competitive supply of excellent teachers, removing tenure will not change the termination rate, much less the student achievement gap."

If you would still like more information, please watch this compelling statement by the AFT President at: <http://www.cbsnews.com/video/watch/?id=6923344n&tag=cbsnewsTwoColUpperPromoArea>

Mahalo for your time,  
Debbie Anderson, NBCT



Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Colleen Pasco  
Organization: Individual  
E-mail: [pascocj@gmail.com](mailto:pascocj@gmail.com)  
Submitted on: 2/1/2012

I am a 27-year teacher with the Hawaii Department of Education. I got my teacher certificate from the University of Hawaii at Manoa and completed my two years probationary period before becoming a tenured teacher in a public school. I have taken courses to stay current in my teaching strategies, keep up with technology, and move up on my union negotiated pay scale. My career is pretty much my life and that is too often dictated by the actions of politicians and people who have never walked in my shoes.

I am writing to you to express my strong opposition to SB2993 relating to Teacher Tenure. Your bill will end tenure for those who are currently tenured teachers and not allow for future teachers to become tenured. I worked very hard to achieve my goal to be a tenured teacher and I am very proud of that fact. I teach my students about goal setting in my classroom all of the time. I have never told them that once you achieve the goal, someone might make a law that takes it away. I teach them to be good citizens, follow the law, and set goals to achieve. Why would you want to take this away from me?

What we as teachers do everyday in our classrooms for the youth of Hawaii and this country is hard enough without having to keep looking over our shoulders to see what else is coming to take us down. The loss of tenure may not seem like much to you, but it will effect how many of us will do our jobs in the future. Tenure protects us from administrators who are controlling, vindictive, or power mongers. Tenure allows us as teachers to say what we think about the course our school may be taking and advocate for our students and our colleagues. Tenure is not a tool to protect bad teachers; it a mechanism to protect the good teachers from bad administrators.

Please stop this bill immediately from going forward and let us work together to protect our right to tenure and our right to due process.

Thank you.

P.O. Box 597  
Kapaau, HI 96755

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225

Testifier position: Oppose

Testifier will be present: No

Submitted by: Tim Slaughter

Organization: Individual

E-mail: [slaughtet001@hawaii.rr.com](mailto:slaughtet001@hawaii.rr.com)

Submitted on: 2/1/2012

I would like to express my deep concern over this proposal to eliminate tenure. I see no correlation between attempts to improve education in the State of Hawaii and whether or not teachers have tenure.

Teachers need to be involved in the process of improvement, not treated as second-class citizens.

I oppose this measure.

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 10:14 AM  
**To:** EDU Testimony  
**Cc:** mrscindytong@msn.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Cynthia Tong  
Organization: Individual  
E-mail: [mrscindytong@msn.com](mailto:mrscindytong@msn.com)  
Submitted on: 2/1/2012

### Comments:

I am in strong opposition to SB 2993. This bill, while attempting to remove poor performing teachers from schools will also remove high performing teachers. As a national board-certified teacher, I can take my skills and pedagogy to any other state and be hired easily. As a child of Hawaii's public education system, however, I would like to remain in Hawaii and teach in the system that brought so much to me and my five sisters. Removing tenure removes my job security and I have both an extended family and a mortgage to consider. Please do not support this bill.

**Erin Conner**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 10:28 AM  
**To:** EDU Testimony  
**Cc:** 1geckowrangler@gmail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Susan G. Brown  
Organization: Individual  
E-mail: [1geckowrangler@gmail.com](mailto:1geckowrangler@gmail.com)  
Submitted on: 2/1/2012

**Comments:**

Eliminating tenure in the department of education will extremely restrict the quality of teachers and their ability to educate Hawaii's youth.

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Krista Schmidt  
Organization: Individual  
E-mail: [krista.schmidt1@gmail.com](mailto:krista.schmidt1@gmail.com)  
Submitted on: 2/1/2012

Comments:

February 1, 2012

### Testimony for SB2993

SB2993 will end tenure for those who are currently tenured teachers and not allow for future teachers to become tenured. I worked very hard to achieve my goal to be a tenured teacher and I am very proud of that fact. I teach my students about goal setting in my classroom and I have never told them that once you achieve the goal, someone might make a law that takes it away. I teach them to be good citizens, follow the law, and set goals to achieve. What would be gained from taking away teachers' hard-earned tenure?

Tenure does not mean a 'job for life,' as many people believe. It means 'just cause' for discipline and termination, be the reason incompetence or extreme misconduct. And it means 'due process,' the right to a fair hearing to contest charges. Any tenured teacher can be fired for a legitimate reason, after school administrators prove their case. That's similar to what American citizens expect when charged with violation of a law.

Teachers want excellent teachers in every classroom. Every teacher wants to work beside an excellent teacher helping students learn and preparing them to succeed in life. Tenure laws simply ensure that education employees are treated in a fair and equitable manner. I believe that without the right to earn tenure, many prospective teachers may reconsider their choice to become a teacher and some current teachers may even consider leaving the profession. It is worrisome to think about a scenario of working without tenure and the possibility of being fired on-the-spot with warning, right to explanation or a chance to improve. So again I ask, what would be gained from taking away teachers' tenure? Nothing. And what would be sacrificed? Teachers' rights.

Our Union has a right to bargain this under the Constitution and I don't want to lose my right to have them do that for me. Please stop this bill immediately from going forward and let us work together to protect our right to tenure.

Thank you for your time and consideration.

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 11:42 AM  
**To:** EDU Testimony  
**Cc:** mariarossman@yahoo.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: mariarossman  
Organization: Individual  
E-mail: [mariarossman@yahoo.com](mailto:mariarossman@yahoo.com)  
Submitted on: 2/1/2012

Comments:

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 12:08 PM  
**To:** EDU Testimony  
**Cc:** wakohl@yahoo.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: wanda koh1  
Organization: Individual  
E-mail: [wakohl@yahoo.com](mailto:wakohl@yahoo.com)  
Submitted on: 2/1/2012

### Comments:

I feel that the proposed amendment is an effort to avoid the process of neotiation between the teachers and the state. We are being placed in the isition of having no control of ou future or security in our job. Thank you

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 12:39 PM  
**To:** EDU Testimony  
**Cc:** lauligai@hotmail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Laurie Blumstock  
Organization: Individual  
E-mail: [lauligai@hotmail.com](mailto:lauligai@hotmail.com)  
Submitted on: 2/1/2012

### Comments:

I am writing to voice my extreme opposition to SB 2993 which seeks to remove tenure for Hawaii's 13,000 public school teachers. My thoughts are as follows:

- 1.SB2993 undermines fundamental principles of collective bargaining by essentially making teachers at will.
- 2.Teachers are public employees, and should maintain the same rights and protections as all civil service employees.
- 3.SB2993 plays to the myth that tenured teachers cannot be fired.
- 4.Existing law and our contract already provides a basis for discipline or dismissal for misconduct or poor performance under HRS 76.
- 5.Stripping away teacher tenure is extremely detrimental to the profession, and will only serve to further demoralize an already demoralized teaching core.
- 6.Stripping away teacher tenure will have a negative impact on recruitment of teachers in the future.
- 7.SB2993 blatantly demonstrates a fundamental lack of understanding on the part of our elected officials of what teachers do.
- 8.SB 2993 assigns blame to teachers as if they are the sole cause of the many problems in public education, while ignoring the reality of the lack of adequate funding and support, or the socio-economic challenges facing our most needy children.
- 9.With a public school teaching corps of 13,000 teachers, SB2993 wrongfully assumes there are many bad teachers without any supporting data to back up this flawed assumption.
- 10.Last but not least, SB2993 deeply disrespects the thousands of great and dedicated teachers in Hawaii.

Lawrence Wayman from Farrington High School shared his thoughts to the State legislators through the HSTA Facebook. I agree completely with Mr. Wayman. His letter succinctly voices my thoughts and feelings re SB2993. The following are some excerpts from his letter: "This proposed legislation reflects the poisoned assumption by some outside of the profession that



employment stability is a stumbling block for developing a dependable education work force. It assumes that no evaluation and assessment is taking place and that teachers are unwilling to improve their skills on a regular basis. As one who spent the entire summer last year taking classes in my teaching field at two separate mainland universities, I would like to strongly refute this assumption. Each year my colleagues and I actively search for opportunities to upgrade our skills and effectiveness, in order to meet the expanding demands and expectations of our profession. This legislation minimizes our efforts, and marginalizes the fundamental philosophy of our calling that teachers continually learn in order continually improve.&quot;

Please support Hawaii's 13,00 teachers and leave our tenure rights alone!

**Erin Conner**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 12:55 PM  
**To:** EDU Testimony  
**Cc:** plstanfield@gmail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Patty Stanfield  
Organization: Individual  
E-mail: [plstanfield@gmail.com](mailto:plstanfield@gmail.com)  
Submitted on: 2/1/2012

**Comments:**

I am shocked, that after all the financial hits Hawaii's hard-working dedicated unappreciated teachers have shouldered over the last few years, our trusted Elected Officials (of all people!)would consider further undermining the profession by eliminating tenure.

Think about it: you want to attract more and better teachers to the profession? ;dumping on and disrespecting the existing workforce is certainly a strange way to go about it. ;

I have dedicated 24 years to Hawaii's students, and frankly I'm insulted. ;Thank you in advance for recognizing not only the folly of this proposal, but the clear and utter meanness.

Perhaps you're not clear on what tenure is really all about? ;

;.....Patty ;:(

**Erin Conner**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 1:04 PM  
**To:** EDU Testimony  
**Cc:** kristin\_drost@hotmail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Kristin Drost  
Organization: Individual  
E-mail: [kristin\\_drost@hotmail.com](mailto:kristin_drost@hotmail.com)  
Submitted on: 2/1/2012

**Comments:**

Eliminating tenure is not the way to go. I believe that obtaining tenure should be more complex and one year of teaching is not enough. Please eliminate this bill.

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 1:14 PM  
**To:** EDU Testimony  
**Cc:** lauren\_appelbaum@notes.k12.hi.us  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Lauren Appelbaum  
Organization: Individual  
E-mail: [lauren\\_appelbaum@notes.k12.hi.us](mailto:lauren_appelbaum@notes.k12.hi.us) Submitted on: 2/1/2012

### Comments:

I have been an educator in the state of Hawaii since 1997. I was tenured under the old system. I was a probationary teacher for two years. I earned my tenure & just went through the PEPT evaluation which I was rated as satisfactory. I believe the legislation is a bullying tactic by the state since HSTA did not ratify the contract. "National Labor Relations Act @ 1935 prohibits unfair labor practices such as threatening workers and interfering with union organizing...." I believe this bill is completely unconstitutional don't you.

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 2:18 PM  
**To:** EDU Testimony  
**Cc:** aasnc@yahoo.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Alicia S Jacobson  
Organization: Individual  
E-mail: [aasnc@yahoo.com](mailto:aasnc@yahoo.com)  
Submitted on: 2/1/2012

### Comments:

To Whom It May Concern,

I would like to voice my opposition to SB2993. To begin, the wording itself is very prejudice in nature. To take tenure from only certain State employees defies logic. All State employees should have the same rights. To take away tenure is to take away our constitutional right of due process. As a teacher in the Hawaii DOE for well over 10 years, I feel that tenure insures a fair and equal work environment. This bill is introduced with no plan as to how teachers would be placed or scheduled. Most professions work on seniority, so why would you consider a bill that would remove a teacher's rights. It is incomprehensible that this bill is proposed much less considered. Again, the State should treat all employees equally and fairly with consideration of an individual's rights to due process. Please consider the consequences of implementing a law that would basically put teachers in the position of being "at will" employees. There is already a great deal of corruption and favoritism occurring in the system. Please vote down SB2993 to avoid even more. I am in great opposition to removing tenure from our public school teachers.

**Erin Conner**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 2:27 PM  
**To:** EDU Testimony  
**Cc:** matty\_dr@hotmail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Matthew Rossman  
Organization: Individual  
E-mail: [matty\\_dr@hotmail.com](mailto:matty_dr@hotmail.com)  
Submitted on: 2/1/2012

**Comments:**

I oppose this bill. This bill will create a culture of fear in our schools. Please stop this bill.

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 2:37 PM  
**To:** EDU Testimony  
**Cc:** janis\_prinslow@notes.k12.hi.us  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: janis prinslow  
Organization: Individual  
E-mail: [janis\\_prinslow@notes.k12.hi.us](mailto:janis_prinslow@notes.k12.hi.us)  
Submitted on: 2/1/2012

### Comments:

If you want the children of Hawaii to have qualified, experienced teachers who care about students this needs to be opposed!

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225

Testifier position:

Testifier will be present: Yes

Submitted by: Elizabeth Bauer

Organization: Individual

E-mail: [ebauer6610@gmail.com](mailto:ebauer6610@gmail.com)

Submitted on: 2/1/2012

In regards to HB1668 and SB2993

I have been a teacher in Hawaii for 16 years. Tenure does protect my due process rights. I can't simply be fired because I cost more and am knowledgeable of my rights and responsibilities. I can't be intimidated by "lay offs" or "threats". Tenure means there is supports in place, when lay offs come. Other jobs, within the district and State, are open to me to apply for, and guarantees are in place for rifted teachers. This ensures that Hawaii does not lose its high quality teachers during hard economic times. It gives teachers confidence in their income; confidence to buy homes, invest in their communities, and further their professional education.

This confidence is especially important when teacher income is already "tenuous" enough. We are already subject to funding: no increments or raises in pay to count on. We are always subject to funding, even in the best of times. You want to take away the only security we have!

If your problem with tenure comes from "misinformation", and you want to better ensure that only quality teachers are "tenured", then simply suggest that tenure becomes harder to obtain in the future, but NOT IMPOSSIBLE. Tenure is an important security for all teachers. It does not mean you can't remove an incompetent or bad teacher. It only provides a security for teachers.

Tenure also helps Hawaii recruit needed teachers in Special Education, Math, Science, and Technology. You can not make erroneous promises for continued employment without tenure. No one would want to risk the costly move. Even strategic moves within the State would be burdensome for teachers, and they may elect to leave the State instead. In Race to the Top schools, few teachers would move to these schools and subject themselves to open-ended evaluations, and potential removal, without tenure protection.

In conclusion, Congress members, instead of making my job more difficult and threatening to take away my only security left, I would ask of you to consider new legislation to create an educational council that will examine the current practices of the Department of Education and the educational budgets, and add potential revenues from businesses, communities, and individuals, to raise money for consistent and reliable teacher salaries. Though money can be earmarked for technology or science, it should be able to keep current budget money for security for your quality teachers.

As HB 2527 states, "The legislature believes that investing in our educators will have the most significant impact in educational outcomes for children of our state, and that effective educators are critical to our children having the best chance at reaching their potential and achieving their dreams."

If you truly believe this than teachers need to be treated as professionals, and NOT SUBJECT TO FUNDING. Tenure is their only security left.



## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 4:28 PM  
**To:** EDU Testimony  
**Cc:** Dkeikoa@hawaii.rr.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
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: 2/1/2012

### Comments:

I am a 5th grade teacher at Kealakehe Elementary School in Kona, on the Big Island. I writing in opposition to SB 2993, the bill proposing the elimination of tenure,

For professional educators like myself, who work grueling 12 or more hour days, who agonize over how best to meet the needs of our students, who exalt in planning and implementing lessons that will be engaging, meaningful, and relevant to their students, who bypass other career opportunities because of the sheer love of the profession and children, it is a tremendous insult. The granting of tenure is the mark of professionalism, just as doctors are granted their status as doctors after a successful stint as an intern. Tenure means you have gone through your education courses and probationary period and during that time, your supervisor has sufficiently assessed your skills and abilities. You have proven yourself capable and worthy to enter into the profession. It does not mean a job for life, as if once you get tenure, you then can slide into incompetence. You still need to be evaluated by your principal on a regular basis and if there is just cause, if the principal has followed due process, then a tenured teacher who is proven to not meet the standards of the profession, can be fired;

Without tenure protections, there is no way to defend against an unfair and inaccurate evaluation. There is no way to protect against favoritism, against nepotism, against incompetence on the part of the evaluator.

We do not choose this profession to have an easy state job, short days, summers. There are few tangible benefits, but one can at least give us job security in return for the sacrifices that we have made to commit to this profession. Let us keep our tenure rights.

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 6:26 PM  
**To:** EDU Testimony  
**Cc:** terencepmurphy@yahoo.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Carol Murphy  
Organization: Individual  
E-mail: [terencepmurphy@yahoo.com](mailto:terencepmurphy@yahoo.com)  
Submitted on: 2/1/2012

### Comments:

I am a tenured teacher working for the past 23 years in Hawaii public schools. I passed my 2 years of probationary status and have passed all of my evaluations every year. Why would you even consider doing away with tenure for dedicated experienced teachers who have worked so hard and so long educating Hawaii's children? I do not understand your reasoning behind this. Please do teachers the courtesy of explaining this to us. Or better yet, stop the bill NOW!

Aloha, Carol

February 1, 2012

Dear Committee on Education,

I am writing about SB 2993, currently before the Committee on Education. I encourage you to oppose this bill on the grounds that it reflects a misguided opinion that the stability of teaching positions creates unmotivated, inept teachers. It assumes that no evaluation and assessment is taking place and that teachers are unwilling to improve their skills on a regular basis. My co-workers and I are caring, committed education professionals who constantly strive to update and improve our teaching skills. As an example, I am currently taking a class on how to better understand and improve the educational experiences of Native Hawaiian learners. Each week we work many additional evening and weekend hours creating engaging, standards-based educational activities for our students.

It is unfair and demoralizing that we have become targeted as part of a group whose rights and protections as civil service employees are being removed. I feel you are wrongly assigning blame to us as the primary cause of problems in public education, while ignoring the reality of lack of adequate funding and support, or the socio-economic challenges facing our most needy children. This bill will effectively silence the voice of teachers to advocate for themselves, their students, and public education.

I'm stating this not to complain, but to point out that the proposed law demonstrates lack of understanding for what most teachers do. I love my job but would like to feel appreciated and supported by my state government. Teachers and state legislators should work together to come up with solutions to the problems with our schools.

Sincerely,

Eva Conway-McGuire  
eva\_lcm@hotmail.com  
(808) 756-7950  
PO Box 551683  
Kapaau, HI 96755

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 7:35 PM  
**To:** EDU Testimony  
**Cc:** mhoy\_9092@hotmail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Margaret Hoy  
Organization: Individual  
E-mail: [mhoy\\_9092@hotmail.com](mailto:mhoy_9092@hotmail.com)  
Submitted on: 2/1/2012

### Comments:

My name is Margaret Hoy and I am a veteran teacher at Kohala High School I am writing to you to express my strong opposition to SB 2993 relating to Teacher Tenure. Your bill will end tenure for those who are currently tenured teachers and not allow for future teachers to become tenured. I worked very hard to achieve my goal to be a tenured teacher and I am very proud of that fact. I teach my students about goal setting in my classroom all of the time. I have never told them that once you achieve the goal, someone might make a law that takes it away. I teach them to be good citizens, follow the law, and set goals to achieve. Why would you want to take this away from me?

When I was awarded tenure, it was done through observation of practice and evaluation and insured that I had met the standards of the DOE. I have continually taken courses on Saturdays, during the summer breaks and online during the school year. I spend much of my weekends preparing for the week's instruction. I am deeply committed to the success of my students. I put them at the center of instructional process and I am constantly working to improve that.

Our Union has a right to bargain this under the Constitution and I don't want to lose my rights to have them do that for me. Please stop this bill immediately from going forward and let us work together to protect our right to tenure.

Thank you.

February 1, 2012

To Whom It May Concern:

I am writing to strongly oppose SB2993 relating to Teacher Tenure.

As a professional educator, I would like to make you aware of the harm this bill will inflict upon effective teachers. It would be a violation of our constitutional and statutory right to collectively bargain over wages, hours, and conditions of work. It inhibits collaboration at the school level and opens the door to favoritism and potential nepotism.

Tenure allows me freedom of professional speech. I am able to voice my concern about issues I feel strongly about and sometimes disagree with my Principal, in a safe democratic fashion. Our current school structure allows teachers a voice through a safe decision making process regarding our financial plan, academic plan, and operational procedures. Representatives meet with the Principal and together make decisions and resolve issues or concerns. I have served on the Instructional Leadership Team for many years and have been responsible for working with this team to make curriculum decisions in addition to the formation and review of the School Academic Plan. Each year I learn and grow in both my teaching and in professionalism as I work collaboratively with my Principal and my colleagues.

Tenure protects creative/critical thinking. If we are required to foster critical thinking in our students, shouldn't we teachers exercise that same skill? In our schools we face decisions that require creative thinking such as, "how do we support the needs of these students with limited resources and time?" I am proud of the discussions we've had to address these types of questions openly and how we have resolved many of them together as a "team."

Loss of tenure removes this collaboration and wealth of ideas brought by different individuals and relies solely on the ideas or judgment of the Principal. Loss of tenure would prohibit freedom of speech and create a system where teachers would feel intimidated and resist sharing of ideas and transform our school from being collaborative and democratic to being a dictatorship. Teachers would be targeted for ideas that stray from the norm and persecuted with the loss of their job.

Tenure allows me the freedom to focus on what matters most. The longevity gives me peace of mind to invest my time in: differentiating to meet individual students' needs, reading and taking courses that will help me to advance in my practice, participate in Professional Learning Communities, accept leadership roles in various committees, and the building of school structures that contribute to overall student achievement.

As you review this bill, please consider the detrimental ramifications of it. Teachers who have successfully passed probation deserve this right.

Thank you for your attention and I look forward to your active support.

Sincerely,

«GreetingLine»

Kindergarten Teacher

Konawaena Elementary School

Dear Committee,

My name is Marilou Bulagay. I am a first grade teacher at Salt Lake Elementary School. I have been a teacher for 13 years now. I am writing to you in regards to SB2993. I am opposed to this bill.

Tenure is something that all teachers earn. We are on probation for 2 years. We go through rigorous evaluation every year during these 2 years. The teacher program that I went through, in itself is rigorous. In my College of Education Cohort with the University of Hawai'i at Manoa, 2 classmates dropped out. Another colleague of mine needed remediation by redoing her solo.

Once it is earned, teachers are entitled to uphold the teaching standards. However, the tenure that we receive does not guarantee us our jobs. If a teacher is not working effectively to meet teaching standards, there is a process in place to remove the teacher. If getting rid of "bad" teachers is what you are trying to fix, then I recommend that the process administration need to go thorough be revamped. I always here them saying that it is almost impossible to get them fired. If this is the case, the DOE, BOE and HSTA need to decide on a new process of documenting poor teacher performance and terminating the teacher.

There are so many good teachers who are dedicated to student achievement. Taking away tenure will only persuade these teachers to look elsewhere and change careers. It will also have future teachers thinking of teaching elsewhere or rethink taking up teaching as a profession.

Teachers are always willing to be better. We take on professional development. I myself have decided to go through the rigorous task of being Nationally Certified. I am very proud to say that I was certified in 2008 on my first try. It is a great accomplishment. There are so many teachers who are taking on this great journey to be nationally certified, or take professional development classes on their own time, or go to grad school for their masters. We do all this because we want to be up to date with teaching theories and practice to ensure that we are providing the quality education that our children deserves. Taking away tenure will only allow us to feel that despite these advances in our profession that we are making, it won't matter. Because of this teachers will no longer be motivated to better themselves.

Teachers deserve to keep their tenure. We work hard to earn it. What needs to be rethought is the process for evaluation the poor performing teachers.

Thank you for your time,  
Marilou Bulagay

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 9:26 PM  
**To:** EDU Testimony  
**Cc:** sseal@iname.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Rebekah Seal-LaPlante  
Organization: Individual  
E-mail: [sseal@iname.com](mailto:sseal@iname.com)  
Submitted on: 2/1/2012

### Comments:

I think you have not considered what eliminating tenure means. Every teacher isn't awarded tenure automatically. Our state requires a probationary period. The teacher must show competence and prove his/her teaching skills during this time. She/he must meet the expectations of Hawaii in this. Now some might say that teachers do not want to be evaluated, but I willingly stepped up to the National Board challenge and am now certified. I believe that that organization (National Board for Professional Teaching Standards) has done a good job in deciding key factors of effective teaching. I am not confident that the legislature can do so.

Without tenure I could be replaced by a new teacher whose salary would be much less than mine, and wouldn't that appeal to an administrator.

Tenure's not about protecting 'bad' teachers; it's about protecting good teachers. What would happen to teachers without tenure? They could - and would - be fired for virtually any reason.

It's not hard to imagine teachers being dismissed because they failed the daughter of an influential businessman or because the school board president's nephew needed a job. The charge of the Hawaii Teacher Standards Board is to ensure that every teacher in Hawaii is qualified to teach Hawaii's children. Start there with Standards for teachers. Leave tenure as it is. Tenure protects teachers from being fired for personal, political, or other non-work related reasons. Respect that.



February 1, 2012

TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION

RE: SB 2993 Eliminates the vesting of tenure for certain employees of the Department of Education.

FROM: Jan M. Kawabata  
5<sup>th</sup> Grade Teacher at Queen Ka`ahumanu Elementary School

I am writing to you to express my **strong opposition** to SB 2993 relating to teacher tenure. This bill attacks my career and my future as a teacher.

Teaching is a tough job, but it is the only job for me because the human rewards, not financial, are most rewarding. I have worked very hard to achieve my goal to be a tenured teacher and continue to work very hard, 365 days a year, to maintain my right to be a tenured teacher. This means that I am constantly searching for new information to improve my teaching skills so that my students will be successful learners.

Students thrive on structure, and so do teachers. Tenure provides me a structure in which I can work to the best of my ability because it provides a system of due process so that I and other teachers cannot be fired unfairly.

For students, knowing that familiar (tenured) teachers remain at their school provides them with a sense of security and stability. This security and stability translates into a comfortable learning environment for them.

Please **stop** this bill immediately from going forward and please protect our right to tenure.

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 02, 2012 6:39 AM  
**To:** EDU Testimony  
**Cc:** bob\_rossman@mail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: robert rossman  
Organization: Individual  
E-mail: [bob\\_rossman@mail.com](mailto:bob_rossman@mail.com)  
Submitted on: 2/2/2012

Comments:

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225

Testifier position: Oppose

Testifier will be present: No

Submitted by: Rhanda Vickery

Organization: Individual

E-mail: [rhanda\\_vickery@notes.k12.hi.us](mailto:rhanda_vickery@notes.k12.hi.us)

Submitted on: 2/2/2012

Comments:

I am a 2nd grade teacher at Waikoloa Elementary and Middle School on the Big Island of Hawaii. I am writing in opposition to SB 2993, the bill proposing to elimination of tenure.

I am native hawaiian, hold a Masters of Education degree, licensed in the state of Hawaii, highly qualified and passionate about teaching. I work smart to educate the children of Hawaii and have worked just as hard at tenure in my profession. I continue to be a life long learner with professional development courses after school hours, on weekends and during my short summers.

Remember that your Hawaii teachers are educating our Hawaii children and deserve to be seen as the professionals that we are. Let us keep our rights as tenured professionals. I am in opposition of SB 2993.

Justin Hughey  
Special Education Teacher  
Rm 225 2:15pm 2/3/12  
In Regards to SB 2993

Education Committee,

Tenure is due process to ensure a principle doesn't fire you over a personal vendetta. A prior principle wanted me fired because I went to the paper exposing my schools third grade roof that was collapsing on its students. The 2006 legislature sent 200 million to Lingle for education and she didn't release it. The result was cane board falling down on kids, and they were getting rained on in the class. The students were afraid to tell their teacher they were cold and wet. I knew if I took the story to the paper that Lingle would be embarrassed and the project would begin-it worked. But the principle wanted me fired for going over his head, did everything possible to get me to quit. I showed him data in my pep-t that I took a third grader who couldn't read, he didn't know any letter names or any letter sounds, to reading at a second grade level in less than a year. He had no grounds to fire me based on job performance. Your bill if passed means I would have been fired.

A friend of mine who teaches in Illinois is choosing to become an administrator. He informed me that they weakened the laws in Illinois and the principles are going after the teachers who make the most money-this is wrong. We should not be turning public education teachers into Wal-Mart employees.

I don't understand why this bill was introduced by a democrat who chairs the education committee. In Wisconsin the republican legislature went after teacher tenure, then collective bargaining. Republicans have demonized public education and teacher unions with the talking point that tenure is to protect bad teachers. In reality it came about when a professor in Philadelphia was speaking out against child labor laws. One of the provosts from the University also owned a business that employed children. The professor was fired. So if you feel teachers should be fired for personal vendettas-pass this bill.

From my perspective unions, democrats, teachers and tenure are not the problem. These bills are a knee jerk reaction to George Bush's No Child Left Behind. The rich GOP doesn't believe in being taxed so the poor are given a free education. I feel NCLB is working just how it was designed-turning a million dollar testing industry into a billion dollar one and making public education look bad.

Overall this state has some serious inequality regarding education. 17% of its students are in private schools and there is a disconnect in our legislature regarding how schools operate and what kinds of changes should be made. I believe only two legislators have kids in public schools.

If this bill has anything to do with losing the 75 million of Race o the Top money, please think and research what will happen if a third of all teachers just up and quit. I'm already hearing good teachers ready to quit today if more people who know nothing about our jobs take away our due process rights. Ask yourself this, how much will it cost the state to go from a small teacher shortage, to a teacher shortage black hole!!!!!!

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 02, 2012 8:43 AM  
**To:** EDU Testimony  
**Cc:** alantopher@yahoo.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: christopher hale  
Organization: Individual  
E-mail: [alantopher@yahoo.com](mailto:alantopher@yahoo.com)  
Submitted on: 2/2/2012

Comments:

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 02, 2012 10:48 AM  
**To:** EDU Testimony  
**Cc:** punateacherlinda@yahoo.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Linda Robinson  
Organization: Individual  
E-mail: [punateacherlinda@yahoo.com](mailto:punateacherlinda@yahoo.com)  
Submitted on: 2/2/2012

### Comments:

Aloha- I am a teacher in the puna district. Before passing this bill I would implore you to do your research and look at the history of tenure. Good teachers will be lost. My biggest fear is that teachers will then cater to being popular rather than professional. In a climate where we need to develop rigor in our classrooms, students and parent complaints will increase. I am involved in my community and know that many of the parents like the teachers that are easy on the students. The end of tenure along with performance pay will destroy the teaching profession in Hawaii. Do teacher cater to the threat of being wrongly accused and there by make sure each child and family is "happy" with the teacher. This leads to a do what you want attitude and loose grading criteria. There have many times when teachers have been wrongly accused. The problem is not tenure. Rather, that principals do not do their jobs. Most do not know who is an effective teacher and who is not. They do not perform due dilligence when evaluating teachers or addressing problems with staff members. The best teachers I know are now ready to quit. The youth in Hawaii will be the ones to suffer the consequences of this. Please take some time and do not pass this bill simply to retaliate against teachers. Teacher Ed programs are down 40%. Please look to the future. The effective teachers will quit, we will have a shortage of bodies in classrooms, and our students will not progress.

Sincerely, Linda Robinson

SB2993

I oppose SB2993 which eliminates the vesting of tenure for certain Department of Education employees. I have been a teacher at the DOE for 10 years and I believe tenure ensures a partnership between teachers and administrators to work towards student learning. Tenure ensures every avenue has been explored prior to discipline and dismissal. Tenure is an accomplishment every teacher looks forward to because it identifies them as a professional who completed a rigorous probationary period. Every teacher deserves a positive, safe working environment and the elimination of tenure will have a negative impact.

I believe just the proposal of this bill targets, demoralizes and disrespects public educators. Please do not approve this bill.

Sheila Leong

Senate Committees on Education,  
Judiciary and Labor, and Ways and Means  
Friday, February 3, 2012  
2:15 p.m.

SB 2993, Relating to Education.

Dear Chairs Tokuda, Hee, and Ige and Committee Members:

I am testifying in strong opposition to SB 2993. Eliminating tenure is unfair to K-12 teachers and principals, will not help you achieve your objective of ensuring highly effective, quality educators, cause a chilling effect on the school environment and seriously impact job security and job morale.

There is the perception by many that tenure is automatic, but that is incorrect. Tenure is a status that must be earned. It is also comparable to the permanent job status other types of employees enjoy.

In the non-education workplace, new hires are usually given a probationary period to prove their competence and value. The length of probation varies workplace-to-workplace and job-to-job, but it is rarely longer than a year and often much shorter. At the end of probation, workers are considered permanent employees. Of course they could still be dismissed if their performance declines at some point, but they are no longer on probation.

When educators are hired they are also on probation. In order for K-12 teachers in Hawaii to earn tenure, they must teach for two years and receive satisfactory performance evaluations using multiple measures. Just as other employees pass probation and become permanent employees, K-12 teachers and principals pass probation and receive tenure. In the context of job security, tenure is the equivalent of permanent employee status. Until K-12 teachers and principals earn tenure they are on probation.

If SB 2993 were to become law, K-12 teachers and principals would be on permanent probationary status and denied the job security that tenure provides and other workers routinely receive. This is unfair, unreasonable and unnecessary. SB 2993 is truly a step backwards in a state that has a long legislative history of being in the forefront of providing worker rights because they are good for workers and good for our public institutions and businesses.

Having tenure does not mean K-12 teachers and principals are guaranteed a job for life despite poor performance as some have characterized it. Of course there need to be guidelines in place to maintain quality educational standards, including educator effectiveness, but such guidelines already exist in state statute. In addition, SB 2789 seeks to amend the current guidelines, I assume to



align them with Race to the Top requirements. SB 2789 is the correct bill to address any concerns you have to ensure educator effectiveness, not SB 2993.

I understand that the DOE's federal Race to the Top grant might require some teacher performance measures beyond those that currently exist. However, I'm sure Race to the Top does not require or even advocate for the elimination of teacher tenure.

Tenure and teacher effectiveness are not mutually exclusive and there is no evidence to say otherwise. SB 2993 takes the issue in the wrong direction. Please reject SB 2993 and focus your energy on devising educational assessments which will help K-12 teachers and principals do their jobs better, genuinely assess their effectiveness using multiple measures, and demonstrate your interest and support in their well being and their success.

Respectfully submitted by  
Adrienne Valdez, President  
University of Hawaii Professional Assembly

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 02, 2012 12:33 PM  
**To:** EDU Testimony  
**Cc:** kiamanu@hawaiiantel.net  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: T. Merrill  
Organization: Individual  
E-mail: [kiamanu@hawaiiantel.net](mailto:kiamanu@hawaiiantel.net)  
Submitted on: 2/2/2012

### Comments:

This bill only serves to demonize and destabilize the lives of teaches who dedicate themselves to teaching children. Bad teachers (or any other civil service employee) are removed by supervisors who do their jobs and properly document incompetence and misconduct. This bill is just another step in the process of making American workers all 'at-will' employees who can be immediately fired for whatever the complaint of the day is. Will cops be next because of high crime? How about fire fighters because of too many fires? While we're there, let's make water workers at-will employees because of the water main breaks! C'mon, life is more complicated than what is trying to be achieved by this misguided bill. Thank you!

HEARING DATE: **Wednesday, February 03, 2012**

TIME: **2:15 p.m.**

Measure: SB 2993, RELATING TO EDUCATION, DOE Tenure

Testimony for: EDU/JDL, WAM Committees

Testifier: Joanne M. Powell, Teacher, State of Hawaii, Department of Education, Leeward District

February 2, 2012

OPPOSE SB 2993

Representative Tokuda, Chair of Committee on Education, and Committee members,

I am writing to you to express my strong opposition to SB 2993, relating to Teacher Tenure. I'm a teacher in the Leeward District and have been wondering when I became an enemy of the state? I am truly appalled that SB 2993 has been introduced by Representative Tokuda, the Chair of the Senate Committee on Education. Eliminating tenure and discontinuing any "expectations of employment" from July 1, 2013, for more than twelve thousand public school teachers is not in the best interest of the public or the children of Hawaii. Public school teachers serve approximately 180,000 students with a spectrum of abilities and backgrounds. Public school teachers support our hard working families and strive to provide a quality education for every child who enters the school. We are expected to champion and advocate for every student. In turn, I'm wondering who is willing to advocate for teachers?

As a teacher in my 17<sup>th</sup> year, I have two advanced degrees and have always made an effort as a professional to continue to attend training and professional development. I want to learn the latest in trends, research and strategies to effect positive results in students. I met all requirements to earn tenure early in my career and continue to strive to improve my craft. Tenure was bargained for by teachers and HSTA through contract negotiations with the employer, the state. Tenure allows for a stable teaching force to serve public needs. What is the reason and justification for elimination of tenure for public school teachers? There was no reason or justification stated in the bill, nor any set procedure and process for discipline or termination, to ensure fair and equitable treatment of teachers as employees. SB 2789 touts "Hawaii's steady gains on the National Assessment of Educational Progress," and that on the NAEP, in "2011, Hawaii was the only state that demonstrated significant gains in all grade levels and subjects tested." Public school teachers and their students have achieved those gains despite regressive furlough days, directed leave without pay days, and loss of professional development days. In my opinion, at this point, both SB 2993 and SB 2789 appear to be retaliatory and vindictive efforts by the state employer and legislators to force and tyrannically impose policy on teachers, since the last proposed teacher contract was not ratified. I wonder what the employer will attempt to take away from my contract next, without negotiations?

Just a few short days ago, on January 20<sup>th</sup>, a press release reported Governor Abercrombie as "ready to negotiate." What happened to that sentiment? As a citizen, I cannot have true trust and confidence in elected officials and a state government, with tendencies toward absolutism. Further, I do not see how an unstable, demoralized and devalued teaching force benefits the public.

Stop this bill immediately from going forward. There is a great task at hand to improve public education, but all stakeholders must work together collaboratively to protect the stability and quality of public school education. Everyone in this state benefits from supporting our children's education.

Sincerely,



Joanne M. Powell

Teacher

State of Hawaii, Department of Education, Leeward District

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 02, 2012 6:09 PM  
**To:** EDU Testimony  
**Cc:** Patricia\_shillingford@notes.k12.hi.us  
**Subject:** Testimony for SB2789 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2789

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: patricia Shillingford  
Organization: Individual  
E-mail: [Patricia\\_shillingford@notes.k12.hi.us](mailto:Patricia_shillingford@notes.k12.hi.us)  
Submitted on: 2/2/2012

### Comments:

What happens to the teachers in the Socio-economic deprived schools that are dealing with children that come to them already damaged.....many in-utero and have many other hardships to endure besides getting good grades in school. Who will decide who gets to teach these children? How will it be decided?? Have you seen all the DATA that say pay for performance just doesn't work????? Our Keiki dont come to school everyday worrying about if they are going to pass so their teacher can get paid more. They come to school everyday knowing that their teacher cares about them and is there to help them and make a difference. You are our representatives and you are not representing us!!!! You are representing BIG GOVERNMENT!!!!!! Shame on you!!!!

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 02, 2012 6:21 PM  
**To:** EDU Testimony  
**Cc:** dgweidman@gmail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Doug Weidman  
Organization: Individual  
E-mail: [dgweidman@gmail.com](mailto:dgweidman@gmail.com)  
Submitted on: 2/2/2012

### Comments:

As it has been said so many times now, tenure is simply due process rights. Everybody should have these rights. Why is the state working to roll back rights rather than working to expand them? Yet again, the government is heading in the opposite direction to the desires of the people.

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 02, 2012 7:52 PM  
**To:** EDU Testimony  
**Cc:** rtmb@hawaiiantel.net  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Mary Tubbs  
Organization: Individual  
E-mail: [rtmb@hawaiiantel.net](mailto:rtmb@hawaiiantel.net)  
Submitted on: 2/2/2012

**Comments:**

Tenure is not the problem. As in any profession there are some "bad" apples.  
Yet on the whole, teachers are an exceptionally caring, committed bunch.

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 02, 2012 9:11 PM  
**To:** EDU Testimony  
**Cc:** danny.pecoraro@gmail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Comments Only  
Testifier will be present: No  
Submitted by: Daniel Pecoraro  
Organization: DOE  
E-mail: [danny.pecoraro@gmail.com](mailto:danny.pecoraro@gmail.com)  
Submitted on: 2/2/2012

### Comments:

In five years of teaching, I have been observed twice, and each time the Administrator did not stay for the entire period.

There is no way the principal observing my class could make any informed decision on whether I am an effective teacher.

Please do not nullify tenure. It is our only protection from principals who do not do their job.



Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Spencer Harris  
Organization: Individual  
E-mail: [makahaharris@yahoo.com](mailto:makahaharris@yahoo.com)  
Submitted on: 2/2/2012

Greetings.

I am a full time educator at Makaha Elementary School. I have been working in Makaha for 7 years now and I am proud of my tenure status. I do not believe that the state should eliminate tenure for professional educators like my colleagues and I, whom are dedicated to teaching our students and watching them make academic progress in class.

At Makaha Elementary School, all educators spend a large amount of time not only planning for the regular school day, but also professionally developing our craft as educators. We discuss various methods and theories to improve student performance. As with any profession, teaching changes as new theories and methods are introduced.

By stripping professional educators of their tenure, I believe that is a strong statement to how the state views educators. We are no longer professionals. We are simple drones, similar to drones working in a fast food restaurant. However, education is NOT, in any means, a fast food restaurant. Education is trying to find a learning style that best fits our students in the classroom. Each student is different and requires a different approach to learning. It is not like walking into a fast food restaurant and making a large amount of food to be consumed. It is more like a gourmet Michelin starred restaurant, which requires a significant amount of studying and perfecting throughout one's career. Teaching also requires passion and creativity, also similar to the Michelin Starred restaurant, to maintain success. All in all, how can a profession that is essential for the strengthening and teaching of our island's history and culture not be deemed important?

Please do reconsider eliminating tenure for all professional teachers. The future of Hawaii's residents, keikis, and education depends on it.

Mahalo,  
Spencer Harris  
Makaha Elementary School  
808-695-7900

## Erin Conner

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 03, 2012 8:27 AM  
**To:** EDU Testimony  
**Cc:** kcolvinkona@hotmail.com  
**Subject:** Testimony for SB2993 on 2/3/2012 2:15:00 PM

Testimony for EDU/JDL 2/3/2012 2:15:00 PM SB2993

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Keith Colvin  
Organization: Individual  
E-mail: kcolvinkona@hotmail.com  
Submitted on: 2/3/2012

### Comments:

From time to time people bring up the idea of eliminating teacher tenure as a part of education reform. While some think tenure protects incompetent teachers, my experience has been that tenure, more often, protects good teachers from the misperceptions and politics of the job.

Teaching is a subjective profession. High school teachers begin the year with about 140 students. Each student has a unique background. The definition of success can vary dramatically from student to student. This makes it difficult to evaluate a teacher based on one student, one class, or the results of one test. There must be broader and more objective criteria for evaluating teachers.

Teachers need protection because reports published in the press only give a small and often misleading picture of the job a teacher (or district) really does. These public reports put a lot of pressure on administrators. They often end up with a "bottom line" mentality. The quickest way to reduce failure and dropout rates is to lower the standards. The quickest way to raise HSA scores is to focus on the test and sacrifice other curricula. The pressure to look good on paper produces strategies that hurt real learning and student achievement. Teachers are forced to play along or face bad evaluations.

I have a class where, despite my best efforts, over 75 percent of the students are failing. All the students had failed the class at least once before and all of them had the accompanying behavior problems. I put far more time and effort into that class than my "normal" classes. I am determined to get them to learn. What is a teacher suppose to do if students refuse to attempt work in class and have accompanying behavior problems? I teach to the Hawaii Content and Performance Standards, yet what if the students refuse to do any work? I work hard, yet the students refuse to. Am I going to be evaluated on this?

Another situation calling for some form of protection is encounters with parents. Research strongly indicates that the number-one factor in student achievement is positive parental involvement. I believe this is true and do several things to encourage communication. However, teachers need protection from the occasional zealot.

Most veteran teachers I know have had a couple of job-threatening experiences in their career. Thanks to tenure they survived it and went on to have a positive effect on hundreds more children. There may be improvements to make regarding the technical aspects of tenure, but tenure is a good concept. Administrators can remove bad teachers if they would just use the current law. Meanwhile, the majority of teachers remain free to do their job.

Tenure protects the teacher from unwarranted and wanton dismissal for doing unpopular thing such as failing influential students, becoming a whistleblower. Most teaching situations have almost immediate dismissal for cause such as child abuse, theft, and conviction of major crimes as well as teaching incompetence. Therefore the public should have little concern about teacher having tenure.

Tenure codifies a permanent, professional relationship between faculty members and their institutional employer, rewarding those who fulfill the term of their probations.

Tenure help makes up for the lower salaries. We have in American faculties a group of very talented people, creative people, who have agreed tacitly to accept a compensation level below what comparably creative people receive. One of the reasons is the stability of tenure.

There are many examples of ideas, inventions, and basic research that at one time were seen as esoteric, academic, and devoid of any relevance to society but later became absolutely central to society and to our lives. History also provides countless examples of ideas that at first were part of unorthodox thinking prevailing eventually over established opinions. Predictions being fallible, society or academic units themselves must not censor creative and critical inquiry. Every professorial faculty member needs to be free to pursue a particular line of research even if it does not follow the current bandwagon. Tenure helps ensure that academics can explore areas without following the bandwagon.?

Tenure helps maintain academic quality by establishing a set of high standards that must be met for continued employment. Standards for ongoing contract renewals are typically less stringent

I am a strong advocate of tenure. While it protects the less than satisfactory by requiring that due process be followed before they can be removed, it also protects exceptionally good teachers from being undermined and removed by administrators anxious to cover their own rear ends and blustering politicians.

Tenure makes it virtually impossible to remove a teacher without documented evidence of malfeasance or incompetence. Senior teachers without tenure may be cut loose by new principals because they are considered too expensive to keep.

If tenure is canceled there is no doubt that political considerations determining educational decisions will prevail.

1. Having tenure protects the teachers from being fired for political, personal, and non-work related issues. In the old days, teachers could be fired when a new principal came in and wanted to hire their buddies. If a teacher becomes pregnant and wants to start a family, she can no longer be fired for that. Also, it eliminates the firing of teachers for their views which may be different from those of the school district.

2. Teacher tenure puts a teachers mind at ease as far as being fired. They know now that as long as they don't commit a serious crime, they will not be fired. This puts less stress on the teacher and allows him/her to maybe think out of the box and try new ideas with their classroom, without the fear of being fired for that idea. It may broaden the learning process.

3. Because you can become tenured, the teaching job attracts many people. With all of the people coming in to the profession, the districts will always have a large pool to select from. It also makes you, the teacher, want to work harder to obtain that job, knowing that there are so many other candidates wanting the same position.

4. With that attraction of people, school districts are forced to choose the absolute best candidate they can see bettering their school. They know that they will be there for a long time, and to choose just anyone out there would be a bad decision knowing they can't fire them if they aren't doing their job. It makes the selection process very crucial to the selectors because they want the best teacher in there.

5. If tenure were taken out, a lot more females would be reluctant to having children, for fear that taking time off would get them fired.

6. If tenure were taken out, teachers would feel more pressured to teach strictly to the curriculum and not take any risks. They would be in fear that if they were to try something new or different, they would be fired. This would put a stop to creative ideas and thinking outside the box to spark learning and ideas in the students. Teaching and learning would be limited to the book and if that happens, we're all doomed.
7. If tenure were not in place, the teaching industry would not attract as many candidates, leaving the districts to choose from the small pool of people that apply, even though they may not be the best choice.
8. If tenure were taken out and the number of candidates to choose from went down, you would see fewer classrooms meaning larger class sizes. A large class size is not ideal for any type of productive learning environment.
9. When a teacher is tenured, it eliminates the chance that a student or another faculty member makes a false accusation on that teacher and they become fired right away. Teachers are protected because not everything that comes out of children's mouths is true. Each teacher, when tenured, receives a hearing before they are dismissed, and the case is looked in to very thoroughly.
10. Instead of firing a teacher right away after a non-favorable performance, tenure grants that teacher the ability to improve instead of being fired right away. If a teacher is being observed by the principal and the principal feels the teacher is not teaching up to standards, they can discuss the matter and the teacher can improve. Maybe he/she was having a bad day and it affected their teaching. Instead of being fired for one bad day, which we all have, they are given the opportunity to prove themselves again.

Keith Colvin here, from Kealakehe High in Kona. I am submitting testimony to you because I am concerned over HB 1668, effectively getting rid of tenure for members of Bargaining Unit 5. This is a really bad idea. Now a dedicated teacher can be subject to being let go due to an evaluation of an administrator? The financial benefits of being a teacher are poor, yet the best benefit for teachers is a teacher could have the job for a long time, without the worry of a "new wave" of education threatening job security. If HB 1668 moves forward and becomes law, teachers will not have the security of their job. Tenure will be gone. I am concerned because I try yet do not get along with all of the administrators that I have had. What if one that I do not care for comes and evaluates me poorly? I do not get to evaluate them. Tenure is important so good teachers are protected against prevailing political agendas. Please do everything in your power to not make Sb 2993 into law.