

# HB 1453



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/05/2013

**Committee:** House Labor & Public  
Employment

**Department:** Education

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

**Title of Bill:** HB 1453 RELATING TO EDUCATION

**Purpose of Bill:** Reforms the public education system by among other things, establishing student-teacher ratios and heterogenous classroom composition, incorporating the AVID system, requiring internet access, community involvement, and external assistance, requiring specified data on the department website, expanding statewide performance standards to enable students to achieve international competitiveness, requiring specified tests in electronic format, setting teacher salaries commensurate with educational attainment, and authorizing the discharge of teachers who fail to improve performance outcomes. Appropriates funds.

**Department's Position:**

The Department of Education (Department) appreciates the intent of HB 1453 to support public education in Hawaii and offers the following comments and concerns:

The Department supports efforts to increase the level of student support in the classroom, and notes that the Governor's Biennium Budget contains a request for \$12 million for fiscal year 2013-14 for the Weighted Student Formula program. This request addresses a projected enrollment increase to maintain the status quo average per pupil funding level. The Legislature has the discretion to increase the level of per pupil support. Heterogeneity is best addressed through the current Weighted Student Formula that directs limited resources to schools based on student characteristics.

Additionally, the Department appreciates financial assistance for the replacement of textbooks and welcomes support for all DOE schools over the next three years to acquire Common Core devices and materials for mathematics and English language arts. The Governor's Biennium Budget request contained \$29 million for the first two years of this initiative.

Over the years, the number of schools offering the Advancement Via Individual Determination, better known as AVID, has grown to 117 sites in 30 complexes. In school year 2012-13, the AVID elective class is being offered in 54 secondary schools, two secondary/elementary and 61 elementary schools throughout the state. Prior to expanding AVID to all K-12 schools, consideration must be given to the cost and other resource implications. Additionally, successful implementation of the AVID elective is correlated with the willingness of students, parents, teachers and other school staff to support students to enroll and be successful in rigorous courses (i.e. Advanced Placement). The Department recommends that it be allowed to choose and implement programs similar to AVID.

The Department also supports efforts to increase community engagement by schools and notes HRS Section 302A-1124 School Community Councils, the primary means by which this is achieved. Currently, a wealth of information is provided on the Department's website. However, the Department has recognized the need for improvement and is redesigning the Department's website to make information more accessible to public audiences. Furthermore, under the federally-funded Hawaii Broadband Initiative project, the Department is implementing a high speed broadband connection to every public school.

Hawaii is transitioning to the new Common Core standards in English language arts and mathematics. These internationally-benchmarked standards provide clear and rigorous expectations for what all students should learn at each grade level to graduate ready to succeed in college and careers. Hawaii is also among 24 states leading a Smarter Balanced Assessment Consortium that is developing a new assessment system to measure whether students are meeting the Common Core State Standards. The Department asks that the Common Core State Standards be recognized as a means to achieve international competitiveness for our students.

The Department opposes proposed amendments to HRS section 302A-609 to expand the causes for discharge or demotion of a teacher to include "failure to improve the performance outcomes of the teacher's students for either two consecutive years by a teacher with more than one year of experience or for three consecutive years by a teacher with not more than one year of experience." The Department is involved in a pilot evaluation system that addresses the numerous issues associated with implementing a new evaluation system, as well as a department-wide system of supports. Moreover, the methodology used to determine student growth is complicated with various options available to the department, and the proposed statutory language does not reflect what is being piloted.

The Department also opposes proposed amendments to HRS section 302A-638 that requires evaluations for teachers be performed at least once in each quarter of a school year. Again, the proposed language does not accurately reflect what is being implemented in the pilot schools and what is being planned for statewide implementation in school year 2013-14. Specifically, the evaluations, which provide an overall rating, will be conducted annually. However, one component of the multiple measure evaluation system entails classroom observations of teachers. These observations, unlike "walkthroughs," are formal in nature and will be used for evaluation purposes. Based on a protocol developed by nationally-acclaimed educational expert Charlotte Danielson, these formal classroom observations will be conducted throughout the school year. The proposed legislation mandates the methodology and process to be used for teacher evaluations and limits the Department's ability to develop and implement an evaluation system that is consistent with best practices derived from nationally, research-based standards.

**hashem1 - Kenneth**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 04, 2013 3:17 PM  
**To:** LABtestimony  
**Cc:** tabalos-arceneaux@hsta.org  
**Subject:** Submitted testimony for HB1453 on Feb 5, 2013 09:00AM

**HB1453**

Submitted on: 2/4/2013

Testimony for LAB on Feb 5, 2013 09:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tanya Abalos-Arceneaux	HSTA	Comments Only	Yes

Comments: TESTIMONY BEFORE THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT DATE: TUESDAY, FEBRUARY 5, 2013 RE: H.B. 1453 – RELATING TO EDUCATION Person Testifying: WIL OKABE, PRESIDENT HAWAII STATE TEACHERS ASSOC. Chair Nakashima and Members of the Committee: The Hawaii State Teachers Association (HSTA) can only provide comments at this time to HB 1453 which reforms the public education system by among other things, establishing student-teacher ratios and heterogeneous classroom composition, incorporating the AVID system, requiring internet access, community involvement, and external assistance, requiring specified data on the department website, expanding statewide performance standards to enable students to achieve international competitiveness, requiring specified tests in electronic format, setting teacher salaries commensurate with educational attainment, and authorizing the discharge of teachers who fail to improve performance outcomes. HSTA is the exclusive representative of more than 13,500+ public and charter school teachers statewide. As the state affiliate of the 2.2 million member National Education Association (NEA), the HSTA is proceeding with caution, as we are concerned about the numerous labor implications relating to collective bargaining as well as implementation issues. The HSTA believes in developing a comprehensive program for achieving education excellence and reform in Hawaii’s public schools. As such, if school reform is needed, it should include collaboration at the “grass roots school level” and leave decision making to the school community councils to do what is best for each and every school. Thank you for the opportunity to testify on this matter.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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## TESTIMONY FOR HOUSE BILL 1453, RELATING TO EDUCATION

House Committee on Labor  
Hon. Mark M. Nakashima, Chair  
Hon. Mark J. Hashem, Vice Chair

Tuesday, February 5, 2013, 9:00 AM  
State Capitol, Conference Room 309

Honorable Chair Nakashima and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in opposition to HB 1453, relating to education.

While IMUAlliance lauds all efforts to improve Hawaii's education system, we feel that the proposals contained in this measure are counterproductive, duplicative, and fiscally unsound. Section 1 of this bill would require a student-teacher ration of 13 to 17 students for each grade level of every public school in the state, mandate heterogenous classes throughout the DOE, and require the department to purchase new textbooks every two years. Though these proposals are well-intended, we recognize that approximately 50 percent of Hawaii's teacher workforce leaves the profession every five years—the highest rate in the nation—further complicating staffing problems at hard-to-staff, largely impoverished schools. Though the DOE already carries a ratio of 17 students per teacher overall, mandating a 13 to 17 student-teacher ratio at each grade level would force the department to hire teachers at an unprecedented and fiscally untenable rate, likely without ensuring that such teachers are highly qualified. In effect, Hawaii's classrooms would be staffed with low-paid beginners from programs like Teach for America or alternatively certified teachers from non-education professions, since Hawaii's education training programs do not graduate enough students to fill the vacancies that would arise from all classrooms having to meet the ratio ordained by this bill. Similarly, we appreciate the intent of mandating heterogenous classrooms at a time when teachers are concerned about equitable evaluations, but worry about



the adverse impact this may have on a school's ability to offer specialized programs for gifted students, such as advanced placement courses. With regard to textbooks, the average cost of a high school textbook is approximately \$100. Thus, even a conservative estimate of the cost to the state of requiring textbooks to be no more than two years old (buying new textbooks each biennium), would run into the tens of millions of dollars. Textbooks are typically tied to curriculum development and programming requirements, which may not be changed each biennium. We suggest allowing curriculum needs, rather than arbitrary timelines, to dictate the purchase of new textbooks.

Section 2 would expand the department's Advancement via Individual Determination (AVID) program to achieve “international competitiveness,” require the department to provide high-speed Internet access to all classrooms, and seek community involvement to increase student performance outcomes. AVID, a great program, targets low-income, disadvantaged, rural, and minority students to ensure that such students realize their full academic potential. As of 2012, AVID elective classes are offered in 29 complexes and 47 secondary schools, along with two secondary/elementary schools and 56 elementary schools—approximately 40 percent of the department's schools. Yet, AVID generally targets struggling and at-risk students—the “gap” students. Those performing in the 50-80<sup>th</sup> percentile, however, generally fall outside of this target group. Also, the department has excelled at expanding high-speed Internet access to nearly all classrooms. And all of the state's public schools seek community input through such entities as School Community Councils, which were established under Act 51 (2004) and foster school/community partnerships to improve student achievement and enhance the accountability of the education system to the public. We also take issue with the notion of “international competitiveness,” but will explain our concern in our comments on a subsequent section.

Section 3 of the bill requires the department to post various items on the departmental website, while directing the department to provide external assistance to schools failing to demonstrate improvement in two consecutive years at increasing student performance outcomes in “international competitiveness.” We note that much of the information specified by this section for postage on the DOE website is, in fact, already posted by the department, which provides a variety of information about individual schools on the “mySchool” section of the DOE website, including HSA results, No Child Left Behind data, school status and improvement reports, trend reports, 'Felix' integrated performance monitoring reports, and information gleaned from school quality surveys. Accountability Resource Center

Hawaii (ARCH) data is also made available in an easily viewable, downloadable format. We feel that this information is sufficient to enable informed decision-making from interested community members, especially parents. We take great offense, however, at the notion that local schools should be judged on “international competitiveness,” defined in Section 4 of this bill as meaning that “seventy-five per cent of students in the public schools perform on par on standardized examinations with students in the ten countries with the highest scores in reading, writing, mathematics, and science.” Quite frankly, we find this definition absurd, anti-educator, and anti-intellectual. No international standardized assessment is employed in Hawaii schools, which are already subject to an increasing number of standardized examinations that force teachers to teach to the test and crowd critical thinking skills out of scholastic curricula. International assessments do exist; the Program for International Student Assessment (facilitated by the Organization for Economic Cooperation and Development) and PIRLS and TIMSS exams (facilitated by the International Association for the Evaluation of Educational Achievement) measure math and reading skills among select groups of students in different countries. International standards do not exist, on the other hand, and the aforementioned international assessments are not widely deployed in the United States, though, have not been scrutinized for equitability and internal/external validity, and, thus, cannot be relied upon as benchmarks to determine how local students perform in comparison to their international peers. Thus, “international competitiveness,” as defined in this bill, cannot be used as a fair and accurate method of judging student achievement. Instead, for better or worse, Hawaii's schools rely upon benchmarks and targets of achievement approved under No Child Left Behind, first, and subsequently the federal Race to the Top program. Evaluations related to these programs, such as the HSA, are already widely deployed in local schools. Those schools failing to meet annual benchmarks are, in turn, given external assistance, usually through educational consultants, like EdisonLearning. It should also be stated that Hawaii is one of 45 states who are part of the Common Core State Standards Initiative that attempts to increase educational accountability by bringing state curricula into alignment with one another, creating a national standards umbrella. While the Common Core Standards are “internationally benchmarked,” this merely refers to analyzing high-performing education systems and identifying ways to improve our own systems based on those findings. One of the main ways to identify high-performing education systems is through international assessments, particularly the Programme for International Student Assessment (PISA) and Trends in International Mathematics and Science Study (TIMSS). That said, this analysis has only been used in consideration of how the Common Core Standards should be



written. As stated previously, no broadly disseminated or fully-financed international assessment has been implemented in the United States to compare American, much less local, students with their peers abroad, something that is particularly difficult to do in practice because states are given latitude with regard to implementation of the Common Core.

Section 5 of this bill expands “international competitiveness” standards to cover all schools, mandating that students achieve “international competitiveness” within seven years. Per our previous comments about the lack of international scholastic standards governing educational achievement across divergent nations, we believe that this section, too, countermands ongoing education reform efforts and would require a substantial fiscal commitment in terms of curriculum and assessment development, as well as teacher training. And again, international standards do not exist, clouding the issue of adjudicating state schools against international schools.

Section 6 adds failure to improve the performance outcomes of a teacher's students for either of two consecutive years (by a teacher with more than one year of experience) or for three consecutive years (by a teacher with not more than one year of experience) to the list of reasons for discharging an educator. Put simply, this is a proposed teacher evaluation statute, providing the link between reemployment rights and high-stakes teacher evaluations that the state currently lacks. Yet, this provision does not detail multiple measures of assessment to protect against an over-reliance on standardized testing in rating a teacher's performance and does not enumerate protections for teachers who feel that they are unfairly evaluated. Though such provisions are currently contained in Board of Education policies regarding teacher evaluations (BOE policy 2055), we feel that any state law regarding evaluations must include due process rights for teachers. Most importantly, we are concerned that this provision circumvents collective bargaining, which exists to protect the rights of state employees. Currently, the state and Hawaii State Teachers Association are in discussions about a new contract, a primary component of which is the implementation of high-stakes teacher evaluations. We feel that, to ensure teacher buy-in, the impact and consequences of teacher evaluations, including recourse for challenging an unfavorable evaluation and metrics to be used in assessing professional practice, should be negotiated at the bargaining table, since these items will determine other CBA-related cost items, including salary increases, teacher recruitment and retention incentives, and continued employment in the profession. Placing these measures in state law, however, disincentivizes dealmaking from the state's side of the table, by granting the



state the link between reemployment rights and high-stakes evaluations that is called for by Hawaii's Race to the Top award—lack of which puts negotiating pressure on the state, whose representatives have already demonstrated a callous disregard for collective bargaining by unilaterally implementing a “last, best, final” offer, in 2011, nearly ten days before HSTA's then-contract was set to expire.

For these reasons, we ask the committee to defer this bill. Mahalo for the opportunity to testify in opposition to this bill.

Sincerely,  
Kris Coffield  
*Legislative Director*  
IMUAlliance

Testimony submitted on: HB1453  
By: Lisa Galloway, PhD (Education)  
Date: Feb. 3, 2013

I write to urge you to vote NO, or at least to amend significantly, HB1453. While parts of this bill, and its intent, may be laudable, I have serious objections for the following reasons:

- beginning on page 3, line 12 and throughout: the idea of school “international competitiveness” occurs repeatedly and is linked to student “performance outcomes” (beginning on page 4, line 5) and assigning “external assistance” (page 5, line 12) that will be given to schools whose students fail to improve within two years... this may sound wonderful, but it does not reflect thorough research.

The premise that our students’ performance outcomes are not “internationally competitive” is seriously flawed. I know this is hard to believe, since the media has touted this for decades, but bountiful evidence explains the misperception, including the writing of expert Gerald Bracey, who shows how American students are actually quite competitive. Bracey’s main points are that far more US students are top scorers, and that the US produces far more competitive students than our international counterparts. His objection is with the way the international results are interpreted, by looking at averages. He wrote: “...*comparing nations on average scores is a pretty silly idea. It’s like ranking runners based on average shoe size ...*” (see <http://voices.washingtonpost.com/answer-sheet/standardized-tests/so-what-if-the-us-is-not-no-1.html> )

What US and Hawaii schools do have is a full spectrum of low and high achievers. Obviously, many students in our state should be helped to attain better outcomes. However, they should not be tested obsessively (something the highest performing country, Finland, does not do) and we should not play shell games with the results in order to have yet more “external assistance” assigned to schools.

For over a decade such assistance has come in the form of for-profit educational management like Edison. This is an outrageous waste of money and an assault on teachers’ time and energy. I teach at a school where Edison has been assigned to guide our restructuring efforts. Empirical evidence, research and even stock market updates (Edison stocks are plummeting) attest that this top-down approach does not lead to better outcomes. This part of the bill (assigning external assistance on page 5) needs to be omitted or amended to include the assistance promised for accountability purposes on page 5, line 1, so long as they are *teacher selected*.

- page 7, line 11: refers to discharging/demoting teachers who “fail to improve the performance outcomes” of their students within two to three years ... this does not account for all other variables known to effect student outcomes, which research has shown are significant and vary from student to student. Most notably, family and school socio-economic factors, and peer relationships have been proven repeatedly to

have a greater effect on performance outcomes than teacher influences. To punish teachers for factors outside their control is offensive, and sets Hawaii's school system up for yet more attrition (another factor research has proven has serious negative impacts on student performance) and low teacher morale (which also has been proven to reduce outcomes for teachers and their students).

I have additional, somewhat less serious concerns about this bill for these reasons:

- page 2, line 1: requiring textbooks to be no more than two years old both encourages the continued use of textbooks and continual purchase of them at a time when myriad other materials are available to teachers at far less cost, provided the Internet and technology promises of this bill are realized
- page 2, line 7: the AVID program show promise but may not always do so in Hawaii; this should be amended to promote this *or a program with similar research-based, proven best practices* to achieve the same goals, and the effectiveness of any expensive state-wide program should be assessed every year
- page 6, line 19: refers to “no well-defined group of students” performing below 1 standard deviation of the norm on statewide performance standards ... unlike many of our international competitors, we teach and test all students, including those with the full range of disabilities and those who are just learning English. Including these well-defined groups to compare to the norm is unfair to these students, their teachers and schools.
- page 8, line 22: refers to evaluating teachers every quarter term... barring the hiring of a legion of evaluators, this too is an insulting waste of administrator time and energy, as well as Dept. of Education money.

Thank you for your consideration.



**From:** linda jones [ljonesybcool@yahoo.com]  
**Sent:** Monday, February 04, 2013 7:52 AM  
**To:** LABtestimony  
**Cc:** Mailing List  
**Subject:** Fw: Fwd: Submitted testimony for HB1453 on Feb 5, 2013 09:00AM  
**Attachments:** Ed.Testimony.Feb'13.pdf

Aloha,

I am in total agreement with the testimony provided here by my colleague, Lisa M. Galloway. Please officially add my name to this as my official testimony.

Mahalo,  
Linda Jones  
SpEd Instructor/DOE

----- Forwarded message -----

From: <[mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)>  
Date: Sun, Feb 3, 2013 at 10:06 AM  
Subject: Submitted testimony for HB1453 on Feb 5, 2013 09:00AM  
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**HB1453**

Submitted on: 2/3/2013  
Testimony for LAB on Feb 5, 2013 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Galloway, PhD	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 6:18 PM  
**To:** LABtestimony  
**Cc:** victoriakeith@msn.com  
**Subject:** Submitted testimony for HB1453 on Feb 5, 2013 09:00AM

**HB1453**

Submitted on: 2/3/2013

Testimony for LAB on Feb 5, 2013 09:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victoria Keith	Individual	Support	No

Comments: The Hawai'i People's Fund recently held its annual meeting and showed my first documentary, filmed 35 years ago, about the struggle of the Waiahole & Waikane communities to preserve their land and way of life. The video had been badly deteriorated and until Ulu'ulu sent it away to be almost "miraculously" restored, it was essentially unplayable. Now, it is a testament to the will of the people of Waiahole and Waikane, and the video, as well as the land and lifestyle, has been preserved. Without Ulu'ulu, there would be no such public record for future generations. Please support the continued existence of this wonderful institution! Mahalo, Victoria Keith

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# HB 1453

**LATE TESTIMONY**