



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

Date: 03/01/2022

Time: 12:30 PM

Location: 308 Via Videoconference

Committee: House Finance

Department: Education

Person Testifying: Keith T. Hayashi, Interim Superintendent of Education

Title of Bill: HB 0438, HD1 RELATING TO EXTERNAL CONTRACTS IN THE DEPARTMENT OF EDUCATION.

Purpose of Bill: Requires the DOE, in consultation with and approval by the BOE, to develop and implement a plan to reduce the use of external contracts for curricula, instruction, and testing. Requires DOE to convene an advisory committee to make recommendations for developing and implementing the plan. Requires DOE to submit interim and final reports to the legislature. Effective 7/1/2050. (HD1)

Department's Position:

The Hawaii State Department of Education (Department) respectfully offers comments on HB 438, HD1.

Advancing integrity, cultural appropriateness, and the quality of educational programming in the Hawaii public education system is in alignment with the Department's core belief of equity and excellence.

The Department respects the intent of HB 438, HD1 to minimize the use of external contracts for curricula, instruction, and testing to improve the quality of the instruction and assessment materials used in the classroom. Currently, the Department heavily scrutinizes any contract that it enters into and has made an effort to eliminate contracts of lesser priorities.

Some contracts are necessary to effectively provide students with appropriate daily

curriculum, instruction, assessment, and educational experiences that teachers rely on. Having materials that are not locally or internally designed does not indicate that it is of lesser quality. In addition, there are also compliance requirements that are related to statewide testing as well as meeting the needs of students with disabilities which, if not met, may have potential funding and legal ramifications.

When developing instructional materials internally, the Department does its best to be inclusive of all voices and, in this process, the Department also acknowledges that expertise that resides outside of the Department may be needed to provide valuable insight and guidance. Contracts provide an avenue to access this broader knowledge base when needed. Furthermore, while teachers are deeply involved in the development of classroom materials, the Department is cognizant of adding increased responsibility on its teachers and staff and the addition of creating all curricula, instruction and testing would prove to be a very heavy lift.

Thank you for this opportunity to provide testimony on HB 438, HD1.

HB-438-HD-1

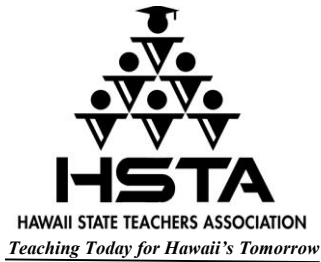
Submitted on: 3/1/2022 10:10:39 AM

Testimony for FIN on 3/1/2022 12:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Keith Hayashi	Hawaii State Department of Education	Comments	Yes

Comments:

With comments.



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TESTIMONY BEFORE THE HOUSE COMMITTEE ON FINANCE

RE: HB 438, HD1 - RELATING TO EXTERNAL CONTRACTS IN THE
DEPARTMENT OF EDUCATION

TUESDAY, MARCH 1, 2022

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Luke, and Members of the Committee:

The Hawaii State Teachers Association **supports HB 438, HD1**, relating to external contracts in the Department of Education.

This bill will require the HIDEOE, in consultation with and approval from the BOE, to develop and implement a plan to reduce the use of external contracts for curricula, instruction, and testing. The bill further requires the HIDEOE to convene an advisory committee to make recommendations for developing and implementing the plan and submitting interim and final reports to the legislature.

Hawaii has an ethnic and socioeconomically diverse public school population which requires our curricula and learning materials be reflective of that diversity. Rather than looking to the U.S. continent or beyond for that curriculum and expertise, HSTA believes strongly that the HIDEOE should be using sources right here on Hawaii's shores. Who better to provide these tools and resources for our classrooms than local teachers and education experts?

What's more, our current testing culture was developed under the federal No Child Left Behind and Race to the Top initiatives. Test scores were viewed as the best determinant of school performance. Studies show, however, that test scores strongly correlate with socioeconomic status: rich schools do well, while poor schools struggle.

While it is HSTA's position that we move swiftly away from this testing culture, so long as it remains, to minimize the socioeconomic correlations, testing regimes should be developed locally so those correlations can be better minimized by those who understand Hawaii best: the teachers and educational professionals who live, work, and teach our keiki right here.

To provide high quality education by developing and implementing a curriculum that reflects our unique diversity in Hawai'i, the Hawaii State Teachers Association asks your committee to **support this bill**.



HOUSE BILL 438, RELATING TO EXTERNAL CONTRACTS IN THE DEPARTMENT OF EDUCATION

MARCH 1, 2022 · HOUSE FINANCE COMMITTEE ·
CHAIR REP. SYLVIA LUKE

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus **supports HB 438**, relating to external contracts in the Department of Education, which requires the DOE, in consultation with and approval by the BOE, to develop and implement a plan to reduce the use of external contracts for curricula, instruction, and testing; requires the DOE to convene an advisory committee to make recommendations for developing and implementing the plan; and requires the DOE to submit interim and final reports to the legislature.

The overuse of standardized tests in Hawai'i's schools has become an epidemic. Rather than focus on student learning, our schools devote increasing amounts of time to “test and punish” frameworks, in which critical thinking and applied knowledge are replaced with rote test-taking skills that adversely impact a teacher's or schools' statistical assessment. According to the American Federation of Teachers report “Testing More, Teaching Less: What America's Obsession with Student Testing Costs in Money and Lost Instructional Time,” test preparation and testing in heavily tested districts can absorb up to a month and a half of school time. The grade-by-grade analysis found that students spend from 60 to more than 110 hours per year on test preparation, at an estimated cost per pupil of \$700 to \$1,000 in heavily tested grades (in

Hawai'i, each test, itself, costs \$65, but that does not include resources and personnel needed to administer each test, the cost of test-linked curricula, the price of test preparation materials and testing security contracts, and more).

HIDOE spent at least \$60 million on external testing-related contracts from 2015 to 2018, including a \$36.4 million contract with the American Institutes of Research to furnish the Smarter Balanced Assessment and HSA alternate assessment, the state's predominant standardized tests. Rather than eliminate this costly burden in favor of authentic learning opportunities, HIDOE leaders renewed AIR's multi-million dollar contract in September of 2019.

Department of Education
Active Contracts as of December 1, 2018

Table 14

Program ID	MOF	Amount	Frequency (M/A/O)	Max Value	Outstanding Balance	Term of Contract			Entity	Contract Description	Explanation of How Contract is Monitored	POS Y/N	Category E/L/P/C/G/S
						Executed	Date	To					
EDN100 EDN200	A A	\$ 300,000	A	\$ 300,000	\$ -	06/29/17	06/29/17	07/31/19	Fuel Education, LLC	Curriculum Program/Enterprise License	Monitoring is completed periodically as needed throughout the school year as student and instructor accounts are activated and access is coordinated.	N	G/S
EDN100 EDN200	A	\$ 81,590	O	\$ 81,590	\$ -	08/22/18	06/22/18	12/22/18	Soderholm Sales and Leasing, Inc.	Purchase of 14 Passenger School Bus for transportation of students for school activities	Monitoring is completed as needed by checking equipment is delivered as agreed and in working order before payment is made.	N	G
EDN100 EDN200	A	\$ 80,547	O	\$ 80,547	\$ -	10/02/18	10/02/18	03/31/19	Soderholm Sales & Leasing, Inc.	School Bus for Pahoehoe High and Intermediate	Paid upon receipt.	N	G
EDN100 EDN200	N A	\$ 28,434,483	O, quarterly	\$ 28,434,483	\$ 4,603,503	02/17/15	12/15/14	09/30/19	American Institutes for Research in the Behavioral Sciences	Furnish and Implement the Smarter Balanced Assessment (Ref. MAAC RFP No. 2014-09)	Weekly webinar management meetings; invoices reconciled with project management plan	N	G/S
EDN100 EDN200	N A	\$ 7,934,978	O, quarterly	\$ 7,934,978	\$ 3,554,430	07/06/18	07/06/18	06/30/21	American Institutes for Research in the Behavioral Sciences	To Develop and Implement the Hawaii State Alternate Assessment for the Hawaii Department of Education	Weekly webinar management meetings; invoices reconciled with project management plan	N	G/S
EDN100 EDN200	N A	\$ 4,227,466	O, quarterly	\$ 4,227,466	\$ 1,068,878	06/26/17	06/26/17	06/30/19	UH on behalf of its College of	Develop/Implement Assessments in the Hawaiian Language for HIDOE	Bi-weekly webinar management meetings; invoices reconciled with project management plan	N	G/S
EDN100 EDN200	A	\$ 451,500	O	\$ 451,500	\$ -	06/30/17	06/30/17	11/30/19	Healthmaster Holdings, LLC dba Healthmaster	Web-Hosted Suite of Software Applications for school electronic health records	Contract monitored by a program manager	N	S
EDN100 EDN300	A A	\$ 10,399,557	O - payment is rendered upon delivery of services	\$ 10,399,557	\$ 2,717,357	03/27/15	03/27/15	03/26/19	Infinite Campus, Inc.	Student Information System Replacement	Status reports; review of each completed deliverable; review and verification of invoices for services rendered.	N	G, S
EDN150	P	\$ 37,500	O, 4 pymts/yr	\$ 37,500	\$ 7,500	11/02/15	11/02/15	12/31/18	Marion E. Bounds (Betsy)	External Evaluator for for DoDEA Special Education federal grant (Radford/Leilehua)	External Evaluator services includes consultation on grant activities and completion of annual evaluation report for federal grant	N	S
EDN150	N	\$ 745,780	A	\$ 745,780	\$ 36,445	05/11/17	05/11/17	06/30/19	Enome, Inc dba Goalbook	Goalbook Toolkit District Membership (500) and Onsite Professional Development Courses	Monitoring is completed periodically as needed throughout the school year as accounts are activated and access is coordinated.	N	S

Make no mistake, when we discuss standardized tests, we're talking about the Common Core State Standards Initiative, a set of profit-driven standards that were foisted upon teachers and children across the nation without prior field testing. Developed by an organization called Achieve and the National Governors Association, and funded by the Gates Foundation, the standards were crafted with minimal public input. Under the Obama Administration's Race to the Top grant program, states were effectively told that if they did not adopt the Common Core, they would not be eligible to receive a portion of the program's \$4.35 billion in grant money. As education policy

expert Diane Ravitch has said, “Federal law prohibits the U.S. Department of Education from prescribing curriculum, but in this case the Department figured out a clever way to avoid the letter of the law.”

The result? A precipitous decline in test scores based on Common Core's arbitrary cut scores, a lack of critical thinking development based on Common Core's arbitrary pedagogical instructional time ratios, disproportionate harm caused to English Language Learners and low-income students, further elimination of arts education, and parents and students across the nation joining the United Opt Out movement against the Smarter Balanced Assessment associated with Common Core, with students—including those in Hawai'i—literally “opting out” of high-stakes tests.

Both former President Obama and the U.S. Department of Education have called for an end to over-testing, with the former Obama administration calling for testing time to be capped at no more than 2 percent of student instructional time. Even the Gates Foundation, the scholastic alchemists responsible for the Common Core monstrosity, have backpedaled on their Frankensteinian experiment, calling for a moratorium on linking Common Core to teacher evaluations and their related “value-added method” of measuring performance.

Now, we have hope. The federal Every Student Succeeds Act, passed in December of 2015 and set for robust implementation in December of 2016, provides states with increased flexibility in the use of standardized testing, including eliminating federally mandated inclusion of standardized tests in teacher evaluations, and allowing states to choose what test to use for annual school assessments. ESSA also permits states to limit the amount of time that students spend preparing for and taking standardized tests, provides funding to states for auditing and streamlining assessment systems, and, importantly, establishes an “innovative assessment pilot program” through which states may receive permission to employ authentic assessments that connect classroom learning with real-world problem-solving (project-based and problem-based learning are two examples of authentic assessment methodologies).

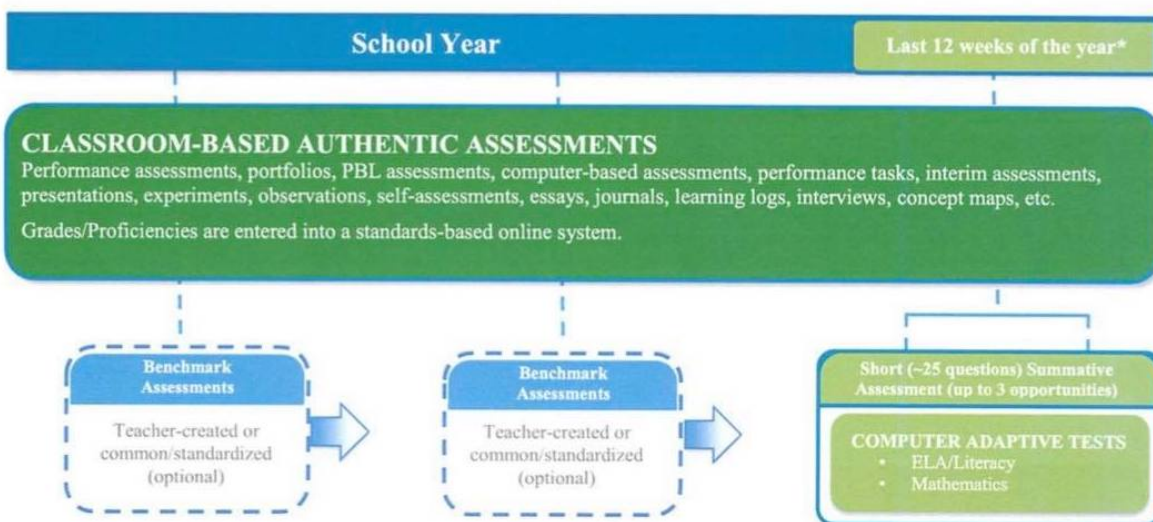
Notably, in 2020, the Hawai'i State Department of Education sent the U.S. DOE a letter of intent about applying to be one of seven states participating in the pilot program (which has been

temporarily stalled because of COVID-19) and has begun consulting with stakeholders to develop a model authentic assessment program focused on project-based learning, an initiative that the department relaunched in December of 2021.

4 of 4

Hawaii Innovative Assessment Model: A Balanced Assessment System

SY 2020-21: Grade 4 English Language Arts/Literacy and Grade 8 Mathematics



Toxic testing undermines our schools' curricula, our teachers' autonomy, and our students critical thinking skills. **We should reign in the millions of dollars spent on external testing contracts and redirect that revenue toward culturally relevant assessments and student performance indicators that may be developed by Hawai'i's local educators and academic experts.**

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