

Date of Hearing: April 11, 2008

Committee: House Committee on Education

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent

Title: S.C.R No. 115, S.D. 1 Requesting the Department of Education to convene a pilot project to allow a school complex to identify critical department rules and policies that impede effective decision-making, administering, and teaching and to operate free of those rules and policies.

Purpose: To determine if the elimination of identified department rules and policies that are perceived to impede student learning improves school performance and student achievement.

Department's Position: The Department of Education (Department) supports S.C.R. No. 115, S.D.1.

Certainly, many of the Department's long-standing rules and policies deserve critical reexamination. These rules and policies may have been adopted years ago in response to specific situations which are no longer appropriate. It is in the best interests of the Department as well as the public, to continually strive to refine and update its rules and policies. As numerous Department rules and policies have been created solely in response to legislative mandates, it would be

prudent to allow the model complex piloting this study to consider the impact those legislative mandates have had on schools and student learning.

Some of the greatest controls on schools are a result of State and federal legislation. The No Child Left Behind Act (NCLB) of 2001 is a prime example. This law has had national implications on the rules and policies of public schools. It should be noted that NCLB's accountability requirements apply to all public schools, including public charter schools. However, if the pilot schools identify NCLB as a major impediment to improved student achievement and are permitted to operate free of NCLB, the State would be out of compliance with the federal requirements and subject to possible sanctions.

In light of the above comments, the Department requests that on page 2, line 11, the words "if permitted by law" be added. The Department will be glad to work with the Legislature as the Legislature further considers this resolution.

Thank you for the opportunity to testify in support of this measure.



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TESTIMONY BEFORE THE HOUSE COMMITTEE ON EDUCATION

RE: SCR 115, SD1 – REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A PILOT PROJECT TO ALLOW A SCHOOL COMPLEX TO IDENTIFY CRITICAL DEPARTMENT RULES AND POLICIES THAT IMPEDE EFFECTIVE DECISION-MAKING, ADMINISTERING, AND TEACHING AND TO OPERATE FREE OF THOSE RULES AND POLICIES.

April 11, 2008

**ROGER TAKABAYASHI, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION**

Chair Takumi and Members of the Committee:

The Hawaii State Teachers Association supports SCR 115, SD1, which convenes a pilot project that would allow a school complex with one high school, a middle school, and at least one elementary school to (1) identify department rules and policies that impede effective decision-making, school administration, and teaching and (2) operate free of those rules and policies.

The action called for in this resolution supports the intent of Act 51. Act 51 requires that “not less than 70% of appropriations for the total budget of the department, excluding debt service and capital improvement programs money shall be expended by the principal”.

While Act 51 provided for budgeting to be at the school level, the schools do not have the discretion to expend the funds to meet the needs of the school community because of rules and policies, and other mandates from the state level with which they must comply.

One such example is the mandate that schools must have quarterly assessments. In the fall of 2006, the schools were told they must pay for a quarterly assessment program that would be administered to all students and that the cost of purchasing the program should be included in the school’s financial plan.

In other words, approximately \$1,500 - \$3,000 per year is required to be expended for an assessment that is not initiated at the school level. At the lower end for the assessment itself, the cost in teachers' time is much more. Therefore, time needs to be set aside to evaluate each assessment of each student. This takes hours to complete. Teachers in most instances do not use the data because they must move on to the next lessons to prepare for the next quarterly assessment.

The Association believes this concurrent resolution will assist in giving schools more authority to determine their needs as Act 51 intended. We also look forward to working with all parties involved in order to improve student learning.

We urge the committee to pass this concurrent resolution.

Thank you for the opportunity to testify.

**Testimony Presented Before the
House Committee on Education
Conference Room 309**

April 11, 2008

2:00 pm

**SCR 115, SD1 Requesting The Department Of Education To Convene A Pilot
Project To Allow A School Complex To Identify Critical Department
Rules And Policies That Impede Effective Decision-Making,
Administering And Teaching And To Operate Free Of Those Rules
And Policies**

Chair Takumi, Vice Chair Berg and Members of the Committee:

My name is Kathryn Matayoshi, Executive Director of the Hawai'i Business Roundtable. I am testifying in support of Senate Concurrent Resolution 115, SD1.

The Roundtable has focused on improving the public education system for many years. Progress has been made, and we want to acknowledge the work of this committee and the legislature in supporting many of the reforms that have been meeting with success.

However, it is difficult to make systemic change for the department. Pilot projects have impacted specific issues or specific schools, programs or areas of concern. However, many innovative measures face rules, policies and procedures that impede their implementation and effectiveness. These policies and procedures may be well-meant but inappropriate for the situation, or may need to be updated or repealed.

This resolution focuses on creating an opportunity for a complex to integrate and align programs and changes throughout the entire complex and across intradepartmental boundaries, identifies those rules and policies, and on a trial basis, operates free of those restrictions. It provides an opportunity for the complex to learn from the experiences of charter schools and other schools, and to streamline its own operations. The model complex can then take the lessons learned from this opportunity and share it with other complexes and the legislature.

The Roundtable remains committed to supporting and improving public education in Hawaii, and believes this model complex concept is one that could provide the opportunity for innovation and streamlining that would benefit the overall system of public education in our state.

In summary, the Hawaii Business Roundtable supports passage of SCR 115, SD1. Thank you for your consideration.

April 9, 2008

From: Linda Elento, Member of The Hawaii Down Syndrome Congress

To: COMMITTEE ON EDUCATION
Representative Roy Takumi, Chair
Representative Lyla Berg, Ph.D., Vice Chair

Re: **April 11, 2008, 2:00pm**
SCR115: Pilot: DOE Rules/Policies/Decisions

SCR 115 states, "WHEREAS, charter schools have been given the opportunity to operate free of many of the department rules and policies."

We ask that the Committee on Education consider including in SCR115:

Year One: the addition of "A review of the impact of the Hawaii Revised Statutes §302B-15 that specifically states the Department of Education may offer staff, funding, or both – which does not complement the §302B-1 definition of *Charter school*. The definition of a Charter school can only be implemented by §302B-15 stating the Charter school may request..."

Page 1, Line 27: the addition of "including preschool special education program."

The independent authority given to charter schools in Hawaii Statute §302B-1 cannot be fully exercised due to unfair restrictions for special education services. The IDEA holds the State Agency (DOE) responsible for children receiving special education, but the DOE is not the only service provider and decision maker. Charter Schools and other State agencies, even Head Start, are eligible to provide special education services, according to the IDEA, via agency agreements.

Reference: Hawaii Revised Statutes

§302B-1 Definitions. "Charter school" refers to those public schools holding charters to operate as charter schools under this chapter, including start-up and conversion charter schools, and that have the flexibility and independent authority to implement alternative frameworks with regard to curriculum, facilities management, instructional approach, virtual education, length of the school day, week, or year, and personnel management.

§302B-15 Responsibilities of department of education; special education services. ...The department shall review all of the current individualized education programs of special education students enrolled in a charter school and may offer staff, funding, or both, to the charter school based upon a per-pupil weighted formula implemented by the department and used to allocate resources for special education students in the public schools. [L 2006, c 298, pt of §2]

