

funded by the Gates Foundation found that successful turnaround of schools has consistently failed to demonstrate significant growth in improving academic achievement of students unless dramatic, comprehensive, and substantive reform efforts are implemented. The research purported that these efforts should include: 1) protected space that dismantles common barriers to reform; 2) leaders with the authority to act; and 3) decision-making that revolves around actions based on the needs of students, rather than the needs of adults. Thus H.B. No. 172, H.D.1 (HSCR268), which gives the Superintendent of Education and Charter School Review Panel the responsibility and authority to implement dramatic reforms in schools, is crucial for Hawaii's school improvement turnaround.

However, we recommend that the section in H.B. No. 172, H.D.1(HSCR268), that reads "The Superintendent may take actions that include...changing the membership of the school community council," be amended to be in alignment with Act 51. We recommend that the language read, "The Superintendent may take actions that include...recommending to the Board of Education actions provided for in §302A-1124(d)."

The Department will work with all parties to develop criteria for implementation.



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The Twenty-Fifth Legislature, State of Hawaii  
 The House of Representatives  
 Committee on Education  
 Committee on Labor and Public Employment  
 Testimony by  
 HGEA/AFSCME Local 152  
 March 02, 2009

**H.B. 172, H.D. 1- Relating To Reconstituting Schools**

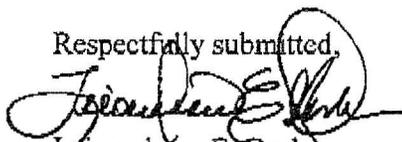
The Hawaii Government Employees Association, HGEA/AFSCME, Local 152, AFL-CIO opposes H.B. 172, H.D. 1 Relating to Reconstituting Schools.

The State Constitution provides public employees the right to organize for the purposes of collective bargaining. Wages, hours and other terms and conditions of work are negotiable matters with HGEA as the exclusive representative of bargaining units 02, 03, 04, 06, 08, 09 & 13. We oppose any measure that seeks to circumvent our collective bargaining agreements.

The employer's NCLB implementation plan obviously does not incorporate negotiating with the unions. Their failure to do so should not be rewarded by adversely impacting the collective bargaining rights of public employees.

H.D. 1 requires the department to negotiate the process of reassigning employees of the school to other positions within the department for which the employees are qualified. This language is very limiting and presumes there are sufficient positions for the potential reassignment of employees. If the superintendent decides to replace the entire staff or particular members of the staff at a school will the action be considered a reduction-in-force, termination or reassignment? What criteria will be used to make these determinations? The legislature provided the department with authorities over its personnel via Act 253, SLH 2000 and Act 51, SLH 2004 and the department has not fulfilled its obligations. It does not have a personnel system in place for its Civil Service Personnel and Student Services Personnel. The lack of personnel systems continues to compound other department initiatives regarding personnel affected by weighed student formula, personnel affected by proposed reorganizations and the overall budget issues facing our state.

Thank you for the opportunity to testify.

Respectfully submitted,  
  
 Leiomalama E. Desha  
 Executive Assistant



House Committee on Finance  
Monday March 2, 2009  
Conference Room 308  
Time 03:30 p.m.

Chair Oshiro and Members of the Committee:

My name is Lawrence Denis III and I am a teacher at Chiefess Kapiolani Elementary School in Hilo. I strongly oppose HB 172 HD1 which allows the Superintendent of Education to reconstitute a public school, except a charter school, which has been in restructuring for four or more school years and not advanced significantly toward improving academic performance as determined by statistical analysis of academic data.

If this bill should pass, many teachers and administrators would be affected – and ultimately, students would suffer. How can anyone think that by replacing the ENTIRE school staff, student performance and test scores will improve?

Where do you plan on getting “new” teachers to work at this “reconstituted” school? I for one would never want to teach in a school that has no continuity and stability amongst its staff. Do you have any idea how much extra work would be required of the “new” teachers? Who would want that? Also, where would the “displaced” or “ineffective” teachers go? Would they go to other schools? Does that really make sense?

I don't know why Superintendent Hamamoto and some Legislators think teachers and administrators are the only problem. Were you able to listen to President Obama's Address to Congress last week? He did an excellent job telling America that parents need to be more involved in their child's lives. He even knows that that's where it begins. Teachers and administrators can't do it alone. The bill's approach is "blame teachers first." It holds teachers to blame for things over which we have no individual control.

The schools targeted for reconstitution are struggling because their students come from disadvantaged homes, often without the benefits that students elsewhere take for granted, such as personal computers and parents who can help them and who speak English.

The bill allows the Superintendent to override collective bargaining agreements and memorandums of understanding. How is this fair? Our unions and its members have worked so hard over the years to get us where we are, and you want to strip us of our rights?

I strongly urge against passage of this bill.

Thank you for the opportunity to testify.

Sincerely,  
Lawrence Denis III

2/28/09

From: Lisa Diaz

76-223 Haoa Street

Kailua-Kona, HI 96740 808-329-7928

Kealakehe Intermediate School Teacher

scidiaz@gmail.com

Aloha House Finance Committee Members:

repmoshiro@capitol.hawaii.gov, replee@capitol.hawaii.gov, repaquino@capitol.hawaii.gov, repawana@capitol.hawaii.gov, repbrower@capitol.hawaii.gov, repchoy@capitol.hawaii.gov, repfar@capitol.hawaii.gov, repkeithagaran@capitol.hawaii.gov, repclee@capitol.hawaii.gov, repnishimoto@capitol.hawaii.gov, repsagum@capitol.hawaii.gov, repcoffman@capitol.hawaii.gov

**RE: Strong Opposition to HB 172**

**As you are members of the House Finance I ask you to please oppose the grossly flawed HB 172.**

**HB 172, if enacted would be a very costly law to the state of Hawaii and very unjust to Hawaii's hardworking teachers, administrators, and students.**

**Reconstitution will cost millions of dollars that DOE and our struggling state does not have: If HB 172 were to become law, major lawsuits will be filed against the DOE and the State of Hawaii by the AFL-CIO, ACLU, NEA, HSTA, and NGEA, representing teachers, principals, and unionized school workers, since HB172 would negate our current state laws honoring collective bargaining. HB172 as it is currently written is very likely unconstitutional, under Hawaii statutes.**

**In fact ALL the provisions that HB172 would allow Superintendent Hamamoto to seek can already be addressed via current collective bargaining laws by simply negotiating with HSTA, and NGEA.**

**Reconstitution will cost the Hawaii DOE substantial amounts of money, as understaffed DOE Human Resources will have to hire more HR staff to deal with all the transfers, and hire more teachers to fill the open positions at the reconstituted schools. Where will the re-assigned teachers go if they teach in rural districts like West Hawaii? Will the state pay for us to move to a new school on another island? Under state labor laws, the state would still have to pay salaries of furloughed teachers who were replaced at reconstituted schools.**

Hawaii already has one of the highest teacher staff turnover rates in the nation-- DOE recruits from the mainland, and very few new teachers end up staying in Hawaii long term -- most leave after 1 to 3 years. **The key to a good school is having a base of veteran highly qualified teachers who work together as a school community and with the whole community to improve instruction for students. Reconstituting a school and transferring teachers around to different schools will affect schools who are not in restructuring also-- reconstitution will erode many schools' community base.**

Reconstitution might work better in a large urban setting where transferred teachers would be better able to commute to a different school--here in Hawaii, especially Big Island teachers may have to re-locate entirely- we cannot easily commute to East Hawaii nor drive across the ocean.

If I am re-assigned on order from my employer, my employer should pay for transportation and relocation costs.

**Where are these expensive costs going to come from????**

**We are already paying millions of dollars in DOE funds for private business for profit outside consultants (America's Choice & Edison) who charge exorbitant rates to improve test scores with**

**very few dramatic results, while DOE personnel still runs and administers the restructured schools.**

Tax payers are clearly not getting their money's worth from the private for profit outside consultants as there is a lot of waste spent on travel expenses, expensive training materials and training fees. After more than 4 years I have not seen that private for profit outside consultants are held accountable. If these private for profit outside consultants were given full control of our school, there would be even more waste, and since they are not DOE employees cannot be held accountable for the NCLB test results that are mandated. These consultants main motivation is to make a profit for their company- they are not as vested in truly helping a community of students, since they are outsiders.

I teach at Kealakehe Intermediate which has been in restructuring for over 4 years. Like Dole Middle School, and other large schools we have great teachers and programs at our school, however our large diverse student population means that we have many SPED, ESOL and Economically disadvantaged students and making the NCLB HSA criteria in ALL subgroups is nearly impossible.

Kealakehe Intermediate school (~950 students) makes the NCLB targets overall, and has made progress in improving in all the subgroups, however we still are in restructuring because although close, we miss in Special Ed. and ESOL.

The major flaws of NCLB mandate that every child be grade level proficient at the same time, regardless of their disability. By 2014, under the current NCLB law, ALL students (whether newly arrived foreign language speakers, severely learning disabled, or severely emotionally impaired) are required to be proficient in both Reading and Math, during a 2 week testing window, at their respective grade level. This group of 4 tests administered during 2 weeks is the only measure of student progress considered currently under NCLB. With this inflexible law, EVERY public school in our state and nation will eventually fail under NCLB, because students are individuals, not cookies cut from the same mold.

President Obama's new Education Secretary, Arne Duncan, and congress will be amending NCLB to make the law more fair on the area of how we measure student achievement. Mr. Duncan experimented with re-constitution in Chicago and the results have been mixed at best with no big improvements. Today in the NY Times, and on CNN, Duncan is quoted that he feels the NAEP test is a better measure than states' own NCLB tests.

Under NCLB, individual states set their own standards level and create their own tests. Hawaii DOE has one of the highest set of standards and difficulty level on the Hawaii State Assessment tests in Reading and Math, than most other states. It is great that our Hawaii DOE has set higher standards than most other states, however this in itself also penalizes our schools and causes more schools to go into restructuring compared to schools in other states where the standards are not as high.

Superintendent Hamamoto should not be jumping the gun before President Obama, Secretary Duncan and Congress have the opportunity to amend NLCB. Hawaii's public school teachers are working hard to improve student achievement, we need more support and training with our efforts, not punishment and the threat, anxiety, and uncertainty of being fired or transferred.

I am a highly qualified science teacher, teaching within my content area for 9 years with an excellent track record. I work a 60 hour week with the time I spend with students and the time spent planning, creating curriculum, grading and assisting students outside of normal school hours.

The majority of our teachers are dedicated, highly qualified, and fully committed to our students' success and development into well educated, productive citizens. We give so much of ourselves to help our students and very often reach into our own pockets to purchase needed materials for our under-funded classrooms. Teachers do whatever it takes to help our students- we are not primarily motivated by money or we would choose another line of work.

All of this blame on teachers and making us the ONLY party being held accountable in the unfair current NCLB law is degrading and humiliating to our hardworking teachers, and does wonders to help recruit new teachers.

What are Superintendent Hamamoto and other DOE state administrators thinking by insulting hard-working teachers this way, and not owning up to their own accountability with NCLB?

Parents need to do more to support their child's education as well, and should be held accountable for their child's attendance and progress at school. There is no true penalty for truancy or educational neglect in Hawaii, yet as teachers we witness the lack of responsible parenting daily. Hawaii DOE policy passes virtually all students onto the next grade regardless of achievement and months of missed school. Other states enforce truancy laws and do not pass students on with extensive absences, and in many cases, parents are fined or serve time if they allow their children to be truant. Mandatory Saturday school and summer school for low performing students under NCLB has been established in other mainland school districts, however Hawaii DOE students do not have to attend summer school, after school or supplemental programs-- this a choice left up to students and parents. Student grades are not affected by low NCLB HSA scores.

How can our DOE officials and the Hawaii State House Legislators support such a bill when there is a clear message from President Obama and congress that they will be amending the unfair NCLB law. Clearly the Hawaii State House Legislators have not been to visit a school in restructuring, nor talked with many teachers or principals working on the front lines.

We can arrange for you to visit Kealakehe Intermediate- a great school in restructuring, to observe first hand how hard we work to support and motivate our students. Please come and be a teacher for a day- you will be enlightened.

Kealakehe Intermediate School, in spite of being labeled a failing school under NCLB has the best record of any other school in West Hawaii from Konawaena up to Hamakua in sending students to the Hawaii State Science & Engineering Fair. This year, 5 of our Kealakehe Intermediate students won at the Kona district fair and have qualified to compete at the state level. We have great academic programs and well rounded curriculum here- (Math Counts, top notch music, art, PE, Drama, Counseling, Broadcasting and much more) yet under the current NCLB law we remain labeled a failing school.

Kealakehe Intermediate School teachers and students do not accept the "NCLB Failing School" label- help us please to convince others that NCLB needs to be changed and that teachers need parent and community support instead of the shame and blame game.

Mahalo for supporting Hawaii's hardworking teachers and students,

Lisa Diaz

76-223 Haoa Street

Kailua-Kona, HI 96740

808-329-7928

Kealakehe Intermediate School Teacher

scidiaz@gmail.com

February 27, 2009

Aloha Legislators,

I am highly opposed to HB 172 not only as a teacher but as a parent and grandparent. Just moving teachers from one school to another school is not going to fix the problem. Many schools in restructuring have highly trained and highly qualified teachers working against elements of poverty, lack of materials, and lack of parental support. They struggle each day to make a difference in the lives of their students. They want to help but feel that their hands are tied.

I work in a poverty area where parents have 2 or 3 meager jobs to try to support their families. They are not at home to help their struggling children. My school used to have a tutoring program for kids like these but funding was cut. We used to have 4 more teachers to make smaller class sizes but funding was cut. We used to have materials to update computers and buy textbooks but funding was cut. These are all reasons why some schools can not find success no matter what teacher you put in them.

The Hawaii State Assessment is one of the most difficult tests in the United States to pass. While we want our students to aim high, are we raising the bar so high that they will never have a chance to pass? Are we frustrating them further by taking away the community teachers they know and love and then replacing them with strangers. Do you really think this is going to make them want to try harder? I think not.

This is a time we must pull together as a community, not splinter apart while placing blame where it does not belong. I strongly urge you to defeat HB 172 for the sake of our communities and the children of Hawaii. It is NOT the solution to the problem. In your hearts, you know the solution. Please try to move that direction.

Thank you for accepting my testimony.

Sincerely yours in service,  
Niyati Brown  
HSTA State Board of Directors  
Parent and Grandparent

House Committee on Finance  
Monday March 2, 2009  
Conference Room 308  
Time 03:30 p.m.

Chair Oshiro and Members of the Committee:

My name is Maria Haines and I am a teacher at Pukalani School I strongly oppose HB 172 HD1 which allows the Superintendent of Education to reconstitute a public school, except a charter school, which has been in restructuring for four or more school years and not advanced significantly toward improving academic performance as determined by statistical analysis of academic data.

If this bill should pass, it strongly penalizes teachers for things which they have no control over. I started teaching over 20 years ago and even with all that experience I'm working harder then when I first started. The home environment I cannot control. Many of the children who do well in school come from homes where there is a rich language environment. Parents read with their children and monitor their child's educational growth. Those students who fail even with our best efforts usually lack this support. Also the system has forgotten about the drug babies. We pretend they do not exist. Those are the students who have difficulty recalling information, have behavior problems and have attention difficulties. It is hard to fix something which is broken. Also schools are now penalized for having children in Special Education. Many of these students' scores are now included in the testing. The educational school team determines that they have special needs and miraculously special instruction is given so they perform academically as well as their peers. That is ridiculous.

Thank you for the opportunity to testify.

Sincerely,

Maria Haines

Subject: HB 172 HD1-Relating to Reconstituting Schools

House Committee on Finance

Monday March 2, 2009

Conference Room 308

Time 03:30 p.m.

Chair Oshiro and Members of the Committee:

My name is Joy C. Hohnstine and I am the elementary school counselor at Ka`u High & Pahala Elementary School. I strongly oppose HB 172 HD1, which allows the Superintendent of Education to reconstitute a public school, except a charter school, which has been in restructuring for three or more school years and not advanced significantly toward improving academic performance as determined by statistical analysis of academic data.

Though I know this maybe the wrong venue for such a suggestion, I would like our state leaders to consider instead a series of steps to begin rebuilding our communities, families, and schools as opposed to tearing down the overburdened resources currently in place. In the school community in which I serve, one such step would be to fund a public pre-school aligned to state educational standards to better prepare our youngest students for school success. My personal belief is that supporting, nurturing, and expanding early exposure programs will help provide the foundation of academic and social skills our students so desperately need to find success in our public school system.

I strongly urge against passage of bill HB 172 HD1.

Thank you for the opportunity to testify.

Sincerely,  
Joy C. Hohnstine

Subject: HB 172 HD1-Relating to Reconstituting Schools

House Committee on Finance  
Monday March 2, 2009  
Conference Room 308  
Time 03:30 p.m.

Chair Oshiro and Members of the Committee:

My name is Karen Kohagura, and I am a teacher at Pahoa Elementary School on the Big Island. I am completing my 20<sup>th</sup> year as a classroom teacher with the Department of Education.

I strongly oppose HB 172 HD1 which allows the Superintendent of Education to reconstitute a public school, except a charter school, which has been in restructuring for four or more school years and not advanced significantly toward improving academic performance as determined by statistical analysis of academic data, i.e., test scores.

This bill threatens teachers with removal and assignments to another institution, not because of any individual professional shortcoming, but because the school as a whole is supposedly not performing at an acceptable level. Furthermore, this bill's approach is "blame teachers first." It holds teachers to blame for things over which we have no individual control.

As the bar for AYP is raised each year, more and more schools will likely be forced into restructuring. By 2014, when virtually all schools are expected to meet 100 percent AYP on NCLB-determined scores in reading and math, it's entirely possible most schools will be in restructuring.

The teachers are not chess pieces to be moved to different schools by the Superintendent of Education. What rubric and criteria will she use to determine which teachers to move and to which schools? She is the person most removed from the front lines, i.e., the classroom, and with the passage of this bill, she will have the power to move her "chess pieces", the teachers, from her "ivory tower".

Furthermore, there are many variables that affect a school's AYP, and teachers are only one of the many variables. Hence, allowing the Superintendent of Education the power of reconstituting public schools will not improve the academic performance of the students, and the AYP of the school.

I strongly urge against passage of this bill.

Thank you for the opportunity to testify.

Sincerely,  
Karen Kohagura

Subject: HB 172 HD 1- Reconstituting Schools

House Committee on Finance

March 2, 2009

Conference Room 308

3:30 pm

Chair Oshiro and Committee Members:

My name is John Van Ornum and I am a teacher at Molokai High School. I strongly oppose HB172 HD1 which allows the Superintendent of Education to reconstitute a public school, except a charter school, which has been in restructuring for 4 or more school years and not advanced significantly according the “no child left behind” law.

This bill blames teachers for the directives they have received from the Restructuring Providers and the School Administration. The DOE should consider learning barriers and give credit for improvement in individual disciplines (i.e. English, Reading, and Math). I don't know of any teacher who is not working extra hours, going to trainings, and restructuring their own classrooms to achieve individual student improvement.

Sincerely,

John Van Ornum

Subject: HB 172 HD1-Relating to Reconstituting Schools

House Committee on Finance

Monday March 2, 2009

Conference Room 308

Time 03:30 p.m.

Chair Oshiro and Members of the Committee:

My name is Michael Kline and I am a teacher at Kilauea Elementary School on Kaua'i. I strongly oppose HB 172 HD1 which allows the Superintendent of Education to reconstitute a public school which has been in restructuring for four or more school years and not advanced significantly toward improving academic performance as determined by statistical analysis of academic data.

I strongly urge you to vote against passage of this bill. It is absolutely ludicrous to give such powers to the Superintendent. Schools are trying very hard to meet Annual Yearly Progress to meet the requirements of No Child Left Behind. Principals and teachers are working exhaustingly to improve the learning of our students. To punish teachers and staff for the failure of students to do well on one test during a week of school is unfair. There are so many factors that teachers and staff have no control over that lead to not meeting Annual Yearly Progress—lack of parental involvement, lack of prior knowledge in students because of economic status, unfairness of NCLB, and etc. To replace staff members or an entire staff is not the solution; it is an easy solution that looks good on paper. It helps the superintendent look responsible. However, it will not solve the problem and will hurt teachers and students. If you follow this logic, then you need to fire the superintendent who is ultimately responsible for schools as well.

Finally, it is ultimately against our Collective Bargaining Agreement rights and would set an unfair precedent. How dare you to even consider this bill as it undermines what we have fought hard to have for many years. It is disrespectful.

Thank you for the opportunity to testify.

Sincerely,

Michael Kline

Kilauea Elementary School

Kaua'i

House Committee on Finance  
Monday March 2, 2009  
Conference Room 308  
Time 03:30 p.m.

Chair Oshiro and Members of the Committee:

My name is Hugo Valenzuela-Brehme and I am a Spanish teacher at Kailua High School. My oldest son attends Kailua High and my youngest goes to Kailua Intermediate.

I strongly oppose HB 172 HD1 because it would eliminate current contractual agreements and memorandum of agreements. This bill would give excessive managerial power to one individual when the opposite is needed when restructuring an educational system. If anything is needed is to diminish the Department of Education's control over 286 schools. That would be debureacratization!

In addition to the aforementioned, some unfunded federal mandates (NCLB) and state laws (Act 51) have also contributed to the state and national education's decline.

I strongly urge against passage of this bill.

Thank you for the opportunity to testify.

Sincerely,  
Hugo Valenzuela-Brehme

Subject: HB 172 HD1-Relating to Reconstituting Schools

☐☐House Committee on Finance

☐Monday, March 2, 2009☐

Conference Room 308☐

Time 03:30 p.m.

☐☐Chair Oshiro and Members of the Committee:

☐☐My name is Alexis Van Gorder and I am a 2008 Nationally Board Certified Teacher at Lanikai Elementary PCS. I strongly oppose HB 172 HD1 which allows the Superintendent of Education to reconstitute a public school, except a charter school, which has been in restructuring for four or more school years and not advanced significantly toward improving academic performance as determined by statistical analysis of academic data.

☐☐If this bill should pass, **all** teachers could be threatened with removal. We could be assigned to another school, not because of our individual professional shortcomings or strengths, but because a school is supposedly not performing at an acceptable level. Remember, schools start with different strengths and challenges. The schools targeted are struggling because their students come from disadvantaged homes, often without the benefits that students elsewhere take for granted, such as language barriers and real-life experiences through trips to the library, zoo, symphony, Hawaii Theatre for youth performances or access to a computer. DOE must consider the number of learning barriers and special needs at restructuring schools. Why not give credit for improvement, instead of punishment based on not meeting an arbitrary standard that's the same in West Oahu, East Oahu and Windward Oahu? A 'blame the teachers first' approach will not solve the real problems. With the current NCLB plan, it's entirely possible **most** schools will end up in restructuring. It's only a matter of time.

Teachers support solutions that are based on a fuller and comprehensive understanding of the problems and challenges, and an approach that involves all stakeholders.

I strongly urge against passage of this bill.

Thank you for the opportunity to testify.

Sincerely,  
Alexis Van Gorder  
National Teacher Board Certified 2008  
Lanikai Elementary PCS

Subject: HB 172 HD1-Relating to Reconstituting Schools

□□House Committee on Finance□

Monday March 2, 2009□Conference

Room 308□Time 03:30 p.m. □□

Dear Chair Oshiro and Members of the Committee:

□□My name is David Hughes and I am a teacher at Maui High School. I strongly oppose HB 172 HD1 which allows the Superintendent of Education to reconstitute a public school, except a charter school, which has been in restructuring for four or more school years and not advanced significantly toward improving academic performance as determined by statistical analysis of academic data. □□If this bill should pass:

The Superintendent will override collective bargaining agreements and memorandums of understanding.

The DOE would be able to remove some or all of a staff to reconstitute a school in breach of School Code and due process procedures.

The bill's approach is "blame teachers first." It holds teachers to blame for things over which they have no individual control.

The schools targeted for reconstitution are struggling because their students come from disadvantaged homes, often without the benefits that students elsewhere take for granted, such as personal computers and educated parents who can help them and who speak English.

The DOE must consider the number of learning barriers and special needs at restructuring schools and give credit for improvement, not meeting an arbitrary standard that's the same in East Oahu and West Oahu.

This legislation threatens teachers with removal and assignments to another institution, not because of any individual professional shortcoming, but because the school as a whole is supposedly not performing at an acceptable

level.   I strongly urge against passage of this bill.   Thank you for the opportunity to testify.

Sincerely,  David Hughes

Dear Public Servants:

HB172

I am a teacher on the Big Island of Hawaii. Do you remember it? It is one of the ones to the south that is NOT Oahu? It is my responsibility to remind you that you do indeed represent and serve US, the public, and not our own interests as you proceed with legislation that will destroy our school system if passed.

We, as teachers, are all aware that the way our schools function is not perfect and that our children are not competing well in the 21<sup>st</sup> century. Is it a rational response to this awareness to turn an already dysfunctional bureaucracy into a monarchy? How can one person actually be so arrogant and out of touch to believe that he/she has the knowledge, expertise, intuition or magical powers to be able to determine which schools are to be considered complete "failures" and be "reconstituted".

If you consider the process of reconstitution literally you will discover that it means to take something you want to preserve and use at a later date, literally suck all moisture and life out of it, and then add liquid back to it until it resembles it's original state. In the process you lose all flavor, nutrition and value and end up with a bland, tasteless and less healthful product. Is this what we REALLY want for our schools?

Those schools which have not made it out from under the restrictions and stigma of restructuring in the arbitrary three year period, have not failed because teachers don't teach and students don't care. These schools have failed because teacher turn-over is astronomically high, students have lost trust in the system, administrators are dragged away from their campuses for endless meetings on how to make their schools better and then not allowed to stay on campus long enough to implement any of those strategies and finally and most importantly, all the money that should have been spent on students and on providing them with better and stronger programs has gone to outside companies who do nothing but test random groups of students and then apply those statistically faulty numbers to data models they call performance assessments which serve only to justify their extortion fees.

The test scores that we, as educators, are told we must live and die by are not valid. They do not test the same group of students each year to chart progress in a specific group, but instead they test different groups of students at a given age level and expect to be able to compare disparate groups. How can we claim to be educators or even rational human beings if we actually believe that ALL eighth graders or ALL tenth graders are going to learn at the same rate? This is the apples to oranges method that works not at all. If we want to know what our students are learning than we need to test the same skills in the SAME students year after year and see progress. This is known as a longitudinal study and is an actual true measure of progress.

Reconstituting schools is a ridiculous, Hail Mary pass idea that Superintendent Hamamoto came up with to justify her own high paying job. While we teachers struggle to provide an education for Hawaii's children on what amounts to basically minimum wage, she appoints herself sovereign and queen and thinks that by destroying the relationships that have developed in school cultures over years and decades with a single wave of her wicked wand she can wash away HER problems.

Hawaii's children need to be taught by teachers who know and love them. Hawaii is NOT only Oahu! Please do not place the power to destroy our schools in the hands of a power crazed woman with no inkling of the damage she is planning to do. We don't need more centralized power in the Department of Education. We need to de-centralize the power and let the communities on each island come together as "ohana" and heal our schools using all of the specialized knowledge and relationships that each school has developed over many long and challenging years.

**Dear public servants hear the voice of the people and DO NOT give Patricia Hamamoto the power to reconstitute our schools.**

Respectfully,

Jana May-Rollason

**Pahoa High and Intermediate School ON THE BIG ISLAND**

House Committee on Finance  
Monday March 2, 2009  
Conference Room 308  
Time 03:30 p.m.

Chair Oshiro and Members of the Committee:

My name is Kim Springer, and I am a teacher at Chiefess Kapi'olani Elementary School in Hilo on the Big Island. I am completing my 29<sup>th</sup> year as a classroom teacher with the Department of Education.

I strongly oppose HB 172 HD1 which allows the Superintendent of Education to reconstitute a public school, except a charter school, which has been in restructuring for four or more school years and not advanced significantly toward improving academic performance as determined by statistical analysis of academic data, i.e., test scores.

By 2014, when virtually all schools are expected to meet 100 percent AYP on NCLB-determined scores in reading and math, it's entirely possible most schools will be in restructuring. If a school is in restructuring, it doesn't make sense to move teachers around on a whim. Where is the study that shows that doing this will improve student academic performance and test scores?

I strongly urge against passage of this bill.

Thank you for the opportunity to testify.

Sincerely,  
Kim Springer

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 27, 2009 11:09 PM  
**To:** FINTestimony  
**Cc:** writenow1@hawaiiantel.net  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Alan Isbell  
Organization: Individual  
Address: 1465 Kilinoe Place Wailuku, HI  
Phone: 808-242-6124  
E-mail: writenow1@hawaiiantel.net  
Submitted on: 2/27/2009

### Comments:

If this bill becomes law, it would undermine the foundation for the teachers union, and in fact, would fly in the face of labor legislation that has been the cornerstone of the Democratic Party in Hawaii. Its provisions empowering an appointed superintendent to replace and arbitrarily transfer faculty would remove the measure of job security attainable through membership in the union, the primary reason for an union to exist. Additionally, action taken by the superintendent would have as its justification failure of a school's students, regardless of their circumstances, to pass assessments of highly debatable value, assessments mandated by the politically motivated and fatally flawed No Child Left Behind federal legislation.

If logic and union tradition are not enough, there is a social reason to defeat this bill. The failing schools are those with high proportions of low-income students. Why would a teacher choose to work such a school under the provisions of this bill? It would be far safer to work a school with an affluent student body.

This is simply a despicable proposal, a bill not worthy of amendment. Please reject it in its entirety. To do otherwise would demonstrate affirmation for the Bush administration's transparent bid for school vouchers called No Child Left Behind, the proverbial "Emperor's New Clothes." And all at the expense of collective bargaining and union membership in Hawaii. If that seems partisan, so be it! The GOP apparently couldn't care less about the public school system.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Saturday, February 28, 2009 9:39 AM  
**To:** FINTestimony  
**Cc:** kauwilacarlson@yahoo.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Dorie Carlson  
Organization: Individual  
Address: 271 Kikipua St Kaunakakai, HI 96748  
Phone: 808-553-5665  
E-mail: kauwilacarlson@yahoo.com  
Submitted on: 2/28/2009

Comments:  
Chair Oshiro and Members of the Committee:

My name is Dorie Carlson and I am married to a teacher at Molokai High School. I strongly oppose HB 172 HD1 which allows the Superintendent of Education to reconstitute a public school, except a charter school, which has been in restructuring for four or more school years and not advanced significantly toward improving academic performance as determined by statistical analysis of academic data.

If this bill should pass, The schools targeted for reconstitution are struggling because their students come from disadvantaged homes, often without the benefits that students elsewhere take for granted, such as personal computers and educated parents who can help them and who speak English.  
I strongly urge against passage of this bill.

Thank you for the opportunity to testify.

Sincerely,  
Dorie Carlson

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**sent:** Saturday, February 28, 2009 5:17 PM  
**To:** FINTestimony  
**Cc:** aasnc@yahoo.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Alicia Jacobson  
Organization: Individual  
Address: PO Box 81473 Haiku, HI  
Phone: 808-283-2210  
E-mail: aasnc@yahoo.com  
Submitted on: 2/28/2009

Comments:  
Chair Oshiro and Members of the Committee:

My name is Alicia Jacobson and I am a teacher at Pukalani Elementary. I strongly oppose HB 172 HD1 which allows the Superintendent of Education to reconstitute a public school, except a charter school, which has been in restructuring for four or more school years and not advanced significantly toward improving academic performance as determined by statistical analysis of academic data.

If this bill should pass, it would cripple existing teacher teams and disable existing structures currently in place to facilitate student progress. My school would not be affected, but I empathize with teachers at schools that are working hard to pass AYP with a student population that does not have home support or even speak English. Passing AYP is not always possible since many variables other than instruction are in effect.

I strongly urge against passage of this bill.

Thank you for the opportunity to testify.

Sincerely,  
[your name]

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 01, 2009 4:02 PM  
**To:** FINTestimony  
**Cc:** Hiloray@msn.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Colleen N. Ray  
Organization: Individual  
Address: 18-4108 Holana Street Mountain View, HI  
Phone: 808-987-5355  
E-mail: Hiloray@msn.com  
Submitted on: 3/1/2009

Comments:

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**sent:** Saturday, February 28, 2009 6:43 PM  
**To:** FINTestimony  
**Cc:** akocurtiss@yahoo.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: curtiss ako  
Organization: Individual  
Address:  
Phone:  
E-mail: akocurtiss@yahoo.com  
Submitted on: 2/28/2009

**Comments:**

I oppose as it's in violation of existing state collective bargaining law. Amending one piece of the law is piecemeal and does not take into perspective and consideration the comprehensiveness of the whole law; Furthermore, all parties, stakeholders need to participate in such process.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 01, 2009 4:09 PM  
**To:** FINTestimony  
**Cc:** dkearnes@hawaii.rr.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: David Kearnes  
Organization: Individual  
Address:  
Phone:  
E-mail: dkearnes@hawaii.rr.com  
Submitted on: 3/1/2009

**Comments:**

I oppose HB172 because will cost the state of Hawaii millions of dollars in additional funds that will be needed to litigate suits that will be filed by unions and also hundreds of thousands of dollars to re-assign and pay furloughed teachers.

HB172 may be unconstitutional as it negates the State of Hawaii's collective bargaining laws and contracts already agreed to.

he powers that HB172 would grant the DOE Superintendent are not necessary as ESEA/NCLB laws that force so many schools into restructuring by measuring student progress by only 1 measure of testing will be changed by Congress and the Obama Admin. before 2013.

Under the Current NCLB Law EVERY public school in Hawaii will eventually be under restructuring.

HB172 will destroy the community base at our public schools by removing veteran teachers that have helped our students make major progress towards NCLB goals. HB172 does nothing to address the real reasons why many of Hawaii's public schools are in restructuring.

HB172 does not hold accountable the upper DOE administration bureaucracy who has contracted with inefficient for profit consultants who manage schools under restructuring which has wasted millions of DOE dollars over 5 years without good results.

HB172 does not hold non-supportive parents accountable.

Please vote no on HB 172.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 01, 2009 2:29 PM  
**To:** FINTestimony  
**Cc:** debbie\_kiyabu@notes.k12.hi.us  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Debbie Kiyabu  
Organization: Individual  
Address:  
Phone:  
E-mail: debbie\_kiyabu@notes.k12.hi.us  
Submitted on: 3/1/2009

Comments:

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 01, 2009 12:44 PM  
**To:** FINTestimony  
**Cc:** perrine@hawaii.rr.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Doug Perrine  
Organization: Individual  
Address: 76-223 Haa Kailua Kona, HI 96740  
Phone: 8083294523  
E-mail: perrine@hawaii.rr.com  
Submitted on: 3/1/2009

**Comments:**

HB172 will cost the state of Hawaii millions of dollars in additional funds that will be needed to litigate law suits that will be filed by unions and also for funds to re-assign and pay furloughed teachers.

The powers that HB172 would grant the DOE Superintendent are not necessary as ESEA/NCLB flaws that force so many schools into restructuring by measuring student progress by only 1 measure of testing will be changed by congress and the Obama Admin. before 2013.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 10:38 AM  
**To:** FINTestimony  
**Cc:** dkeikoa@hawaii.rr.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Diane Aoki  
Organization: Individual  
Address: PO Box 991 Kealakekua, HI 96750  
Phone: 8959040  
E-mail: dkeikoa@hawaii.rr.com  
Submitted on: 3/2/2009

Comments:  
Published in West Hawaii Today

Sunday, March 1, 2009 7:25 AM HST  
It's time throw it out and start over

I wish I had responded earlier to the article regarding Superintendent Hamamoto's attempts to change the law that would allow her to "reconstitute" schools that have not been making progress. I was too busy focusing on my priority -- my job teaching. In the Obama era, which is largely a positive response to the bumbling, self-serving, idiotic governance of the Bush administration, how can Hamamoto still be hanging on to the mistaken tenets of his so-called legacy, No Child Left Behind? The idea that test scores tell us how well schools are doing is one of the illusions that must be deconstructed and examined. The discussion about education and what children really need does not get addressed, as long as we are focused on raising test scores.

It is possible, and highly probable, that test scores can be, have been and will be raised by teaching to the test and by manipulating resources to attempt to influence the scores. Because of NCLB, values have been so distorted, that it is now common practice to "target" certain students for their value as a test score. This reminds me of a cartoon of the wolf who looks at a pig and sees a ham, a chicken and sees a basket of fried chicken, etc. Instead of looking at our students and being encouraged to make connections with them as individuals, we are asked to look at them as test scores.

Instead of providing students with a well-rounded quality education, decisions are made on how to raise test scores. Example: Art is being cut at Kealakehe Intermediate. Why is there no outrage? Has everyone bought into the idea that test scores are more important than art? Music was cut long ago at Kealakehe Elementary. Thank goodness for Hawaii state law that mandates Hawaiian studies. If not for that, our students would have no or very little music.

At Kealakehe Elementary, although we have issues with test scores and targeting students, there is a semblance of a well-rounded education: we have physical education, Hawaiian studies, some art and our English Language Learners are now taking a drama class provided through a grant with the Honolulu Theater for Youth. We've had quality professional development for inquiry-based science. Yet, we are one of the schools that may likely be reconstituted if Hamamoto gets her way. What is it that we are doing so wrong that reconstituting will address? Will they make us cut to the bone any of these programs that are not directly related to raising test scores? Will they require us to follow teacher-proof scripted curricula (even more), thus taking away from one of the marks of successful schools -- teacher innovation and creativity? Most of us who are at Kealekehe are there because we genuinely care about the children in the community that we serve. Is that the problem, that we care too much, and we will need to be replaced with Stepford teachers who can produce Stepford students?

The idea of reconstitution implies that there is something drastically wrong with the school. Though our test scores show steady progress, it was not enough to meet all the statistical requirements for all the sub-groups and safe harbor provisions that would have granted us Adequate Yearly Progress. (If this sounds convoluted and confusing, it is.) Is this ground for firing everyone and then reconstituting? In order to make that sort of drastic change, there would have to be a preponderance of evidence that the school is in need of a drastic change. It cannot be based on test scores and the muck and mire that is the AYP formula.

Here's an idea: What if the community got together, with the involvement of the superintendents, to define what that preponderance of evidence could be. My prediction is that it would be more than test scores, but may also include safe, clean and updated facilities, art, music, physical education, a school climate where all stakeholders feel respected and listened to, teachers encouraged to be innovative, students learning not only content, but about what makes them special and unique and what gifts they have to give to the world. It could be an exciting project, as opposed to the singular concern that we raise test scores.

Hamamoto appears to be reacting to the increase of schools failing to make AYP last year. Her point of view is shaped by the ill logic of NCLB, which has its goal that 100 percent of all students will be at 100 percent proficiency. If you agree that this is an impossible goal, then you will not panic when more schools fail to make AYP. It is impossible to meet that goal, so, of course, more and more schools are going to fail. First of all, not all children learn at the same rate. Second of all, not all students enter school equally prepared. Additionally, students vary in the amount of parental involvement and value put on education by their families, not to mention in their access to nutritional food and adequate health care. Unless the nation plans to eliminate immigration, we also have students with varying degrees of fluency with the English language. Unless the nation plans to be completely socialized where all citizens receive the same resources as everyone else in the womb and beyond, we can not expect 100 percent will be at the same level at the same age.

The United States is a diverse country, and that is something to be proud of. To expect 100 percent proficiency from third grade on would mean that you are not acknowledging the diversity of our country. Changing that provision of NCLB is a critical step that the Obama administration needs to make. It will be a step toward reality, and a step toward providing our students with a quality education -- a kind of education that cannot be measured on a test, but can be seen in the schools in the form of students turned on to learning and teachers empowered to make a difference in the lives of these students. This is the step that our state superintendent needs to take -- move out of the Dark Ages of No Child Left Behind, and step into the era of hope and change.

Diane Aoki

Kealakekua

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## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 01, 2009 1:43 PM  
**To:** FINTestimony  
**Cc:** erwayd001@hawaii.rr.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Duane & Marjorie Erway  
Organization: Individual  
Address: PO Box 2807 Kailua-Kona, HI  
Phone: 808-324-4624  
E-mail: erwayd001@hawaii.rr.com  
Submitted on: 3/1/2009

**Comments:**

We urge you to oppose HB172, as it will negate the collective bargaining process that is Hawaii State law, and will generate millions of dollars of unnecessary costs to our state in litigation and continued pay to the teachers that they furlough.

What is needed right now is more parental and community support to move our students in the right direction; not undermine the efforts of the dedicated teachers.

HB172 does NOTHING to address the real reasons why many of Hawaii's public schools are in restructuring. It does NOT hold accountable the upper DOE administration, who has contracted with inefficient for-profit consultants who manage schools under restructuring which has wasted millions of DOE dollars over 5 years without good results. It does NOT hold non-supportive parents accountable, either.

Please vote NO on HB172.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Saturday, February 28, 2009 5:52 PM  
**To:** FINTestimony  
**Cc:** FloB2@aol.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Florence Bahr  
Organization: Individual  
Address: Kauhale St Kihei, HI  
Phone: 8088740661  
E-mail: FloB2@aol.com  
Submitted on: 2/28/2009

**Comments:**

Instead of giving superintendent power to reconstruct schools, please make an effort to ammend NCLB and that may prove prudent and make this type of bill moot.

I oppose this type of action!

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 01, 2009 9:35 AM  
**To:** FINTestimony  
**Cc:** konog002@hawaii.rr.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Gail Kono  
Organization: Individual  
Address: 94-477 Kuahui St. Waipahu, HI  
Phone: 808-676-0879  
E-mail: konog002@hawaii.rr.com  
Submitted on: 3/1/2009

**Comments:**

Dear House Chair Rep. Calvin Say and House Leadership,

I strongly opposes HB172, which allows the Superintendent of Education to reconstitute any public school that has been in restructuring for three or more school years without regard to their established right under the Collective Bargaining contract.

I do not oppose school reform. I support solutions that are based on a fuller and comprehensive understanding of the problems and challenges, and an approach that involves all stakeholders.

It would be most beneficial for our students if all representative stakeholders not just the Superintendent put together a team that can go out and fact find, what works and doesn't work...what are the barriers, real or perceived...then problem solve how to best meet the needs of all...stakeholders.

Our students as well as other stakeholders...deserve at least that. Giving the Superintendent a "one size fit all" power STILL DOES NOT SOLVE the problem.

I strongly oppose HB172 as I hope you and your Leadership Team does, by voting down HB172...our students deserve better!

Thank you for your attention in this matter,

Gail Kono

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 12:46 PM  
**To:** FINTestimony  
**Cc:** gakaku@yahoo.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Gary Kaku  
Organization: HSTA  
Address: 334 Pohakulani St. Hilo, HI 96720  
Phone: 959-9880  
E-mail: gakaku@yahoo.com  
Submitted on: 3/2/2009

Comments:  
Chair Oshiro and Members of Finance Committee:

My name is Gary Kaku and I am a teacher at Hilo Intermediate School. I am strongly opposed to HB172 HD1 which allows the Superintendent of Education to reconstitute a public school, except a charter school, which has been in restructuring for four or more years and not advanced significantly toward improving academic performance as determined by statistical analysis of academic data.

If this bill should pass, you will be punishing schools who have been trying very hard under unbearable conditions and circumstances which the schools have no control over. For example, many schools have to start over each year by training new teachers who enter either through transfers or retirement of older faculty members. Also, many school populations are in flux because of transfers or addition of new immigrants from Micronesia, American Samoa, Chuuk, etc. Many of these students came with additional disadvantages. First of, they come to Hawaii to live with their uncles and/or aunties, or friends of their parents. They then live in crowded conditions because they have to live with other families in a single house. To further exacerbate the problem, they have language problems as many do not speak English as their native language nor do they utilize English at home. Yet these students are expected to pass the HSA tests. Many of these same students do not have the same expectations of doing homework or studying at home to enhance their education. Unfortunately, education does not seem to be very important to them. Yet, we do a disservice to them as we can't find them tutors since most of the ESLL aides do not speak their language. Most of the ESLL aides speak Illocano or Tagalog which was good when we had a lot of Filipino immigrants. However, there aren't that many now, but that group still makes up the majority of aides.

Yet schools are being held accountable for not meeting AYP. Also those issues mentioned above are not mentioned nor taken into consideration when these students scores are low. Schools have no control over these matters, yet these disadvantaged students are expected to do well. These same students might fit in more than one category and maybe counted more than once. For example, they may be considered economically disadvantaged and they may be considered a Pacific islander, too.

Therefore, I strongly urge you to vote against this bill.

Thank you for the opportunity to testify.

Sincerely,

Gary Kaku  
Hilo Intermediate School teacher

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 01, 2009 12:32 PM  
**To:** FINTestimony  
**Cc:** gurneth@gmail.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Gurneth Slavens  
Organization: Individual  
Address: 47-765 Ahuimanu Loop Kaneohe, Hi 96744  
Phone: 808-222-4423  
E-mail: gurneth@gmail.com  
Submitted on: 3/1/2009

**Comments:**

The DOE being able to displace teachers outside the collective bargaining agreements weakens our states ability to keep and retain dedicated teachers. Often the teachers in these difficult schools are the most dedicated ones under the most trying conditions.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 01, 2009 7:44 AM  
**To:** FINTestimony  
**Cc:** hselnick1@hotmail.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: howard selnick  
Organization: hawaii state teachers assoc.  
Address: 2167 kalae hiway kalae, hi  
Phone: 567 6635  
E-mail: hselnick1@hotmail.com  
Submitted on: 3/1/2009

**Comments:**

we must have an approach to education that does not look at it from a 2 or 4 year political point of view.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 11:04 AM  
**To:** FINTestimony  
**Cc:** john@hawaiicar.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: John Caudell  
Organization: Individual  
Address: 73-1248 Ka'iminani Drive Kailua-Kona, HI  
Phone: 8088956224  
E-mail: john@hawaiicar.com  
Submitted on: 3/2/2009

### Comments:

I oppose HB172 because will cost the state of Hawaii millions of dollars in additional funds that will be needed to litigate suits that will be filed by unions and also hundreds of thousands of dollars to re-assign and pay furloughed teachers.

HB172 may be unconstitutional as it negates the State of Hawaii's collective bargaining laws and contracts already agreed to.

he powers that HB172 would grant the DOE Superintendent are not necessary as ESEA/NCLB laws that force so many schools into restructuring by measuring student progress by only 1 measure of testing will be changed by Congress and the Obama Admin. before 2013.

Under the Current NCLB Law EVERY public school in Hawaii will eventually be under restructuring.

HB172 will destroy the community base at our public schools by removing veteran teachers that have helped our students make major progress towards NCLB goals. HB172 does nothing to address the real reasons why many of Hawaii's public schools are in restructuring.

HB172 does not hold accountable the upper DOE administration bureaucracy who has contracted with inefficient for profit consultants who manage schools under restructuring which has wasted millions of DOE dollars over 5 years without good results.

HB172 does not hold non-supportive parents accountable.

Please vote no on HB 172.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 01, 2009 1:47 PM  
**To:** FINTestimony  
**Cc:** jheath@hawaii.rr.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Judith Heath  
Organization: Individual  
Address: 96740  
Phone:  
E-mail: jheath@hawaii.rr.com  
Submitted on: 3/1/2009

**Comments:**

I oppose HB172. The millions of dollars it will cost the State of Hawaii to litigate suits that will be filed by unions, and to re-assign and pay furloughed teachers, could be better spent on replacing lost music and art programs and slashed science supply budgets.

I expect HB172 to be found unconstitutional because it negates the State of Hawaii's collective bargaining laws and contracts already agreed upon.

The powers that HB172 would grant the DOE Superintendent are not necessary. ESEA/NCLB flaws force many schools into restructuring because they use but one criteria to measure student progress. I expect that the NCLB fiasco be changed by Congress and the Obama Admin. before 2013.

Under the Current NCLB Law every public school in Hawaii eventually will be under restructuring.

HB172 will destroy the community base at our public schools by removing veteran teachers that have helped our students make major progress towards NCLB goals.

MOST IMPORTANTLY, HB172 does nothing to address the real reasons why many of Hawaii's public schools are in restructuring: HB172 does not hold accountable the upper DOE administration bureaucracy that has contracted with inefficient for-profit consultants who manage schools under restructuring. This has wasted millions of DOE dollars over the last five years without acceptable results. NOR DOES HB172 HOLD NON-SUPPORTIVE PARENTS ACCOUNTABLE.

Please vote no on HB 172.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 8:15 AM  
**To:** FINTestimony  
**Cc:** June\_Sheffield@notes.k12.hi.us  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: June Sheffield  
Organization: HSTA  
Address:  
Phone: 808-895-0965  
E-mail: June\_Sheffield@notes.k12.hi.us  
Submitted on: 3/2/2009

### Comments:

As a teacher in a restructured school, I know it sounds like I am only trying to preserve my own job. While that is true, the truth is so much bigger than that. I work in a rural school with more than 70% free and reduced lunch. We are also a "hard to fill" school which has trouble attracting and retaining teachers. We have been restructured since 2005. In that time we have made improvements in student achievement and reached "safe harbor" under NCLB in all student sub-groups except SPED. A look at the statewide data shows that NO high school with a SPED population large enough to count makes AYP. Rather than firing us, we should be rewarded for the work we've done. However, due to a flaw in the law, we are threatened with losing our jobs and are held up for public ridicule. Please put the state's energy to good use. Support changing the NCLB law to be a fair analysis of the work that a school has done and preserve our union rights. Thank you.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 01, 2009 9:51 PM  
**To:** FINTestimony  
**Cc:** kevinbootes09@gmail.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: kevin bootes  
Organization: Individual  
Address: 1 Beach Place Kaunakakai  
Phone: 336 0514  
E-mail: kevinbootes09@gmail.com  
Submitted on: 3/1/2009

### Comments:

the problems in our education system will not be fixed by this bill. our kids will do good in school when society invests in schools rather than ipods, mtv, hannah montana, sports stars making millions of dollars after dropping out, doping up and learning to accurately direct balls at cups and goalposts and hoops and nets and billiard pockets. But this is freedom! and the cost of freedom is what? failing schools. wasting millions on legal battles in school tinkering will result in the same failures down the road. this bill is not going to fix the problem, but make it worse through wasting money instead of investing in family strengthening: higher working class wages so parents don't need to work 3 jobs to pay mortgages to keep billionaires in the skies in their private jets. with parents away, kids turn to other role models. some kids NEED to be left behind. The capitalist way, right? - the winners take the stage and the losers are left in the dust? Every successful businessman and sports star plays by this rule, driving the current collapse: money trickles up in trickle down economics, as cans labeled 100% juice contain 90% water: 100% capitalist lies. We will solve our problems when we adults learn to share and be transparent like when we were kindergartners and all got along fine once upon a time...

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 01, 2009 4:27 PM  
**To:** FINTestimony  
**Cc:** laurayw@yahoo.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Lauray Walsh  
Organization: Individual  
Address:  
Phone:  
E-mail: laurayw@yahoo.com  
Submitted on: 3/1/2009

Comments:  
HB172 does not hold non-supportive parents accountable.

HB172 does not hold accountable the upper DOE administration bureaucracy who has contracted with inefficient for profit consultants who manage schools under restructuring which has wasted millions of DOE dollars over 5 years without good results.

HB172 will destroy the community base at our public schools by removing veteran teachers that have helped our students make major progress towards NCLB goals. HB172 does nothing to address the real reasons why many of Hawaii's public schools are in restructuring.\*

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 12:37 PM  
**To:** FINTestimony  
**Cc:** Laurel\_Clay@notes.k12.hi.us  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Laurel Clay  
Organization: Individual  
Address: 745602 Alapa St, Kona, HI  
Phone: 987 0573  
E-mail: Laurel\_Clay@notes.k12.hi.us  
Submitted on: 3/2/2009

Comments:

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 9:14 AM  
**To:** FINTestimony  
**Cc:** ldedman4@yahoo.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Lori K. Dedman  
Organization: Pahoehoe High & Intermediate School  
Address: 15-3038 Puna Rd. Pahoehoe, HI 96778  
Phone: 808-965-2150  
E-mail: ldedman4@yahoo.com  
Submitted on: 3/2/2009

Comments:

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 01, 2009 6:31 PM  
**To:** FINTestimony  
**Cc:** Kayloualoha@aol.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Louis Padavan  
Organization: Individual  
Address: 75-5681 Kuakini #312 Kailua-Kona HI 96740  
Phone: 808 326.9690  
E-mail: Kayloualoha@aol.com  
Submitted on: 3/1/2009

**Comments:**

This bill is unfair to our state. Not only will it harm our education system, it can empower the loss of positions in our school. Get rid of NO CHILD LEFT BEHIND and allow teachers to do what they do: TEACH.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 7:51 AM  
**To:** FINTestimony  
**Cc:** lynnbell@hawaii.rr.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Lynn Bell  
Organization: Individual  
Address: PO Box 854 HI  
Phone: 808-989-7494  
E-mail: lynnbell@hawaii.rr.com  
Submitted on: 3/2/2009

**Comments:**

I urge you to oppose HB172, because it will negate the collective bargaining process that is Hawaii State Law, and will generate millions of dollars of unnecessary costs to our state in litigation and continued pay to furloughed teachers.

What is needed right now is more parental and community support to move our students in the right direction and not undermine the efforts of the dedicated teachers  
HB172 doesn't do anything to address the real reasons why many of Hawaii's public schools are in restructuring. The upper DOE needs to be accountable. The inefficient for-profit consultant, which I have seen in action first hand are responsible for millions of wasted dollars spent, without good results.

Please vote no on HB172

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 27, 2009 11:52 PM  
**To:** FINTestimony  
**Cc:** melinda\_ahn@notes.k12.hi.us  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position:  
Testifier will be present: No  
Submitted by: Melinda Ahn  
Organization: Individual  
Address: Kaneohe  
Phone: 2397039  
E-mail: melinda\_ahn@notes.k12.hi.us  
Submitted on: 2/27/2009

**Comments:**

I feel it is wrong to give the staff the boot. Some schools are in depressed areas and have families that do not support their children in school. I teach in a school that is still making AYP but the school of my residence has been in restructuring for 3 years. My community has a varried population ranging from rich to homeless. How can teachers and administration bring up test scores for children who live in a poor environment? I just don't think it is fair to blame the teachers. Thank you, Melinda Ahn MEd.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Saturday, February 28, 2009 7:48 AM  
**To:** FINTestimony  
**Cc:** tricias69@hawaiiantel.net  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Patricia E. Shillingford  
Organization: Individual  
Address: 15 2715 Moi Street Pahoia  
Phone: 965-2131  
E-mail: tricias69@hawaiiantel.net  
Submitted on: 2/28/2009

### Comments:

How can you blame the teacher's when the students choose not to learn or think that school is not important due to lack of support from their parents and community. Most of the schools that would be affected are in economically depressed areas. Kids have more at stake than just their education. When you're tired, hungry and afraid, getting an A on a spelling test is not high on your list of priorities. Maybe Mrs. Hamamoto should take a break from her plush office and venture into one of these school and spend more than a couple of hours in order to see how life is really like in the trenches. I get up everyday and go to school because I love the kids I teach and know that for some of them, I am the only positive roll model they have. I don't get up everyday and go with the idea "o.k., I think I will go to school and fail my kids today."

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, March 02, 2009 7:07 AM  
**fo:** FINTestimony  
**Cc:** pashamac@yahoo.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Priscilla MacGregor  
Organization: Individual  
Address: 73-4700 Mamalahoa Hwy Kailua-Kona, Hawaii  
Phone: 8083257441  
E-mail: pashamac@yahoo.com  
Submitted on: 3/2/2009

Comments:

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Sunday, March 01, 2009 3:41 PM  
**To:** FINTestimony  
**Cc:** ryan\_howe@notes.k12.hi.us  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: ryan Howe  
Organization: HSTA  
Address:  
Phone:  
E-mail: ryan\_howe@notes.k12.hi.us  
Submitted on: 3/1/2009

**Comments:**

I feel that this bill will be an extremely destructive act towards education in Hawaii.  
Please reconsider this bill.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 27, 2009 8:37 PM  
**To:** FINTestimony  
**Cc:** petmongoose@yahoo.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Sheryl S. Ogawa  
Organization: Individual  
Address: 15-1853 Maia Street Keaau, HI  
Phone: 982-7321  
E-mail: petmongoose@yahoo.com  
Submitted on: 2/27/2009

### Comments:

Aloha, I STRONGLY oppose HB 172 that allows a non-elected officer to make decisions that affect my livelihood. I am a teacher at Pahoa High & Intermediate School. We (DOE, BOE) have bargaining and evaluation measures already in place to deal with teachers who are not producing. By allowing Ms. Hamamoto carte blanche over teachers, we are allowing her to bypass contractual and checks/balance in place. Furthermore, only Math and Language Arts teachers will be targeted since the State of Hawaii only assesses Reading (Language Arts) and Math. No other teacher performance data is available to assess Science, Social Studies and Elective subject teachers. It is unfair to base teacher performance on data that is so broad. What we really need is evaluation measures for principals/administration. If the school is failing, it is often due to poor administration, that often starts way way way at the top: Hamamoto. Please oppose HB172.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 28, 2009 8:39 AM  
**To:** FINTestimony  
**Cc:** SLaracuente@msn.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Stephen Laracuente  
Organization: Individual  
Address: 1080 Ala Napunani St. APT 204 Honolulu, HI 96818  
Phone: 808-840-1014  
E-mail: SLaracuente@msn.com  
Submitted on: 2/28/2009

Comments:  
Aloha!

I am a member of HSTA and I am concerned that HB 172 will allow the State of Hawaii DOE to legally break its contract with HSTA and alienate its members. If the State of Hawaii DOE wants to change the contract, they have an opportunity now to change it because it will expire soon in June of this year. Why not hold off on this bill and see what happens with the contract?

My understanding is that HB 172 will allow the Superintendent of Education to reconstitute any public school that has been in restructuring for three or more school years without regard to the teacher's established rights under the Collective Bargaining contract. The bill will allow the Superintendent to override collective bargaining agreements and memorandums of understanding.

The DOE would be able to remove some or all of a staff to reconstitute a school in breach of School Code and due process procedures. The bill's approach seems to be to "blame teachers first." It holds teachers to blame for things over which they have no individual control. This legislation threatens teachers with removal and assignments to another institution, not because of any individual professional shortcoming, but because the school as a whole is supposedly not performing at an acceptable level.

As the bar for AYP is raised each year, more and more schools will likely be forced into restructuring. By 2014, when virtually all schools are expected to meet 100 percent AYP on NCLB-determined scores in reading and math, it's entirely possible most schools will be in restructuring.

The schools targeted for reconstitution are struggling because their students come from disadvantaged homes, often without the benefits that students elsewhere take for granted, such as personal computers and educated parents who can help them and who speak English. The DOE must consider the number of learning barriers and special needs at restructuring schools and give credit for improvement, not meeting an arbitrary standard that's the same in East Oahu and West Oahu.

This is an arbitrary standard because NCLB allows each state to set their own standards. We need national standards and then we can work from there. NCLB itself needs to be restructured to include President Obama's assertion that parents also must assume more responsibility for the education of their children.

CLB should become NPLB, "No Parent Left Behind". DOE must also consider President Obama's recently passed Stimulus Plan that includes more money for Special Education, which is meant to raise the level of quality services that special education students are receiving at the present time.

HSTA supports solutions that are based on a fuller and comprehensive understanding of the problems and challenges, and an approach that involves all stakeholders. Let HSTA and the DOE negotiate first. They can negotiate, for example, how to close certain small schools with declining enrollment and reallocate the teachers and resources to the schools that need them the most. Do not pass HB 172.

Mahalo!

Steve Laracuente

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 01, 2009 5:55 PM  
**To:** FINTestimony  
**Cc:** tmc farms@yahoo.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Thomas Carey  
Organization: Individual  
Address:  
Phone:  
E-mail: tmc farms@yahoo.com  
Submitted on: 3/1/2009

**Comments:**

I oppose HB172 because will cost the state of Hawaii millions of dollars in additional funds that will be needed to litigate suits that will be filed by unions and also hundreds of thousands of dollars to re-assign and pay furloughed teachers

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 01, 2009 8:44 PM  
**To:** FINTestimony  
**Cc:** wscnkona@gmail.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Wanda Carey  
Organization: Individual  
Address:  
Phone:  
E-mail: wscnkona@gmail.com  
Submitted on: 3/1/2009

**Comments:**

The powers that HB172 would grant the DOE Superintendent are not necessary as ESEA/NCLB flaws that force so many schools into restructuring by measuring student progress by only 1 measure of testing will be changed by Congress and the Obama Admin. before 2013.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 28, 2009 9:37 AM  
**To:** FINTestimony  
**Cc:** ridefaster@hotmail.com  
**Subject:** Testimony for HB172 on 3/2/2009 3:30:00 PM

Testimony for FIN 3/2/2009 3:30:00 PM HB172

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Will Carlson  
Organization: Individual  
Address: 271 Kikipua St Kaunakakai, HI 96748  
Phone: 808-553-5665  
E-mail: ridefaster@hotmail.com  
Submitted on: 2/28/2009

Comments:  
Chair Oshiro and Members of the Committee:

My name is Will Carlson and I am a teacher at Molokai High School. I strongly oppose HB 172 HD1 which allows the Superintendent of Education to reconstitute a public school, except a charter school, which has been in restructuring for four or more school years and not advanced significantly toward improving academic performance as determined by statistical analysis of academic data.

If this bill should pass, the bill's approach is "blame teachers first." It holds teachers to blame for things over which they have no individual control.

I strongly urge against passage of this bill.

Thank you for the opportunity to testify.

Sincerely,  
Will Carlson