

Date of Hearing: February 4, 2009

Committee: House Education/House Labor & Public
Employment

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent

Title: H.B. No. 172, Relating to Reconstituting Schools

Purpose: 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. Also allows the Superintendent to recommend to the Charter School Review Panel actions that should be taken to reconstitute a charter school which has been in restructuring for three or more school years, and recommend that the Charter School Review Panel revoke the charter school's charter.

Department's Position: The Department of Education supports H.B. No. 172. Union contracts and state laws do not allow the Superintendent of Education and the Charter School Review Panel to implement the full range of restructuring options outlined in the No Child Left Behind Act (NCLB) Act of 2001 for schools with multiple years of low student achievement. Restructuring in Hawaii currently is a state takeover with limited enforcement authority. A public school has the option to convert into a charter school, which results in governance change and significant curriculum reform.

Restructuring research 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, which gives the Superintendent of Education and the 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 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)."



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TESTIMONY BEFORE THE HOUSE COMMITTEES ON
EDUCATION AND LABOR & PUBLIC EMPLOYMENT

RE: HB 172 – RELATING TO RECONSTITUTING SCHOOLS.

February 4, 2009

ROGER TAKABAYASHI, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Takumi, Chair Rhoads and Members of the Committee:

The Hawaii State Teachers Association strongly opposes HB 172, which allows the Superintendent of Education to reconstitute a public school, except charter schools, that has been in restructuring for three or more school years. In essence, this bill will allow the superintendent to remove some or all school staff (principal, teachers, educational assistants, etc.) and replace them with a new staff. It is in this regard, that HSTA is gravely concerned about the power granted by the bill. Our concerns are in three areas:

1. In Section 1, lines 9-11, it states that the superintendent will be allowed to reconstitute a public school “notwithstanding collective bargaining agreements, memorandums of agreement, or memorandums of understanding . . .”

In a memo dated February 4, 2005, Superintendent Hamamoto stated that “restructuring of public schools in Hawaii shall follow all applicable federal, state or local laws, including policies, procedures, rules, regulations, due process, and appropriate collective bargaining agreement provisions. Specifically, all transfers and/or removal of school personnel from their assigned schools must follow appropriate School Code provisions, collective bargaining agreements, and due process procedures.”

The School Code, under Superintendent-Directed Transfers, states “The Superintendent may, in extraordinary situations, when considering the welfare of the students, the school or the good of the Department, direct the transfer of any

teacher or any educational officer.” This section does not qualify restructuring as an extraordinary situation.

If the last statement from Superintendent Hamamoto’s memo is accurate, the removal of some or all of a staff at a restructuring school is a breach of School Code, collective bargaining agreements, and due process procedures.

2. A counterproductive, negative message would be sent to Hawaii teachers. Teachers are already experiencing a hardship when they are being asked to ensure that their students are meeting standards, benchmarks, and AYP scores in reading and math, regardless of a student’s circumstances, needs or learning barriers.

Now, the DOE proposes hanging a sword over teachers’ heads, threatening them with removal and transfer to another institution, not because of anything they have personal control over, but because the school as a whole is supposedly not performing at an acceptable level. If a teacher who is performing at a level of excellence is part of a staff to be removed, and he or she were reassigned, that would be unacceptable. If that teacher is kept in place and all other teachers and staff members are replaced, both the excellent teacher who loses trusted support people and the replaced teachers who lose a mentor will be negatively impacted. These are just a few issues that are troubling in regards to how this bill could affect teacher morale.

3. The State NCLB results for the School Year 2007-08, show that 78 out of 283 Hawaii public schools are restructuring, 17 schools are planning for restructuring, and a collective 30 schools are in the school improvement category (year 1 or 2) and the corrective action category (year 1). The rest of the schools (158) are in good standing, unconditional or pending. As the bar is raised on AYP scores in reading and math, it becomes more difficult for students to get a passing score. Within a couple of years, as the passing score is raised, there will likely be many more schools in restructuring.

What will the superintendent do then? Once most schools are in restructuring will the superintendent be shuffling teachers from one restructuring school to another? How about in 2014, when all schools are expected to meet the 100% scores in reading and math according to the NCLB law? It’s entirely possible we will have all schools in restructuring. What will the superintendent do then? Will the superintendent look at other ways to solve this issue, such as possibly extending the school day or year without compensation to the teachers? Rational people know that all children will not get an A in all classes, and they know that every child will not achieve the required score in math and reading. When extended to its logical conclusion, NCLB becomes a grossly inferior imitation of serious education reform.

I would like to share a personal perspective. Before becoming President of HSTA, I taught at Dole Middle School. The teachers at Dole are outstanding. Recently, the administration team won the Tokioka Excellence in School Leadership award and Dole Middle School's principal is one of the finest principals I have worked with since 1970 when I started teaching in Hawaii. Despite these vast accomplishments, Dole did not meet AYP for the 6 years and therefore would be a school considered for reconstitution.

We have to remember we are dealing with students who 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 number of learning barriers and special needs at these schools is not well understood or appreciated.

I believe if the administration and ALL the teachers at Dole Middle School were placed at Punahou and taught the Punahou children who come to school with a private school background, the students would still achieve at the "Punahou" level. Likewise if the Punahou administration and teachers were placed at Dole, the result would not be "Punahou" products. It's not correct to assume that the academic outcome is the result of the school administration and faculty. It is the background and needs, as well as the barriers to learning that the student brings which determine the school's ability to meet APY.

By now, it should be apparent that the NCLB law is, in fact, a travesty of a workable solution for the education challenges facing our state and our nation. HSTA believes that reconstitution based on NCLB benchmarks is an imprudent approach to addressing the problem of restructuring schools.

We strongly urge the committees to reject this bill.

Thank you for the opportunity to testify.

