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# A BILL FOR AN ACT

RELATING TO EDUCATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. A quality education for all our keiki is the  
2 foundation of our social and economic future.

3       Hawaii's steady gains on the National Assessment of  
4 Educational Progress, the "Nation's Report Card," show that  
5 Hawaii's educational improvement efforts are moving us in the  
6 right direction. In 2011, Hawaii was the only state that  
7 demonstrated significant gains in all grade levels and subjects  
8 tested. However, we still have a long way to go and must  
9 accelerate improvement for our children to benefit from the  
10 economic, social, and civic opportunities in our State and  
11 global community.

12       In 2010, the State's race to the top plan (the "plan") was  
13 one of twelve selected by the United States Department of  
14 Education, and was widely supported by government and education  
15 and community leaders and stakeholders. The plan establishes  
16 clear principles, policy actions, and timetables for changes in  
17 policies, practices, and outcomes in areas critical to  
18 transforming public education.



1       The legislature finds that the plan sets out actions that  
2   are ambitious and essential to the transformation of our  
3   education system.

4       According to established research, effective teaching is  
5   the school-based factor that contributes most to student  
6   achievement. Students who have effective teachers demonstrate  
7   higher performance, and spending multiple years with effective  
8   teachers has been demonstrated to close the gap in achievement  
9   between disadvantaged and academically underperforming students  
10   and their more advantaged peers.

11       The legislature believes that investing in our educators  
12   will have the most significant impact in educational outcomes  
13   for children and our State, and that effective educators are  
14   critical to our children having the best chance at reaching  
15   their potential and achieving their dreams.

16       Supporting educators' effectiveness requires a  
17   comprehensive approach including clear expectations for  
18   students, aligned systems of support from classrooms to the  
19   state offices, flexibility for innovation, and a performance-  
20   based management system for educators - including educational  
21   officers, principals, and teachers - that provides a clear  
22   career path with meaningful performance measures, rigorous



1 evaluation, quality feedback for improvement, targeted teacher  
2 support, and opportunities and rewards for effective educators.

3 In 2004, the legislature enacted a comprehensive education  
4 reform bill, Act 51, Session Laws of Hawaii 2004, the  
5 "Reinventing Education Act of 2004" (Act 51). The legislature  
6 finds that the framework established in Act 51 should be updated  
7 and aligned with evolving research on educational improvement as  
8 well as the State's race to the top plans which are included in  
9 the department's long-term strategic plan.

10 The purpose of this Act is to provide the directive, means,  
11 and flexibility to establish a performance management system  
12 that cultivates and supports highly effective educators and that  
13 implements our State's race to the top commitments by requiring:

- 14 (1) That teachers be employed by the department of  
15 education for three years before being eligible for  
16 tenure, beginning with contracts negotiated for the  
17 contract period beginning July 1, 2013;
- 18 (2) The department of education to review and revise, as  
19 appropriate and based on the principles and policy  
20 framework described in the State's race to the top  
21 plan, its recruitment, evaluation, support, tenure,  
22 incentive, classification, and compensation policies



1 and practices to develop, measure, and hold educators  
2 accountable for facilitating student learning and  
3 growth;

4 (3) The department of education to provide data to the  
5 Hawaii teacher standards board for each state-approved  
6 teacher education program regarding the performance of  
7 each teacher that completes such a program and is  
8 employed by the department; and

9 (4) The department of education to report to the  
10 legislature no later than twenty days prior to the  
11 regular sessions of 2013, 2014, and 2015 on the  
12 performance management system status and  
13 effectiveness, actions taken by the board of education  
14 and department with respect to the performance  
15 management system, and legislative action required to  
16 enable the system, as well as any other action  
17 required to enable implementation of the State's race  
18 to the top plan.

19 SECTION 2. Chapter 89, Hawaii Revised Statutes, is amended  
20 by adding a new section to be appropriately designated and to  
21 read as follows:



1        "§89-        Employment; teachers.        (a)   Beginning with  
2        contracts negotiated for the contract period beginning July 1,  
3        2013, any collective bargaining contract made between the  
4        exclusive representative of bargaining unit (5) and a public  
5        employer shall allow the vesting of tenure to commence only upon  
6        the completion of three years of service by the employee to the  
7        department of education."

8        SECTION 3.   Section 302A-1004, Hawaii Revised Statutes, is  
9        amended by amending subsection (a) to read as follows:

10        "(a)   The department shall implement a comprehensive system  
11        of educational accountability to motivate and support the  
12        improved performance of students and the education system.   This  
13        accountability system shall:

14        (1)   Include student accountability; school or collective  
15        accountability; individual professional accountability  
16        for teachers, principals, and other employees; and  
17        public accounting to parents, community members,  
18        businesses, higher education, media, and political  
19        leadership;

20        (2)   Link authority and resources to responsibility;

21        (3)   Define clear roles for all parties and lines of  
22        responsibility and mutual obligation and develop a



collaborative process with stakeholders, including  
representatives of appropriate bargaining units,  
parents, administration, and students;

(4) Assess and track measures of academic achievement,  
safety and well-being, and civic responsibility of  
individual students at selected grade levels and  
report trend data on these measures over time  
annually;

(5) Invoke a full and balanced set of appropriate  
consequences for observed performance, including  
rewards and recognition for those schools or educators  
that meet or exceed their goals, assistance to those  
that fall short, and sanctions for those that, given  
adequate assistance and ample time, continue to fail  
to meet goals;

(6) Involve an annual statewide assessment program that  
provides a report card containing trend data on  
school, school complex, and system performance at  
selected benchmark grade levels with performance  
indicators in areas relating to student achievement,  
safety and well-being, and civic responsibility.



1           These performance indicators shall include but not be  
2           limited to:

3           (A)   Student performance relative to statewide content  
4               and performance standards[~~+~~and] including gaps  
5               in achievement between all students and student  
6               groups persistently achieving at lower levels;

7           (B)   School attendance and dropout rates;

8           (C)   High school completion and graduation rates, and  
9               number of graduates that met benchmarks for  
10              college and career readiness; and

11          (D)   Rates of students entering and persisting in  
12              postsecondary education and training;

13          (7)   Require that teachers and administrators engage in the  
14               continuous professional growth and development that  
15               ensure their currency with respect to disciplinary  
16               content, leadership skill, knowledge, or pedagogical  
17               skill, as appropriate to their position. This  
18               requirement may be established by the department in  
19               terms of credit hours earned or their equivalent in  
20               professional development activity certified by the  
21               department as appropriate in focus and rigor;



(8) Establish an explicit link between professional evaluation results and individual accountability through professional development of the knowledge, skill, and professional behavior necessary to the position, by requiring that results of the professional evaluation be used by the department to prescribe professional development focus and content, as appropriate;

(9) Include an annual statewide fiscal accountability program, which includes a published report card that contains trend data on school, school complex, and systemwide plans and results, including:

(A) Amounts allocated;

(B) Amounts expended;

(C) Amounts carried over; and

(D) Any significant changes to the budget, with an explanation for the change;

(10) Include an evaluation of the effectiveness of individual educators, including complex area superintendents ~~[and]~~, principals, and teachers, in supporting:





1 (A) Students' academic achievement, safety and well-  
2 being, and civic responsibility; ~~[and]~~ provided  
3 that:

4 (i) Students' academic achievement shall  
5 constitute fifty per cent of the evaluation  
6 rating of effectiveness;

7 (ii) Students' academic achievement shall be  
8 based on the educator's contribution to  
9 student academic learning and growth; and

10 (iii) The measurement of students' academic  
11 achievement shall consist of multiple  
12 measures to include statewide assessment and  
13 other student learning objectives, as  
14 determined by the department, and shall not  
15 be based on a single standardized test  
16 score;

17 (B) The satisfaction of stakeholders affected by the  
18 work of the ~~[complex area superintendents and~~  
19 ~~principals]~~ educators, which may be measured by  
20 broadbased surveys; and

21 (C) ~~[Fiscal]~~ Other measures of professional practice,  
22 appropriate to the position being evaluated.



1           Other measures include fiscal accountability[-]  
2           for administrators, and classroom practice and  
3           student engagement for teachers; and

4       (11) Establish an annual rating of performance that  
5           differentiates at least four performance levels, as  
6           determined by the department. The annual rating of  
7           performance shall be based on the evaluation of the  
8           effectiveness of individual educators and shall  
9           commence no later than July 1, 2013."

10       SECTION 4. The department of education shall submit to the  
11       legislature its findings, including the status of the  
12       performance management system required by this Act, actions  
13       taken by the board of education and department with respect to  
14       the performance management system, and proposed legislation, no  
15       later than twenty days prior to the convening of the regular  
16       sessions of 2012, 2013, and 2014.

17       SECTION 5. Statutory material to be repealed is bracketed  
18       and stricken. New statutory material is underscored.

19       SECTION 6. This Act shall take effect on July 1, 2050.



**Report Title:**

Public Schools; Education

**Description:**

Requires, beginning with contracts negotiated for the contract period beginning July 1, 2013, that teachers be employed by the department of education for three years before being eligible for tenure. Provides the department the directive, means and flexibility to establish a performance management system that cultivates and supports highly effective educators and that implements our State's race to the top commitments. Effective July 1, 2050. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

