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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 PART I

2 SECTION 1. Research studies consistently demonstrate that  
3 investing in the effectiveness of our teachers is the most  
4 productive means to increase student achievement and ensure that  
5 students are prepared to either continue their education beyond  
6 high school or engage in careers of their choice. The State's  
7 greatest investment in public education is the quality of  
8 personnel in the department of education. Maximizing the impact  
9 of this human capital investment is the greatest point of  
10 leverage Hawaii has to increase student learning and growth to  
11 improve public education outcomes for our children and the  
12 State. The legislature finds that the department of education  
13 must accelerate its efforts to increase the effectiveness of the  
14 State's teachers and educational officers.

15 In 2010, the United States Department of Education awarded  
16 the State a \$74,934,761 race to the top grant. The State's race  
17 to the top plan and the department of education's strategic plan  
18 include targeted initiatives to develop great teachers and great



1 leaders to the benefit of Hawaii's students. The legislature  
2 endorses the State's race to the top framework to accomplish  
3 these improvements in educator effectiveness, described in the  
4 State's race to the top plan, which outlines clear principles  
5 and policy actions and sets a timetable to implement a new  
6 performance management evaluation system and related human  
7 resource management support.

8 Aligned with the State's race to the top commitments, the  
9 department of education has developed and begun a two-year pilot  
10 effort to establish a performance management system that will  
11 cultivate highly effective teachers and principals through  
12 recruitment, evaluation, support, tenure, and compensation.  
13 Based on an evaluation of the pilot project, including feedback  
14 from pilot participants, the great teachers great leaders task  
15 force, and technical experts, the department of education will  
16 implement a new evaluation system for teachers statewide  
17 beginning July 1, 2013.

18 The performance management system will keep teaching and  
19 student learning at the heart of teacher and educational officer  
20 evaluations and link educator effectiveness to the facilitation  
21 of student learning and growth. Hawaii's educators deserve a  
22 high quality evaluation system that provides the tools they need



1 to continuously improve their teaching and leadership to advance  
2 student learning. To accomplish this, the evaluations must be  
3 fair, transparent, timely, rigorous, and valid.

4 The purpose of this part, therefore, is to require the  
5 department of education to establish a performance management  
6 system that includes an evaluation component and supports the  
7 development of highly effective educators.

8 SECTION 2. 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



- 1 collaborative process with stakeholders, including  
2 representatives of appropriate bargaining units,  
3 parents, administration, and students;
- 4 (4) Assess and track measures of academic achievement[~~7~~  
5 ~~safety and well-being, and civic responsibility~~] of  
6 individual students at selected grade levels and  
7 report trend data on these measures over time  
8 annually;
- 9 (5) Invoke a full and balanced set of appropriate  
10 consequences for observed performance, including  
11 rewards and recognition for those schools, teachers,  
12 and educational officers that meet or exceed their  
13 goals, assistance to those that fall short, and  
14 sanctions for those that, given adequate assistance  
15 and [~~ample~~] time, continue to fail to meet goals;
- 16 (6) Involve an annual statewide assessment program that  
17 provides a report card containing trend data on  
18 school, school complex, and system performance at  
19 selected benchmark grade levels with performance  
20 indicators in areas relating to student achievement[~~7~~  
21 ~~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;



- 1 (8) Establish an explicit link between professional  
2 evaluation results and individual accountability  
3 through professional development of the knowledge,  
4 skill, and professional behavior necessary to the  
5 position, by requiring that results of the  
6 professional evaluation be used by the department to  
7 prescribe professional development focus and content,  
8 as appropriate;
- 9 (9) Include an annual statewide fiscal accountability  
10 program, which includes a published report card that  
11 contains trend data on school, school complex, and  
12 systemwide plans and results, including:
- 13 (A) Amounts allocated;  
14 (B) Amounts expended;  
15 (C) Amounts carried over; and  
16 (D) Any significant changes to the budget, with an  
17 explanation for the change; and
- 18 ~~(10) [Include an evaluation of the effectiveness of complex~~  
19 ~~area superintendents and principals in supporting:~~  
20 ~~(A) Students' academic achievement, safety and well-~~  
21 ~~being, and civic responsibility; and~~



1           ~~(B) The satisfaction of stakeholders affected by the~~  
2           ~~work of the complex area superintendents and~~  
3           ~~principals, which may be measured by broadbased~~  
4           ~~surveys; and~~

5           ~~(C) Fiscal accountability.]~~

6           Include a consistent performance management program  
7           that shall include an evaluation of educational  
8           officers and teachers to provide information necessary  
9           to improve professional practice and leadership on a  
10           consistent and continuing basis in order to  
11           successfully facilitate student learning and growth.

12           The evaluation shall:

13           (A) Be performed at least once in each school year;

14           (B) Result in an annual rating of each employee's  
15           performance; and

16           (C) Be based on professional practice and  
17           contribution to student learning and growth;  
18           provided that student learning and growth shall  
19           be:

20           (i) Determined through the use of multiple  
21           measures; provided that it shall not be

1                   based on a single standardized test score;  
2                   and  
3                   (ii) Included as a significant factor toward the  
4                   annual rating.

5                   The department shall define evaluation criteria,  
6                   assign responsibilities for the application of the  
7                   criteria, including training for those responsible for  
8                   conducting evaluations, and identify uses for  
9                   evaluation results. The board shall determine  
10                  evaluation categories, ratings, and labels. The board  
11                  may establish evaluation rating categories that are  
12                  equivalent to those provided in this chapter,  
13                  including "exemplary" and "satisfactory".

14                  SECTION 3. Section 302A-638, Hawaii Revised Statutes, is  
15                  repealed.

16                  [ "~~§302A-638~~ ~~Evaluation of teachers and educational~~  
17                  ~~officers.~~ The department shall establish an evaluation program  
18                  for all teachers and educational officers. The evaluation shall  
19                  be performed at least once in each school year. The program  
20                  shall define the criteria for evaluation and assign  
21                  responsibilities for the application of the criteria. The  
22                  evaluation of a teacher or educational officer shall be on the





1 ~~basis of efficiency, ability, and such other criteria as the~~  
2 ~~department shall determine." ]~~

3 SECTION 4. The evaluation of principals required under  
4 this Act shall be implemented no later than December 31, 2012.  
5 The evaluation of teachers and educational officers other than  
6 principals required under this Act shall be implemented no later  
7 than July 1, 2013.

8 SECTION 5. The department of education shall submit to the  
9 legislature its findings, including the status of the  
10 performance management system required by this Act, actions  
11 taken by the board of education and department with respect to  
12 the performance management system, and proposed legislation, if  
13 any, no later than twenty days prior to the convening of the  
14 regular sessions of 2013 and 2014.

15 PART II

16 SECTION 6. The legislature finds that Hawaii is one state  
17 among many addressing tenure in response to federal education  
18 reform guidelines and articles in *The New York Times*, *Time*  
19 magazine, *USA Today*, and newspapers across the country reveal  
20 the intensity of the tenure debate. As of August 2011, eighteen  
21 state legislatures have modified various elements of their  
22 tenure or continuing contract policies, with a majority of



1 states requiring a probationary period of three to five years.  
2 Many states have also integrated performance evaluations in  
3 their tenure statutes, tying teacher impact on student outcomes  
4 to the attainment of tenure.

5 The legislature finds that while it is imperative to  
6 maintain the job security that teacher tenure represents, it is  
7 equally imperative to modify tenure requirements in order to  
8 implement any meaningful education reform in the State.  
9 Specifically, the legislature finds that the current two-year  
10 probationary period required of teachers prior to attaining  
11 tenured status is too short a window in which to adequately  
12 prepare teachers and assess whether an individual teacher is  
13 effective. Accordingly, the purpose of this part is to require  
14 that all teachers entering the service of the department of  
15 education for the first time serve a minimum probationary period  
16 of three years prior to obtaining tenure.

17 SECTION 7. Chapter 302A, Hawaii Revised Statutes, is  
18 amended by adding a new section to be appropriately designated  
19 and to read as follows:

20 "§302A- Probationary period of employment. All  
21 teachers entering the service of the department for the first



1 time shall serve as probationary employees of the department for  
2 a minimum period of three consecutive years; provided that:

- 3 (1) The consecutive employment may be interrupted by  
4 maternity leave, sick leave, or any other leave  
5 approved by the department not exceeding a period of  
6 three years; by military leave not exceeding a period  
7 of five years; or by termination or nonrenewal of the  
8 probationary employment contract because of a decrease  
9 in the number of pupils or for causes over which the  
10 department has no control, for a period between  
11 employment not to exceed five years, without loss of  
12 credit for the period of probationary employment; and  
13 (2) At or prior to the end of the three-year period of  
14 probation, the department may extend the probationary  
15 period of a teacher for additional periods not to  
16 exceed a total probationary period of five years."

17 PART III

18 SECTION 8. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 9. This Act shall take effect on July 1, 2050.



**Report Title:**

Public Schools; Education

**Description:**

Requires teachers first entering Department of Education employment to serve a probationary period of three years prior to attaining tenure. Provides the Department the directive, means, and flexibility to establish a performance management system that includes an evaluation of teachers and educational officers. Effective July 1, 2050. (SB2789 HD1)

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

