



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/03/2014

Committee: House Education

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

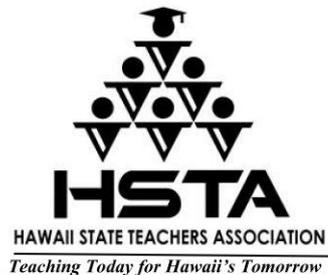
Title of Bill: HB 1675 RELATING TO EDUCATION.

Purpose of Bill: Requires all public secondary schools to implement a school year that includes nine hundred ninety student instructional hours beginning with the 2014-2015 school year. Repeals the requirement that by the 2016-2018 school years, all public schools implement a school year of one hundred eighty days and one thousand eighty student instructional hours for both elementary and secondary school grades. Clarifies that the definition of "student instructional hours" shall be determined by the board of education.

Department's Position:

The Department of Education supports HB 1675 which proposes to repeal the SY 2016-2018 requirement for 1,080 student instructional hours, and also makes other conforming amendments to Section 302A-251. The Department has found that it is a challenge for schools to meet the requirements of Section 302A-251 (known also as Act 167/Act 52) in the context of the current Collective Bargaining Agreement and the Department's budget.

The Department also supports repeal of the definition for "student instructional hours" that is contained in Section 302A-251 and to instead, require that the Board of Education determine the definition. The Department recognizes the need for clarification of the definition to avoid unnecessary and differing interpretations and will work with the Board to provide a clear definition of student learning time that includes all high-quality learning opportunities.



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TESTIMONY BEFORE THE HOUSE COMMITTEE
ON EDUCATION

Wil Okabe
President
Joan Kamila Lewis
Vice President
Colleen Pasco
Secretary-Treasurer
Alvin Nagasako
Executive Director

DATE: MONDAY, FEBRUARY 3, 2014

RE: H.B. 1675 - RELATING TO EDUCATION

PERSON TESTIFYING: WIL OKABE
HAWAII STATE TEACHERS ASSOCIATION

The Honorable Chair Roy Takumi, The Honorable Vice-Chair Takashi Ohno and the Members of the Committee:

The Hawaii State Teachers Association (HSTA) **strongly opposes H.B. 1675**, Relating to instructional time.

HSTA is the exclusive representative of more than 13,500 public and charter school teachers statewide. As the state affiliate of the 3.2 million members of the National Education Association, HSTA strongly affirms its collective bargaining process regarding instructional time.

HSTA believes quality student instructional time requires preparation, delivery, and assessment that is focused and meaningful to achieve quality student learning and growth. Further, HSTA believes that quality student instruction requires adequate time for teachers to plan, articulate, and collaborate. As a result, planning and preparation should be imbedded in the school day. Act 167 does not address this.

Since the passage of Act 167, (session Laws of Hawaii 2010) schools across Hawaii have been working towards implementing a bell schedule to conform to Act 167. Numerous meetings, time, and plans have been spent in order to implement Act 167/52 by the teachers and school officials. The Department of Education (DOE) has also tried to manage a plethora of different bell schedules which all resulted in numerous changes, redefining definitions of instructional time, and revised DOES memos stating issues and errors.

Many secondary (middle and high) schools are having difficulty in implementing their bell schedules to comply with the required 990 hours for SY 2014-2015. Elementary schools are utilizing opening, closing, homeroom, and study hall to count as student instructional time under Acts 167/52.

HSTA recommends the repeal of Act 167 in its entirety. Many schools struggle to comply with this law and that instructional hours should be collectively bargained and not mandated by law.

HSTA strongly affirms its position with the Board of Education to negotiate instructional time.

Thank you for the opportunity to testify in **strong opposition to H.B. 1675.**

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Telephone: 808 926-1530
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House Committee on Education
Representative Roy Takumi, Chair
Representative Takashi Ohno, Vice Chair

February 3, 2014

Dear Chair Takumi, Vice Chair Ohno, and Committee Members:

This testimony is submitted in opposition to HB1675, with recommended amendments.

The Hui for Excellence in Education (HE'E) is a diverse coalition of over 40 parent and community organizations dedicated to improving student achievement by increasing family and community engagement and partnerships in our schools. Our member list is attached.

Act 167, establishing a minimum number of student Instructional Hours and days per year, was passed in 2010 for three primary purposes:

1. Prevent future furloughs for students.
2. Provide instructional time equity among Hawaii students and their mainland peers.
3. Establish transparency and clarity in the definition and amount of instructional time provided by each school.

Act 167 sent a clear message to the community, that the legislature takes education seriously and that reduction of student instructional time would never again be compromised due to budget issues. All Hawaii students would receive the same amount of instructional time as their peers in Hawaii and on the mainland. All Hawaii families would know that their child receives the same amount of instruction as every other student in the state. Hawaii is unique, the only state that is one school district, with one funding source, and one union contract for all teachers. This should help insure that equity exists across the state. Instructional time for students should be no different. The DOE has undertaken the task of aligning the bell schedules for secondary schools and has made great progress. We support their effort to continue to meet the instructional time goals set forth in Act 167.

Rather than delete the 1080 instructional hours we recommend the following amendments:

1. Defer the implementation date until the next bargaining year so that any additional costs associated with increasing the time can be included in that contract.
2. Apply the increased time to 1080 instructional hours to secondary schools only, and to 990 instructional hours to elementary schools, which is consistent with instructional time for secondary and elementary schools nationally.

The process of aligning the secondary schools has been difficult, but the Department of Education (DOE), principals, staff and School Community Councils (SCCs) have worked hard to find schedules that work for their schools. If they wish, schools can, under the law, apply for a waiver. This is an important component of the law and if a school can make a compelling argument for the waiver, the BOE can grant the request. This provides a reasonable option for a school with unique circumstances. Finally, it should be noted that increasing the minimum student instructional time in the future for secondary schools, amounts to an increase from 5 hour 30 minutes to a 6 hour instructional day plus lunch and passing, or an approximately 7 hours day such as 8:00 am – 3:00 pm for students. This still allows time for after school activities, sports, and jobs for students. It would also make Hawaii student instructional time align with or exceed more than 50% of states, which is huge increase from 2010 when our state had some of the lowest instructional minutes in the country.

We strongly encourage you to stay the course with this law, and consider our amendments as a compromise.

Thank you for the opportunity to testify and for your consideration. Our opposition to this bill represents a 75% consensus or more of our membership.

Sincerely,

Cheri Nakamura
HE'E Coalition Director

HE'E Member List
Academy 21
After-School All-Stars Hawaii
Alliance for Place Based Learning
*Castle Complex Community Council
Center for Civic Education
Coalition for Children with Special Needs
*DOE Windward District
*Faith Action for Community Equity
Fresh Leadership LLC
Girl Scouts Hawaii
*Good Beginnings Alliance
Harold K.L. Castle Foundation
*Hawaii Appleseed Center for Law and Economic Justice
Hawai'i Athletic League of Scholars
*Hawai'i Charter School Network
*Hawai'i Nutrition and Physical Activity Coalition
*Hawaii State PTSA
Hawai'i State Student Council
Hawai'i State Teachers Association
Hawai'i P-20
Hawai'i 3Rs
Head Start Collaboration Office
It's All About Kids
*INPEACE
Joint Venture Education Forum
Junior Achievement of Hawaii
Kamehameha Schools
Kanu Hawai'i
Keiki to Career
Kupu A'e
*Leaders for the Next Generation
Learning First
McREL's Pacific Center for Changing the Odds
Our Public School

*Pacific Resources for Education and Learning
*Parents and Children Together
*Parents for Public Schools Hawai'i
Punahou School PUEO Program
Teach for America
The Learning Coalition
US PACOM
University of Hawai'i College of Education
YMCA of Honolulu
Voting Members (*)



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TESTIMONY FOR HOUSE BILL 1675, RELATING TO EDUCATION

House Committee on Education

Hon. Roy M. Takumi, Chair

Hon. Takashi Ohno, Vice Chair

Monday, February 3, 2014, 2:00 PM

State Capitol, Conference Room 309

Honorable Chair Takumi and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 175 local members. On behalf of our members, we offer this testimony in support of, with proposed amendments for House Bill 1675, relating to education.

While we feel that instructional time requirements should be subject to collective bargaining, we understand that variances in instructional time statewide have precipitated difficulty in evaluating achievement outcomes and that the link between instructional time and student achievement is an evolving science. For assessment purposes, it is important to ensure that all schools operate from the same baseline, which this bill, following Act 167, accomplishes. A number of secondary schools have faced difficulty meeting the 990 student instructional hour requirement currently called for by §302A-251, prompting intraschool debates over school schedules (often resolved by “2+2” hearings), as well as grievances over processual compliance by school administrators. Such problems are likely to be exacerbated if schools are forced to implement greater instructional time requirements (up to 1080 by 2018). Moreover, in May of 2013, the Hawaii State Department of Education scaled back its pilot of extended learning time for low-performing schools in designated “zones of innovation,” signaling a need to ensure that ELT reforms are targeted, strategic, and focused on specific classroom settings, learning objectives, and student populations.

That said, to ensure the participation of teachers and educational officers in redefining instructional hours, we urge the committee to amend the bill's proposed

revision of §302A-251(e) to read: “For purposes of this section, “student instructional hours” shall be defined by the board in consultation with the appropriate exclusive representatives,” or something to that effect. We maintain that “student instructional hours” are not merely those minutes spent on direct instruction in the classroom, but also include and are not limited to project-based learning, technology-assisted learning, learning assessments, student advisory time, homeroom, directed study, any activity related to a general learner outcome, and statewide performance assessments. The definition also impacts the distribution of instructional time throughout the school day, touching on contractual matters related to bell schedules, the academic calendar, professional development, teacher preparation time, and evaluation protocols. For those reasons, we feel that participation of the exclusive representatives—HSTA and HGEA, specifically—should be mandated by this measure.

Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Legislative Director

ohno2-Rexie

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 31, 2014 10:25 PM
To: EDNtestimony
Cc: sherrianwitt@aol.com
Subject: *Submitted testimony for HB1675 on Feb 3, 2014 14:00PM*

HB1675

Submitted on: 1/31/2014

Testimony for EDN on Feb 3, 2014 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
sherrian witt	Witt Counseling Service	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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ohno2-Rexie

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 31, 2014 9:19 AM
To: EDNtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB1675 on Feb 3, 2014 14:00PM*

HB1675

Submitted on: 1/31/2014

Testimony for EDN on Feb 3, 2014 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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House Committee on Education
February 3, 2014
2:00 pm

HB1675: Testimony in Opposition with proposed Amendments

Submitted by: Melanie Bailey and Kathy Bryant

Aloha Chair Takumi, Vice Chair Ohno, and members of the Committee,

First, we would like to commend the Department, principals and SCCs who have been working diligently to comply with this law and are making great progress statewide. It has not been easy, and we want to acknowledge their efforts. Also, it should be noted that the compliance will take place within the existing contract at no additional cost.

In researching the most current data on instructional time in states across the nation, we find that our minimum instructional time, particularly at the secondary level (even with the increase to 990 hr/yr beginning in 2014-15), is still below the minimum time in the majority of states. **As such, we oppose the elimination of the next phase, section(d) of the bill, which further increases the minimum student instructional time. In addition, to align with the minimum student instructional time nationally, we recommend that the next phase should be an increase to 990 hours for Elementary Schools and 1080 hours for Secondary Schools.**

Act 167, establishing a minimum number of student Instructional Hours and days per year, was passed in 2010 for three primary purposes:

1. Prevent future furloughs for students.
2. Provide instructional time equity between Hawaii students and their mainland peers.
3. Establish transparency and clarity in the definition and amount of instructional time provided by each school.

Act 167 sent a clear message to the community, that the legislature takes education seriously and that reduction of student instructional time would never again be compromised due to budget issues. All Hawaii students would receive the same amount of instructional time as their peers on the mainland. All Hawaii families would know that their child receives the same amount of instruction as every other student in the state.

Prior to Act 167, Hawaii was the only state that did not set by law a minimum number of student instructional days or hours per year. Instructional time has been determined through the collective bargaining process between the state and Hawaii State Teachers Association. In 1997, Ben Cayetano increased teacher salaries and the number of days of student instruction from 173 to 180.

In 2009, with the implementation of furlough Fridays, it became apparent that student classroom time could be a negotiable budget item. Without a state mandate to protect student instructional time or number of days, the state and unions could adjust the number to meet budget requirements. Act 167, establishes that schools must provide a minimum of 180 of student instructional days and a minimum number of instructional hours: 915 hours for elementary and 990 hours for secondary school per year, and expanding in the out years. During discussions regarding the increase to 1080 hours, it was always suggested that this increase to a 6 hour student day, would require an increase in teacher time, requiring a funding increase from the legislature. For that reason it was originally targeted at the year of a teacher's contract negotiation.

Finally, Act 167 was implemented to bring transparency and clarity to student instructional time statewide. At the time of implementation research from elementary and secondary schools, showed that student instructional time varied considerably, particularly at the secondary level. This, despite the fact, that Hawaii operates as one school district, with one funding source and one contract for all teachers statewide. Now, after a few years of research and information gathering, the DOE and the schools are all moving to successfully comply with the law by the 2014-15 school year. This is a great accomplishment, one that should be acknowledged and appreciated. It was also accomplished without additional resources and within the current contract.

SB2139 proposes to set the minimum days at 180, and 915 student instructional hours per year for elementary schools and 990 student instructional hours for secondary schools. The bill eliminates the increase to 1080 student instructional hours per year in the year 2016-18 years. We oppose the deletion of this section (d) and propose the following amendment:

(d) Notwithstanding any other law to the contrary, for the 2018-20 school years, all public elementary schools will implement a school year that includes nine hundred ninety student instructional hours; all public secondary schools will implement a school year that includes one thousand eighty student instructional hours, excluding charter schools and multi-track public schools, excluding professional development days and other non-instructional days negotiated pursuant to Chapter 89.

According to the Education Commission of the States, in their March 13, 2013 update titled "Number of Instructional Days/Hours in the School Year", <http://www.ecs.org/clearinghouse/01/06/68/10668.pdf> they provide the following information for all states:

1. Every state/DC, except Maine, now mandates a minimum number of days and minimum amount of instructional time per year
2. Maine is the only state that mandates a minimum amount of days and not instructional time.
3. Of the 43 states that set the days in a year, 28 states set their year at 180 days
4. 35 states include a minimum time for any day to count as an instructional day
5. 34 states mandate instructional time per year, of those, 22 separate elementary and secondary time

6. 27 states, over 53%, have instructional time that exceeds 990 hr/yr or 5.5 hr a day, primarily at the secondary level.
7. Hawaii is the only state that exempts Charter Schools and multi-track schools by statute

The report shows that Hawaii's 180 day year is on par with the majority of states. Hawaii's decision to separate elementary and secondary school instructional time, is also consistent with efforts across the nation. Where Hawaii falls behind the nation, is in instructional time particularly at the secondary level, where more states in the country are exceeding 990 hr/yr or 5.5 hrs a day. The current law proposes increasing the minimum to 1080 hrs/yr or a 6 hr student instructional day for secondary students, that should remain our target, and keeps the state on par with the national average. As an example, this means that public secondary students would attend school from 8:00 am to 3:00 pm: 6 hr of instruction, plus time for lunch, recess, and passing. This would still allow students time for after school sports, extracurricular activities, employment, etc.

Pushing the implementation date forward would align the increase in student instructional time with the next contract negotiation. This would allow the Department and the unions to address any additional costs associated with the increase in instructional time particularly at the secondary level. Hawaii is fortunate that as one state, one district, one contract, the implementation should be much more manageable than in other states with hundreds of districts and multiple contracts. In addition, the creation of model bell schedules and master schedules has assisted the Principals, teachers and SCCs in developing schedules that work for them. Finally, the law does allow for schools to seek a waiver from the BOE. This is an important and valuable option for schools that can demonstrate a need to be exempt.

Regarding the proposal to allow the BOE to define student instructional time, it should be stressed that the purpose of this definition is define **what is student instruction time during a scheduled school day, "from bell to bell", for example: instructional time such as class instructional time, advisory, and excludes non-instructional time such as passing, recess and lunch.** It is not to create a broad definition of "learning" or what types of student learning activities might translate into credits or after school projects such as PE credit for sports or senior projects. Other states provide several examples to work.

We encourage you to consider our proposed amendment and we look forward to working with the Committee and the DOE on this issue.

Thank you.