



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

**Date:** 03/28/2014

**Committee:** Senate Ways and Means

**Department:** Education

**Person Testifying:** Kathryn S. Matayoshi, Superintendent of Education

**Title of Bill:** HB 1675,HD1,SD1(sscr3013) RELATING TO EDUCATION.

**Purpose of Bill:** Applies the requirement for all public secondary schools to implement a school year that includes 990 student instructional hours to all school years 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 180 days and 1,080 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 in consultation with the exclusive representatives of the appropriate bargaining units. (SD1)

**Department's Position:**

The Department of Education supports HB 1675 HD1 which proposes to repeal the SY2016-2018 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, in consultation with the designated stakeholders, 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.

The Department is open to further discussion on the issue of student instructional hours and we thank you for the opportunity to testify.



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TESTIMONY BEFORE THE SENATE COMMITTEE  
ON WAYS AND MEANS

DATE: FRIDAY, MARCH 28, 2014

RE: H.B. 1675, HD1, SD1 - RELATING TO EDUCATION

PERSON TESTIFYING: WIL OKABE  
HAWAII STATE TEACHERS ASSOCIATION

The Honorable Chair David Ige and Honorable Vice-Chair Michelle Kidani and Members of the Committee:

The Hawaii State Teachers Association (HSTA) **opposes HB 1675, HD1, SD1 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 that instructional time should be collectively bargained. HSTA believes quality student instructional time requires preparation, delivery, and assessment that is focused and meaningful to achieve quality student learning growth. Further, HSTA believes that quality instruction requires adequate time for teachers to plan, articulate, and collaborate. As a result, planning and preparation should be embedded in the school day.

Since the passage of Act 167, (session Laws of Hawaii 2010) schools across Hawaii have been working to craft bell schedules that conform to Act 167's required increases in student instructional hours (915 instructional hours for all elementary schools by 2012-2013; 990 and 1,080 hours for secondary schools by 2014-2016 and 2016-2018, respectively). Much time has been spent trying to implement Act 167/52 by school staff and officials, often to no avail. The Department of Education has proposed a plethora of different bell schedules, which our teachers have found to compromise their professional integrity. This bill subjects the definition of "student instructional hours" to BOE approval. While we appreciate the mandated inclusion of collective bargaining units in creating the definition, we believe that any definition, no matter how broad, will be difficult to implement. Different students engage in a vast array of activities on our campuses, including robotics, senior projects, project-based learning, etc. Thus, variances in instructional time between students and schools will persist. The

department does not currently have an effective data system for tracking individual differences in student output. Even if it could, administrators are unlikely to have time to analyze all of the required data needed to track and standardize variances between individual students, given all of the other tasks they are being asked to perform. If discrepancies between students will continue to exist and remain unaccounted for, then the DOE's entire purpose in standardizing instructional hours will be undermined. Thus, the most logical course of action is to repeal Act 167's instructional time mandates, including related and confusing definitions.

Increases in instructional time have never been proven to positively correlate with learning growth. Hawaii recently welcomed experts on Finland's education system, a country that has worked toward exceeding international standards. According to "We are Teachers," in the past decade, Finnish PISA scores in math, science, and reading have been at or near the top year after year, while the US has floundered near the middle and bottom of international rankings. In 2000, Finland surprised everyone when their students placed first on the reading portion of the test. In the latest results released in 2010, Finland scored third in reading, sixth in math, and second in science. The US placed seventeenth in reading, twenty-third in science, and thirty-first in math. Finland also tops the charts in PISA's "study effectiveness." Yet, they spend significantly less time in school and on homework than most nations. A similar pattern can be observed closer to home. For example, in 2010-2011, Moanalua High School required 221 fewer instructional minutes per week than Farrington High School. Yet, Moanalua made adequate yearly progress, while Farrington struggled to produce necessary student achievement gains. Clearly, factors beyond instructional time increases influence student achievement.

**We encourage you to replace the contents of this bill with the contents of SB 2922, previously heard and passed by your committee, which refocuses instructional time statutes on lengthening the academic calendar and repealing Act 167.** In our view, extending the academic calendar is less expensive than increasing the number of hours to meet Act 167's requirements. While the DOE states that each added day will cost approximately \$6.1 million, policymakers should focus on the cost difference between the prospective cost of increasing the calendar and the total cost, including past and future expenditures, of increasing the number of hours to 915 for elementary schools and 1,080 for secondary schools. Aside from bus service and meals, increasing the number days encumbers the DOE with few additional costs. Forcing secondary schools to increase their hours from only 990 to 1,080 equals the hourly equivalent of a 13-day increase, however, discounting the amount money that must *still* be spent by the department helping the vast majority of secondary schools who currently fall short of the 990 requirement (including grievances and issuance of waivers related to bell schedules). It makes sense that lengthening the calendar will result in long-term savings for the state, even more so when you consider how much money has already been spent helping schools meet Act 167.

Lengthening the calendar and repealing Act 167 preserves collective bargaining, while also continuing the Legislature's goal of ensuring adequate learning time for students. More importantly, repealing Act 167 allows schools flexibility in crafting bell schedules that meet the needs of their unique learning communities, so schools can focus on providing *quality* instruction rather than scrambling to meet *quantity* demands. In February, secondary schools were required to submit bell schedules meeting the 990-hour requirement for departmental review. Unfortunately, many of the proposed schedules were rejected by the department for not meeting the 1,285 weekly teacher instructional minute requirement outlined in Article VI of the HSTA-BOE Master Agreement, which the department now interprets as an absolute total, rather than a maximum amount (in the past, teacher instructional minutes have always been interpreted as a maximum figure). Even schools who submitted schedules that met the 990-hour requirement were told to revise their proposals or seek a waiver if their schedules' teacher instructional minutes totaled less than 1,285 by a mere 1 or 2 minutes. This absurdity has been wrought by an untenable focus on increasing instructional hours in state law, leading to a situation in which some schools will be forced to keep their students on campus beyond 3 p.m., and likely even longer when the 1,080-hour requirement becomes the norm.

Finally, we want to note that while SB 2922's original proposal called for 10 additional days, that number is flexible. Given the Council on Revenue's lowered forecast, the state could institute a more cost-effective calendar increase—5 additional days, for example—that maintains the spirit of instructional time increases already put into law, as well as the work that schools have already done adjusting their schedules to meet such requirements. We estimate that a calendar increase of 5 days would be approximately equivalent to Act 167's 990-hour requirement. Moreover, the additional calendar days do not need to be solely instructional days. Rather, additional days can be a mixture of instructional days and preparation days. As we indicated above, teachers are eager to accept additional time to prepare for students, having suffered numerous cutbacks to their total prep time in recent years. Any increase in teachers' workload must be met with commensurate increases in pay, though, which can only be attained through collective bargaining.

For these reasons, HSTA urges the committee to oppose HB 1675, HD1, SD1 and replace its contents with those of SB 2922. Again, we strongly affirm our position with the Board of Education to negotiate instructional time.

Thank you for the opportunity to testify in **opposition to HB 1675, HD1, SD1.**

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Committee on Ways and Means  
Senator David Ige, Chair  
Senator Michelle Kidani, Vice Chair

March 28, 2014

Dear Chair Ige, Vice Chair Kidani and Committee Members:

This testimony is submitted in opposition to HB1675 HD1 SD1, 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.

We agree with the bill that the Board of Education should define "student instructional hours."

However, regarding the deletion of 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; for elementary schools, apply the increased time to 990 instructional hours, which is

consistent with instructional time for secondary and elementary schools nationally (see attachment).

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 Board of Education (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 hour 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 Kaua'i

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 (\*)



updated to reflect a change in one state's policies. It is based on research from a Spring 2013 report from the National Center on Teaching and Learning – *Learning Time in America: Trends to Reform the American School Calendar* – and shows the minimum number of instructional hours required by other states' laws, by grade. The cells of the table are color-coded to demonstrate whether the minimum is below (red), equivalent to (yellow), or above (green) Hawaii's minimum of 990 hours. Hawaii requires more time in earlier grades than most states and less time later grades than some states.

**Number of minimum instructional hours required by state law, by grade**  
*below 990 990 above 990*

STATE	1	2	3	4	5	6	7	8	9	10	11	12
<i>average</i>	930	936	936	976	976	986	1006	1009	1015	1015	1015	1014
AK	740	740	740	900	900	900	900	900	900	900	900	900
AZ	712	712	712	890	890	890	1000	1000	720	720	720	720
CA	840	840	840	900	900	900	900	900	1080	1080	1080	1080
CO	868	868	868	868	868	1056	1056	1056	1056	1056	1056	1056
CT	900	900	900	900	900	900	900	900	900	900	900	900
DE	1080	1080	1080	1080	1080	1080	1080	1080	1080	1080	1080	1032
FL	720	720	720	900	900	900	900	900	900	900	900	900
GA	810	810	810	900	900	990	990	990	990	990	990	990
ID	810	810	810	900	900	900	900	900	990	990	990	880
KS	1116	1116	1116	1116	1116	1116	1116	1116	1116	1116	1116	1086
KY	1062	1062	1062	1062	1062	1062	1062	1062	1062	1062	1062	1062
LA	1062	1062	1062	1062	1062	1062	1062	1062	1062	1062	1062	1062
MA	900	900	900	900	900	890	990	990	990	990	990	990
MD	1080	1080	1080	1080	1080	1080	1080	1080	1080	1080	1080	1080
MI	1098	1098	1098	1098	1098	1098	1098	1098	1098	1098	1098	1098
MN	835	835	835	835	835	835	1020	1020	1020	1020	1020	1020
MO	1044	1044	1044	1044	1044	1044	1044	1044	1044	1044	1044	1044
MT	720	720	720	1080	1080	1080	1080	1080	1080	1080	1080	1080
NC	1025	1025	1025	1025	1025	1025	1025	1025	1025	1025	1025	1025
ND	951.5	951.5	951.5	951.5	951.5	951.5	951.5	1038	1038	1038	1038	1038
NE	1032	1032	1032	1032	1032	1032	1032	1032	1080	1080	1080	1080
NH	845	845	845	845	845	890	990	990	990	990	890	890
NM	990	990	990	990	990	990	1080	1080	1080	1080	1080	1080
OH	910	910	910	910	910	910	910	910	910	910	910	910
OK	900	900	900	900	900	900	1080	1080	1080	1080	1080	1080
OR	810	810	810	900	900	900	900	900	990	990	990	990
PA	900	900	900	900	900	900	900	900	990	990	990	990
SD	875	875	875	962.5	962.5	962.5	962.5	962.5	962.5	962.5	962.5	962.5
UT	810	990	990	990	990	990	990	990	990	990	990	990
VA	990	990	990	990	990	990	990	990	990	990	990	990
WA	1000	1000	1000	1000	1000	1000	1080	1080	1080	1080	1080	1080
WI	1050	1050	1050	1050	1050	1060	1137	1137	1137	1137	1137	1137

The Department has not yet researched how other states' and districts' collective bargaining agreements and requirements around teacher work year, day and schedule impact implementation of student learning time requirements.