



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

February 20, 2020

TO: Dwight Takeno
Committee Chairperson, Human Resources Committee

FROM: Catherine Payne
Chairperson, 2020 Legislative Ad Hoc Committee

AGENDA ITEM: Committee Action on recommendation concerning Board Policy positions for the 2020 Legislative Session: Superintendent evaluation and compensation

I. BACKGROUND

At its September 19, 2019 general business meeting, the Board of Education (“Board”) adopted policy positions supporting proposed legislation that advances the Board and Department of Education’s Strategic Priorities for School Year 2019-2020, policy positions relating to the Hawaii State Public Library System, policy positions relating to charter schools, and general policy positions.¹ At its October 3, 2019 meeting, the Board established an ad hoc committee to present, discuss, and negotiate its policy positions for the purposes of engaging in the 2020 Legislative Session (“Legislative Ad Hoc Committee”).²

Currently, House Bill 1996, House Draft 2 (“HB 1996”) relates to the evaluation of and compensation for the Superintendent.³ The Board may want to authorize its Legislative Ad Hoc Committee to take positions on this matter. Therefore, I recommend amending the current Department of Education (“Department”) policy positions by adding a policy position relating to the Superintendent’s evaluation and compensation as described in more detail below.

¹ The policy positions the Board adopted at its September 19, 2019 general business meeting are available at:

http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20190919_Action%20on%20Investigative%20Committee%20concerning%20Board%202020%20legislative%20policy%20positions.pdf.

² See this memorandum for more information on the Legislative Ad Hoc Committee:

http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20191003_Action%20on%20Ad%20Hoc%20Committee%20re%202020%20Legislative%20Session.pdf.

³ HB 1996, Relating to Education, is attached as **Exhibit A** and available at: https://www.capitol.hawaii.gov/session2020/bills/HB1996_HD1_.pdf.

II. DESCRIPTION

HB 1996 proposes to (1) require the Board to include evaluation of the most current strategic plan indicators as a component of the Superintendent's annual performance evaluation and (2) require improvements in at least one-half of those indicators for any salary increase for the Superintendent.⁴

Previous versions of HB 1996 proposed to require the Board to include evaluation of Strive HI Performance System factors as a component of the Superintendent's annual performance evaluation and require improvements in at least one-half of those factors for any salary increase for the Superintendent. The Hawaii State Teachers Association submitted testimony in opposition to those previous versions of HB 1996, attached as **Exhibit B**. Those versions would have legislated inappropriate metrics to include in the superintendent evaluation system. The Board and Department designed Strive HI as a school accountability and improvement system to meet the purposes of federal law and better identify the schools that need more supports, not to measure how well the Superintendent is doing. Conversely, the Board has demonstrated through the standards and priorities it has set in its superintendent evaluation system that it does not expect the mission of the Superintendent to be to increase a certain percentage of Strive HI indicators.

The current version of HB 1996 would mandate metrics that could be more appropriate for the Superintendent's annual evaluation, but it still undermines the Board's managerial position. The Board should have the discretion and latitude to evaluate and compensate the Superintendent in a manner that it finds most effective.

Based on the foregoing, I recommend that the Board add the following policy position to the Department positions as shown below (amendments shown in red underlined text):

DEPARTMENT OF EDUCATION POLICY POSITIONS

The Board of Education ("Board") supports proposed legislation that advances the Board and Department of Education's ("Department") Strategic Priorities for

⁴ HB 1996 would amend Hawaii Revised Statutes Section 26-52(1) as follows (amendments are underscored): "The salary of the superintendent of education shall be set by the board of education at a rate no greater than \$250,000 a year. The superintendent shall be subject to an annual performance evaluation, including evaluation of the department of education's most current strategic plan indicators, that is in alignment with other employee evaluations within the department of education and are based on outcomes determined by the board of education; provided that nothing shall prohibit the board of education from conditioning a portion of the salary on performance; provided further that effective July 1, 2020, any increase in salary shall require improvement in at least one-half of the department of education's most current strategic plan indicators[.]"

the 2019-2020 school year (“Strategic Priorities”). The table below describes the Strategic Priorities and the Board’s policy positions associated with each Strategic Priority. These policy positions also intend to support the Board’s Committee Strategic Priorities for the 2019-2020 school year.

Strategic Priorities	The Board supports measures that...
<p><u>Equity and Access</u> Ensuring that the appropriate policies, structures, and resources are in place to guarantee the advancement of access and support structures that enable and inspire all students to succeed in school and life. This priority references special education and English Learners in particular, but does not preclude issues like civil rights and Title IX.</p>	<ul style="list-style-type: none"> • Provide more resources for appropriate support structures that allow all students, especially those receiving special education or English learner services, to engage in learning • Provide more resources for appropriate support structures to provide access to Hawaiian language immersion education to all interested students • Protect students’ civil rights • Advance equitable access to facilities and opportunities for all students, particularly at schools with the greatest socioeconomic and academic needs • Expand early college opportunities for all students
<p><u>Safe Learning Environments that Support Students’ Wellbeing</u> Ensuring that the appropriate policies, structures, and resources, grounded in Nā Hopena A’o are in place so learning environments that support all students’ emotional and physical wellbeing can be cultivated. A truly safe learning environment that supports students’ wellbeing is one that students themselves want to be in so they attend school regularly and willingly, thereby reducing chronic absenteeism.</p>	<ul style="list-style-type: none"> • Provide resources for appropriate structures and school facilities that support students’ mental, emotional, and physical wellbeing • Recognize the importance of addressing bullying, harassment, and discrimination in schools
<p><u>Student-centered School Design</u> Ensuring that the appropriate policies, structures, and resources are in place to support schools designed to engage students in rigorous and innovative curriculum and encouraging students to strive beyond what is expected, while being mindful of the values, needs, and welfare of others, within a student and</p>	<ul style="list-style-type: none"> • Increase career and technical education • Advance or provide resources for innovative, student-centered school design

Strategic Priorities	The Board supports measures that...
<p>community designed learning environment that is aligned to college and careers. Design includes every aspect of a school: facilities, school models, themes, resources, partners (families, communities, and organizations), school day schedule, pedagogical approaches, allocation of teacher collaboration time, technology, governance, and organizational structure.</p>	
<p><u>Staff Professional Development, Recruitment, and Retention</u> Ensuring that the appropriate policies, structures, and resources are in place to allow for the establishment of a dynamic learning community that is responsive to parent and student reflections on the quality and relevance of the student’s learning and designed to continuously develop staff capacity to lead the work that results in high student achievement and the development of clear leadership pathways, supports, and incentives that attract and retain talent.</p>	<ul style="list-style-type: none"> • Support leadership pipeline development • Expand teacher recruitment and retention initiatives, which provide teachers with incentives and resources or support a teaching career path • Support teacher professional development that advances career and technical education
<p><u>Communication and Engagement</u> Ensuring that the appropriate policies, structures, and resources are in place so the Department and Board thoughtfully and intentionally engage with students, staff, families, and community stakeholders in two-way communications that will help to inform decision-making and priority setting (particularly with respect to the development of a new strategic plan) and improve transparency and access to information.</p>	<ul style="list-style-type: none"> • Support informed decision-making and priority setting through thoughtful and intentional engagement with stakeholders • Improve transparency and access to information to encourage an informed and engaged community of citizens

The Board supports proposed legislation that addresses the needs identified in the Department’s Board-approved supplemental operating and Capital Improvement Program budget requests for Fiscal Year 2021.

[The Board opposes proposed legislation that restricts its ability to effectively manage and oversee the Superintendent by reducing the Board’s discretion in how it evaluates and compensates the Superintendent.](#)

III. RECOMMENDATION

I recommend that the Board approve the amendments described herein to the Board's policy positions it adopted at its September 19, 2020 general business meeting for the 2020 Legislative Session.

Exhibit A

House Bill 1996, House Draft 2, Relating to Education

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Section 26-52, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§26-52 Department heads and executive officers. The
4 salaries of the following state officers shall be as follows:

5 (1) The salary of the superintendent of education shall be
6 set by the board of education at a rate no greater
7 than \$250,000 a year. The superintendent shall be
8 subject to an annual performance evaluation, including
9 evaluation of the department of education's most
10 current strategic plan indicators, that is in
11 alignment with other employee evaluations within the
12 department of education and are based on outcomes
13 determined by the board of education; provided that
14 nothing shall prohibit the board of education from
15 conditioning a portion of the salary on performance;
16 provided further that effective July 1, 2020, any
17 increase in salary shall require improvement in at



- 1 least one-half of the department of education's most
2 current strategic plan indicators;
- 3 (2) The salary of the president of the University of
4 Hawaii shall be set by the board of regents;
- 5 (3) Effective July 1, 2004, the salaries of all department
6 heads or executive officers of the departments of
7 accounting and general services, agriculture, attorney
8 general, budget and finance, business, economic
9 development, and tourism, commerce and consumer
10 affairs, Hawaiian home lands, health, human resources
11 development, human services, labor and industrial
12 relations, land and natural resources, public safety,
13 taxation, and transportation shall be as last
14 recommended by the executive salary commission.
15 Effective July 1, 2007, and every six years
16 thereafter, the salaries shall be as last recommended
17 by the commission on salaries pursuant to section
18 26-56, unless rejected by the legislature; and
- 19 (4) The salary of the adjutant general shall be \$85,302 a
20 year. Effective July 1, 2007, and every six years
21 thereafter, the salary of the adjutant general shall



1 be as last recommended by the commission on salaries
2 pursuant to section 26-56, unless rejected by the
3 legislature, except that if the state salary is in
4 conflict with the pay and allowance fixed by the
5 tables of the regular Army or Air Force of the United
6 States, the latter shall prevail."

7 SECTION 2. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

Superintendent of Education; Performance Evaluation; Salary;
Strategic Plan Indicators

Description:

Requires the BOE to include evaluation of the most current strategic plan indicators as a component of the superintendent of education's annual performance evaluation. Requires improvements in at least one-half of those indicators for any salary increase for the superintendent. Takes effect on 7/1/2050. (HD2)

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



Exhibit B

**Testimony to the House Committee on Labor & Public Employment on House
Bill 1996, House Draft 1, Relating to Education**



Corey Rosenlee
President
Osa Tui, Jr.
Vice President
Logan Okita
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
LABOR & PUBLIC EMPLOYMENT

RE: HB 1996, HD1 - RELATING TO EDUCATION

THURSDAY, FEBRUARY 13, 2020

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Johanson and Members of the Committee:

The Hawaii State Teachers Association **opposes HB 1996, HD1**, relating to education.

This bill would require the BOE to include evaluation of the Strive HI Performance System as a component of the superintendent of education's annual performance evaluation.

The Strive HI report continues to rely heavily on standardized test scores, further tying curricula to toxic levels of testing that erode creative thinking. In effect, the department's evaluation system is high-stakes for schools, administrators, teachers, and this bill would add this focus on the superintendent evaluations as well. Thus, HSTA opposes the STRIVE HI evaluation system being used to evaluate the HIDOE Superintendent. When school administrators are evaluated by a system that includes standardized test scores of students, and a pure percentage increase for our inclusion classes, without considering what inputs are not being provided to Title I schools that should be for their students to be successful, such as making sure there are enough licensed special education teachers for students with special needs, or enough additional supports for students such as school psychologists, speech pathologists, as well as enough resources for all students with class sizes small enough for teachers to be effective for the individual needs of all of the students in each class, etc. It is basically an evaluation system with an over-emphasis on outputs, heavily relying on standardized test scores, without a look at the inputs needed and if they were provided.

Adding STRIVE HI to the metrics of the Superintendent's evaluation system will contribute to the over-emphasis of standardized test scores on classroom instruction. Teachers deserve professional respect, and need more supports and resources, not another metric for an evaluation system on our superintendent that will further emphasize outputs and not inputs, the Hawaii State Teachers Association asks your committee to **oppose** this bill.