DAVID Y. IGE GOVERNOR



JOHN S.S. KIM CHAIRPERSON

### STATE OF HAWAII

### STATE PUBLIC CHARTER SCHOOL COMMISSION ('AHA KULA HO'ĀMANA)

http://CharterCommission.Hawaii.Gov 1111 Bishop Street, Suite 516, Honolulu, Hawaii 96813 Tel: (808) 586-3775 Fax: (808) 586-3776

FOR:	HB 1220 Relating to Charter Schools
DATE:	February 4, 2021
TIME:	2:00 P.M.
COMMITTEE:	Committee on Education
ROOM:	Conference Room 309
FROM:	Yvonne Lau, Interim Executive Director State Public Charter School Commission

Chair Woodson, Vice Chair Kapela, and members of the Committee:

The State Public Charter School Commission ("Commission") appreciates the opportunity to submit this testimony providing **COMMENTS on HB 1220** which amends the selection process for members of the Commission, allows certain agencies authorizing authority, and amends the application process for the establishment of new start-up and conversion charter schools.

The Commission is concerned with the proposed changes to Section 3, page 7, lines 19-21, page 8, lines 1-6 of the bill. The deletion of this provision of the statute will create a conflict with the Commission's statutory oversight functions. The provision itself articulates the conflict: "the authorizer shall not provide technical support to a prospective charter school applicant, an applicant governing board, or a charter school it authorizes in cases *in which technical support will directly and substantially impact any authorizer decision* related to the approval or denial of the charter application or the renewal, revocation, or nonrenewal of the charter contract..."

The Commission is concerned with the proposed changes to Section 3, page 9, lines 15-21, page 10, lines 1-2 of the bill. The elimination of the prohibition of members of a non-profit organization from serving on an applicant governing board raises issues of conflict of interest. Charter School governance is at the heart of a well run and high-quality public charter school. Conflicts of interest have arisen in the past with public charter school governing board members and their concurrent membership with an associated non-profit governing board. Indeed, the Hawaii Ethics Commission issued a <u>guidance letter</u> to all public charter school

governing boards noting the possible conflicts of interest that can arise. For these reasons, the Commission has concerns with the changes to the statute being proposed.

With respect to the proposed changes to the statute in Sections 4 and 5, the Commission is recommending that Section 302D-13, HRS, be amended with the proposed changes found on pages 3 through 5 of this testimony (proposed changes are highlighted). The Commission believes this will address the concerns raised in the proposed bill and simplifies the charter school application process altogether.

The Commission looks forward to collaborating with the committee, other interested stakeholders, and public charter schools in moving this legislation forward.

Thank you for the opportunity to provide this testimony.

### Proposed Amendments to Section 302D-13, HRS

**§302D-13 Start-up and conversion charter schools; establishment.** (a) New start-up and conversion charter schools may be established pursuant to this section.

(b) Any community, department school, school community council, group of teachers, group of teachers and administrators, or nonprofit organization may [submit a letter of intent to an authorizer to form a charter school and] establish an applicant governing board [. An applicant governing board may] and develop a charter application pursuant to this section; provided that:

(1) An applicant governing board established by a community may develop a charter application for a start-up charter school;

(2) An applicant governing board established by a department school or a school community council may develop a charter application for a conversion charter school;

(3) An applicant governing board established by a group of teachers or a group of administrators may develop a charter application for a start-up or conversion charter school; and

(4) A nonprofit organization may:

(A) Establish an applicant governing board that is separate from the nonprofit organization and develop a charter application for a start-up or conversion charter school; or

(B) Establish an applicant governing board that shall be the board of directors of the nonprofit organization and may develop a charter application for a conversion charter school; provided that any nonprofit organization that seeks to manage and operate a conversion charter school shall:

(i) Submit to the authorizer at the time of the charter application bylaws or policies that describe the manner in which business is conducted and policies that relate to the management of potential conflict of interest situations;

(ii) Have experience in the management and operation of public or private schools or, to the extent necessary, agree to obtain appropriate services from another entity or entities possessing such experience;

(iii) Not interfere in the operations of the department school to be converted until otherwise authorized by the authorizer in consultation with the department; and

(iv) Have the same protections that are afforded to all other governing boards in its role as the conversion charter school governing board.

(c) The charter school application process and schedule shall be determined by the authorizer, and shall provide for and include, at a minimum, the following elements:

(1) The issuance and publication of a request for proposals by the authorizer on the authorizer's internet website that, at a minimum:

(A) Solicits charter applications and presents the authorizer's strategic vision for chartering;

(B) Includes or directs applicant governing boards to the performance framework developed by the authorizer in accordance with section 302D-16;

(C) Includes criteria that will guide the authorizer's decision to approve or deny a charter application;

(D) States clear, appropriately detailed questions and provides guidelines concerning the format and content essential for applicant governing boards to demonstrate the capacities necessary to establish and operate a successful charter school; and

(E) Requires charter applications to provide or describe all essential elements, as determined by the authorizer, of proposed school plans;

[(2) The submission of a letter of intent to open and operate a start up charter school or to convert a department school to a conversion charter school;]

[(3)] (2) The [timely] submission of a [completed] charter application to the authorizer; provided that a charter application for a conversion charter school shall include certification and documentation that the charter application was approved by a majority of the votes cast by existing administrative, support, and teacher personnel, and parents of students at the existing department school; provided that:

(A) This vote shall be considered by the authorizer to be the primary indication of the existing administrative, support, and teaching personnel, and parents' approval to convert to a charter school;

(B) The balance of stakeholders represented in the vote and the extent of support received in support of the conversion shall be key factors, along with the applicant's proposed plans, to be considered by the authorizer when deciding whether to award a charter; and

(C) A breakdown of the number of administrative, support, and teaching personnel, and parents of students who constitute the existing department school and the number who actually participated in the vote shall be provided to the authorizer;

[(4) The timely review of the charter application by the authorizer for completeness, and notification by the authorizer to the applicant governing board that the charter application is complete;]

[(5)](3) Upon receipt of a [completed] charter application, the review and evaluation of the charter application by qualified persons including but not limited to:

(A) An in-person interview with representatives from the applicant governing board; and

(B) An opportunity in a public forum for the public to provide input on each charter application;

(6) Following the review and evaluation of a charter application, approval or denial of the charter application by the authorizer in a meeting open to the public;

(7) A provision for a final date by which a decision to approve or deny a charter application must be made by the authorizer, upon receipt of a [complete] charter application; and

(8) A provision that no charter school may begin operation before obtaining authorizer approval of its charter application and charter contract and fulfilling pre-opening requirements that may be imposed by the authorizer, pursuant to section 302D-14.5.

(d) A charter application to become a start-up or conversion charter school shall meet the requirements of this subsection, section 302D-25, and any other requirements set by the authorizer. The charter application shall, at a minimum:

(1) Include plans for a charter school that are likely to satisfactorily meet the academic, financial, organizational, and operational performance indicators, measures, and metrics set forth in the authorizer's performance framework, pursuant to section 302D-16;

(2) Include plans for a charter school that is in compliance with applicable laws; and

(3) Recognize the interests of the general public.

(e) In reviewing a charter application under this section, an authorizer shall take into consideration the constitution of the applicant governing board, terms of applicant governing board members, and the process by which applicant governing board members were selected.

(f) In reviewing charter applications under this section, an authorizer shall develop a schedule to approve or deny a charter application by the end of the calendar year prior to the opening year of the proposed charter school for purposes of meeting any deadlines to request funding from the legislature; provided that nothing in this section shall be construed as requiring an authorizer to accept and review charter applications annually.

(g) If a conflict between the provisions in this section and other provisions in this chapter occurs, this section shall control. [L 2012, c 130, pt of §2; am L 2013, c 159, §8; am L 2014, c 99, §9; am L 2015, c 114, §5; am L 2016, c 113, §3]



# Waimea Middle Public Conversion Charter School

### 67-1229 Mamalahoa Hwy., Kamuela, HI 96743

### (808) 887-6090 Ext. 222

### A WASC-Accredited Public Conversion Charter School

February 3, 2021

RE: Hawai'i State House Committee on Education Hearing - HB1220 RELATING TO CHARTER SCHOOLS Thurs., Feb. 4, 2021 @ 2 p.m.

# **SUPPORT**

Aloha Chair Justin Woodson and Committee Members

On behalf of the faculty, staff and families of the Waimea Middle Public Conversion Charter School community, we SUPPORT HB1220, thank you for scheduling this hearing and urge that every effort be made to expedite review and approval of this proposed bill to meet the First Lateral deadline and be able to cross over for State Senate consideration this session.

We are a 17+-year public conversion charter school with Ho'okako'o Corp. and very satisfied with the current authorizer, we understand the need for additional authorizers and support the process and compliance requirements delineated in the bill.

Thank you for your consideration. We do believe our 6<sup>th</sup>-8<sup>th</sup> grade students are well served by our school having converted to a public charter school in 2003.

Mahalo -

Janice English Principal – <u>Janice\_English@wmpccs.org</u>

> AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER www.WaimeaMiddleSchool.org

Dear Chairman Woodson, Vice Chairwoman Kapela and committee members,

Thank you for the opportunity to submit my testimony in support of HB1220.

My name is Dedra Straka and I'm a parent to 4 children. I support HB1220 in changing the appointment of commission members to make them more accountable to legislators which is not happening given the current model of the Board of Education appointment of members. Three of our school age children were deeply impacted by the dis-enrollment of the 271 kids at Ka Waihona's virtual learning program with Harmony on August 17th, 2020. Our kids were left high and dry over miscommunications on what should have been their 1<sup>st</sup> day. Repeated attempts were made to the Charter Commission but no clear transparent answers were given. HB1220 would also make the Public Charter School Commission accountable to the legislature and the process will become more transparent. I felt my concerns weren't being heard nor answered and they didn't care my kids were being kicked out. Their solution simply was to enroll them back at their base schools, a place where we had reservations about the chosen learning platform with Accelus. There was no care given in our choice to seek out alternatives to our base school and due to the fact, my kids were dropped on their 1<sup>st</sup> day seeking out other charter schools weren't an option since many were full and wait listed. Families should be given choices as to where they want their children to attend. Our kids felt betrayed and didn't understand why they couldn't be with Ka Waihona's virtual learning program with Harmony. Ultimately, we decided to purchase course materials with K12, Inc. and homeschool our children. Our family feels fortunate we had the financial means to buy courses for our children unlike many families in the state presently.

I ask for consideration in passing HB1220 and preventing what happened to our family and others never happens again. Our children deserve better opportunities.

Sincerely,

Dedra Straka

TO: House Committee on Education FROM: Kulia Academy RE: Testimony in SUPPORT of HB 1220

Chair Woodson, Vice Chair Kapela and members of the committee:

My name is Murat Arabaci, and I am Board Secretary of the applicant governing board of Kulia Academy. We first applied in 2018. We are in the current application cycle that opened in 2020.

We want to express our support for the HB 1220.

We find it helpful that legislature makes it easier for other entities to serve as charter authorizers. It feels like the State Charter School Commission has its plate full and is busy servicing and helping the existing charter schools that it has already authorized. The fact that the last charter applicant group, Dream House, was able to get their charter approved after a 7-year saga alone or the fact that there has been only one new charter school approved by the State Charter School Commission in the last 5 years is telling that current process needs revision. Charter schools are intended to be laboratories for public schools, places for innovation in education, and these changes will help charter schools perform their function and better serve our keiki.

We also support the changes in regards to denial criteria for charter applications. As an applicant group, we fear that we could be denied for non-substantive reasons. Although we concur that our denial in 2018 was rightful, we still want to express our bewilderment that missing page numbers on an appendix were referenced as a denial reason during the completeness check process in 2018. So, we find it extremely helpful that the new law will provide "reasonable opportunity for the applicant governing board to cure any deficiency by providing any missing elements to the authorizer".

Please contact us at our contact information below should you have any questions.

Sincerely Yours,

Murat Arabaci 808-376-6257 1786A Lanikeha Way Pear City HI 96782 arabaci@hawaii.edu



# HB-1220 Submitted on: 2/3/2021 4:43:22 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Subm	itted By	Organization	Testifier Position	Present at Hearing
W. Mapu	iana Waipa	Ke Ana La'ahana PCS	Support	No

Comments:

We are in support of HB1220.

### HB-1220 Submitted on: 2/3/2021 11:29:30 AM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Namaka	Individual	Support	No

# Comments:

I support HB 1220, which amends the appointing authority for members to the charter school commission board to consist of the governor, the senate president, the senate minority leader, the speaker of the house of representatives, and the minority leader of the house of representatives. Permits governing boards of postsecondary institutions and county and state agencies to authorize public charter schools. Clarifies charter application notice requirements. Clarifies authorizer compliance requirements in cases of an appeal.

Mahalo

# HB-1220 Submitted on: 2/3/2021 11:37:23 AM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Nakakura	West Hawaii Explorations Academy	Support	No

# Comments:

Please support HB1220! It will be a positive step forward for charter schools. Thank you for your consideration. Heather Nakakura, WHEA Director

HB-1220 Submitted on: 2/3/2021 11:39:44 AM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kenzi Souza	Individual	Support	No

Comments:

I SUPPORT!

HB-1220 Submitted on: 2/3/2021 11:41:04 AM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Noekeonaona Kirby	Individual	Support	No

Comments:

I support this bill.

HB-1220 Submitted on: 2/3/2021 11:48:17 AM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lee Shoemaker	Individual	Support	No

Comments:

I wholeheartedly support this bill! We love our public charter school WHEA! Mahalo

HB-1220 Submitted on: 2/3/2021 11:50:36 AM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
claire seastone	Individual	Support	No

Comments:

I support this bill in favor of charter schools because they are essential to our education system locally.

HB-1220 Submitted on: 2/3/2021 11:53:41 AM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Bergin	Individual	Support	No

Comments:

Full support of HB1220

HB-1220 Submitted on: 2/3/2021 11:57:40 AM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Travis Tjarks	Individual	Support	No

Comments:

Support

HB-1220 Submitted on: 2/3/2021 11:58:52 AM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Katie Benioni	Individual	Support	No

Comments:

Support

HB-1220 Submitted on: 2/3/2021 12:02:13 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erin Lindsey	Individual	Support	No

Comments:

support

HB-1220 Submitted on: 2/3/2021 12:08:26 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Fraser	Individual	Support	No

Comments:

I support this bill

HB-1220 Submitted on: 2/3/2021 12:08:58 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gabriel Ashbaugh	Individual	Support	No

Comments:

I support HB1220.

HB-1220 Submitted on: 2/3/2021 12:09:18 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Roxanne Keahiolalo	Individual	Support	No

Comments:

I am a supporter

### HB-1220 Submitted on: 2/3/2021 12:10:52 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike D'Amico	Individual	Support	No

Comments:

I believe this bill promotes a more specific focus on the well-being of Charter Schools in addition to education in general, which is wonderful (line 14). It will also diversify the Comission to include thought processes and experience from a wide-variety of backgrounds. Thank you for considering this Bill to help charter schools support our students!

Mahalo nui loa,

Mike D'Amico

HB-1220 Submitted on: 2/3/2021 12:13:53 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ashley Morrow	Individual	Support	No

Comments:

I support this bill

HB-1220 Submitted on: 2/3/2021 12:15:27 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Momi Kawelo	KALO	Support	No

Comments:

I support HB1220. Mahalo-

HB-1220 Submitted on: 2/3/2021 12:16:23 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Allyssa Sturla	Individual	Support	No

Comments:

I support HB1220 and all that it would mean for charter schools.

HB-1220 Submitted on: 2/3/2021 12:24:39 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sheila Gallien	Individual	Support	No

Comments:

I support!

# HB-1220 Submitted on: 2/3/2021 12:29:11 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaimi	Individual	Support	No

Comments:

I am in strong support of HB1220 and Rep. Woodson is doing a great job in helping us push this forward

Kaimi

HB-1220 Submitted on: 2/3/2021 12:34:04 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jean laliberte	Individual	Support	No

Comments:

I support

HB-1220 Submitted on: 2/3/2021 1:29:44 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Una Burns	Individual	Support	No

Comments:

Please support this bill and therefore our educators and our children.

Thank you.

### HB-1220 Submitted on: 2/3/2021 1:30:33 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kalehua Krug	Individual	Support	No

Comments:

Aloha, I am in strong support of these changes for Charter Schools. The implementation of charter schools has been very much so hindered by the shortage of varied choices of athorizers (the Commission's monopoly on direction), the funding shortfalls on the advocacy front and the inability for schools to maintain voice in process and decision-making (which leads to disengenuous engagement). Having multiple authorizers allows for competition and that will drive authorizers to be better. Please allow this testimony in strong support for the establishment of more opportunity and choice in the chater school realm. Mahalo a nui loa.

### Aloha St

I am writing to you on behalf of Maui's most vulnerable student population. Since 1973 Maui Hui Malama has been providing a safe space for students who have not fit in to the current Maui public schools where they are able to receive an education through the Department of Education, off campus of their home school due to a variety of reason. Majority of our clients have been asked to leave campus due to behavioral issues often linked to historical and generational trauma. They are provided work to do at home without the help of DOE teacher, and unable to access any services on campus. Some of them have been bullied and feel unsafe left feeling like they have to choose to between an education or safety. Many more reasons apply, but the same result are true, Maui Hui Malama has been a community support for the Department of Education and our Maui students for almost 50 years.

The changes in the Department of Education within the last 50 years have been difficult to navigate for students and ourselves. The requests to overcome the communication barriers between the DOE, our students, and our agency have been a glaring community need within the past 5 years at least. We took a leap to decide to apply as charter, to do what we have been doing for almost 50 years, but to better the communication and align with DOE.

You can imagine our surprise when we had a team of people looking over the Charter School application process, working tirelessly to meet short deadlines, providing documentation required, and we were not able to even get past the first step and be allowed to apply. Our team are not rookies in government applications processes. I even dare to gloat that we have strong skills in that area.

On April 15, 2020 we received a letter informing us that our intent to apply was denied with one single reason listed:

After review of the Intent to Apply Packet, the Commission has found the submission to be incomplete:

• Resolution provided does not articulate the stated requirements

As a first time charter school applicant, I thought, I don't understand what that means, but I'm sure there's a good reason. I then emailed to ask for clarification on this statement so that I could learn from my mistakes. In my email I asked for the clarification below:

I understood that the list of documents that was listed on the first page needed to be turned in by the deadline, but there is nowhere that states that areas need to be articulated to a certain extent. If I missed the area on the instructions that state that, please let me know.

The response I received stated this:

Thank you for your email. I'm sorry that the intent to apply packet submitted by your team was found to be incomplete. As stated in the letter that you received yesterday, we noted that the

resolution provided does not articulate the stated requirements. In this case, both resolutions submitted did not meet the requirements of the RFP.

The first requirement was for a resolution from the applicant governing board approving the execution of the intent to apply packet. The resolution submitted to address this requirement was signed by you. However, since you are also the primary contact for the purposes of the intent to apply packet, the resolution should be signed by someone else on the board to give you the authority to do so.

The second requirement was for a resolution from the nonprofit board approving the establishment of the applicant governing board. The resolution submitted was missing the date that the board took action.

My team and I looked through every link provided on the in the RFP have not found the specifications of these reasons to be listed.

On April 21, 2020. I asked for further clarification and referral to the resources that are provided to show us specifications required. Till this date I have not received a response.

This application process seems to navigate more on technical aspects versus community need and the ability for a group to provide data driven processes that have a strong hold on high level delivery. Even those technical aspects can be identified to not have a strong backing of being available to applicants as aspects that are required. I hope this Commission can identify this issue as barrier to the students who really need more realms of education paths then what is currently offered. Many of those students at a loss due to this technical issue are Hawaii's most vulnerable keiki.

Even if Maui Hui Malama has been a strong DOE support for almost 50 years, we are not asking for a free pass to an approved charter. What we are asking for is a honest, transparent, and ethical process that doesn't shut down the possibility to change thousands of student's lives due to technicalities which can be looked at as created and delivered by choice of the management of this application process. We strongly support bill HB1220 and feel this is a need to deliver the schools the our keiki here in Hawaii deserve.

I know that we are all in difficult times during our world's pandemic, and we appreciate you still working diligently in supporting Hawaii's students. I look forward seeing this bill passed and the possibilities of future endeavors that will come from it.

Sincerely, Chelsie Evans Maui Hui Malama Executive Director (808)244-5911 chelsie@mauihui.org

HB-1220 Submitted on: 2/3/2021 1:58:58 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Albert Keoni Jeremiah	Individual	Support	No

Comments:

I urge you to support House Bill 1220.



### HB-1220 Submitted on: 2/3/2021 2:00:13 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rana Boone	Individual	Support	No

Comments:

Dear Education Committee Members,

Thank you for the time you have devoted to review the bills regarding the charter school application process. I am in support of all measures introduced in House Bill 1220. As a recent applicant in Hawai'i's charter school application process, I can attest to the need to improve the process for school applicant groups. Please push this bill forward so that it can eventually lead to the much-needed changes outlined in the bill.

Mahalo,

Rana Boone

on behalf of the community represented by Maui Academy of Arts and Sciences



# HB-1220 Submitted on: 2/3/2021 2:50:17 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jennifer lund	Individual	Support	No

Comments:

I am in favor of anything that supports, sustains, and enhances public charter schools. They are SO IMPORTANT in the islands and provide the best learning environment for a diverse variety of students. Mahalo.



# HB-1220 Submitted on: 2/3/2021 8:01:07 PM Testimony for EDN on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
erica davis	Individual	Support	No

Comments: