

DAVID Y. IGE
GOVERNOR



CATHERINE PAYNE
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: HB832 HD1 SD2 PROPOSED Relating to Education
DATE: Monday, March 16, 2015
TIME: 1:30 p.m.
COMMITTEE(S): Senate Committee on Ways and Means
ROOM: Conference Room 221
FROM: Tom Hutton, Executive Director
State Public Charter School Commission

Chair Tokuda, Vice Chair Kouchi, and members of the Committee:

The State Public Charter School Commission appreciates the opportunity to submit this testimony in support of House Bill 832 HD1 SD2 PROPOSED, "Relating to Education," which would (1) allow a charter school student who is currently enrolled at a public charter school that has been notified of the prospect of revocation or closure to enroll in a Department of Education (DOE) school outside of the student's service area; and (2) allow the University Laboratory School to conform its student enrollment profile to a standard prescribed by the University of Hawaii College of Education in order to meet the College of Education's research requirements.

As originally introduced and subsequently amended, HB 832 seeks to address the needs to students and their parents who have been or will be displaced due to the closure or impending closure of a public charter school due to revocation of the school's charter contract. The Commission wishes to acknowledge gratefully the aloha with which public schools, both DOE and charter, have welcomed mid-year transfers during the pending revocation of Hālau Lōkahi Charter School. The Commission's concern is to ensure that students and their families who are affected by such an event be given as much opportunity and assistance as our public school system can afford in making this difficult transition easier, including consideration for a geographical exception. We believe that expressly addressing this particular situation will help raise awareness about these considerations and options.

This bill is not intended to provide such charter school students with an automatic advantage over other students who may be seeking a geographical exception on other grounds, such as authorized physical residence, the availability of a specialized program at the school, attendance by siblings, or children of staff. Rather, the intent is to expressly grant the receiving school's principal the discretion to consider similarly the urgency of the affected student's situation under a revocation scenario and to ensure that everyone in the public school system and families are aware of that discretion.

The proposed Senate Draft 2 of this bill would incorporate into this measure the language of Senate Bill 1348, which was reported out by this Committee but has not been heard in the House. The introduction of that measure arose from the Commission's review of the admission and enrollment policies and practices of all public charter schools as part of its organizational performance review. Section 302D-34, Hawaii Revised Statutes (HRS), prohibits the use of ethnicity, gender, income, and academic achievement, among other bases, to limit admission and enrollment of students to a public charter school. The longstanding admission and enrollment policy and practices of the University Laboratory School conflict with §302D-34, HRS, which was adopted as part of Act 130 of 2012.

The Commission supports efforts to resolve this problem and the goal of a diverse student population, and we gratefully recognize the value of the research work conducted at the University Laboratory School to Hawaii's larger public education system. The Commission has provisionally approved the school's admissions and enrollment policy and practices pending the passage of this narrow exception and subject to a requirement that the school provide an annual report to the Commission that shall include, but not be limited to, an explanation of the admission policy and practices applied; an explanation of the research requirements underlying the policy and practices; the goals and targeted enrollment results the policy and practices are designed to achieve; the actual enrollment numbers based on the demographic categories utilized; any significant variances between actual enrollment numbers versus the goals and targets; an evaluation of the likely reasons behind any such variances; and actions the school will take to lessen or eliminate any such variances.

While SB 1348 was pending, the University Laboratory School announced its admissions for the 2015-2016 school year, which poses a dilemma for the school if this language is not adopted. The Commission is grateful for the assistance of the Chair and that of Education Committee Chair Kidani with this situation.

Thank you for the opportunity to provide this testimony.



UNIVERSITY LABORATORY SCHOOL

A Hawai'i Public Charter School

1776 University Avenue UHS #3-121, Honolulu, Hawai'i 96822

Telephone (808) 956-7833 Fax Number (808) 956-7260

Testimony Presented Before the
Senate Committee on Ways and Means
Monday, April 6, 2015, 1:30 p.m.

By

Keoni Jeremiah, Principal
University Laboratory School

HB 832 HD1 SD2 Proposed RELATING TO EDUCATION

Chair Tokuda, Vice Chair Kouchi, and members of the Committee on Ways and Means, I am submitting written testimony on behalf of the University Laboratory School (ULS) regarding House Bill 832 HD1 SD2 Proposed. The proposed legislation will allow the ULS to conform its student enrollment profile to the standard prescribed by the University of Hawai'i, College of Education in order to meet the University of Hawai'i, College of Education's research requirements.

The University Laboratory School supports HB 832 HD1 SD2 Proposed.

We believe that the proposed legislation will provide clarity over the current charter school statutory laws as it pertains to ULS's long-standing admission policy. Our admissions policy and practice is one of inclusion that provides a valid population of students with whom to develop innovations in learning, teaching, and assessment - the results of which are generalizable and identifiable to Hawai'i's unique population in our public schools.

The ULS admission policy is very important not only to our school, and the University of Hawai'i-College of Education, but also to our entire state education system. Our charter school serves two interlocking missions: 1) to design and deliver the best possible education to our own students; and 2) to serve the educational research and development community as a seedbed for curriculum research and development.

We are the only school in Hawai'i focused in part on supporting educational research and development, and disseminating educational materials and improvement strategies. With our purposive enrollment, heterogeneous classes, emphasis on innovation and research, and provision of ongoing professional development for in-service and pre-service educators, our school serves as an experimental site for teaching, learning, and assessment in grades K-12.

We operate in close partnership with the Curriculum Research & Development Group (CRDG) in the University of Hawai'i (UH) College of Education (COE), serving as a laboratory for researching, developing, and evaluating innovative approaches to improving teaching, learning, and assessment. ULS and CRDG conduct systematic research, design, development, publication, teacher training and related services for elementary and secondary schools in Hawai'i and elsewhere.

To serve our dual interlocking mission of education research and curriculum development, as well as, providing a comprehensive academic program which provides our students the best opportunities to become critical and engaged thinkers, our school enrolls about 450 students, comprising a cross section of Hawai'i's diverse population, from kindergarten through grade 12. Students are selected by lottery to create a student body evenly distributed by gender that reflects the ethnic distribution of Hawai'i, and includes a broad range of student academic achievement and family socioeconomic levels.

We believe our research school that is dedicated to improving public education is serving a compelling government interest benefiting the state of Hawaii. One example of a research project that fulfill this interest is the Modern History of Hawaii program and textbook, piloted, designed, and currently under revision at ULS, and is the required program for all 9th grade social studies classes in the Hawaii State Department of Education - I believe this exemplifies how ULS serves a compelling state interest in developing robust programs that can be implemented in all public school settings, something we could not have done without the participation of our current specialized student populations.

Thank you for the opportunity to testify on this bill and supports its passage.

Personal Testimony Presented Before the
Senate Committee on Ways and Means
for
Monday, April 6, 2015, at 1:30 p.m.
by
Kathleen F. Berg, PhD

HB 832 HD1 SD2 Proposed
Relating to Education

Chair Tokuda, Vice Chair Kouchi, and members of the Committee on Ways and Means

My name is Kathleen Berg, and I offer my personal testimony in support of HB 832 HD1 SD2 Proposed. I have worked at the University of Hawaii (UH) College of Education since 1973, most of that time with the Curriculum Research & Development Group (CRDG), working with or in the University Laboratory School (ULS). I am currently the director of CRDG.

I support passage of the proposed legislation, since its passage should result in the University Laboratory School (ULS) securing approval from the Charter School Commission for its long-used, research-based admissions policy. Without this approval, the capability of the school to meet its dual missions, one of which is to serve the educational research and development community, will be lost.

When the school became a charter school in 2001, its admissions policy—which uses stratified random sampling from the applicant pool to provide an inclusive student population reflective of Hawaii’s population by gender, family income, ethnicity, and school achievement, including English language learning and special needs students—was accepted practice consistent with the purpose for which the school was chartered, a purpose that the school has served for over 50 years. Such a student population is essential for research and development purposes to better ensure generalizability of the innovations created within ULS to Hawaii’s schools and to provide credibility for the curriculum programs and teaching methods, assurance that they could be used effectively in Hawaii’s schools with all of Hawaii’s kids. The admissions policy has always been one of inclusion, not exclusion. And to date no legal challenges have ever been brought regarding the policy or process of selection.

It has only been under the latest version of the state’s charter school law that the policy has come into question. The Charter School Commission is apparently unable to approve an exception to the law’s prescribed general lottery as admissions policy, even though the law gives it authority to make exemptions, because of either the very strict stipulations regarding discrimination in the law, or the omission of “research” as one of the possible purposes for an exemption, or both. Although they have expressed sympathy for the school’s situation as well as admiration and appreciation of the unique role the school plays and important service it provides for public education in Hawaii, the law, as interpreted now in a most restrictive sense, apparently does not allow them to approve the ULS admissions policy without inclusion of the language in HB 832 HD1 SD2 Proposed. (They have now given “conditional approval” to the process, conditioned upon the passage of appropriate legislation, in this case of HB 832 HD1 SD2 Proposed.)

Even though the Ninth Circuit Court has upheld a similar race and ethnic conscious admissions policy for the laboratory school run by the University of California Los Angeles for the purpose of conducting educational research—the same situation as ULS with the UH College of Education—indicating that this policy is not unconstitutional as to federal law, the revised state charter school law is identified as forbidding it. It is unlikely that the Hawaii law was intended to be more restrictive than federal law, but it is being interpreted thusly.

Given that the situation now is that a legal reading currently disallows the school to use its research-based admissions policy, which disallows it to continue to serve the purpose for which it was chartered, the passage of HB 832 HD1 SD2 Proposed should solve the impasse by making it legal for the ULS to conform its student enrollment profile to the standard prescribed by the UH College of Education to meet the mission of serving educational research and development. The current ULS admissions policy is designed to do just that through a stratified random sampling process, a process that honors the notion of a lottery but also ensures that the ULS student population will be equally distributed with respect to gender and consists of a wide representation of ethnicities, achievement, and family income levels, allowing the school serve as a sample that is reflective of Hawaii's public school student population in research that is designed to benefit all of Hawaii's children.

I urge you to continue to support ULS in its admissions policy and mission by approving HB 832 HD1 SD2 Proposed.

Thank you for the opportunity to testify.

Testimony Presented Before the
Senate Committee on Ways and Means
Monday, April 6, 2015 at 1:30 pm

HB832 HD1 SD2 Proposed – Relating to Education

Chair Tokuda, Vice Chair Kouchi, and members of the Committee on Ways and Means:

My name is David Oride and I am the Chair of the University Laboratory School's (ULS) Governing Board.

I fully support the intent of HB832 HD1 SD2 Proposed.

I believe that the proposed legislation will provide clarity and help resolve confusion for the Charter School Commission over the current charter school statutory law as it pertains to ULS' long-standing admissions policy. ULS' admissions policy and practice is one of inclusion that provides a purposely-diverse population of students which is reflective of the State's population. This sample of students is essential for research and development purposes to ensure that the innovations created within ULS will "work" at every other Hawai'i school.

Without a purposely-diverse research population, the school would not be able to fulfill its mission in supporting educational research in its collaboration with the College of Education. Researchers and developers will not have access to a representative pool of students with whom to research, develop, disseminate, and support education innovations. To my knowledge, the University Laboratory School is the only school in Hawai'i that provides access to a purposely-diverse student population for educational research and development work in grades K-12.

ULS has played an important role in shaping Hawai'i's innovative approaches to improving teaching and learning. I hope that you will join me in supporting the University Laboratory School by supporting HB832 HD1 SD2 Proposed.

Thank you for the opportunity to provide testimony on HB832 HD1 SD2 Proposed.

Testimony Presented Before the
Senate Committee on Ways and Means

Monday, April 6, 2015
1:30 am Room 211

by
Donald B. Young

HB 832 HD1 SD1 Relating to Education

Chair Tokuda, Vice Chair Kouchi, and members of the Committee on Ways and Means.

My name is Donald Young. I am Dean of the College of Education at the University of Hawai‘i at Mānoa. I am submitting personal testimony in support of HB 832 HD1 SD1.

HB 832 HD1 SD1 Section 2 (d) clarifies the intent of HRS §302D-34 Enrollment:

Any law to the contrary notwithstanding, the university laboratory school may conform its student enrollment profile to the standard prescribed by the University of Hawaii college of education in order to meet the University of Hawaii college of education's research requirements.

Background

University Laboratory School (ULS) has a long history of affiliation with the College of Education dating back to 1931. For the last 50 years, ULS has served as a research and development site and an incubator of innovations in teaching, learning, and assessment.

At issue is the ULS admissions policy that has been carefully crafted and implemented to provide an inclusive student population reflective of Hawai‘i’s population by gender, family income, ethnicity, and school achievement, including English language learners and special needs students. Such a student population is essential for educational research and development purposes to better ensure generalizability of the innovations created within ULS to Hawai‘i’s schools. The policy is one of inclusion, not exclusion.

The policy and procedure date back to the early 1970s, prior to the school becoming a Charter School in 2001. The purposely-diverse ULS student population enables randomized trials of educational innovations that cannot be performed at other sites for many reasons. High impact programs developed at ULS include those in science, mathematics, social studies, English, technology, and others. Examples are attached to my testimony. Products from the research and development conducted at ULS are effective in public schools locally and nationally because the efficacy studies have been conducted with diverse students along the full spectrum of variables known to affect educational outcomes, including gender, family education level, ability, and ethnicity.

Innovations developed with ULS have been used throughout the Hawai‘i, the nation, and indeed in many foreign countries. By conservative estimate, over 20,000 teachers and more than 7 million students have benefited from the innovations created in the Laboratory School. Current R&D work includes developing high school mathematics courses in collaboration with the Hawai‘i Department of Education; the third edition of the *A History of Hawai‘i*, a required high school course statewide; inquiry-based curriculum and professional development in marine/aquatic science being used statewide in secondary schools; innovative technology applications that improve instruction and learning. None of these innovative and effective programs could be developed without the student population available at ULS.

Thank you for the opportunity to testify on HB 832 HD1 SD1 Relating to Education.

University Laboratory School Curriculum Research & Development Group

Noteworthy Achievements and Recognitions

1. The University Laboratory School in collaboration with the College of Education Curriculum Research & Development Group brings national and international recognition to Hawai'i through its role as a leader in the field of curriculum research and development.
 - Over seven million students in Hawai'i, in 42 other states, in foreign countries (e.g., Russia, Slovakia, Australia, New Zealand, Federated States of Micronesia, the Virgin Islands), and several International Schools throughout the world use in CRDG/ULS-developed curricula each year.
 - The CRDG/ULS is the major source of curriculum designs, teaching materials, and teacher professional development keyed to Hawai'i's unique culture, history, and physical and human ecology. All these programs have been tested and validated in ULS.
 - CRDG/ULS programs are being widely recognized as effective. CRDG's philosophy and approach to curriculum development are consistently and increasingly validated in formal studies and through comparison with state, regional, and national standards. Major programs in the sciences, mathematics, and social studies, have earned awards or recognitions from national professional associations, the U.S. Department of Education, or both. Successful programs include:

Science

Foundational Approaches in Science Teaching (FAST) grades 6–9
Developmental Approaches in Science, Health, & Technology (DASH) grades K–6
Hawaii Marine Science Studies (HMSS) grades 9–12
Fluid Earth/Living Ocean grades 9–12

Mathematics

Algebra I: A Process Approach grades 8–10
Weather and Ratios
Traffic on the Information Superhighway
Explorations in Algebra
Measure Up grades K–6
Reshaping Mathematics for Understanding grades 6–8
The Write Way Journal Prompts for Mathematics grades 4–8

Social Studies

A History of Hawai'i grades 9–11
China: Understanding Its Past grades 9–12
The Rise of Modern Japan grades 9–12
Multicultural Studies grades 6–8

Hawaiian Studies

Ka Wana Series

Hapai Na Leo
No Na Mamo
Island Fire
Growing Up Local
To Find A Way

Language Arts

Performance English grades 6–12

Programs Currently in Development include

Teaching Science as Inquiry: Aquatic grades 9–12

High School Biology

High School Physics

Modeling Our World graded 9–10 (high-school mathematics course in collaboration with HIDOE)

The Koreas Since 1945 grades 9–12

Use of technology and Google tools in support of teaching and learning

2. The University Laboratory School itself serves as a model for school design and a real-world example of what can be accomplished in public education.
 - ULS enrolls a cross-section of students who typify the Hawai‘i school system’s population in ethnicity, family status, and school achievement levels. There are currently about 450 students K–12 enrolled in the school.
 - All students receive a comprehensive academic program, enrolling each year in English, social studies, science, mathematics, art, music, physical education, and second languages (in grades 10–12).
 - All students are taught in common classes without segregation or less-demanding courses, on the principle that the best should be available to all.
 - Since 1970 over 2,200 students graduated from ULS. This relatively small test population has enabled the CRDG/ULS to have a major impact on education in Hawai‘i.