

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

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FOR: HB 2214 Relating to Public Charter Schools  
DATE: Monday, February 08, 2016  
TIME: 2:00 PM  
COMMITTEE(S): House Committee on Education  
ROOM: Conference Room 309  
FROM: Tom Hutton, Executive Director  
State Public Charter School Commission

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**Testimony partly in opposition to HB 2214**

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

Thank you for this opportunity to submit this testimony expressing serious concerns about this proposed measure.

First, the bill proposes eliminate from Hawaii's charter law key quality safeguards for the Board of Education's creation of additional charter school authorizers in our state. Charter authorizing is an incredibly complex, critically important endeavor and not for the faint of heart. The Board of Education is moving expeditiously to promulgate what we believe to be responsible draft administrative rules that address the serious perils that would attend the creation of new authorizers under the present circumstances, including by addressing the danger of authorizer shopping and by recognizing the need for authorizer accountability based on the performance of the charter schools in the authorizer's portfolio.

Second, the bill would mandate requirements for the distribution of federal funds that we believe unreasonable. The Commission adheres to procedures for federal fund disbursements to the Commission and charter schools that were prepared by the Department of Education (DOE) in response federal compliance concerns. We would encourage the Committee to contact the DOE for verification.

Third, the bill would change the definition of financial insolvency adopted by the Legislature in response to painful lessons learned from the failure of Halau Lokahi Charter School. The proposed language would contemplate a school continuing even after failing to make payroll.

Finally, the bill would authorize public charter schools to retain private legal counsel for certain purposes. At this point the Commission will defer to the Department of the Attorney General on this question, although our understanding is that this request has been made of the Governor in the past and that the Department advised against it.

Thank you for your consideration of this testimony.

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: House Committee on Education

From: Cheryl Kakazu Park, Director

Date: February 8, 2016, 2:00 p.m.  
State Capitol, Conference Room 309

Re: Testimony on H.B. No. 2214  
Relating to Public Charter Schools

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Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices ("OIP") takes no position on the substance of this bill relating to public charter schools, but is testifying to recommend a technical amendment.

At bill page 8, lines 17-21, this bill would require the Charter School Commission to "conduct a meeting in accordance with chapter 92 . . ." for a specified decision. The Sunshine Law, to which the Commission is subject, is only part I of chapter 92. The remainder of chapter 92 deals with miscellaneous matters such as fees for copying government records and special provisions applicable to meetings of Neighborhood Boards, which would not apply to a meeting of the Commission. Thus, **OIP recommends that this Committee amend the language to instead require the Commission to "conduct a meeting in accordance with part I of chapter 92 . . ."**

Thank you for the opportunity to testify.



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[www.qualitycharters.org](http://www.qualitycharters.org)

February 7, 2016

Chairman Roy M. Takumi  
Chair, House Committee on Education  
Hawaii State Capitol, Room 444  
Honolulu, HI 96813

Dear Chairman Takumi,

On behalf of the National Association of Charter School Authorizers (NACSA), I submit the following written testimony in opposition to House Bill 2214.

House Bill 2214 incorrectly characterizes NACSA's position on authorizing structures and threatens the quality of authorizing in Hawaii. The commentary in Part I, Section 1 specifically is inaccurate and I would like to clarify our positions:

**1. NACSA does recommend multiple authorizers, but only if all authorizers will be of the *highest quality*.** NACSA recommendations do include the ability of charter school applicants to apply to multiple authorizers in an effort to avoid a hostile authorizer from restricting charter school growth. However, NACSA's position, and recommendation to Hawaii in 2011, was for an additional *high-quality* authorizer. The best way to do this—recommended by NACSA as well as the National Alliance for Public Charter Schools—is through a rigorous authorizer application process. This is supported in existing Hawaii law, which already allows for the establishment of additional authorizers. Any applicant should be required to provide the type of information that is in the current law surrounding strategic vision, capacity and commitment, frameworks, and processes. Charter school authorizing is a difficult and complicated endeavor and only authorizers that understand and have a plan for accomplishing this in a high-quality way should be allowed to do so. HB 2214 would remove these key provisions and make it too easy for an additional authorizer to become active. We've seen the results of that type of structure in Ohio and do not want any state to face similar challenges.

**2. NACSA does not have a top-limit of 10-12 schools per authorizer.** The number of schools an authorizer has in their portfolio will vary depending on capacity and local context. There are many successful authorizers doing high-quality work with large portfolios. A large number of schools on its own is not an authorizing shortcoming.

**3. The enforcement of public education law is a core function of an authorizer. It is a sign an authorizer is fulfilling its responsibilities; it is not a sign that the authorizer is overbearing.** It should not be overly easy for a charter school to switch authorizers, which is often referred to as authorizer shopping. Authorizer shopping is a large problem in the charter sector, especially in states with too many authorizers that do not adhere to high-quality practices. Switching authorizers can open the door to failing charter schools staying open despite best efforts by a high-quality authorizer to close them. Switching authorizers should only be done on the rarest of occasions and should be regulated to ensure that the school is not doing so in an attempt to avoid accountability.



The key factor for a flourishing charter sector is not the quantity of authorizers but their quality. Multiple high-quality authorizing options can enable a charter sector to grow and flourish, as can a single statewide high-quality authorizer. The presence of authorizers that do not adhere to high-quality practices threaten the sector and enable poor performers to get approved and stay open. That is not in the best interest of the children of Hawaii.

NACSA is devoted to improving public education by improving the policies and practices of the organizations that are responsible for authorizing and overseeing charter schools. We advocate for authorizers to hold themselves, and the schools they oversee, to high standards based on national best practices, defined in our *Principles & Standards for Quality Charter School Authorizing*. NACSA commends the current Hawaii State Public Charter School Commission on their strong work in ensuring quality for Hawaii charter schools.

We are happy to discuss the issue further; please contact John Hedstrom, Vice President, Policy & Advocacy, at [johnhe@qualitycharters.org](mailto:johnhe@qualitycharters.org) or 703-801-6698.

Sincerely,

John E. Hedstrom, JD  
Vice-President, Policy and Advocacy  
National Association of Charter School Authorizers

Center for Hawaiian Sovereignty Studies  
46-255 Kahuhipa St. Suite 1205  
Kane'ohe, HI 96744  
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Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON EDUCATION  
For hearing Monday, February 08, 2016

Re: HB2214 RELATING TO PUBLIC CHARTER SCHOOLS.

Simplifies the process for an entity to become an authorizer (an entity that approves or denies applications to become a charter school). Establishes a shortened timeline for the release of charter school funds. Authorizes charter schools to retain attorneys for charter contract negotiation, charter revocation, and charter nonrenewal processes.

#### TESTIMONY IN OPPOSITION

1. Hawaii should have only a single authorizer for charter schools, so that taxpayers who pay the bills can be assured that all students will achieve a single set of minimum standards for knowledge and skills. Hawaii is rightly proud of our rainbow diversity of cultures, ethnicities, religions, and languages. But we must not allow the balkanization of our school system into fiefdoms along the lines of those diversities

whereby children will lose the common threads that hold us together as a society. Charter schools are free to add elective elements to their curricula, or to adopt unique methods for delivering basic knowledge and skills. But there must be a single authorizer to ensure that all the tax-supported schools are held to basic standards to produce graduates capable of being productive workers well-assimilated into the fundamental values we all share.

2. Language in the bill says the National Association of Charter School Authorizers (never heard of them!) recommends multiple authorizers (of course they do!) as a check against unnecessary growth in the number of employees and regulations in a single-authorizer entity when more charter schools are created which that entity must authorize and then oversee. But of course a larger number of authorizers would require a sum total of more employees and more regulations than a single authorizer. Adding one more school into the system would require only a little extra work for each employee in the authorizing entity, or perhaps one additional employee; whereas creating multiple authorizers would require entire new bureaucracies for creating reports, processing payrolls, etc.

3. RACIAL, CULTURAL, RELIGIOUS BALKANIZATION IS A LIKELY CONSEQUENCE OF ENACTING HB2214. The State government should not facilitate such an outcome.

HB2214 envisions a setup where all the charter schools established for a specific purpose or serving a particular clientele would be gathered under the umbrella of an authorizer sympathetic to their ethnic group or religion or culture or political aspirations. That's a formula for nepotism, favoritism, and political patronage.

The best example of that is the proposal during 2002-2005 to split off the dozen charter schools that were focusing on Hawaiian culture and to create a separate school system just for them. Bills to accomplish that mission were sponsored in the legislature by Representatives and Senators of the "Hawaiian caucus." HB2214 is probably intended to revive that concept of racial balkanization. In recent years most of the

complaints about the charter school commission have come from the Hawaiian-focus schools saying their students need to be evaluated by a unique set of culturally appropriate standards, including tests originally written in Hawaiian language (not merely translated from English).

In 2002 the consortium of 12 Hawaiian-focus charter schools was called "Ka Lei Na'auao" led by the activist Ku Kahakalau and the "Kanu O Ka 'Aina" charter school she founded in Waimea, Hawaii Island. The 12 Hawaiian schools in February 2002 were technically open to children of all races -- indeed, by law they could not be racially exclusionary. But in practice nearly all the children are ethnic Hawaiians or "wannabe" Hawaiians. A few token nonnatives are accepted into these schools primarily to satisfy the legal requirement that they not be racially exclusionary. However, the schools make it clear that the nonnative children are more or less on permanent attitudinal and behavioral probation. They are required to think and behave like the ethnic nationalist sort of Native Hawaiians even though ultimately they cannot become Native Hawaiians for lack of that precious drop of native blood. Language copied below from the 2002 website of the school makes chillingly clear the racial and cultural intent of the school. It all sounds wonderfully inspiring, until you think carefully about the racism of what is being said. As a "thought experiment" when reading this material, replace "Hawaiian" or "native" or "indigenous" with "white"; and then imagine how African Americans or people of Asian ancestry would fit into this "public school." Judge whether such a school is Constitutionally permissible or morally desirable, even if it were entirely funded by private donations. And then consider that this school is entirely funded by tax dollars as part of the government public school system. Putting aside the racial issue, the final section called "Liberatory Pedagogy" is blatantly Anti-American, sucking up government money to brainwash children to hate the government that provides it. It's bad enough to find kind-hearted, liberal people who think this sort of philosophy is acceptable because of grievances the Hawaiians claim to have against the U.S. and against people without Hawaiian blood. But it's shocking to find elected members of the Legislature repeatedly sponsoring and supporting institutions and attitudes like this when they have sworn to uphold and defend the



Constitution of the United States against all enemies foreign and domestic.

"As a Hawaiian model of education, Kanu is tailored towards the distinctive cultural wants and needs of Hawai'i's indigenous student population. Utilizing our natives values handed down to us in thousands of proverbs as a philosophical basis, Kanu is designed to assist students to achieve their highest level, while at the same time giving them the skills to perpetuate Hawaiian language and traditions. Based on a unique, culturally driven pedagogy, developed over nearly a decade of action research, Kanu involves not only students, teachers and staff but also parents, community partners and native stakeholders from throughout the islands in the educational process. The long-term goal of Kanu is to create a native designed and controlled system of Hawaiian education that will empower native communities throughout the archipelago to achieve political, cultural and economic self-determination."

"The name "Kanu o ka 'Aina" evolved from of a Hawaiian proverb that refers to natives of the land from generations back as "kalo kanu o ka 'aina" literally "taro planted on the land". This name was chosen because this model wants to give native Hawaiians of all ages the opportunity and the choice to remain natives of their kulaiwi and to perpetuate Hawai'i's native language, culture and traditions into the future. In addition, Kanu wants to empower Hawai'i's native people, who are direct descendents of earthmother Papa and skyfather Wakea, to once again assume our rightful stewardship over our archipelago."

The purpose of Kanu is to provide students of Hawaiian ancestry residing in the Hamakua and Kohala area of Hawai'i Island with an equal opportunity to quality education that addresses their distinctive cultural learning styles and allows them to successfully walk in two worlds. ... While we accept students that do not have Hawaiian blood, these students and their families, like their native counterparts, must make a commitment to be actively involved in the perpetuation of native Hawaiian language, culture and traditions. In addition, they must

consent to being taught according to native Hawaiian values and teaching strategies and behave in a culturally consistent manner."

Liberatory Pedagogy: Probably the most unique and critical aspect of Kanu's educational foundations is the fact that Kanu wants to actively prepare native students to participate in - and perhaps even lead - Hawai'i's indigenous sovereignty movement. Initially I was sort of hesitant to claim that Kanu represents a liberatory pedagogy. However, the more I reflected on the true purpose of my model the more I realized that my model is definitely designed to liberate. Specifically, Kanu wants to encourage Hawaiian students to become politically conscious, and individually and collectively tackle the problem of Hawaiian oppression by the United States and our subjugation to American law and a Western way of life. In that vein, Kanu has the potential of significantly contributing to the Hawaiian sovereignty effort."

"Utilizing problem-posing as an instructional technique, Kanu hopes to make our students realize that the occupation of Hawai'i by the United States of America is not fatal and unalterable, but merely limiting – and therefore challenging. Additionally, Kanu wants to empower our students to accept this challenge and find solutions to this and the many other dilemma, that face Hawai'i's native people in their homeland today. By actively participating in finding solutions to native problems, it is envisioned that Kanu students will become an intricate part of the process of native liberation from American domination that nearly caused the demise of our native people and our way of life."

If a Hawaiian tribe gets federal recognition, that tribe would have the legal authority to become the authorizer of its own race-based school system which would be paid for by the tribe and/or the Bureau of Indian Affairs.

Do not spend Hawaii taxpayer dollars to do what the Hawaiian tribe or BIA should do.

**Testimony Strongly Supporting HB2214**  
**Submitted by Susie Osborne on behalf of:**  
**Kua o ka La Public Charter School**

Aloha Chairperson Takumi, Vice-Chairperson Ohno and Members of the House Committee on Education:

Thank you for this opportunity to testify regarding my strong support of House Bill 2214. We strongly urge you to adopt HB2214.

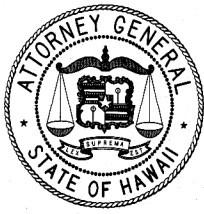
We affirm the legislators proposal pertaining to the need of creating additional authorizers in which the process has been established under chapter 302D, Hawaii Revised Statutes. This process needs to be simplified as stated in this bill.

All funding of charter schools that pass through our authorizer should be transferred to the charter school, as soon as possible, and for the original intended purpose, ideally, no later than thirty days after receipt. The schools financial position is submitted quarterly to the Commission in a comprehensive report, with implications that could possibly lead to being financially monitored. It is imperative that our financial position be accurately reflected. We also need an accurate reporting from the Commission as to the funding we are to receive. We continue to not get a response for transparent reporting from the Commission staff pertaining to Impact Aid, and the HSTA teacher bonuses. We need this information to ensure we have accurate budgets.

There are instances, such as with the bilateral contract negotiations, where outside legal council would be beneficial. We have been denied support with our AG with respect to these negotiations and the schools do not necessarily have the legal expertise on staff to address these complex contract concerns. We are also concerned that our AG does not attend Charter Commission meetings in which accountability issues arise that may require AG representation and understanding resulting from the meeting.

It is with great thanks to the members of the House for their submission of this bill.

Susie Osborne  
Head of School  
Kua o ka La Charter School  
Hawai'i Island



## **TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-EIGHTH LEGISLATURE, 2016**

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**ON THE FOLLOWING MEASURE:**

**H.B. NO. 2214, RELATING TO PUBLIC CHARTER SCHOOLS.**

**BEFORE THE:**

**HOUSE COMMITTEE ON EDUCATION**

**DATE:** Monday, February 8, 2016

**TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 309

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Melissa J. Kolonie, Deputy Attorney General

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Chair Takumi and Members of the Committee:

The Department of the Attorney General opposes part IV of this bill.

Part IV of this bill allows for an exemption to public charter schools and their governing boards from the statutory prohibition on retaining outside counsel. Part IV of this bill allows public charter schools to retain private attorneys for any action involving the charter contract negotiation, charter revocation, or charter nonrenewal process.

Part IV of this bill will not achieve the desired result of the charter schools. The charter schools want to negotiate the terms of their charter contracts. However, the Charter School Commission ("Commission") treats the charter contract renewal process as a unilateral process resulting in a performance-based contract. Section 302D-18, Hawaii Revised Statutes, does not contemplate the Commission entering into negotiations with the charter schools. Yet, part IV of this bill would allow charter schools to retain private counsel to negotiate the terms of their charter contracts. The Commission, like the Charter Schools, is a state entity. The Commission, as the overseer of the charter schools it authorizes, has been tasked with the mission of ensuring that charter schools are of high-quality and that there is a long-term strategic vision for Hawaii's public charter schools. It is the Commission's responsibility, in working in the best interest of the State, to draft charter contracts in a manner that assists the Commission in ensuring that a charter school is and remains organizationally viable.

Part IV of this bill is not fiscally prudent. Part IV of this bill allows charter schools, which are state agencies, to expend state funds to essentially negotiate with another state agency, the Commission. Hiring private counsel to negotiate against the State, on behalf of the State, to reach a result that is either unlikely or is not in the best interest of the State, is a waste of state

resources. Both entities, the Commission and the individual charter schools, have access to their assigned deputy attorneys general to consult with and seek advice from during the negotiation process. However, the structure of the charter school system gives the Commission the upper hand in any negotiations on contract provisions. Allowing charter schools to hire private attorneys to negotiate charter contracts with the Commission will not resolve the issue the charter schools have with the Commission having the upper hand. Part IV of this bill will result in the expenditure of state money with no change in the outcome.

Part IV of this bill not only seeks to allow charter schools to hire private attorneys to negotiate their charter contracts with the Commission, but also would allow charter schools to hire private attorneys to represent them in any charter revocation and charter nonrenewal situation. This impedes the legal obligation of the Department of the Attorney General to its clients, particularly in areas where representation has previously been provided by deputy attorneys general. The Department of the Attorney General continues to be willing and able to provide independent legal representation to the charter schools in the charter revocation and charter nonrenewal processes.

As a general matter, state agencies should be advised by deputy attorneys general. By locating the attorneys for state agencies within a single department, we are able to provide a wide range of experience and expertise to those agencies. The Department of the Attorney General is also unique in its ability under the law to undertake concurrent representation of multiple state agencies that may have conflicting interests, something that private attorneys are not able to do under the Hawai'i Rules of Professional Conduct, the rules governing lawyers. In State v. Klattenhoff, 71 Haw. 598, 801 P.2d 548 (1990), the Hawai'i Supreme Court ruled that the Department of the Attorney General may assign deputies to represent agencies that have competing interests as long as it erects appropriate firewalls between those attorneys and takes steps to ensure that no prejudice is suffered by the clients. The Department of the Attorney General has done this in past cases to ensure that all client agencies are vigorously, and separately, represented. We have provided, and will continue to provide, vigorous and objective legal representation to the charter schools.

We respectfully ask the Committee to delete part IV of this bill.

Testimony HB2214  
House Education Committee  
February 8, 2016 Conference Room 309 2:00 pm  
Support

Dear Chair Takumi and committee,

I support this measure to fine tune the accountability of charter schools and their authorizers. First, in Section 2 of the bill I support a streamlined process for the Board of Education to review and approve applicants for Charter School authorizing. When the National Association of Charter School Authorizers advised the State on the charter statute to ensure charter schools were held accountable, they warned that having only one authorizer would not be in the best interests of the State or the charter schools. They recommended having at least one other authorizer in place by July 2013. Almost three years past that suggested date, we find the charter movement still answering to one authorizer with broken lines of communication and support.

I strongly support Section 4 of this measure to have Federal, supplemental, and grant funds transferred from the authorizer to the charter school within 30 days of the notice of receipt of those funds. I would go further to add that the remaining state funds (10% of the per pupil allocation) be allocated before February 15 of each school fiscal year. At present, because of terminology in the law, the Commission can withhold the last ten percent until June 30 of each year. This is a strict interpretation of the law and not the original intent to give the authorizer the ability to retain a contingency balance to ensure fiscal accountability and compliance. June 30 of each year should not be used a general end date to release the funding for all charters, but should be the date used for only non-compliant schools. Schools need the operating funds in the year they were intended for. June 30 is one month after students have left for the summer and the students do not benefit from those funds intended for their education within the school year.

I am happy to see the term “financial insolvency” being re-defined. The agency declaring “financial insolvency” may also be a contributor to the situation by not distributing funds in an expedient manner to a struggling school. Their decisions on releasing funds may become arbitrary depending if the school is deemed “cooperative” or not. The change in the law also accounts for funding supports from public and private partners who wish to commit to the viability of the school.

The addition in Section 7 allows charter school to seek legal representation specific to contract negotiation, charter revocation, and charter nonrenewal. All three periods are critical periods in a charter school’s existence especially when facing school closure which may harm hundreds of school children. Affording charter schools the right to legal counsel beyond the State Attorney General is extremely important.

Thank you for allowing me to testify on behalf of the 10,500 children in charter schools. We are always looking for ways to improve our schools and the laws that protect us.

Steve Hiramami  
Director, Hawaii Academy of Arts & Science PCS



TESTIMONY IN **SUPPORT** TO **HB 2214**  
RELATING TO PUBLIC CHARTER SCHOOLS

COMMITTEE ON EDUCATION  
Monday, February 8, 2016  
Conference Rm 309; 2:00PM

Chair Takumi, Vice Chair Ohno and Members of the House Committee on Education,

On behalf of Hālau Kū Māna (HKM), I strongly urge the Committee Members to **SUPPORT** HB 2214.

Regarding Part II: Simplifying process for entities to become authorizers

Our school is in full support of simplifying the process that would allow other entities to become charter school authorizers. We believe that having multiple authorizers is not only consistent with National standards, but it will strengthen the educational landscape in Hawaii, specifically the charter school system, by providing multiple spaces for innovation to occur. Additional authorizers would give schools the opportunity to self-identify and self-select an authorizer that shares the same values and perspectives around chartering in Hawai'i. The relationship between a school and its authorizer is critical for the success of the school itself. While being held accountable, schools also need an authorizer that will intimately and genuinely understand its vision and mission so that it can provide structural support and allow schools and its students to thrive.

The current landscape with the State Public Charter School Commission as the sole authorizer and its excessive compliance driven practices severely hinders innovation and excellence. Simplifying the process for other entities to become authorizers will significantly improve the charter school environment and ultimately the entire educational system in Hawai'i.

Regarding Part III: Timely distribution of funds by authorizer

Full support, no additional comment

Regarding Part IV: Authorizing Charter Schools to retain attorneys for limited purposes

HKM strongly supports this part of the measure. In the current context, the Charter School Commission is heavily staffed with attorneys. As a result, there is an unfair representation during contract negotiations, as was the case when the current contracts were issued. As many schools approach renewal negotiations in the next year or two, it would be beneficial to schools if they were provided the option to retain independent representation to ensure a true bilateral and fair negotiation process.

As a school that educates 140 students in grades 4 – 12 from across the island of O'ahu, we urge the committee to **SUPPORT** HB 2205.

Mahalo,  
B. Keoni Bunag, Ed.D.  
Po'okula



## KAMEHAMEHA SCHOOLS®

House Committee on Education

Time: 2:00 p.m.

Date: February 8, 2016

Where: State Capitol Room 309

### TESTIMONY

By Ka'ano'i Walk  
Kamehameha Schools

To: Chair Takumi, Vice Chair Ohno and Members of the Committee

RE: **HB 2214 Relating to Public Charter Schools**

E ka Luna Ho'omalū Takumi, ka Hope Luna Ho'omalū Ohno a me nā Lālā o ke Kōmike Ho'ona'auao o ka Hale o nā Lunamaka'āinana, aloha! My name is Ka'ano'i Walk and I serve as the Senior Policy Analyst of the Kūamahi Community Education Group of Kamehameha Schools. House Bill 2214 relating to public charter schools simplifies the process for an entity to become an authorizer and establishes a shortened timeline for the release of charter school funds. It would authorize charter schools to retain attorneys for charter contract negotiation, charter revocation, and charter nonrenewal processes.

As part of the second goal of Kamehameha Schools' strategic plan, which guides us to contribute to the communities' collective efforts to improve Hawai'i's education systems for Native Hawaiian learners, Kamehameha Schools is committed to support Hawaiian-focused charter schools and therefore we stand in **support** of HB 2214.

Kamehameha Schools advocates for and supports the achievement of Hawai'i's Native Hawaiian public school students. As such, we have been a collaborator with the Hawai'i public charter schools for over a decade. Through our work with Hawaiian-focused public charter schools, we hope to significantly impact more children and their families through education. We believe that Hawaiian-focused charter schools provide quality educational choices for our families and ultimately enhance both academic achievement and engagement for students. We encourage you, the leaders of our government to stand with us in supporting a move to improve the educational system in Hawai'i in this way.

Founded in 1887, Kamehameha Schools is a statewide educational system supported by a trust endowed by Princess Bernice Pauahi Bishop, whose mission is to improve the capability and well-being of Native Hawaiian learners. We believe that by continuing to engage in dialog around these charter school policies and proposals, we can contribute in a positive and meaningful way.

We believe that this bill promotes the saying, e kūlia i ka nu'u. To constantly strive for the summit! We commend the legislature for working hard to increase the effectiveness of our public education system. Mahalo a nui.



**HB2214**

Submitted on: 2/4/2016

Testimony for EDN on Feb 8, 2016 14:00PM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ka'iulani Pahi'o	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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**HB2214**

Submitted on: 2/5/2016

Testimony for EDN on Feb 8, 2016 14:00PM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anthony Fraser	Individual	Support	No

Comments:

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**HB2214**

Submitted on: 2/5/2016

Testimony for EDN on Feb 8, 2016 14:00PM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Samuel Kaauwai	Individual	Support	No

Comments:

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**HB2214**

Submitted on: 2/7/2016

Testimony for EDN on Feb 8, 2016 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Sarsona	Individual	Support	No

Comments:

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**HB2214**

Submitted on: 2/7/2016

Testimony for EDN on Feb 8, 2016 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
William J Hancock	Individual	Support	No

Comments: Proposes some changes to current law such as inability of schools to retain outside legal counsel and allowing of more than one authorizer of charter schools.

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TESTIMONY IN SUPPORT OF HB2214

RE: **REQUEST SUPPORT OF HB2214**

Aloha my name is Taffi Wise from Kanu o ka Aina on the Big Island of Hawaii. As a founding member of one of Hawaii's first start-up Charter Schools I have been involved in developing and refining the charter movement for the last 16 years. Kanu and its nonprofit partner KALO have brought in over \$90 million dollars to Hawaii and supported over 22 educational communities since 2000. Together our community has had unprecedented academic success including 100% graduation rate and our first PhD graduate in 2015. We have created preschools, a nationally certified teacher licensing program for DOE, Charter and Private School teachers as well as created a unique master's program for up and coming educational leaders. Additionally, we have developed an educational learning destination that meets all standards of technological and sustainable design at the highest levels and created a Community Development Finance Institution certified and funded by the Department of Treasury to share with Hawaii.

We were able to achieve these goals through legislative empowerment, being accountable, following standards of best practice and engaging public private partners in synergistic relationships for the betterment of education in Hawaii.

HB2214 refines Hawaii's charter movement taking it to the next level by:

- following national best practice as recommended by the NACSA audit of 2011,
- ensuring accountability and appropriate manageability,
- providing business experts to guide communities, and
- mitigating liabilities allowing innovations to be shared.

**This omnibus collection of refinements will not cost the tax payers any more money - by simply allowing each authorizer its proportionate share of the currently allocated funds.** It will also allow Hawaii to apply for over \$330 million dollars in federal charter school funding. The University of Hawaii – West Oahu and County of Hawaii are ready to engage formally as authorizers bringing an even stronger synergy with localized government and post-secondary supports.

I have worked on every charter task force and want to thank you so much for all the many empowerments the State Legislature has provided over the past decade. It is working and we see the fruits of our labor through successful students and engaged communities! **PLEASE SUPPORT HB 2214?**

Mahalo nui for all you do,

A handwritten signature in cursive script, appearing to read 'Taffi Wise', written in dark ink.

Taffi Wise

Marion K A Kapuniai  
P. O. Box 6753  
Kamuela, Hawaii 96743

February 7, 2016

COMMITTEE ON EDUCATION

Hearing: Monday, February 8, 2016 2:00 p.m.  
Conference Rm 309 State Capitol, Hawaii

TESTIMONY ON HB 2214

*Simplifies the process for an entity to become an authorizer (an entity that approves or denies applications to become a charter school). Establishes a shortened timeline for the release of charter school funds. Authorizes charter schools to retain attorneys for charter contract negotiation, charter revocation, and charter nonrenewal processes.*

I, an interested and concerned citizen, and Governing Board Member of Kanu O Ka 'Aina New Century Public Charter School testify to SUPPORT HB 2214

I believe that additional authorizers will enhance the charter school movement and charter schools' performance level, as well as recognize the stellar efforts to learning innovations perceived and put into practice by each public charter school.

I also believe that accountability is of utmost importance, and that each additional authorizer will be responsible for each school's performance as well as to the general public and their indirect investment to education through their tax dollars.

I believe we all look towards uplifting our leaders of tomorrow by nurturing and exemplifying best practices.

Time to allow for responsible choices!

We have identical kuleana – to SERVE and REPRESENT .

It is my kuleana (right, responsibility, and privilege) to participate!

Thank You, M Kapuniai,  
Waimea, Moku O Keawe

Phone: (808) 936-0157  
Email: duke@sandwichisles.net

**LATE**

From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 08, 2016 12:11 PM  
To: EDNtestimony  
Cc: hawaiiifishingfanatic@gmail.com  
Subject: Submitted testimony for HB2214 on Feb 8, 2016 14:00PM

**HB2214**

Submitted on: 2/8/2016

Testimony for EDN on Feb 8, 2016 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Don Aweau	Individual	Support	No

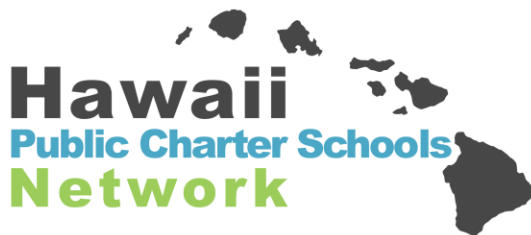
Comments: In full support of legislation and urge the Committee for passage of this bill. This will provide and assist in the public charter schools system for better administration and processing of new charter schools. Mahalo.

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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**LATE**



February 8, 2016

To: Honorable Roy Takumi, Chair  
Honorable Takashi Ohno, Vice Chair  
House Committee on Education

From: Jeannine Souki, Executive Director  
Hawaii Public Charter Schools Network

Re: **HB 2214 – RELATING TO CHARTER SCHOOLS – COMMENT**  
**Conference Room 309 – Hawaii State Capitol – Feb. 8, 2016, 2 P.M.**

On behalf of the Hawaii Public Charter School Network (HPCSN), we are writing to comment on HB 2214, Relating to Charter Schools.

HB 2214 is omnibus bill that would provide for:

- A simplified process to recognize multiple “authorizers,” to approve or deny entities seeking to become a charter school and for the review of charter school renewal contracts;
- Established a mandatory expedited timeline for the distribution of funds that pass through authorizers;
- Provide charter schools with the authority to employee or retain attorneys for contract negotiations, charter revocation and non-charter renewal process; and
- Require the Department of Education to submit a report on the status of the policies, criteria, or guidelines for evaluating application for an entity to become an authorizer.

HPCSN supports the intent of this bill; however, the Board of Education (BOE) is currently underway with promulgating administrative rules to establish a process for a non-profit and non-sectarian organization to become recognized as another charter school “authorizer.” The BOE has oversight over charter school authorizers in the state and has authority to recognize new authorizers and to revoke existing authorizers.

HPCSN has concerns over Section 5 of this bill that would require all federal, supplemental, and grant funds to be distributed by the authorizer to the appropriate charter schools within 30 days of its receipt of the available funds, notwithstanding any requirement to the contrary. This provision may be onerous to administer as

not all funding, particularly federal funding, can be administered within 30 days. Also, some grant funding has a reimbursement requirement in which schools must submit receipts for reimbursement/payment of the grant funds.

Finally, in Section 7, HPCSN supports authorizing public charter schools to retain attorneys for limited purposes, specifically, for the purpose of charter contract negotiations, charter revocations and charter non-renewal process.

HPCSN works to support Hawaii's public charter schools and to be a voice for children and families that seek choice in an independent public school setting.

Thank you for consideration of our comments. We appreciate the opportunity to provide testimony on behalf of HPCSN.