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CATHERINE PAYNE
CHAIRPERSON

STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
(‘AHA KULA HO‘ĀMANA)

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FOR: HB 678 Relating to Charter Schools
DATE: Tuesday, February 3, 2015
TIME: 9:00 a.m.
COMMITTEE(S): House Committee on Labor & Public Employment
ROOM: Conference Room 309
FROM: Tom Hutton, Executive Director
State Public Charter School Commission

Chair Nakashima, Vice Chair Keohokalole, and members of the Committee:

The State Public Charter School Commission (“Commission”) appreciates the opportunity to submit this testimony in support of the intent of House Bill 678, Relating to Charter Schools, which would provide for separate negotiation of the collective bargaining agreements for charter school employees in Bargaining Units (4), (5), and (6).

Under the bill and its companion Senate Bill 837, which were developed by the Hawaii Public Charter Schools Network, for purposes of negotiating these collective bargaining agreements on matters related to charter schools, the “public employer” would mean the governor, who would have three votes, the Hawaii Board of Education, with one vote, and two charter school representatives elected by a majority of the governing boards of the charter schools.

The Commission strongly supports the intent of the proposal, which recognizes the shortcomings of Hawaii’s current collective bargaining process for its public charter school employees. Under that process, master agreements negotiated between the Department of Education and the exclusive representatives of these bargaining units apply to employees serving in charter schools as well as in Department of Education schools. There is no formal mechanism in that process for direct representation by public charter schools, and negotiators for employer and employee alike have acknowledged that charter schools are, at best, an afterthought in what already is an enormously complicated undertaking for the Department of Education schools alone.

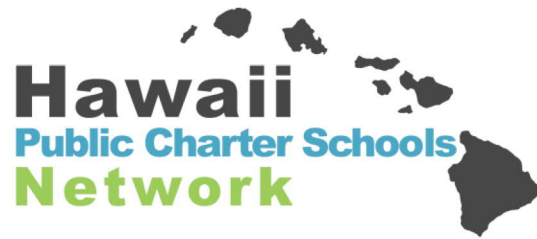
Under Sections 302D-1 and 302-D12(e), Hawaii Revised Statutes (“HRS”), charter school governing boards are empowered to negotiate supplemental collective bargaining agreements with exclusive representatives of their employees. In theory, this allows for modifications to provisions in the master agreements that were not developed with charter school realities in mind and may not be workable in such a different context.

As a practical matter, however, the process of negotiating up to 34 supplemental agreements has proved very challenging for the exclusive representatives. As of this writing, some 18 months after the master agreement with the Hawaii State Teachers Association (HSTA) was finalized, only three supplemental agreements with charter schools have been executed. Because no charter school opted into the Department of Education’s Educator Effectiveness System, every charter school must negotiate a supplemental agreement on that issue, if on no other. The news that negotiations over the master agreement will reopen may entail additional delay for the negotiation of the remaining supplemental agreements.

The Commission has not yet had the opportunity to consider this proposal, and the Commission staff has not had the opportunity to fully vet the proposal or to discuss this particular approach to the problem with the exclusive representatives of these employees. However, at this time we would urge this Committee to report the bill out for further consideration.

We also note that two other sets of companion bills also address this topic. House Bill 666 and Senate Bill 621 would add two votes for “the charter schools,” without further explanation, to the definition of public employer for purposes of negotiating agreement for bargaining units (5) and (6). House Bill 676 and Senate Bill 163 would instead assign one vote to the Chairperson of the Commission. Of these three proposals, at this time we believe the bill before you today is the preferable approach.

Thank you for the opportunity to provide this testimony.



Hawaii State House of Representatives
Committee on Labor & Public Employment

DATE: Tuesday, February 3, 2015

TIME: 9:00 a.m.

PLACE: Conference Room 309, Hawaii State Capitol

Chair Nakashima, Vice Chair Keohokalole, and members of the House Committee on Labor and Public Employment,

Re: HB678 Relating to Charter Schools

Mahalo for the opportunity to testify. The Hawaii Public Charter Schools Network (HPCSN) represents 30 of 34 charter schools in Hawaii. We **support** HB678, a bill that:

- Alters the definition of “employer” for public charter schools in a way that gives two representatives of the public charter schools a seat at the bargaining table.
- Gives the two elected representatives of the public charter schools, two of the six votes for the employer side in collective bargaining. The board of education holds one vote, while the Governor holds the remaining three votes for the employer side.
- Preserves the right for charter schools to negotiate memoranda of understanding or supplemental agreements to the master agreement negotiated by the board of education (DOE master).

Hawaii Public Charter Schools Network (HPCSN) is committed to quality education for all public school students in Hawaii through our support of, and work with, Hawaii’s public charter schools. We are searching for ways to help charter schools create economies of scale and become more efficient with the limited resources of charter schools.

The majority of states either grant charter schools the option to collectively bargain or exclude charter schools from the collective bargaining process altogether. However, if management and labor at charter schools are committed to the vision and mission of charter schools, collective bargaining may prove to be an asset to the charter school movement in Hawaii.

Current law allows a charter school two choices in collective bargaining – accept the conditions of the master agreements negotiated by the Board of Education (DOE master) or negotiate a memorandum of agreement/supplement agreement to the DOE master.

Should this bill become law, there will still be two choices for a charter school in collective bargaining - accept the conditions of the charter school master agreements negotiated by the Board of Education and Charter School representatives (Charter School master) or negotiate a memorandum of agreement/supplement agreement to the DOE master.

Potential benefits to charter schools and unions:

- Employees that share the vision and mission of their charter schools could still have the employee protections in place such as compensation, certain working conditions and school by school perks.
- Governing boards that may not be savvy, knowledgeable or experienced in negotiating supplemental agreements would now benefit from experienced charter school representatives negotiating a charter schools specific master agreement that meets common needs.
- Collective bargaining could be easier than is currently the case for charter schools as labor organizations could potentially have far fewer supplemental contracts to negotiate.
- Charter school governing boards, charter school employees and their unions could potentially save time, effort and energy, resources that are so limited.

HPCSN and our member schools thank you for considering this bill and humbly asks for its passage. HPCSN will reach out to HSTA, HGEA and UPW to discuss the potential impacts, both positive and negative, that this bill could have on their members as well as continue to reach out to HPCSN member schools for their feedback.

Mahalo for all you do for public education in Hawaii.

A handwritten signature in black ink, appearing to read 'Lynn Finnegan', with a large, stylized flourish at the end.

Lynn Finnegan
Executive Director

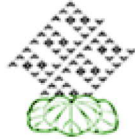
Testimony on HB678

Submitted by Joseph Iacuzzo on behalf of Ka'u Learning Academy

As a new charter school that is dealing with the issues this bill addresses, we applaud the concept of separating charter schools from the collective bargaining process that currently ties them to the contracts used by the DOE schools. However, in our view, based on the individual nature of each charter school, different teaching methodologies can require significant distinctions in what the ideal contract for an individual school would require.

Having two individuals represent the interests of all charter schools in Hawaii is better than the current circumstances, but not necessarily the best approach. The ideal circumstance would be for a general framework contract that allows for integrating each school's specific requirements to maximize the teaching approach that is often unique to each school. The downside to this is the potential for 34 different contracts, an onerous number. We believe, however, that a basic contract framework could be created with a few areas critical to implementation of a specific teaching methodology where the contract variables could be easily included.

The most common example of an area that requires flexibility from existing contracts is the length of each school day and the number of school days. Many high-performing schools have longer school days than the current DOE schedule, and more school days per year than the current DOE calendar. The flexibility to ask this of teachers is currently curtailed by the existing collectively bargained agreement and requires contractual contortions to modify.



Hālau Kū Māna
New Century Public Charter School

Hawaii State House of Representatives
Committee on Labor & Public Employment

DATE: Tuesday, February 3, 2015

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Chair Nakashima, Vice Chair Keohokalole, and members of the House Committee on Labor and Public Employment,

Re: HB678 Relating to Charter Schools

Mahalo for the opportunity to testify. As the Po‘o Kula (Head of School & Principal) of Hālau Kū Māna Public Charter School (HKM), I offer this testimony in support of HB678, a bill that:

- Alters the definition of “employer” for public charter schools in a way that gives two representatives of the public charter schools a seat at the bargaining table.
- Gives the two elected representatives of the public charter schools, two of the six votes for the employer side in collective bargaining. The board of education holds one vote, while the Governor holds the remaining three votes for the employer side.
- Preserves the right for charter schools to negotiate memoranda of understanding or supplemental agreements to the master agreement negotiated by the board of education (DOE master).

Our school is committed to a high quality education for all students who choose to enroll at our school. Given limited resources over the years charter schools, including HKM, have done our best to maximize such resources and further search for innovative ways to create economies of scale and become even more efficient with the limited resources.

HB678 will provide HKM the opportunity to remain an innovative educational organization that is able to exercise our autonomy, while still remaining highly accountable. HB678 will allow our board, management and staff an increased participation in the collective bargaining process and increased voice in matters such as costs, work conditions and hours, and employment qualifications – all of which are unique and greatly differ from the traditional HIDOE School. These common matters play out differently especially for charter schools. Unfortunately the limitations of status quo (current master contracts) tend to detract and in some instances prohibit student success. Having the opportunity to give voice and participation in the collective bargaining process will enable the careful consideration and adoption of a master contract that addresses the unique circumstances of Hawaii’s Public Charter Schools. HKM further sees the following potential benefits to charter schools and unions:

- Employees that share the vision and mission of their charter schools could still have the employee protections in place such as compensation, certain working conditions and school by school perks
- Governing boards that may not be savvy, knowledgeable or experienced in negotiating supplemental agreements would now benefit from experienced charter school representatives negotiating a charter schools specific master agreement that meets common needs.

- Collective bargaining could be easier than is currently the case for charter schools as labor organizations could potentially have far fewer supplemental contracts to negotiate.
- Charter school governing boards, charter school employees and their unions could potentially save time, effort and energy, resources that are so limited.

HKM thanks you for considering this bill and strongly recommends its passage. We are committed to working with all stakeholders, including the Hawaii Public Charter School Network, HSTA, HGEA and UPW to discuss potential impacts and work towards a mutually agreed upon solution.

Mahalo nui,

Brandon Keoni Bunag, Ed.D.
Po‘o Kula