

SB3104

Measure Title:	RELATING TO PUBLIC CHARTER SCHOOLS.
Report Title:	Department of Education; Public Charter Schools; Authorizers; Attorneys; Fund Distribution
Description:	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.
Companion:	HB2214
Package:	None
Current Referral:	EDU/JDL, WAM
Introducer(s):	KIDANI, INOUE, KEITH-AGARAN, English

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: **SB 3104** Relating to Public Charter Schools
DATE: Friday, February 12, 2016
TIME: 1:15 PM
COMMITTEE(S): Senate Committee on Education
Senate Committee on Judiciary and Labor
ROOM: Conference Room 229
FROM: Tom Hutton, Executive Director
State Public Charter School Commission

Testimony partly opposition to SB 3104

Chairs Kidani and Keith-Agaran, Vice Chairs Harimoto and Shimabukuro, 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 a 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 the opportunity to provide this testimony.

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: malia@hawaiiicharterschools.com
Subject: Submitted testimony for SB3104 on Feb 12, 2016 13:15PM
Date: Thursday, February 11, 2016 2:04:43 PM
Attachments: [2.12.2016 EDUJDL SB3104 \(Charter Schools-Omnibus\).pdf](#)

SB3104

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

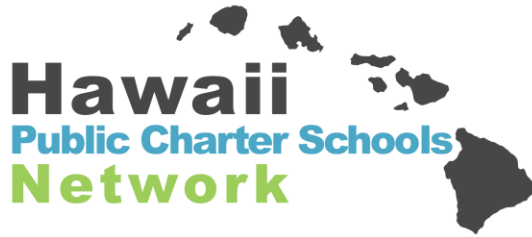
Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine Souki	Hawaii Public Charter Schools Network	Comments Only	Yes

Comments: February 12, 2016 To: Honorable Michelle Kidani, Chair Honorable Breene Harimoto, Vice Chair Senate Committee on Education Senator Gilbert S.C. Keith-Agaran, Chair Senator Maile S.L. Shimabukuro, Vice Chair Senate Committee on Judiciary and Labor From: Jeannine Souki, Executive Director Hawaii Public Charter Schools Network Re: SB 3104 – RELATING TO PUBLIC CHARTER SCHOOLS – COMMENT Conference Room 229 – Hawaii State Capitol – Feb. 12, 2016, 1:15 P.M. On behalf of the Hawaii Public Charter School Network (HPCSN), we are writing to comment on SB 3104, Relating to Public Charter Schools. SB 3104 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 employ 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.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



February 12, 2016

To: Honorable Michelle Kidani, Chair
Honorable Breene Harimoto, Vice Chair
Senate Committee on Education

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Senate Committee on Judiciary and Labor

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

Re: **SB 3104 – RELATING TO PUBLIC CHARTER SCHOOLS – COMMENT**
Conference Room 229 – Hawaii State Capitol – Feb. 12, 2016, 1:15 P.M.

On behalf of the Hawaii Public Charter School Network (HPCSN), we are writing to comment on SB 3104, Relating to Public Charter Schools.

SB 3104 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 employ 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.

February 10, 2016

Senator Michelle Kidani
Chair, Senate Committee on Education
Hawaii State Capitol
Honolulu, HI 96813

Dear Chairwoman Kidani,

On behalf of the National Association of Charter School Authorizers (NACSA), I submit the following written testimony in opposition to Senate Bill 3104.

Senate Bill 3104, as does its companion bill in the House – HB 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. SB 3104 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 or 703-801-6698.

Sincerely,

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

cc: Senator Gilbert S.C. Keith-Agaran
Senator Lorraine Inouye
Senator J. Kalani English

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: chhoe_hlc@yahoo.com
Subject: Submitted testimony for SB3104 on Feb 12, 2016 13:15PM
Date: Thursday, February 11, 2016 3:39:27 PM

SB3104

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Charlene Hoe	Hakipu'u Learning Center	Support	No

Comments: As an individual and a member of the HLC, I strongly support this bill. It's provisions are key to preserving and enabling the vision of the charter school endeavor to reach its full promise in support of learners in Hawai'i.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: katie@kalo.org
Subject: *Submitted testimony for SB3104 on Feb 12, 2016 13:15PM*
Date: Thursday, February 11, 2016 10:15:27 AM

SB3104

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Katie Benioni	Kanu o ka Aina Learning Ohana	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Center for Hawaiian Sovereignty Studies
46-255 Kahuhipa St. Suite 1205
Kane'ohe, HI 96744
Tel/Fax (808) 247-7942
Kenneth R. Conklin, Ph.D. Executive Director
e-mail Ken_Conklin@yahoo.com
Unity, Equality, Aloha for all



To: SENATE COMMITTEE ON EDUCATION, and
SENATE COMMITTEE ON JUDICIARY AND LABOR
For hearing Friday, February 12, 2016

Re: SB3104 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 SB3104. The State government should not facilitate such an outcome.

SB3104 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." SB3104 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.

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: lydia_trinidad@notes.k12.hi.us
Subject: *Submitted testimony for SB3104 on Feb 12, 2016 13:15PM*
Date: Thursday, February 11, 2016 1:13:29 PM

SB3104

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
LYDIA TRINIDAD	Kualapu'u Public Conversion Charter School	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

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

February 11, 2016

COMMITTEE ON EDUCATION/JUDICIAL

Hearing: Monday, February 12, 2016 1:15 p.m.
Conference Rm 229 State Capitol, Hawaii

TESTIMONY ON SB 3104

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 Leadership Member of Kanu O Ka 'Aina New Century Public Charter School testify to **SUPPORT SB 3104**

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.

**I testify in support of the purposes of this bill along with the recommended amendments to :
PART III SECTION 6 302D-28.5 Financial Insolvency Page 12, Lines 1-21.**

The amendment proposed and passed 2015 session, as presented, was totally unacceptable. This amendment requires disclosure of all information for informed and accountable decision-making.

Time to allow for responsible and accountable decisions!

We have identical kuleana – to SERVE and REPRESENT.

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

Thank You, M Kapuniai,
Governing Board President-Kanu O Ka 'Aina New Century Public Charter School
Waimea, Moku ' O Keawe

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: rkailianu57@gmail.com
Subject: *Submitted testimony for SB3104 on Feb 12, 2016 13:15PM*
Date: Tuesday, February 09, 2016 10:44:18 PM

SB3104

Submitted on: 2/9/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Ho`omana Pono, LLC	Support	Yes

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Testimony SB3104
Senate Education Committee
February 12, 2016 Conference Room229 1:15 pm
Support

Dear Chair Kidani 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 Strongly Supporting SB3104
Companion bill HB2214
Submitted by Susie Osborne on behalf of:
Kua o ka La Public Charter School**

Aloha:

Thank you for this opportunity to testify regarding my strong support of Senate Bill 3104. We strongly urge you to adopt SB3104.

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

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: joef@kalo.org
Subject: *Submitted testimony for SB3104 on Feb 12, 2016 13:15PM*
Date: Thursday, February 11, 2016 11:11:11 AM

SB3104

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Fraser	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: kaui423@gmail.com
Subject: Submitted testimony for SB3104 on Feb 12, 2016 13:15PM
Date: Thursday, February 11, 2016 10:32:08 AM

SB3104

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Janlyn Ryusaki- Phillips	Individual	Support	No

Comments: I am a charter school parent and I support this bill. Thank you.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: kaiulani@kalo.org
Subject: *Submitted testimony for SB3104 on Feb 12, 2016 13:15PM*
Date: Thursday, February 11, 2016 12:08:15 PM

SB3104

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: keomailanicas@hawaiiantel.net
Subject: Submitted testimony for SB3104 on Feb 12, 2016 13:15PM
Date: Thursday, February 11, 2016 1:31:17 PM

SB3104

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Keomailani Case	Individual	Support	No

Comments: - Charter Schools must have timely access to state appropriated funds. - It is essential for Hawai'i to have more than one authorizer.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: shellystimac@yahoo.com
Subject: *Submitted testimony for SB3104 on Feb 12, 2016 13:15PM*
Date: Thursday, February 11, 2016 9:32:20 AM

SB3104

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Shelly Stimac	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

TESTIMONY IN SUPPORT OF SB3104

RE: **REQUEST SUPPORT OF SB3104**

Aloha my name is Taffi Wise from Kanu o ka Aina on the Big Island of Hawaii and a member of Na Lei Na'auao Alliance for Native Hawaiian Education. 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.

SB 3104 refines Hawaii's charter movement taking it to the next level by:

- following national best practice,
- 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 in EDN650 and Governing Board legal counsel cost being paid by the schools. 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 SB 3104?**

Mahalo nui for all you do,



Taffi Wise

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: erin@kalo.org
Subject: *Submitted testimony for SB3104 on Feb 12, 2016 13:15PM*
Date: Thursday, February 11, 2016 12:13:45 PM

SB3104

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Erin Lindsey	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov