



TESTIMONY OF THE STATE ATTORNEY GENERAL TWENTY-FOURTH LEGISLATURE, 2008

ON THE FOLLOWING MEASURE:

S.B. NO. 2164, S.D. 3, RELATING TO EDUCATION

BEFORE THE:

HOUSE COMMITTEE ON EDUCATION

DATE: Wednesday, March 12, 2008 **TIME:** 2:00 PM

LOCATION: State Capitol, Room 309
Deliver to: Committee Clerk, Room 324, 5 Copies

TESTIFIER(S): Mark J. Bennett, Attorney General
Or Holly T. Shikada, Deputy Attorney General
Or Melissa W. Chee, Deputy Attorney General

Chair Takumi and Members of the Committee:

The Department of the Attorney General takes no position as to what this bill is trying to accomplish, except to note the following concerns.

The purpose of this bill is to augment state funding for public charter schools by encouraging private individuals to provide goods and services to build, repair, and maintain charter school facilities.

This bill tasks the Charter School Administrative Office ("Office") with administering the moneys in the fund. See page 5, line 7. In the new Hawaii Revised Statutes section set forth in section 2 of the bill, subsection (d)(3), on page 6, at lines 11-12, delegates to the Office responsibility for establishing criteria for making grants from the charter school facilities fund without any direction as to how the authority is to be exercised.

In addition, implementation problems may arise. First, subsection (d) places six (6) members on the advisory board. In order to avoid situations of stalemates, we recommend an odd number of members. Second, on page 8 at lines 18-19, subsection (j) is unclear as to what is meant by the Office "shall be held accountable."

The Department of the Attorney General respectfully requests that, if this bill is to be passed, it be amended and clarified to address our concerns.

WRITTEN ONLY

TESTIMONY BY GEORGINA K. KAWAMURA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON EDUCATION
ON
SENATE BILL NO. 2164, S.D. 3

March 12, 2008

RELATING TO EDUCATION

Senate Bill No. 2164, S.D. 3, among other provisions, establishes a Hawaii charter school facilities fund to be administered by the Charter School Administrative Office to provide grants, loans or contracts to charter schools, nonprofit corporations, or private vendors for the purpose of providing facilities for charter schools. Further, the bill appropriates an unspecified amount in general funds for FY 08-09 for deposit into the Hawaii charter school facilities fund.

As a matter of general policy, this department does not support the creation of any special or revolving fund which does not meet the requirements of Section 37-52.3 of the Hawaii Revised Statutes. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. It is difficult to determine whether the fund will be self-sustaining.

berg1-Liz

From: tom macdonald [tjmacdonald@earthlink.net]
Sent: Tuesday, March 11, 2008 2:13 PM
To: EDNtestimony
Cc: Alvin Parker; Ruth Tschumy
Subject: Testimony on SB2164SD3 Hearing March 12th, 2:00 PM

This testimony is submitted by Thomas J Macdonald, member of the Charter School Review Panel, to the House Education Committee regarding SB2164SD3, relating to the proposed Charter School Facilities Fund.

Rep. Roy Takumi, Chair
Rep. Lyla Berg, Ph.D., Vice Chair

This testimony is submitted on behalf of the Charter School Review Panel, which supports the proposed establishment in the State treasury of a fund to be administered in the Charter School Administration Office to support the construction and maintenance of school facilities for use by Public Charter Schools, as set forth in SB2164SD3.

The fund proposed would allow for private contributions to be made to the fund in addition to State appropriations, thus establishing a public-private partnership supporting Charter Schools. The Fund should be regarded as a supplement to, and not a replacement for, regular State support for Charter School facilities.

At present, Charter Schools (except for conversion Charter Schools) are not provided by the State with school buildings, or funds to lease such buildings, and must pay to lease such facilities out of their per-pupil appropriation, which is less than the per pupil amount expended for regular public school students.

The Charter School Review Panel voted at its February 21st meeting to oppose an earlier version of SB2164 which would have housed the fund in a private 501c3 organization rather than in the State treasury. The Panel concurred with earlier testimony submitted by the Governor's office, the Department of Budget & Finance, and the Attorney General's office that such a private fund had potential administrative, legal and constitutional problems. For those reasons, the Panel would oppose any further amendments to SB2164SD3 which would remove the fund from the State treasury.

The Panel would suggest that the Fund Advisory Board established by this Bill should include at least one member of the Panel as a Board member.

Thank you for this opportunity to share our views with the Committee



SB 2164, SD3 RELATING TO EDUCATION
House Committee on Education,

March 12, 2008
309

2:00pm

Room

The Office of Hawaiian Affairs is a supporter of the charter school movement, and has collaborated with the Kamehameha Schools and others in assisting the 13 Hawaiian-focused charter schools, where Native Hawaiians make up about 96% of the student population, and up to 40% at the other 15 charter schools in the state. This legislation advocates for the appropriate funding and the statutory amendments necessary to address the ongoing need for facilities for new century public charter schools.

Most of Hawai'i's start-up public charter schools are Hawaiian-focused charter schools. These schools lack sufficient funds for facility and infrastructure capital improvements and repair and maintenance costs. Difficulties in securing adequate long-term and affordable facilities that are academically appropriate are resulting in a financial crisis that threatens the long-term viability of Hawai'i's public charter school system.

In spite of these challenges and severe under-funding, Hawaiian-focused charter schools have demonstrated their effectiveness in serving our Hawaiian children to be more engaged and attain greater gains in the educational process as compared to their peers in conventional public schools. Our children are succeeding in the Hawaiian-focused charter schools because they are grounded in Hawaiian language, culture and values.

The Board of Trustees, the Administration and the staff of the Office of Hawaiian Affairs is committed to fulfill its education mission to facilitate culturally sound educational opportunities for Native Hawaiians by promoting academic success and life-long learning. To this measure, the Board of Trustees has authorized and allocated 6.6 million dollars over these last three years leveraging other potential resources to fund Hawaiian-focused public charter schools. In addition, OHA continues to receive supplemental grant requests for facility and capital improvement funding from individual charter schools.

SB 2164, SD3 aims to ensure that the state establishes and appropriates a Hawai'i Charter School Facility Fund for funding the repair, maintenance, and other facilities needs of charter schools.

It is not enough to make possible the opportunity for our children to attend charter schools. It is incumbent upon us to ensure that the learning environments we create for our children, and indeed for all children, must be reflective of the promising future that we envision for them and for our society.

The State is the largest stakeholder and is charged with the greatest responsibility or "kuleana" to make this possible. OHA urges your support for this bill. Mahalo nui loa for the opportunity to present this testimony.



KAMEHAMEHA SCHOOLS

Testimony to the House Committee on Education
Hearing Date: Wednesday, March 12, 2008
2:00 p.m. – Conference Room 309

Shawn Malia Kana'iaupuni, PhD
Director, Public Education Support (PEdS) Division
Kamehameha Schools

Wednesday, March 12, 2008

Re: SB 2164, SD3 - Relating to Education

Good afternoon Chair Takumi, Vice Chair Berg and members of the House Committee on Education. My name is Shawn Malia Kana'iaupuni, PhD, Director, Public Education Support (PEdS) Division of Kamehameha Schools. Thank you for this opportunity to testify on **SB 2164, SD3**.

Kamehameha Schools has been a collaborator in the charter school movement for more than six years now. As part of our Education Strategic plan, KS hopes to significantly impact more Hawaiian children ages 0-8 and grades 4-16+, and their families/ caregivers over the next five years, in collaboration with others whenever possible.

Currently, Kamehameha Schools collaborates with 14 nonprofit tax-exempt organizations, including `Aha Pūnana Leo, OHA, KALO and Ho`okāko`o Corporation, to assist a total of 12 start-up and 3 conversion charters. Kamehameha Schools believes that this collaboration provides more positive educational choices and ultimately academic achievement for Hawaiian students. Through these collaborations, Kamehameha Schools currently assists more than 3,000 students in 13 communities on 4 major islands, within the public education system.

In a report released August 2006 entitled, "Longitudinal Outcomes for Hawaiian-focused charter schools," the Kamehameha Schools research team concluded that Hawaiian-focused charter schools are implementing viable educational strategies, making significant gains over time for the lowest-achieving students. Supporting and replicating the successful strategies found in Hawaiian-focused charter schools may generate a promising return on investment for Hawaiian education throughout the public school system.

Kamehameha Schools supports the intent of **SB 2164, SD3** which is to provide a greater measure of support for charter schools.

We appreciate this opportunity to submit comments on **SB 2164, SD3** and support the initiatives of the legislature to further enhance charter schools.



COMMUNITY CHILDREN'S COUNCIL OFFICE

1177 Alakea Street · B-100 · Honolulu · HI · 96813

TEL: (808) 586-5363 · TOLL FREE: 1-800-437-8641 · FAX: (808) 586-5366

March 11, 2008

The Honorable Roy M. Takumi (Chair) and the Honorable Lyla B. Berg (Vice Chair)
Committee of Education

RE: SB 2004: Administrative hearing procedures and subpoena power relating to the education of children with a disability:

Representative Takumi and Representative Berg and members of the committee:

The 17 Community Children's Councils in Hawaii support the bill with amendments of this bill. Our brochure is attached.

We fully support the repeal of the 90 calendar days in which parents must file an appeal in any unilateral placement of a child in a private placement. We strongly endorse the two year timeline for appeal based on the Supreme Court decision allowing a two year time for appeal in due process matters. We also support the subpoena power of the administrative hearing office as well as the reimbursement of expert witnesses. We recommend that this section requiring a state officer to review the findings be deleted.

Our reasons for supporting this bill are:

1. Many parents have not been; informed about the timeline;
2. The start of the timeline is actually before the student starts in the private placement creating difficulty for all parties;
3. Parents are not reimbursed for expert witness fees while department personnel are on the payroll. This practice is not equitable in our opinion.

We oppose the review of hearing decision by a state review officer because the state law only allows 30 calendar days for an appeal to be filed in either state or federal court. The review would greatly hinder the appeal process and is unnecessary. We respectfully request that this section of the bill be deleted.

We will be happy to answer any questions that you may have. Thank you for this opportunity to address SB 2004.

Sincerely,

Charlotte Kamauoha, Parent Co-Chair

Tom Smith, Professional Co-Chair

Signatures on file