



KAMEHAMEHA SCHOOLS

Testimony to the Senate Committees on Education
Hearing Date: Wednesday, January 30, 2008
1:15p.m. – Conference Room 225

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

Tuesday, January 29, 2008

Re: SB 2751 Relating to Charter Schools

Good afternoon Chair Sakamoto, Vice Chair Tokuda and members of the Senate 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 in support of the intent of SB 2751.

In particular, we support the clarification that charter schools shall receive payment for fringe benefits and special education and that these amounts, along with federal funding received, will not be deducted from the per pupil appropriation to charter schools. We also support the clarification that the Charter School review panel is subject to the requirements of the sunshine law.

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 2751 which is to provide a greater measure of support for charter schools.

We appreciate this opportunity to submit comments on SB 2751 and support the initiatives of the legislature to further enhance charter schools.

Date of Hearing: Wednesday, January 30, 2008

Committee: House Committee on Education

Board: Education

Person Testifying: Donna R. Ikeda, Chairperson, Board of Education

Title of Bill: S.B. No. 2751, Relating to Charter Schools

Purpose of Bill: Makes clarifying amendments to the Charter School Law by, among other things: (1) enabling the Board of Education (Board) to terminate Charter School Review Panel (Panel) members for cause; (2) requiring any Board member who serves as a Panel member during the time a decision is being appealed to recuse himself or herself from reviewing the matter on appeal; (3) authorizing the Board to direct the Panel to take appropriate action for charter school deficiencies related to compliance with Board policies in the Board's capacity as the State Education Agency (SEA) and Department of Education (Department) directives in the Department's capacity as the SEA; state and federal laws; and health and safety issues; and to immediately address serious health and safety issues that may exist at a charter school; (4) allowing the Panel to review, modify, and approve the charter schools budget; Capital Improvement Projects budget for charter school facilities; and recommendations of the Charter School Administrative Office (CSAO) to allocate non per pupil facilities funds to charter schools with facilities' needs; (5) clarifying that the Panel is subject to the Sunshine Law (Chapter 92, Hawaii Revised Statutes); (6) requiring that CSAO be

represented by an assigned deputy attorney general who does not represent or function as a subordinate to a deputy attorney general who represents the Department or the Board; (7) excluding fringe benefits, special education, debt service, and federal funds from the per pupil appropriation to charter schools; and (8) enabling the Department to retain five percent of the charter school's federal grants and subsidies as an administrative fee.

Board's Position: Chairperson Sakamoto, Vice Chairperson Tokuda, and members of the Senate Committee on Education, thank you for this opportunity to comment on S.B. No. 2751.

The Board has not taken an official position on this measure at this time; however, we would like to offer the following comments:

- There are three provisions in S.B. No. 2751 that are same or similar to the following provisions contained in the Board-initiated legislation, S.B. No. 2688 and H.B. No. 3220: (1) enabling the Board to remove a Panel member as may be necessary; (2) specifying in the definition of "organizational viability" that charter schools are to comply with all Board policies; and (3) clarifying that the Panel is subject to the Sunshine Law. The Board

appreciates the inclusion of the provisions in the bill before us.

- Regarding the provision in the bill prohibiting the Board member on the Panel from sitting on charter school applicants' appeals from the Panel's decisions, the provision mirrors the action of the Board member who currently sits on the Panel. The Board member has recused herself from the charter school applicants' appeals that are currently before the Board for deliberation and decision making.
- The Board appreciates the provisions in S.B. No. 2751 that authorize the Board to direct the Panel to take appropriate action to immediately address serious health and safety issues that may exist at a charter school, as well as provisions that allow the Panel to place a charter school on probationary status for deficiencies related to compliance with Board policies in the Board's capacity as the SEA, Department directives made in the Department's capacity as the SEA, state and federal laws, and health and safety issues.

Related to the Board's SEA status, we know that this is not a matter of dispute. We do know that federal law holds the SEA accountable for statewide compliance with federal educational

requirements by all public schools in the State. Failure by charter schools, as well as DOE schools, to comply with the federal requirements puts the entire State public education system at risk of federal funding cuts, program cuts, penalties, or corrective actions.

- Regarding funding for charter schools, representatives from the Board, CSAO, and the Governor's Office were part of a working group that met during the legislative interim to address a basic funding formula for charter schools. A minority report from the Board representative was included in the working group's final report that was submitted to the Legislature.
- With respect to the other provisions contained in S.B. No. 2751, the Board has not taken positions on those provisions at this time.

Thank you for the opportunity to comment on this measure.