

Date of Hearing: Wednesday, January 30, 2008

Committee: Senate Committee on Education

Board: Education

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

Title of Bill: S.B. No. 3038, Relating to Public Charter Schools

Purpose of Bill: Amends the Charter School Law by: (1) removing the Board of Education (Board) Chairperson or Chairperson's designee from serving as a member of the Charter School Review Panel (Panel) and instead adding an individual with a finance or accounting background to the Panel membership; (2) authorizing the Governor, rather than the Board, to appoint the Panel members; (3) removing the cap on conversion charter schools and authorizing the Panel to establish the number of conversion charter schools to be issued; (4) requiring the Charter School Administrative Office (CSAO) to 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 Board or the Department of Education; (5) including in the budget request for charter schools, funding for anticipated new start-up charter schools, in addition to funding for existing charter schools, without reducing current funding to existing charter schools; and (6) clarifying that the Panel is subject to the Sunshine Law (Chapter 92, Hawaii Revised Statutes).

Board's Position: Chairperson Sakamoto, Vice Chairperson Tokuda, and members of the Senate Committee on Education, thank you for the opportunity to comment on S.B. No. 3038.

While the Board has not taken an official position on this measure at this time, we would like to share the following comments:

- Removing the Board Chairperson or the Chairperson's designee from serving as a member of the Charter School Review Panel runs counter to the Board's responsibility as the State Education Agency (SEA), which is responsible for the State supervision of public elementary and secondary schools. As the SEA and in its statewide educational policymaking capacity, the Board has a fundamental role and responsibility as a member of the Panel by lending a statewide public education perspective that takes into account both DOE schools and charter schools. The Board Chairperson or Chairperson's designee also serves as a liaison between the Panel and the Board.
- Under existing law, the Panel is accountable to the charter schools and the Board. It is unreasonable and contradictory to make the Panel accountable to the charter schools and the Board, and at the same time, propose legislation to

remove the Board Chairperson or the Chairperson's designee from serving as a member of the Panel.

- Having an elected statewide educational policymaking board, rather than the Governor, appoint members to the Charter School Review Panel ensures that a wide range of perspectives are considered in the appointment process. Accountability works both ways. If the Panel is accountable to the Board (and charter schools), then the Board should retain its authority to appoint members to the Panel.
- The Board supports the provision in the bill that clarifies that the Panel is subject to the Sunshine Law.
- Regarding other provisions in the bill, the Board has not taken an official position on those provisions at this time.

Lastly, the Board would also like the Committee to note its support for two Board-initiated bills, S.B. No. 2688 and H.B. No. 3220, which would enable the Board to remove a Panel member as necessary, specify that charter schools are to comply with all Board policies, and clarify that the Panel is subject to the Sunshine Law.

Thank you for the opportunity to comment on S.B. No. 3038.