

Linda Lingle
Governor

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Date: November 29, 2007

To: - Senate Committee On Education
Senator Norman Sakamoto, Chair

Senator Jill N. Tokuda, Vice Chair

From: Vanelle Maunalei Love, Interim Executive Director
Charter School Administrative Office

Subject: Charter Schools Informational Briefing

Aloha Kakou,

Thank you for your continuing commitment to education and for each year addressing the issues that arise for Hawaii's Charter School System. With the signing of Act 115 last legislative session, this year we are looking at a support system for Hawaii's charter schools that in part, is *historically different from what has been in place*. I commend our Legislators, the Governor, and other support groups for the courageous leap of faith taken in the passing of Act 115.

IMPACT AND IMPLICATIONS OF ACT 115

The main points of Act 115 that have created positive change:

- Creation of the Charter School Review Panel (CSRP) as the new charter school authorizer with oversight of the Charter School Administrative Office (CSAO) and charter schools, including approving significant changes of charter school's Detailed Implementation Plan (DIP)
- Updating the charter school funding formula to include the most recently approved executive budget recommendations in place of the CAFR
- Allows that 10% of a charter school's per-pupil allocation be retained no later than January 1 of each year as a contingency balance to ensure fiscal accountability
- Changed language to hold the CSRP "accountable to the charter schools and the BOE"

- Changed membership of the CSRP to include twelve (12) members allowing fifty (50) percent of the members to be from support systems outside of the charter school community
- Giving authority to the CSRP as the entity to appoint and evaluate the Executive Director (ED) of the Charter School Administrative Office
- Offering a written contract to the CSAO ED for a term of up to four (4) years, allowing termination of the contract only for cause
- Placing the Appeals Process with the Board of Education (BOE)

The main points of Act 115 that still need work:

- **Funding for the CSRP is paramount...**
 1. This year no funding was appropriated for the CSRP and the CSAO put a place holder of \$250,000 aside from last year's two percent funding to the CSAO
 2. This amount was overly adequate and we expect that after discussion with the CSRP about its funding requirements, an amount will be reimbursed to the CSAO
 3. An approximate amount for the CSRP for this year looks like it will be close to \$115,000...The majority of this cost is in relation to transportation and other logistical costs, and a new staff member specifically for the CSRP

- **Funding Formula...**
 1. There is a Budget Proviso Working Group that was mandated by the last legislative session.
 2. This group is made up of a representative of the CSAO (Bob Roberts), a representative of the BOE (Denise Matsumoto), and a representative of the Governor's office (Nani Medeiros).
 3. Although the CSAO is a part of this group, we are concerned about what the outcome and recommendations will be.

- **The CSRP subject to Chapter 92 (The Sunshine Law)...**
 1. This is a way to allow for transparency of what is taking place however, it has hampered how often the CSRP is able to meet
 2. The outcome has been that it is at times difficult for this group to tackle the many issues it finds itself responsible for

- **CSRP Membership and Terms**
 1. Careful consideration should be taken regarding the membership of the CSRP due to Conflicts Of Interest...ex. The Board of Education has a member on the CSRP, but is also the Appeals Body
 2. Because the current CSRP was not formally convened until the beginning of this year, and all members are yet to be appointed, terms of members have been in question

GENERAL UPDATE ON CHARTER SCHOOLS

The National Alliance For Public Schools states the following:

“The No Child Left Behind Act (NCLB) has fundamentally changed the landscape of Public Education in America. Its sweeping provisions impact all public schools, most notably requiring 100 percent of students to be proficient in math and reading by 2013-14. Since its enactment in 2002, NCLB has prompted important progress – for example, the disclosure and narrowing of achievement gaps between white 9-year-olds and their African-American and Hispanic peers. But the record of the past five years also illustrates the difficulty of spurring significant changes in public education by primarily trying to improve existing schools. The bottom line is that too many of our most vulnerable children remain in failing schools. It is time to put much stronger emphasis on and more resources into creating new, high quality public schools where they are most needed – schools that will foster radically higher academic achievement for children who are still, today, left behind.”

“Public charter schools are not the only solution, but because they have demonstrated growing success in improving the academic achievement of disadvantaged students, and because they offer unparalleled flexibility in startup and operation, they should be at the core of this new-schools strategy.”

Those who support charter schools need to know that affecting the future success of charter schools will be addressed through commitment to quality and student success. A recent meta-analysis produced by the National Alliance for Public Charter Schools has concluded that the “existence of high quality charter schools and high growth rates for charter schools, at least in many states and studies, suggests that chartering hold promise as an approach to getting better schools.”

While test results are important indicators, we need to consider additional factors when looking at assessment of overall performance of charter schools. Student, parent and teacher satisfaction is one important factor. Surveys have consistently shown high levels of satisfaction among students, parents, and teachers of charter schools.

GENERAL UPDATE ON HAWAII'S CHARTER SCHOOLS

- Hawaii now has 28 charter schools...Kamaile Elementary was issued a charter for the 2007-08 school year
- Two applicants for start-up charter status have been approved for the 2008-09 school year ...Kona Pacific on the Big Island ...Kawaikini New Century Public Charter School on Kaua'i
- Eighteen of Hawaii's charter schools met Annual Yearly Progress (AYP) last year...
- A few highlights:
 1. Dr. Ku Kahakalau, founder and director of Kanu O Ka `Aina was awarded one of Kamehameha School's most prestigious awards, the Order of Ke Ali'i Pauahi Award
 2. West Hawaii Explorations Academy (WHEA) based in Kona received the Intel and Scholastic Schools of Distinction Award for science achievement...WHEA is the only school in the state to receive this award...they also received the Blue Ribbon Lighthouse School Award
 3. The first STEM Academy is opened- Kihei STEM Academy on Maui

Charter School Administrative Office...
Accomplishments and Responsibilities
October 2006 – November 2007

- A+ After School Care
- Administrative Meetings- Created a venue to allow information dissemination and communication/ networking to take place...the CSAO brings together directors from each charter school...last year we met once a month...this year we meet approximately every other month
- Applicants for Hawaii charter school status- Support and site visits
- Attorney General support- Monthly meetings
- Board of Education attendance when the CSAO was directly under the BOE's jurisdiction
- Budget and Finance Department- Dissemination of funds to charters; assisted (along with key charter support group) with Fringe Benefit issue to come up with a resolution
- Budgetary needs
- Business Manager's Meetings- Created a venue to allow information dissemination and communication/ networking to take place...The CSAO brings together business managers from each charter school each quarter
- Citizen Awards Luncheon- We had charter school students from Kua O Ka La and Kihei receive this award
- Conferences- CSAO staff and myself attended the following conferences: NACSA (2006 & 2007), National SPED Conference (held every three years), Ku I Ka Lono, Brustein and Manasevit on Federal Funding, Federal Charter School Grant Program Workshop (D.C.), Finance and Facilities (D.C.), Charter School Showcase (D.C.), E-Schooling Conference, California Charter School Association, National Charter School Conference, STEM, NIEA
- Conversion School Contract Support
- CSAO Administrative Conferences (December 2006 in Hilo & December 2007 to be held on O'ahu), and Professional Development Conference (2007 on O'ahu)
- CSAO responsibilities- School-wide support on a daily basis
- CSAO Audit Review
- CSAO Blessing for new office
- CSAO Financial Report- with Carbonaro CPAs & Management Group
- CSAO Operational Management and Strategic Plan for Hawaii's Charter School System
- CSAO Policies and Procedures...including Travel, Procurement, etc.
- Charter School's individual Blessings, Ground-breaking, Openings, Special Events
- Charter School's Graduations- We did our best to have a representative of the CSAO at each of our school's 2006 graduation ceremonies
- Data Collection System- In process of setting up a Data Collection System
- E-Rate for Hawaii's charter schools
- Federal Funding and Grant Support- Titles I, II, Safe and Drug Free, etc.
- Fiscal Training for charter schools- Title I, etc.
- Fiscal Management System- Working on creating a system to allow for early accountability support and follow through
- Fiscal Management Team- In the process of setting up a team to assist with financial support at the school level
- Governor's office- Communicate and meet in a collaborative effort to support charters
- Hawaii Distinguished Schools...
- Hawaii State Assessment Workshop/ Training- Set up a separate training for our charter schools as they were not allowed to attend some of the DOE trainings...the CSAO brought our schools to O'ahu to ensure we were well informed

- Highly Qualified Teacher Support- the CSAO is working with the state on its HQT Plan
- Legislative- Attend Briefings...Meet with legislators to explain the needs of Hawaii's charter schools...Testify in support of Hawaii's charter schools
- Local Charter School Board support- met with some to offer support, answer questions, etc....Note: Much more is needed in this area and recommend LSB Trainings take place
- Meetings...Meetings....Meetings...
- Memorandum of Understanding (MOU) with DOE
- Neighborhood Board support to educate community on charter schools in Hawaii
- Nutritional Support Mechanism for charters- In process of setting up a nutritional support system
- 'Olelo- Presenting on Olelo along with John Thatcher, Denise Matsumoto, and Kaholo Daugmon from Connections, regarding charter school issues
- Peer Reviews- Training and reviews offered to select group of schools in either Corrective Action or Restructuring
- Quality Education- Have ongoing support for charter schools and staff with Margaret Burns...She comes to Hawaii three a year to offer this support
- Quantum Learning- Have brought this to many of our charters, including training for staff at the school level
- Review Panel Support – This has required the time and efforts of more than one FTE employee.
- Risk Management- Assist with insurance support for charter schools
- Safety and Security- Met with state offices to ensure our charter schools are communicated with in times of emergency...help set up a system for quick response
- Site visits to all Hawaii's charter schools, some mainland charter schools
- Site visits- by BOE on the days of their General Business Meetings to: Innovations, Kamakau, KANAKA, Kanuikapono, Kanu O Ka 'Aina, Kawaihona, Ke Kula Ni'ihau, Kualapu'u, Myron B. Thompson Academy, Voyager, and West Hawaii Explorations Academy
- SPED support
- Stakeholder Support- HCSN, Kamehameha Initiatives, Na Lei Na'auao, and others
- STEM- CSAO sponsored Meetings, Workshops and Conference
- Superintendent's Liaison Committee support
- Teacher Reclassification Support
- Technology Support System for charter schools
- Tsunami Emergency Plan

CHALLENGES AND OTHER PROPOSALS FOR LEGISLATION

- **Abolishing the "Cap" for charter schools** ...This can be accomplished in ways other than simply placing a number on amount of schools authorized to be chartered.
1. Fifteen (15) out of forty (40) states with charter schools do not have caps on the number of charter schools allowed in their state...These states are: Arizona, Colorado, Delaware, Florida, Georgia, Kansas, Maryland, Minnesota, New Jersey, Oregon, Pennsylvania, South Carolina, Utah, Virginia, and Wyoming.
 2. Of the other states that do have caps, many allow their Local Educational Agency (LEA) or district to authorize allowing for more start-up charter schools than Hawaii's twenty five (25)...Others have caps of a certain number allowed each year as in the example of California and D.C. below
 3. California set a cap of 850 in 2004-05, with increases by 100 each year. The 100 is determined by the number of applicants providing an educational program...not the

- number of school sites (e.g., one charter applicant may serve several school sites across the state, but it is considered one new school because all schools fall under one charter.)
4. District of Columbia (D.C.)- allows for twenty (20) new start-ups per year...NOTE: D.C. is similar to Hawaii in that it is also one SEA/LEA
 5. In Indiana, there are no caps on the number of charter schools that may operate, but the mayor of Indianapolis may approve only a certain number each year, with increases cumulatively by five each subsequent year
 6. Nevada allows an unlimited number of charters serving at-risk students, but limits those for non at-risk students
 7. New Mexico- allows fifteen (15) new start-up schools and five (5) conversion schools each year statewide with slots remaining in a year transferring to succeeding years with a cap of seventy-five (75) start-ups and twenty five (25) conversions in a five-year period.
 8. Another creative way to allow for more start-up charter schools is to allow "Agency and County sponsored charter schools whose application is co-submitted by a state or county agency or University of Hawaii campus"
 9. The demand for charter schools is showing no sign of letting up. The CSAO receives about two to four inquires a month regarding the process to apply for a charter.
- **Language allowing charter school local school boards to enter into long-term leases...** Again, we ask you consider resolution to this dilemma as it is difficult for our schools to receive loans or funding assistance without these.
 - **Facilities Funding continues to be a priority issue.** Adding a facilities section to the funding formula on top of the per pupil amount would greatly assist Hawaii's charter schools with support towards their facilities costs.
 1. Although some states have established per-pupil facilities funding to assist schools, many still have to dip into their operational funds. Bridging this gap in funding places significant financial pressures on schools, particularly if a public charter school has to use funds which should go to salaries, classroom supplies and equipment.
 2. Public schools in 26 states receive some manner of state facilities aid ranging in permission to utilize a vacant school facility to per-pupil facilities allotment...D.C. bases their per-pupil facility allotment on a five year average of the available capital funds in D.C.

Mahalo nui loa,

Maunalei Love

DOES THE STATE PROVIDE SUPPORT FOR FACILITIES FUNDING?

<p>Arizona : Charter Schools</p>	<p>Yes. Non-profit charter schools may apply for bond financing from Industrial Development Authorities. The state department of education must annually publish a list of vacant and unused portions of buildings that are owned by the state or by school districts and that may be suitable for the operation of a charter school. Although authorizing legislation for a charter school stimulus fund remains in place, it is currently not funded.</p>
<p>Arkansas : Charter Schools</p>	<p>No.</p>
<p>California : Charter Schools</p>	<p>Yes. The charter schools revolving loan fund allows charter schools to receive loans for as much as \$250,000, allowing up to five years for repayment. A school district is generally required to provide facilities "rent free" to charter schools for students who reside in the district. A lease aid funding program for charter schools in low-income areas provides up to \$750 per student.</p>
<p>Colorado : Charter Schools</p>	<p>Yes. Capital construction funds have been appropriated and are provided to qualified charter schools in the amount of \$332.40 per pupil to assist with capital construction needs. The Educational and Cultural Facility Authority (ECFA) may issue bonds on behalf of charter schools. The charter school debt reserve fund enhances charter schools' ability to borrow funds from ECFA and to obtain more favorable rates. If space is available in a school district facility, a charter school may not be charged for that space, although other costs for facilities operations and maintenance must be negotiated. School districts are required to invite charter schools to discuss their capital construction needs prior to submitting a request to the voters or floating a bond for facilities funding, although the district is not required to include the charter schools as part of their requests or bonds.</p>
<p>Connecticut : Charter Schools</p>	<p>Yes. A state charter school that is renewed is eligible for a one-time grant of \$500,000 to assist it in financing school building projects, general improvements in school buildings and repayment of debt incurred for prior school building projects. Also, charter schools may apply for low-interest loans from the Connecticut Health and Educational Facilities Authority.</p>
<p>Delaware : Charter Schools</p>	<p>Yes. School districts must make unused buildings or space in buildings available for charter schools and must bargain in good faith over the cost of rent, services and maintenance related to such space. In addition, the state department of education and state department of administrative services must publish a list of all vacant and unused buildings and portions of</p>

	buildings owned by the state or school districts that may be suitable for charter schools.
District of Columbia : Charter Schools	Yes. The amount is based on a five year moving average of capital funds available to the school system. The mayor and the District of Columbia government must give preference to charter schools with respect to the purchase, lease or contract for the use of certain public facilities or properties.
Florida : Charter Schools	Yes. The state provides a per-pupil payment on an annual basis to charter schools for their facilities costs in the amount of \$835, \$957.40 and \$1,266.93 for elementary, middle and high schools. The state also provides an exemption from ad valorem taxes for facilities used to house charter schools. If a school district surplus facility or property is available, it must be provided for a charter school's use on the same basis as it is made available to other public schools in the school district. For an existing public school - converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school.
Georgia : Charter Schools	The state board of education may require a local referendum of the qualified voters in a local school system in which a state chartered special school will be located. Such referendum is held for the purpose of deciding whether the local school board must provide funds from school tax levies to support the state chartered special school or incur bonded indebtedness or both.
Hawaii : Charter Schools	No.
Idaho : Charter Schools	Yes. The state's charter school law authorizes a charter school's board of directors to borrow money as a nonprofit corporation to finance the purchase of school building facilities. Subject to the terms of such a contractual agreement, the board may use the facility as collateral for the loan.
Illinois : Charter Schools	Yes. A charter school may negotiate and contract with a school district, the governing body of a state college or university or public community college or any other public or for-profit or nonprofit private entity for the use of a school building.
Indiana : Charter Schools	Yes. Charter schools that are sponsored by the mayor of Indianapolis may obtain facilities financing from the local public improvement bond bank.
Iowa : Charter Schools	No.
Kansas : Charter Schools	No.
Louisiana : Charter Schools	Yes. Depending upon legislative appropriations, each start-up charter school shall receive for each student based on average daily membership in the charter school for the first five years of its existence an amount equaling the average per student budgeted amount for each of those five years by the

	district in which the charter school is located for facility acquisition and construction services. Local school boards must make available to chartering groups any vacant school facilities or any facility slated to be vacant for lease or purchase at fair market value.
Maryland : Charter Schools	No.
Massachusetts : Charter Schools	Yes. Facilities funding is embedded into the tuition formula for commonwealth charters. The FY06 facilities tuition rate is based on a statewide average of \$776.
Michigan : Charter Schools	No.
Minnesota : Charter Schools	Yes. State grants are available for facility improvement. The state provides lease aid to charter schools in the amount of 90% of lease costs or \$1,500 per-pupil. With approval of the state department of education, charter schools may lease space from public or private nonprofit, nonsectarian organizations and from sectarian organizations.
Mississippi : Charter Schools	No.
Missouri : Charter Schools	Yes. A school district may incur bonded indebtedness or take other measures to provide for physical facilities for charter schools that it sponsors or with which it contracts.
Nevada : Charter Schools	No. However, a charter school may contract with the local school board of the school district in which the charter school is located or the University and Community College System of Nevada for the provision of facilities to operate the charter school.
New Hampshire : Charter Schools	Yes. Charter schools may lease, through the school district, buildings that receive state school building aid.
New Jersey : Charter Schools	No. However, the state allows charter schools to use federal funds for facility construction.
New Mexico : Charter Schools	Yes. \$4,000,000 was appropriated from the public school capital outlay fund to the public school capital outlay council for expenditure in fiscal year 2006 for the purpose of making lease payments for classroom facilities, including facilities leased by charter schools. A school district shall provide a charter school with available facilities for the school's operations unless the facilities are currently used for other educational purposes. A charter school shall not be required to pay rent for the school district facilities if the facilities can be provided at no cost to the school district. If facilities are available but cannot be provided at no cost to the school district, the school district shall not charge more than the actual direct cost of providing the facilities. A charter school may pay the costs of operation and maintenance of its facilities or may contract with the school district to provide facility operation and maintenance services. Charter school facilities are eligible for state and local capital outlay funds and shall be included in the school district's five-year

	facilities plan.
New York : Charter Schools	Yes. The state must annually publish a list of vacant and unused buildings and vacant and unused portions of buildings that are owned by the state and that may be suitable for the operation of a charter school. At the request of a charter school or a prospective applicant, a school district shall make available a list of vacant and unused school buildings and vacant and unused portions of school buildings, including private school buildings, within the school district that may be suitable for the operation of a charter school. The state defines charter schools as public agents that are eligible to obtain tax-exempt financing on their own. Although authorizing legislation for a charter school stimulus fund has been enacted, the state has not provided monies to the fund.
North Carolina : Charter Schools	Yes. At the request of a charter school, the local school board of the school district in which the charter school is located shall lease any available building or land to the charter school unless the board demonstrates that the lease is not economically or practically feasible or that the local board does not have adequate classroom space to meet its enrollment needs. Also, a local school board may provide a school facility to a charter school free of charge, but the charter school is responsible for the maintenance of and insurance for the school facility. Charter schools may lease space from sectarian organizations so long as sectarian symbols are removed. The North Carolina Educational Facilities Finance Authority may issue bonds on behalf of charter schools.
Ohio : Charter Schools	Yes. Charter schools may use loans guaranteed under the Facilities Loan Guarantee Program for the construction of new school buildings.
Oklahoma : Charter Schools	Yes. The charter school incentive fund provides support for costs associated with renovating or remodeling existing buildings and structures for use by a charter school.
Oregon : Charter Schools	No.
Pennsylvania : Charter Schools	Yes. The state department of education calculates an approved reimbursable annual rental charge for leases of buildings or portions of buildings for charter school use which have been approved by the secretary of education on or after July 1, 2001. This charge is the lesser of (1) the annual rental payable under the provisions of the approved lease agreement or (2) the product of the enrollment times \$160 for elementary schools, \$220 for secondary schools or \$270 for area vocational-technical schools.
Puerto Rico : Charter Schools	No.
Rhode Island : Charter Schools	Yes. A school district may access aid for reimbursement of school housing costs for school district sponsored charter schools. Charter schools not sponsored by a school district may apply for 30% reimbursement of school housing cost on a need basis.

South Carolina : Charter Schools	Yes. The state department of education must make available, upon request, a list of vacant and unused buildings and vacant and unused portions of buildings that are owned by school districts and that may be suitable for the operation of a charter school. If a school district declares a building surplus and chooses to sell or lease the building, a charter school's board of directors or a charter committee operating or applying within the school district must be given the first refusal to purchase or lease the building under the same or better terms and conditions as it would be offered to the public.
Tennessee : Charter Schools	Yes. The chartering authority may endorse the submission of a qualified zone academy bond application to the local taxing authority, if the project is a qualified project.
Texas : Charter Schools	No. An approved bonding authority, however, may issue bonds to finance or refinance education facilities to be used by an authorized charter school.
Utah : Charter Schools	Yes. The state has created a charter school revolving loan fund. This fund provides loans to charter schools for the costs of constructing, renovating, and purchasing charter school facilities. This fund was initially capitalized with \$2,000,000 in the 2003 general legislative session.
Virginia : Charter Schools	Yes. No rent may be charged, and other fees are negotiable.
Wisconsin : Charter Schools	No.
Wyoming : Charter Schools	Yes. If a school district deems it has available space, the charter school may use the space without having to pay rent for it.

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Date: November 29, 2007
To: Senate Committee on Education
Senator Norman Sakamoto, Chair

From: Robert A. Roberts, Chief Financial Officer
Charter School Administrative Office

Subject: Charter Schools Fiscal Year 2009 Supplemental Budget Request

Aloha,

I apologize for not being able to attend today's meeting. Today I have a prior commitment to attend a federal funding workshop on the mainland that was scheduled months in advance. Thank you all for your continuing support for public education and in particular for your support of public charter schools.

I have been requested to provide testimony regarding historic per pupil funding for charter schools based on Hawaii Revised Statutes, historic per pupil funding received from B&F, R&M funding received and requested and CIP/Facilities funding proposals.

History of Charter Schools' Operational Funding

In the year-by-year analysis that follows I have relied on the statutory language of HRS 302B-12 or earlier statutes that were in effect during the year of analysis. The earlier statute provided that the CSAO submit a budget request based on:

“A per-pupil amount for each regular education and special education student, which shall be equivalent to the total per-pupil cost based upon average enrollment in all regular education cost categories, including comprehensive student support services but excluding special education services, and for all means of financing except federal funds, as reported in the most recently published department consolidated annual financial report;...”

For the purpose of this analysis debt-service amounts have also been excluded from the DOE per-pupil funding amounts because this cost is more closely related to the cost of facilities rather

than schools' operating costs. Effective with the 2006-07 fiscal year, the statutory language was changed from using the CAFR in the calculation to using the most recently-approved executive budget recommendations for the department in the calculations. Nonetheless, because the CAFR provides data on the actual costs of the department, comparing the CAFR to the actual charter school funding is worthwhile.

My summary of the history of funding for Hawaii's charter schools begins with the 2003-04 fiscal year. This was, I believe the first year that charter schools were funded based on a formula written into statute providing a per pupil amount for charter schools that was derived from per pupil spending by the DOE. In fiscal year 2003-04 state funding for charter schools was \$23,117,000 and the official enrollment count for charter schools in that year totaled 4,317 students. This resulted in a per pupil funding in that year of \$5,355. Applying the formula in statute at the time, but after the fact, since the Department of Education's Comprehensive Annual Financial Report (CAFR) was not published until January 2005, results in a comparable per pupil funding for regular public schools of \$6,016 per pupil. The difference in per pupil funding in 2003-04 was \$661 per pupil or a total of a \$2,853,537 system-wide shortfall when compared to the statutory formula.

In fiscal year 2004-05 charter school official enrollment had grown to 4,964 students. Total state funding provided in that year for charter schools was \$28,473,504. However, from this amount the Department of Budget and Finance deducted \$5,487,847 for fringe benefit costs, this adjustment was made despite the fact that many of the charter schools were using separate payroll systems and were paying the full cost of fringe benefits for their employees outside the state system. As a result of this deduction, the actual net funding available in 2004-05 was \$22,985,657 or \$4,630.47 per pupil, a 13.5% decrease from the previous year. During this same year the formula showed that the per pupil funding for the Department of Education, again using the CAFR report after the fact, was \$6,413.12. The per pupil funding difference between the two systems in 2004-05 was \$1,782.65. This equates to a total shortfall in funding of \$8,849,074 (4,964 students x \$1,782.65) in 2004-05.

In fiscal year 2005-06 the charter school official enrollment was 5,744 students. Total state funding for operating costs in that year was \$33,569,154. This includes \$1.2 million in funding provided in Act 87 as well as \$402,570 in collective bargaining funds that was provided by B&F for the first time to charter schools. Total actual per pupil funding was therefore, \$5,844.21. Using the DOE's CAFR report for that fiscal year and applying the statutory formula results in an actual per pupil funding amount for DOE schools of \$7,227.28. The difference in actual per pupil funding for 2005-06 between the two systems was therefore \$1,383.07 or a \$7,944,354 shortfall for charter schools.

In fiscal year 2006-07 charter schools enrollment grew to 5,812 students (official count). Total funding provided by the State of Hawaii totaled \$45,443,520. This amount included funding per Act 87 (\$1.5M) and collective bargaining funding provided by B&F (\$1.3M); however it excluded facilities funding of \$3,174,000. The actual per pupil amount calculates to \$7,818.91. The Department of Education has not yet published its CAFR for 2006-07; therefore, a comparison of actual per pupil amounts is not possible at this time. Further the statute was changed effective with this year to use the most recently approved executive budget

recommendations in place of the CAFR. Therefore, using the DOE's budget data for 2006-07 and applying the statutory formula provisions to these amounts yields an estimate of the actual per pupil amount for the DOE of \$8,233.50. The difference in per pupil funding for 2006-07 between the two systems is therefore estimated to be \$414.59 or a \$2,409,597 total shortfall.

In fiscal year 2007-08 charter school enrollment grew to 6,131 students (official count). Total state funding provided to charter schools in this year is \$51,635,990. The actual charter school per pupil amount calculates to \$8,422.12. The most recently approved executive budget recommendations for the DOE dates back to the Governor's 2007-08 biennium budget decision on the DOE's budget and is therefore again now dated data (does not factor in the actual approved budget for the department or actual department costs). However, using this information results in a per pupil amount for the department \$7,701.97. The difference in per pupil funding using this data is therefore \$720.15 per pupil higher for charter schools or a total of \$4,415,240 in additional charter school funding.

Summarizing the above operational funding differences:

Year	Charter Schools' Shortfall /(Additional) Funding
2003-04	\$2,853,537
2004-05	\$8,849,074
2005-06	\$7,944,354
2006-07 (est.)	\$2,409,597
2007-08 (est.)	(\$4,415,240)
Total Funding Shortfall	\$17,641,322

History of Charter Schools' Facilities Funding

The CSAO first included a request for charter schools facilities funding in its 2005-07 biennium budget request equal to \$2,258,592 for fiscal year 2006 and \$2,458,848 for fiscal year 2007. However the Board of Education did not approve this request. Based on the BOE's prior year action, the CSAO did not include a request for facilities funding in its 2006 supplemental budget request. In fiscal year 2006-07 the State of Hawaii provided facilities funding for charter schools for the first time. The amount of funding totaled \$3,174,000. Funding for charter school facilities was not continued beyond fiscal year 2006-07. In the 2007-09 biennium budget request the CSAO requested an increase to the actual funding received in the prior year (\$3,174,000) of \$187,997 in 2007-08 and an increase of \$452,153 in fiscal year 2008-09. Not only were these increases in funding not approved but the prior year funding of \$3,174,000 was not continued.

The charter schools have never requested or received any funding for repairs and maintenance costs. Except for the one year of facilities funding, costs for repair and maintenance are paid by the schools from their operating funds.

The charter schools have never requested or received any CIP funding. This does not mean that the schools are not interested in accessing this resource as a means to fund their facilities needs.

Instead, until now, the schools have chosen to focus their efforts on operational funding equity with the DOE and in obtaining facilities funding through the general fund budget.

Mahalo for allowing me the opportunity to present this information to you today. I will be happy to respond to any questions you may have.

Sincerely,

Robert A. Roberts



He pūko'a kani 'āina: Mapping student growth in Hawaiian-focused charter schools¹

Strategic Planning & Implementation, Research & Evaluation Division

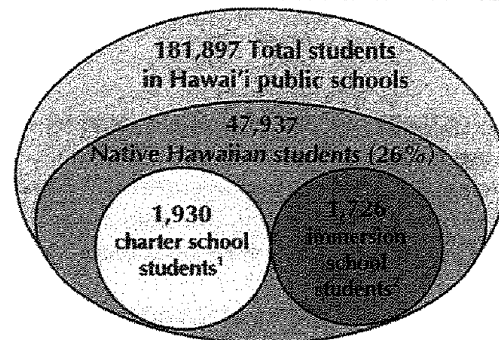
Across the nation, educational reform efforts are providing struggling students with alternatives to conventional public education. With greater community involvement and innovative instructional approaches, charter schools offer environments to develop and use new models to educate and support students.

To understand the value added by such environments and to be accountable to their communities, charter schools must be able to show data that evidence their successes, particularly with respect to available benchmarks.

In Hawai'i, test scores for Native Hawaiian students lag behind statewide averages in both reading and math, and the gap between Hawaiians and non-Hawaiians widens in higher grades. Hawaiian-focused charter schools offer a culturally grounded approach to education, providing a learning environment that is relevant and sensitive to student and family needs. Kamehameha Schools analyzes public data to understand and learn about Hawaiian student successes, in this case tracking changes in individual student achievement over time. For example, a student's SY2001-02 Hawai'i State Assessment (HSA) scaled scores is compared to his/her SY2004-05 HSA scaled scores. The gains are then compared across educational settings to identify the environments that are producing the greatest improvements across learners' educational careers. What follows is a brief summary of what was learned.

- Native Hawaiian students constitute at least 26 percent of the total public school population in Hawai'i.
- Within Hawaiian-focused charter schools, 86 percent of students are Native Hawaiian.
- Two-thirds of students in Hawaiian-focused charters are socioeconomically disadvantaged (e.g., participate in the subsidized lunch programs), making the challenge of educational delivery for these schools even greater.

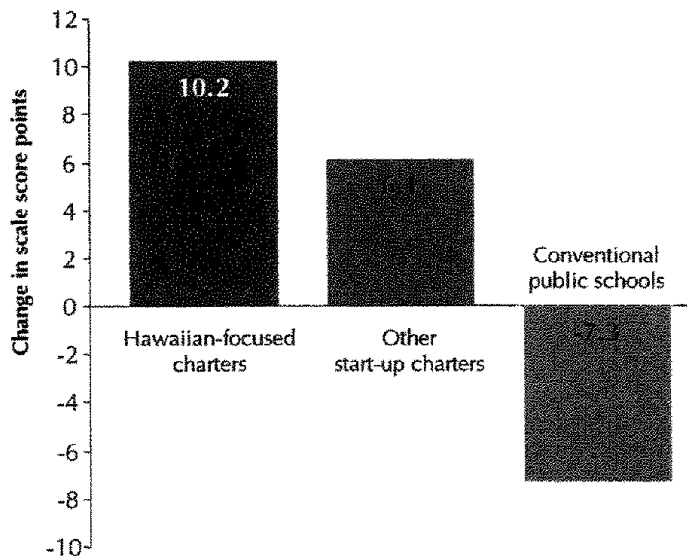
Figure 1. Hawaiian students in public schools: 2001-02



¹ Charter school student count includes conversion charters, Hawaiian start-ups, and non-Hawaiian start-ups.
² Immersion student count is for 2005-06 school year and may include some non-Hawaiian students.

After computing the individual change in scaled scores for each student in the HSA reading test between Grades 8 and Grade 10, the changes were averaged for three public school types: Hawaiian-focused charters, other start-up charters, and conventional public schools. The results are as follows:

Figure 2. Change in HSA scaled reading averages among Native Hawaiian students over time: Grade 8 to Grade 10



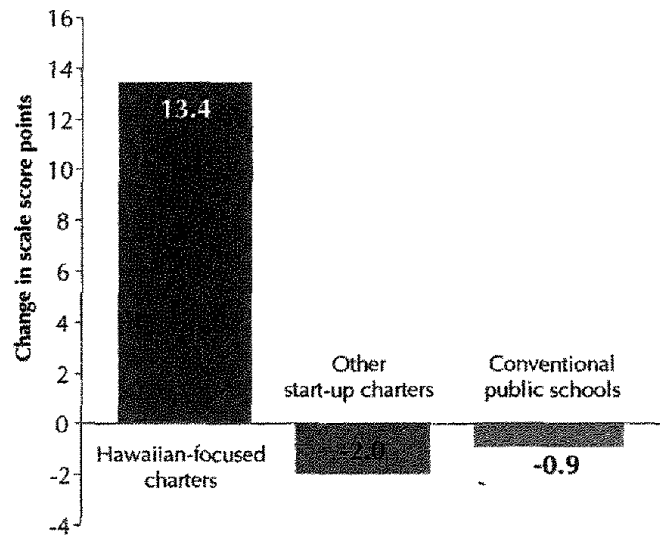
- On average, Native Hawaiian students in Hawaiian-focused charter schools made greater gains (10.2 scale points) than their peers in other start-up charter schools and conventional public schools (Figure 2).
- The percentage of Native Hawaiian students who scored "well below proficiency" decreased by more than half: 20.3 percent to 8.9 percent in Hawaiian-focused charters.
- The percentage of Native Hawaiians "well below proficiency" in reading decreased between Grade 3 to Grade 5 and Grade 5 to Grade 7 (30 percent and 15 percent decreased respectively).

¹ "A coral reef that grows into an island. A person beginning in a small way gains steadily until he becomes firmly established" (Pukui, M. 'Olelo No'eau: Hawaiian Proverbs and Poetical Sayings, 1983, 100).

The same comparison was conducted using HSA math test scores, showing the average gains between Grade 8 and Grade 10 for Hawaiian-focused charters, other charters, and conventional public. The results are as follows:

- Again, Native Hawaiian students in Hawaiian-focused charters made strong gains of about 13.4 points on average (Figure 3).
- The percentage of Native Hawaiian students who scored “well below proficiency” decreased by approximately 30 percent, from 41 percent to 28.9 percent, in Hawaiian-focused charters.
- The percentage of Native Hawaiians “well below proficiency” in math decreased between Grade 5 to Grade 7 by 15 percent; the percentage of elementary students showed a slight increase (3 percent).

Figure 3: Change in HSA scaled math averages among Native Hawaiian students over time: Grade 8 to Grade 10



Findings indicate that there is value added by the Hawaiian-focused charter schools to public education, providing a learning opportunity for the state of Hawai'i. In spite of socioeconomic disadvantage, Native Hawaiian students who attend culturally engaging/authentic Hawaiian-focused charter schools make significant gains in reading and math over time. Furthermore, low-achieving Native Hawaiian students are significantly more likely to move out of “well below proficiency” levels on standardized tests when attending Hawaiian-focused charter schools.

To further study the educational assets and outcomes of Native Hawaiian students in Hawai'i's public schools, Kamehameha Schools' Research & Evaluation staff is pursuing the following research activities to help inform educators, administrators and policy-makers:

1. Collaborative projects with the Department of Education such as the “Successful Schools Study,” and the “Hawaiian Cultural Influences in Education Project.”
2. The Nā Lau Lama Initiative for Hawaiian education.
3. Program and technical support for Nā Lei Na'auao Hawaiian-focused charter schools, including the development of assets-based assessment tools.
4. Extended reach of Kamehameha Schools through research and data dissemination to the community in conjunction with the Community Education Implementation Division.

For more information about this and other research relevant to Native Hawaiian learners, contact Kamehameha School's Research and Evaluation staff at 541-5372, by email pase@ksbe.edu, or by visiting the Strategic Planning and Implementation website www.ksbe.edu/spi.

Creating Change...

Hawaiian-focused Charter Schools

- Thirteen Hawaiian-focused charter schools serve over 1,700 students in the state of Hawai'i
- Hawaiian-focused charter schools show success by doing the following:
 - Innovate
 - Improve
 - Involve

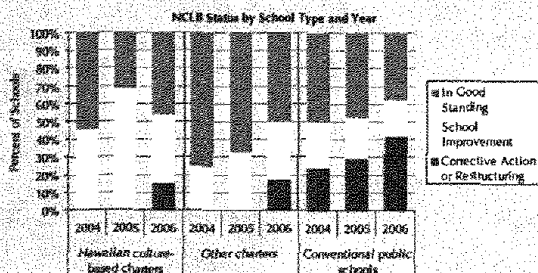


Kamehameha Schools: SPI/Research & Evaluation Division, November 29, 2007

Creating Change: Innovation

Hawaiian-focused charters implement innovative approaches to achieve more favorable AYP status than conventional public schools, including:

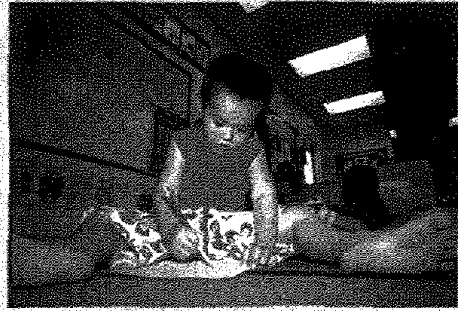
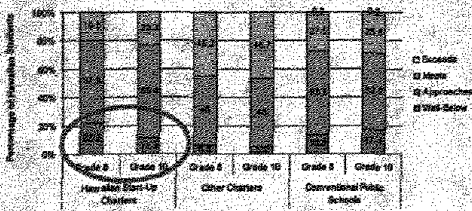
- Research-based practices (Western & Hawaiian)
- Project-based, place-based learning
- Interdisciplinary instruction
- Authentic assessment
- Hawaiian language instruction



Kamehameha Schools: SPI/Research & Evaluation Division, November 29, 2007

Creating Change: Improvement

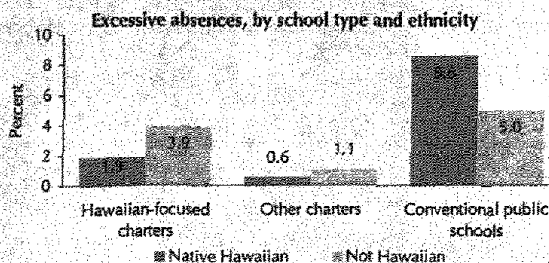
- Hawaiian-focused charter schools are increasing the reading proficiency of their lowest-performing students:
 - the percentage scoring “well below proficiency” in 8th grade was cut in half by 10th grade.
- Even greater improvements occur in math proficiency.



Kamehameha Schools: SPI/Research & Evaluation Division, November 29, 2007

Creating Change: Involve

Hawaiian-focused charters also witness substantial levels of student engagement, as shown by low rates of absenteeism and high rates of ‘ohana and community involvement

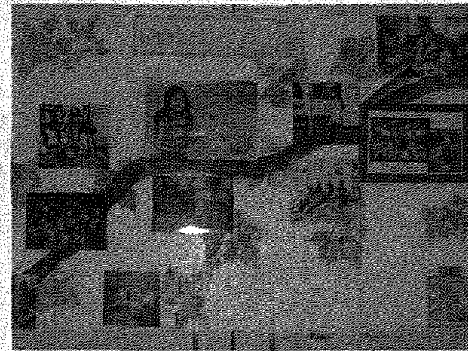
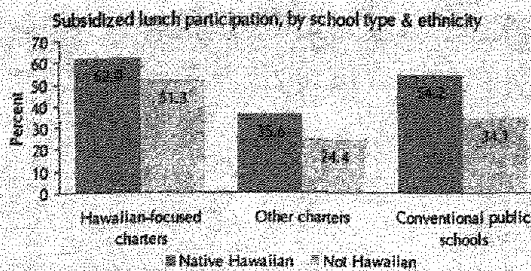


Kamehameha Schools: SPI/Research & Evaluation Division, November 29, 2007

Creating change

Hawaiian-focused charters serve a student population that is:

- Predominantly Native Hawaiian
- Socioeconomically disadvantaged
- Often disenchanted by their prior conventional public school experiences



Kamehameha Schools: SPI/Research & Evaluation Division, November 29, 2007

Creating Change

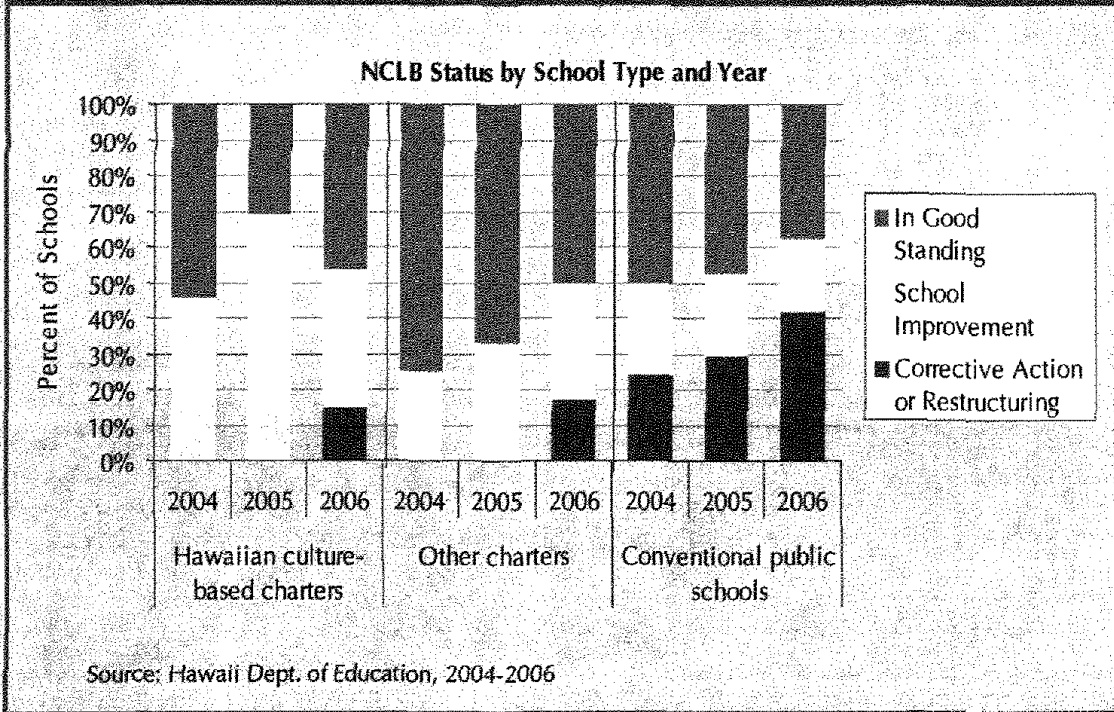
Summary

- Hawaiian-focused charter schools represent a unique and viable educational model.
- Adequate yearly progress (AYP) overlooks important gains made by Hawaiian-focused charter schools (i.e., improvement among the lowest-achieving students).
- Hawaiian-focused charter schools generate promising returns on investment for Hawaiian education.
- *Detailed data provided on the following slides*



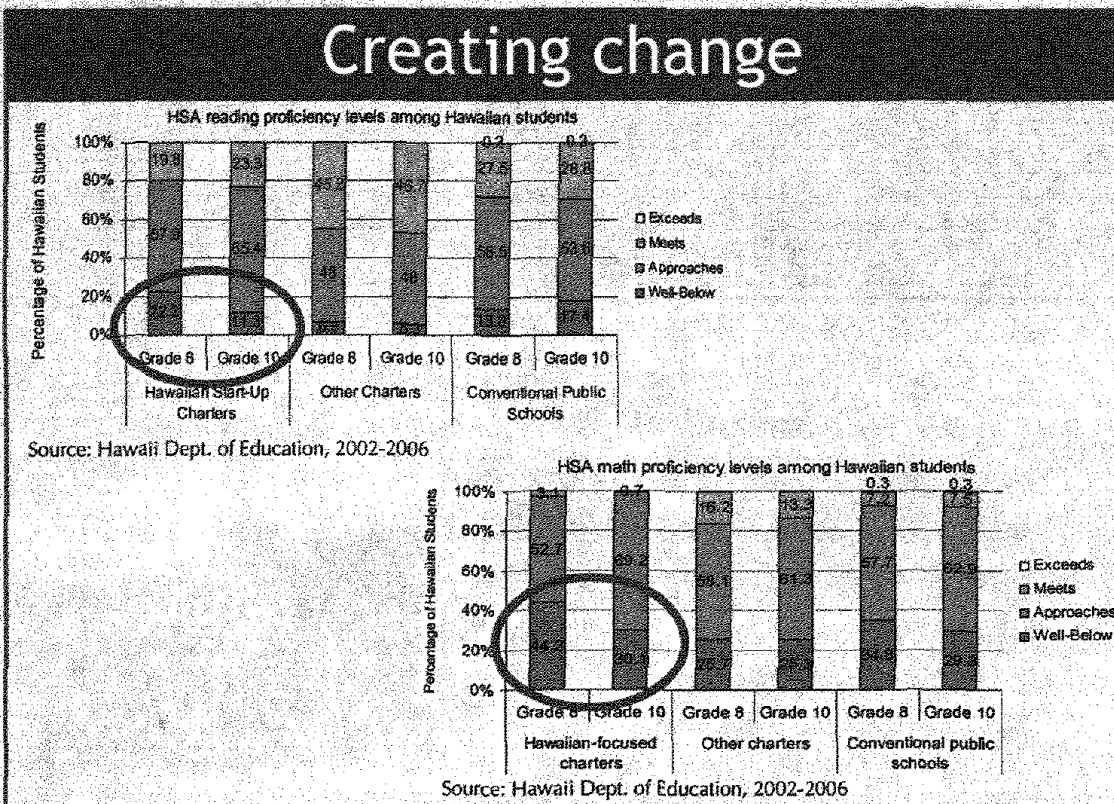
Kamehameha Schools: SPI/Research & Evaluation Division, November 29, 2007

Creating change



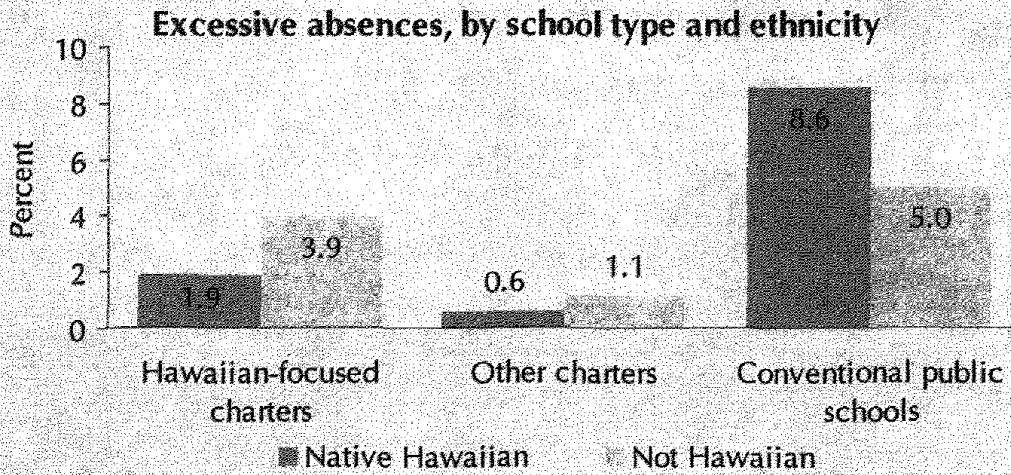
Kamehameha Schools: SPI/Research & Evaluation Division, November 29, 2007

Creating change



Kamehameha Schools: SPI/Research & Evaluation Division, November 29, 2007

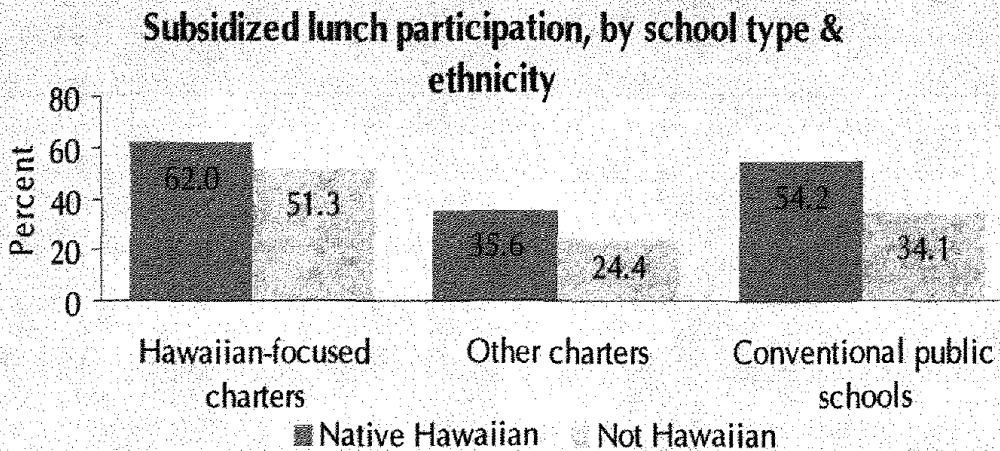
Creating change



Source: Hawaii Dept. of Education, 2004-2005

Kamehameha Schools: SPI/Research & Evaluation Division, November 29, 2007

Creating change



Source: Hawaii Dept. of Education, 2004-2005

Kamehameha Schools: SPI/Research & Evaluation Division, November 29, 2007

Mahalo!

- For more information, please contact
Shawn Kana'iaupuni
Director, Public Education Support Division
shkanaiaia@ksbe.edu
541-5365

To: The Honorable Norman Sakamoto, Chair
Members of the Senate Committee on Education
From: Lynn Fallin, Executive Director
Ho'okako'o Corporation
Date: November 29, 2007
Subject: Informational Briefing and Update on Charter Schools

Act 2 passed by the 2002 Legislature enables a Hawaii based non profit corporation to partner with an existing public school and become a conversion charter school. The non profit provides an incentive of \$1 to \$4 state dollar match up to \$1500, technical assistance and oversight to improve school communities. In the five years since Act 2 was passed and the Ho'okako'o Corporation was established:

- Twenty DOE schools contacted and provided information about converting to charter status with the Ho'okako'o Corporation
- Three schools in rural high need communities (Waimea Middle School on the Big island in 2003, Kualapu'u School on Molokai in 2004 and Kamaile School on the Leeward Coast of Oahu in August 2007) converted.
- 256 employees
- 1500 students (approximately 23% of the charter school enrollment)
- Two Local Advisory Panels appointed (and a third currently being organized at recently converted Kamaile School)
- Waimea Middle School and Kualapu'u School made AYP
- Kualapu'u decreased special education population
- Waimea and Kualapu'u increased student attendance
- Waimea showed significant increase in family and community awareness and involvement, student attitude and teachers' openness to try new strategies.
- New programs offered

As an education change agent, Ho'okako'o seeks partnerships with public school communities committed to:

- Effective school community leadership
- Capable teachers with high expectations and the skills to work together in focused learning communities
- Curriculum that is aligned, articulated and integrated
- Families and the greater community with a sense of ownership in the school and willingness to be part of the change process
- Personalized schools
- More time on instructional and co-curricular activities
- Supportive and effective policies and regulations

Ho'okako'o services and supports include:

- Organizational change
- Instructional expertise
- Organizational systems and supports
- Policy and Advocacy
- Resources

In the next five years, Ho'okako'o will continue to work with its three partner schools and explore partnerships within the school complexes where it currently has a presence. By

building on the work underway and sharpening its focus, Ho'okako'o hopes that positive impact on student learning will be maximized, continuous and sustained.

Opportunities and Concerns

Impact of Three Government Backed Transitional Homeless Shelters Within the Kamaile School Geographical Catchment Area

In December of 2006, a 300 bed emergency shelter (Pai'olu) opened within Kamaile School's catchment area. By early spring 2008, two additional shelters "Kahikolu "Ohana Hale O Waianae with 72 rental units and 40 dormitory beds and "Seawind Apartments with 50 rental units will also open with the Kamaile School's area and the school anticipates additional students. Under the federal McKinney Homeless Assistance Act, SEA's and LEA's must ensure that barriers to enrollment, attendance and success in public schools are removed. Homeless children require additional resource to ensure that barriers to enrollment, attendance and success in public schools are removed. Homeless children require additional resources to insure continuity of instruction such as transportation, special instructional programs, professional development of teachers and counselors to address the needs of this special population and strong linkages between schools to ensure smooth transitions.

Currently the student count date for all charter schools is on October 15. Although we do not know the exact impact of the transitional homeless shelters, some anticipate growth could be around 100 students after the count date. The fluctuation in student enrollment affects Kamaile's ability to effectively serve the high need students because the school's student count affects the school budget. Kamaile plans to do a quarterly count during the 2007-2008 school year and we plan to report back to the legislature 2008 at the end of the third quarter (early April) regarding the fluctuating enrollment and the impact of the fluctuating enrollment to the school's services to students. Because of the many challenges facing homeless children and their families, it is anticipated that the students and their families will need more student and family support services to maintain continuity of instruction. If the enrollment increases significantly after the October 15 student count date, the school will be unable to maintain or increase educational and support services for the children and their families.

Should the fluctuating enrollment be a significant problem, the legislature should consider adjusting the student count dates and/or additional funding to schools such as Kamaile School being affected by the location of the large concentration of homeless transitional shelters within the school geographical catchment area.

Administrative

We thank the legislature for clarifying and making changes in laws and policies so that if a school makes the choice to become a conversion charter school, the school community is not adversely affected.

With the best interest of the children foremost, we are making every effort to collaborate with the DOE on these matters and we will continue to keep you abreast of emerging concerns that may need policy clarification and change.

Currently, the main administrative areas are:

- 1) Student Per Pupil Allocation based on most current and accurate DOE budget
- 2) Facilities

We are currently working with the DOE on a draft agreement for the use of school facilities. As we work on the agreement, we have emphasized that the conversion charter schools continue to be the feeder public school for the geographical catchment area as they did prior to conversion and the DOE continues to be responsible for all of special education students and therefore the conversion charter school should continue to use state public school facilities, R and M and CIP under the administration of the DOE.

Charter schools were urged to attend the committee meeting on facilities convened to meet the requirements of Act 213 (2007) regarding facilities funding for charters. By request of the Governor's Office and the committee, Ho'okako'o submitted a summary of the concerns from our three partner conversion schools.

3) **Personnel Concerns**

Teacher tenure, teacher reclassification, principal and vice principal employment, funding of teachers in hard to fill geographical areas continue to be raised at the school level. As the concerns are brought our attention and clarified, we are working with the DOE and unions to resolve the concerns.

Increase in Conversion Schools

In the next five years, Ho'okako'o will continue to work with its three partner schools and explore partnerships within the school complexes where it currently has a presence. By building on the work underway and sharpening its focus, Ho'okako'o hopes that positive impact on student learning will be maximized, continuous and sustained and that more school communities will make the choice to become conversion schools.

State public policy and laws governing the public school system should afford and encourage opportunities for parents and school communities to have choices. Today, Hawaii state law allows a maximum of 25 conversion charter schools. Only five Hawaii public schools have chosen to convert to charter status. We should ask ourselves "WHY?" and "WHAT?" can be done so that more schools choose to become conversion schools. Other national jurisdictions have seen growth in conversion schools and we encourage the legislature to fund a study of other jurisdictions across the nation and based on the findings to consider making amendments to the Hawaii state law in 2009 that would result in more schools in Hawaii deciding to become conversion schools.

The following is an excerpt from a national publication about conversion schools in California where the number of conversion schools has increased significantly.

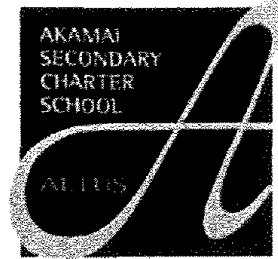
"Charter Conversions Increasing in California Districts

Traditionally, many school districts have viewed charter schools as competition, but in California some districts are moving to convert their own schools to charters. More than one-third of the charter schools in Santa Clara County, including all of the charters in the Cambrian and Campbell Union school districts, are conversions. "Statewide, start-ups still outnumber conversions by three to one," said Caprice Young of the California Charter Schools Association. "But we are seeing more conversions because superintendents are saying, 'Wait, we can do this, too.'" District officials say they are moving to convert more schools to charters so they can attract additional students and take advantage of more flexible state funding. "There's more flexibility in state funding, and fewer rules that bind us," said Campbell Union Superintendent Johanna VanderMolen. "I don't care if it's called a charter or not. What I care about is student achievement."

Source: Mercury News (free registration required). (11/25/2007) "
http://www.mercurynews.com/education/ci_7554258?nclick_check=1

We look forward to the opportunity to work with the legislature on the study and to changes in the state law that result in more school communities making the choice to become conversion schools.

Thank you for the opportunity to submit testimony.



Nurturing
Student Achievement

November 28, 2007

Senator Norman Sakamoto
415 South Beretania Street
Honolulu, HI 96813

RE: WRITTEN TESTIMONIAL FOR THE INFORMATIONAL BRIEFING

Dear Sir:

My name is Lynne Alipio, co-developer, Director for Business, Fiscal Services and Development for Altus Institute. Altus Institute was born from the ideologies shared by The Charter School of San Diego – a 13 years old charter school and Audeo Charter School – a 7 years old charter school. Both educational institutions strive to help students achieve by creating alternative educational options that put students' needs first. Having experienced the successes of these supportive and flexible learning environments, a group of administrators and instructional leaders from these schools discussed the possibility of creating a think tank on educational reform. The Institute would provide teachers and administrators the opportunity to learn about the newest techniques and philosophies that offer students the chance to learn in a way that best suit their needs. It would act as a national resource for innovative methodologies regarding alternative education. It would assist educators in acquiring the skills necessary to become leaders in improving public education.

Altus Institute has formed a Hawaii non-profit corporation (Altus-Akamai, Inc.) specifically for the purpose of supporting and consulting the proposed Akamai Secondary Charter School. In 2006, Akamai received one of the three federal subgrants awarded to qualified applicants for the purposes of planning a Start-Up Charter School. This grant was awarded in accordance with Hawaii charter school law. Akamai's mission is to serve "at risk" students in grades 7-12, initially in the Honolulu District area between Farrington, McKinley and Kaimuki High Schools. Akamai would provide these students with an educational program that combines a traditional site-based school with an independent student program supplemented with on-line courses, seminars, workshops, guest speakers, tutoring and field trips. The School would also base students' courses of study on personalized education plans and workforce development strategies. **This type of innovative educational program does not currently exist in the targeted area for "at risk" students in grades 7-12.** Improvements in academic achievement are greatly needed in this area. Akamai Secondary School will create a fluid relationship between its program and the comprehensive public schools. The institutional design of Akamai will

create a complimentary assessment and instruction centered on assisting students in the completion of their academic objectives. A majority of these students shall be redirected to their resident school or successfully graduated from Akamai. The redirecive nature of Akamai would support local public education by reducing their drop out rate, increasing its graduation rate, and recovering ADA lost because of student disengagement.

In January 2007, Akamai submitted an application to become a new charter school. Akamai's application addressed the requirements outlines in the Hawaii Revised Statutes ("HRS") for start-up charter schools and the application provided by the Charter School Administrative Office. Because Akamai had already received one of the federal subgrants awarded to qualified applicants, we reasonably anticipated that **timely action** would be taken on our application. However, **no action was ever taken on the Akamai's January 2007 application.**

On May 14, 2007, the Charter School Review Panel ("Panel") required charter school applicants to submit their Detailed Implementation Plans ("DIPs") by June 1, 2007. Although Akamai already had an application on file, it was instructed to submit a new DIP. *Along with this request, the Panel issued a new Scoring Rubric ("Rubric") for the assessments of the DIPs, leaving applicants little more than two weeks to submit their applications.* This Rubric differed from the application originally distributed by the Charter School Administration Office. More importantly, **the terms of the NEW Rubric directly conflicted with statutory requirements for operation of a charter school in effect at that time.** For example, the governance provisions of the Rubric state, "Reviewers will look for:.....Description of personnel procedures including recruitment, retention, and termination." This is in direct conflict with HRS 89-10.55, which mandates that employees for the charter schools be assigned to a collective bargaining unit, which, in turn, requires a charter school to abide by the terms of the applicable collective bargaining agreement.

On June 27, 2007, the Panel held an initial meeting. They discussed, and evaluated the applications in executive session. The Panel announced its decision that a denial would be sent to Akamai. However, because these discussions were required to be held in open meetings, those initial decisions were deemed null and void by the Panel.

The Panel met again on July 20, 2007. At this meeting, Panel Member Ardith Renteria, expressed her "**concerns regarding the Panel's lack of procedural consistency**" and indicated that "**for the sake of protection and procedural fairness,**" she wanted the development of operational procedures in accordance with HRS 302-B-3(g). At this meeting, the Panel decided, "all discussions from executive session (on June 27, 2007) are deemed null and void because the decisions on charter school applications were done in executive session. Those discussions and the decisions are now null and void and non-existent." Apparently, the Panel was advised that its review of applications in executive sessions violated HRS Chapter 92. **The minutes from July 20, 2007, meeting have still not been made available to the public.**

The Legislature of the State of Hawaii has repeatedly stated that the purposes for charter schools are to:

- 1) Provide administrators, parents, students, and teachers with expanded alternative public school choices in the types of schools, educational programs, opportunities,

and settings, including services for underserved populations, geographical areas, and communities; and

- 2) Encourage and, when resources and support are provided, serve as a research venue for the development, use, and dissemination of alternative and innovative approaches to educational governance, financing, administration, curricula, technology, and teaching strategies.

As an applicant, these are the following observations we have made:

- The guidelines and the rubrics disseminated to applicants are inconsistent.
- No other information regarding the process was provided to applicants.
- No training were provided to the Panel on the use of the rubrics
- *No evidence of adherence to the rubrics. The actions of the Panel has been blatantly subjective.*
- No operational procedures, which define the process for the basis of determining minimal criteria for eligibility, were ever issued.
- Minutes were not consistently kept and disseminated to the public.
- It is evident that there are Panel members that feel charter schools are vehicles reserved only for Hawaiian schools.
- Comments were made publicly by panel members stating that a specific charter applicant is not suited because it is not "Hawaiian enough".

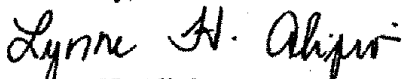
Conclusion:

The review process was subjectively developed and applied with a Panel that lacks training. It is not oriented to the larger view of the educational need for all school-aged children who reside in Hawaii more specifically the ethnically diverse underserved population. The awarding of charter school status should be based on the merits, probable innovation, and contributions a school could make to all communities and not only those oriented to serve native Hawaiian students. This is not to say, that we do not think the charter schools are excellent vehicles for Hawaiian immersion activities. We only request openness to those schools that are not exclusively Hawaiian immersion by design.

The charter school developers for the proposed Akamai Secondary Charter School have a tremendous respect for the community of which they hope to become a part. We strongly support the social and political culture of the native Hawaiian and we would like to work closely with the immersion schools on the island as well as the traditional schools. Akamai had a desire to collaborate with the other charter school and to help form an educational option rich in both academics and culture.

I thank you.

Sincerely,



Lynne H. Alipio

Director of Business, Fiscal Services and Development
Altus Institute – Network of Charter Schools
Audeo Charter School, Mirus Secondary School
The Charter School of San Diego

To: Hawai'i State Senate Committee on Education
For: Hearing of November 29, 2007
Re: "Native Hawaiian-based" Charter Schools
From: Kenneth R. Conklin, Ph.D.; Kane'ohe; Ken_Conklin@yahoo.com
Date: November 26, 2007

Aloha kakou,

I am writing to ask that the committee request a report from the charter schools' executive director regarding the use of the "Native Hawaiian-based Charter Schools" (Ka Lei Na'auao) to indoctrinate children with religious and political views promoting a theology of racial supremacy and a corresponding anti-American racial separatism and ethnic nationalism.

On Thursday July 26, 2007 the PBS-Hawaii TV program "Insights" spent an hour discussing the Native Hawaiian charter schools. Hina Wong, on the staff of the Halau Lokahi school, responding to a viewer question, acknowledged that the religious activities and political views described below are indeed a part of the curriculum, and asserted that they are appropriate in view of a history of Hawaiian oppression and a future of liberation.

I believe that the Legislature would agree with me that religious ceremonies and prayers are not legally allowable as part of the school day in government schools, and that it is bad public policy to use any government school for the purpose of religious and political indoctrination of children.

RELIGIOUS CEREMONY AND PRAYER

To what extent are actual religious ceremonies and prayers being conducted in these tax-supported public schools (not as lessons demonstrating culture but as actual occasions of worship or guidance-seeking)? Is that legally permissible, and is it socially and morally wise? Religious ceremonies and prayers are customary elements of "protocol" in ethnic Hawaiian cultural events; yet such activities in the public schools violate the "establishment of religion" clause of the U.S. Constitution.

Let's recall that only a few years ago a lawsuit supported by ACLU forced McKinley High School to remove the word "God" from a publicly posted student conduct code. It is true that charter schools have great latitude regarding curriculum and methodology; that parents voluntarily choose to send their children there precisely for culture-specific education and are therefore not likely to complain about cultural/religious indoctrination. Nevertheless these are government schools obligated to obey the law regarding separation of church and state. Would the State of Hawaii be comfortable supporting public schools with a blatantly Christian, Jewish, or Muslim curriculum, even if parents requested such schools?

RELIGION AND POLITICS MIXED TOGETHER IN HISTORY/CULTURE CURRICULUM

More troubling than harmless, voluntary prayer is the indoctrination of children to believe in religious doctrines currently being invoked in the political arena to justify assertions that people of a particular racial heritage are entitled to racial supremacy regarding ownership and management of land.

The Kumulipo creation legend is a core element of Hawaiian religion which is being taught as true doctrine. According to this doctrine anyone possessing a drop of Hawaiian native blood is a descendant of the (Hawaiian) gods and a brother to the (Hawaiian) land in a way that nobody lacking that drop of native blood ever can be.

Long story short: Sky father Wakea mated with Earth Mother Papahanaumoku, who then gave birth to the Hawaiian islands as living beings. Later Wakea and Papa mated again, producing daughter goddess Ho'ohokukalani. Wakea later mated with Ho'ohokukalani (a culturally

appropriate incestuous "ni'auipi'o mating") giving birth to Haloa, the primordial Hawaiian ancestor from whom all persons with a drop of Hawaiian native blood are descended.

Thus there is a family relationship among the gods, the Hawaiian islands, and the ethnic Hawaiian people. Anyone lacking a drop of Hawaiian native blood is forever outside that family, and therefore not entitled to participate fully or equally in decisions about land use policy or who can live upon the land. Needless to say, indoctrinating children to believe this religious doctrine is extraordinarily divisive and corrosive in a multiracial society. It demeans those who lack native blood, and causes those who do have native blood to adopt an attitude of racial supremacy as birthright.

ANALOGY: CREATIONISM VS. EVOLUTION IN THE SCIENCE CURRICULUM

The Hawaii board of education has faced the same dispute as school boards throughout America regarding whether creationism (or "intelligent design") should be included in the science curriculum as an alternative to the generally accepted theory of evolution. Those who oppose including creationism label it religious indoctrination in disguise (and by analogy should also oppose including the Kumulipo creation legend for the same reason). Those who favor including creationism say it's good for children to know there are alternative theories and to become familiar with them (and by analogy should also favor including the Kumulipo legend in the context of teaching children about the diversity of beliefs in Hawaii). However, nobody has claimed that any government school should adopt creationism as the only theory to be taught and that children should be brainwashed to believe it (and by analogy, no government school in Hawaii should adopt the Kumulipo legend as the sole or predominant theory, especially the Kumulipo version as it is being twisted to support a doctrine of racial supremacy).

INDOCTRINATING CHILDREN WITH TWISTED HISTORY FOSTERING ANTI-AMERICAN ATTITUDES

Following are excerpts taken a few years ago from the website statement of purposes of the Kanu O Ka 'Aina public charter school – statements presumably written by Ku Kahakalau, head of that school and also head of the consortium of Hawaiian-focus charter schools. The website is constantly revised, and the stridency has been toned down; but the concepts can still be found on that website.

The question for the Legislature is: do the people of the State of Hawaii really want to pay tax dollars to indoctrinate children with such anti-American attitudes, even if (especially if!) radical parents enthusiastically support such views?

"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."

And so I am asking that Ku Kahakalau and other leadership in the Hawaiian-focus charter schools be called to account regarding whether they endorse or disavow the anti-American concepts in the above paragraph, and whether they have as one of their purposes to indoctrinate the children with those views. And then I call upon our political leadership to decide whether taxpayers should be forced to provide financial support for such "education."

CONCLUSION: THE BIG PICTURE

The "Native Hawaiian-based Charter Schools" are intentionally being used as engines pushing a political agenda described in my book: "Hawaiian Apartheid: Racial Separatism and Ethnic Nationalism in the Aloha State." My book is not available in bookstores; please find it at <http://tinyurl.com/2a9fga>

These tax supported public schools are functioning in the same way as the Islamist madrassas in Saudi Arabia or Iran – their purpose is to indoctrinate children with concepts of racial entitlement, racial supremacy, and anti-Americanism. This purpose is served by means of religious beliefs being taught as true, corresponding religious ceremonies performed during the school day, and a twisted history curriculum depicting ethnic Hawaiians as oppressed under the authority of a foreign nation (U.S.) illegally occupying their homeland.

LATE



**State of Hawaii
Charter School Review Panel**

1111 Bishop Street, Suite 516
Honolulu, Hawaii 96813
Tel: 586-3775 Fax: 586-3776

Date: November 30, 2007

Aloha mai kakou,

It is my pleasure to report to the Senate Education Committee on this day of November 29, 2007.

I will be speaking on three areas of interest to the Education Committee, they are: Progress on Charter School Review Panel implementing Act 115, Suggestions for changes to Act 115 and Update on actions of the CSRP.

As you know the implementation of Act 115 is about the formation of the Charter School Review Panel. The "Panel" has been tasked, but is not limited to, the appointment and evaluation of the Charter School Executive Director. Consequently, other responsibilities of the Panel include:

1. Approve or deny charter applications for new charter schools.
2. Issue and revoke charters, and place charter schools on probation.
3. Approve or deny amendments to detailed implementation plans.
4. Conduct charter school evaluations.

The initial efforts to bring the Panel together as authorized by Act 115 on September 1, 2007 proved difficult. There was a lack of direction and focus given the belief that authorization of charter school applicants needed to be completed as quickly as possible to accommodate their opening for SY 2007-08. This perception created many moments of indecision on the part

of Panel leadership and an almost adversarial relationship with the CSED and Panel leadership. The resignation of two Panel members is a clear indication that there was much discontent and discord. The appointment by the BOE of four new members was pivotal to the rejuvenation and internal dynamics of the Panel. The meeting that took place with Attorney General Mark Bennett was also a pivotal moment. He clarified procedures and logistics that were appropriate and provided invaluable insight into areas of concern.

The Panel's focus was and continues to be the evaluation of charter school applicants, selection and authorization of those schools through an agreed upon rubric system that evaluates their educational, managerial and fiscal accountability. Currently, one Conversion Charter School has been authorized, with two Start-Up Charter Schools authorized to be opened for SY 2008-09. There remains one Start-Up opening to be filled. The Panel is confident that this vacancy will be filled very soon.

The second focus point of this initial Panel to meet the immediate mandate of Act 115 is the search and selection of the new Charter School Executive Director. The search for the new CSED was turned over to a CSED Search Committee made up of members from the Hawaii Charter School Network , Na Lei Na`auao and Hookako. These seven people worked diligently to provide the requested three names, from a list of fifteen, that were expected to come forward for eventual Panel selection of the CSED. This collaboration between this group and the Panel was unprecedented. The Panel is currently left with two names remaining and has offered the position to one of the two remaining candidates. The expectation of the Panel is the offer will be accepted and subsequently provide the CSAO with its first permanent director in almost a year.

Suggestions for changes to Act 115 would be, but not limited to, a longer initial term for members from one to perhaps two years. I believe, given the difficulty that this initial Panel experienced with the issue of quorum and effective leadership that it does take time for the members to come together in an effectual manner that allows for effective collaborative effort that empowers the charter schools of Hawaii. The other and more obvious reason for this change is, the Panels work requires much preparation, is time consuming and quite easily impacts the requirements of each individual members professional pursuits. I am confident that the Panel is able to operate under the current Act 115 and should reasonable questions of operational viability need to be addressed as a result of Act 115, the intent and purpose of Act 115 will not be diluted.

The CSRP has moved effectively since the change in leadership, specifically the Panel Chair was changed and a Vice Chair was elected, beginning on October 30, 2007. The Panel has been able to collaborate on specific issues of authorization of charter schools, specifically two, and an initial contract offer was provided to a CSED finalist. The Panel continues to move towards the adoption of By-Laws and expects this next issue to be dealt with in an expeditious manner. We intend to fill the last vacancy for a start-up school and have every intention to evaluate and investigate allegations of a maverick charter school operating under the umbrella of a legitimate charter school.

Again, Mahalo to the Senate Education Committee for their ongoing support of public education and specifically to their efforts to bring cohesion and collaboration to the charter schools of the State of Hawaii.

Alvin N. Parker
Chairman
Charter School Review Panel

Linda Lingle
Governor

Vanelle Maunalei Love
Interim Executive Director



Charter School Administrative Office

1111 Bishop Street, Suite 516
Honolulu, Hawaii 96813
Tel: 586-3775 Fax: 586-3776

Date: November 29, 2007

To: - Senate Committee On Education
Senator Norman Sakamoto, Chair

Senator Jill N. Tokuda, Vice Chair

From: Vanelle Maunalei Love, Interim Executive Director
Charter School Administrative Office

Subject: Charter Schools Informational Briefing

Aloha Kakou,

Thank you for your continuing commitment to education and for each year addressing the issues that arise for Hawaii's Charter School System. With the signing of Act 115 last legislative session, this year we are looking at a support system for Hawaii's charter schools that in part, is historically different from what has been in place. I commend our Legislators, the Governor, and other support groups for the courageous leap of faith taken in the passing of Act 115.

IMPACT AND IMPLICATIONS OF ACT 115

The main points of Act 115 that have created positive change:

- Creation of the Charter School Review Panel (CSRP) as the new charter school authorizer with oversight of the Charter School Administrative Office (CSAO) and charter schools, including approving significant changes of charter school's Detailed Implementation Plan (DIP)
- Updating the charter school funding formula to include the most recently approved executive budget recommendations in place of the CAFR
- Allows that 10% of a charter school's per-pupil allocation be retained no later than January 1 of each year as a contingency balance to ensure fiscal accountability
- Changed language to hold the CSRP "accountable to the charter schools and the BOE"

- Changed membership of the CSRP to include twelve (12) members allowing fifty (50) percent of the members to be from support systems outside of the charter school community
- Giving authority to the CSRP as the entity to appoint and evaluate the Executive Director (ED) of the Charter School Administrative Office
- Offering a written contract to the CSAO ED for a term of up to four (4) years, allowing termination of the contract only for cause
- Placing the Appeals Process with the Board of Education (BOE)

The main points of Act 115 that still need work:

- **Funding for the CSRP is paramount...**
 1. This year no funding was appropriated for the CSRP and the CSAO put a place holder of \$250,000 aside from last year's two percent funding to the CSAO
 2. This amount was overly adequate and we expect that after discussion with the CSRP about its funding requirements, an amount will be reimbursed to the CSAO
 3. An approximate amount for the CSRP for this year looks like it will be close to \$115,000...The majority of this cost is in relation to transportation and other logistical costs, and a new staff member specifically for the CSRP
- **Funding Formula...**
 1. There is a Budget Proviso Working Group that was mandated by the last legislative session.
 2. This group is made up of a representative of the CSAO (Bob Roberts), a representative of the BOE (Denise Matsumoto), and a representative of the Governor's office (Nani Medeiros).
 3. Although the CSAO is a part of this group, we are concerned about what the outcome and recommendations will be.
- **The CSRP subject to Chapter 92 (The Sunshine Law)...**
 1. This is a way to allow for transparency of what is taking place however, it has hampered how often the CSRP is able to meet
 2. The outcome has been that it is at times difficult for this group to tackle the many issues it finds itself responsible for
- **CSRP Membership and Terms**
 1. *Careful consideration should be taken regarding the membership of the CSRP due to Conflicts Of Interest...* ex. The Board of Education has a member on the CSRP, but is also the Appeals Body
 2. Because the current CSRP was not formally convened until the beginning of this year, and all members are yet to be appointed, terms of members have been in question

GENERAL UPDATE ON CHARTER SCHOOLS

The National Alliance For Public Schools states the following:

“The No Child Left Behind Act (NCLB) has fundamentally changed the landscape of Public Education in America. Its sweeping provisions impact all public schools, most notably requiring 100 percent of students to be proficient in math and reading by 2013-14. Since its enactment in 2002, NCLB has prompted important progress – for example, the disclosure and narrowing of achievement gaps between white 9-year-olds and their African-American and Hispanic peers. But the record of the past five years also illustrates the difficulty of spurring significant changes in public education by primarily trying to improve existing schools. The bottom line is that too many of our most vulnerable children remain in failing schools. It is time to put much stronger emphasis on and more resources into creating new, high quality public schools where they are most needed – schools that will foster radically higher academic achievement for children who are still, today, left behind.”

“Public charter schools are not the only solution, but because they have demonstrated growing success in improving the academic achievement of disadvantaged students, and because they offer unparalleled flexibility in startup and operation, they should be at the core of this new-schools strategy.”

Those who support charter schools need to know that affecting the future success of charter schools will be addressed through commitment to quality and student success. A recent meta-analysis produced by the National Alliance for Public Charter Schools has concluded that the “existence of high quality charter schools and high growth rates for charter schools, at least in many states and studies, suggests that chartering hold promise as an approach to getting better schools.”

While test results are important indicators, we need to consider additional factors when looking at assessment of overall performance of charter schools. Student, parent and teacher satisfaction is one important factor. Surveys have consistently shown high levels of satisfaction among students, parents, and teachers of charter schools.

GENERAL UPDATE ON HAWAII'S CHARTER SCHOOLS

- Hawaii now has 28 charter schools...Kamaile Elementary was issued a charter for the 2007-08 school year
- Two applicants for start-up charter status have been approved for the 2008-09 school year ...Kona Pacific on the Big Island ...Kawaikini New Century Public Charter School on Kaua'i
- Eighteen of Hawaii's charter schools met Annual Yearly Progress (AYP) last year...
- A few highlights:
 1. Dr. Ku Kahakalau, founder and director of Kanu O Ka `Aina was awarded one of Kamehameha School's most prestigious awards, the Order of Ke Ali`I Pauahi Award
 2. West Hawaii Explorations Academy (WHEA) based in Kona received the Intel and Scholastic Schools of Distinction Award for science achievement...WHEA is the only school in the state to receive this award...they also received the Blue Ribbon Lighthouse School Award
 3. The first STEM Academy is opened- Kihei STEM Academy on Maui

Charter School Administrative Office...
Accomplishments and Responsibilities
October 2006 – November 2007

- A+ After School Care
- Administrative Meetings- Created a venue to allow information dissemination and communication/ networking to take place...the CSAO brings together directors from each charter school...last year we met once a month...this year we meet approximately every other month
- Applicants for Hawaii charter school status- Support and site visits
- Attorney General support- Monthly meetings
- Board of Education attendance when the CSAO was directly under the BOE's jurisdiction
- Budget and Finance Department- Dissemination of funds to charters; assisted (along with key charter support group) with Fringe Benefit issue to come up with a resolution
- Budgetary needs
- Business Manager's Meetings- Created a venue to allow information dissemination and communication/ networking to take place...The CSAO brings together business managers from each charter school each quarter
- Citizen Awards Luncheon- We had charter school students from Kua O Ka La and Kihei receive this award
- Conferences- CSAO staff and myself attended the following conferences: NACSA (2006 & 2007), National SPED Conference (held every three years), Ku I Ka Lono, Brustein and Manasevit on Federal Funding, Federal Charter School Grant Program Workshop (D.C.), Finance and Facilities (D.C.), Charter School Showcase (D.C.), E-Schooling Conference, California Charter School Association, National Charter School Conference, STEM, NIEA
- Conversion School Contract Support
- CSAO Administrative Conferences (December 2006 in Hilo & December 2007 to be held on O'ahu), and Professional Development Conference (2007 on O'ahu)
- CSAO responsibilities- School-wide support on a daily basis
- CSAO Audit Review
- CSAO Blessing for new office
- CSAO Financial Report- with Carbonaro CPAs & Management Group
- CSAO Operational Management and Strategic Plan for Hawaii's Charter School System
- CSAO Policies and Procedures...including Travel, Procurement, etc.
- Charter School's individual Blessings, Ground-breaking, Openings, Special Events
- Charter School's Graduations- We did our best to have a representative of the CSAO at each of our school's 2006 graduation ceremonies
- *Data Collection System- In process of setting up a Data Collection System*
- E-Rate for Hawaii's charter schools
- Federal Funding and Grant Support- Titles I, II, Safe and Drug Free, etc.
- Fiscal Training for charter schools- Title I, etc.
- Fiscal Management System- Working on creating a system to allow for early accountability support and follow through
- Fiscal Management Team- In the process of setting up a team to assist with financial support at the school level
- Governor's office- Communicate and meet in a collaborative effort to support charters
- Hawaii Distinguished Schools...
- Hawaii State Assessment Workshop/ Training- Set up a separate training for our charter schools as they were not allowed to attend some of the DOE trainings...the CSAO brought our schools to O'ahu to ensure we were well informed

- Highly Qualified Teacher Support- the CSAO is working with the state on its HQT Plan
- Legislative- Attend Briefings...Meet with legislators to explain the needs of Hawaii's charter schools...Testify in support of Hawaii's charter schools
- Local Charter School Board support- met with some to offer support, answer questions, etc....Note: Much more is needed in this area and recommend LSB Trainings take place
- Meetings...Meetings....Meetings...
- Memorandum of Understanding (MOU) with DOE
- Neighborhood Board support to educate community on charter schools in Hawaii
- Nutritional Support Mechanism for charters- In process of setting up a nutritional support system
- `Olelo- Presenting on Olelo along with John Thatcher, Denise Matsumoto, and Kaholo Daugmon from Connections, regarding charter school issues
- Peer Reviews- Training and reviews offered to select group of schools in either Corrective Action or Restructuring
- Quality Education- Have ongoing support for charter schools and staff with Margaret Burns...She comes to Hawaii three a year to offer this support
- Quantum Learning- Have brought this to many of our charters, including training for staff at the school level
- Review Panel Support – This has required the time and efforts of more than one FTE employee.
- Risk Management- Assist with insurance support for charter schools
- Safety and Security- Met with state offices to ensure our charter schools are communicated with in times of emergency...help set up a system for quick response
- Site visits to all Hawaii's charter schools, some mainland charter schools
- Site visits- by BOE on the days of their General Business Meetings to: Innovations, Kamakau, KANAKA, Kanuikaponu, Kanu O Ka `Aina, Kawaihona, Ke Kula Ni`ihau, Kualapu`u, Myron B. Thompson Academy, Voyager, and West Hawaii Explorations Academy
- SPED support
- Stakeholder Support- HCSN, Kamehameha Initiatives, Na Lei Na`auao, and others
- STEM- CSAO sponsored Meetings, Workshops and Conference
- Superintendent's Liaison Committee support
- Teacher Reclassification Support
- Technology Support System for charter schools
- Tsunami Emergency Plan

CHALLENGES AND OTHER PROPOSALS FOR LEGISLATION

- **Abolishing the "Cap" for charter schools** ...This can be accomplished in ways other than simply placing a number on amount of schools authorized to be chartered.
 1. Fifteen (15) out of forty (40) states with charter schools do not have caps on the number of charter schools allowed in their state...These states are: Arizona, Colorado, Delaware, Florida, Georgia, Kansas, Maryland, Minnesota, New Jersey, Oregon, Pennsylvania, South Carolina, Utah, Virginia, and Wyoming.
 2. Of the other states that do have caps, many allow their Local Educational Agency (LEA) or district to authorize allowing for more start-up charter schools than Hawaii's twenty five (25)...Others have caps of a certain number allowed each year as in the example of California and D.C. below
 3. California set a cap of 850 in 2004-05, with increases by 100 each year. The 100 is determined by the number of applicants providing an educational program...not the

- number of school sites (e.g., one charter applicant may serve several school sites across the state, but it is considered one new school because all schools fall under one charter.)
4. District of Columbia (D.C.)- allows for twenty (20) new start-ups per year...NOTE: D.C. is similar to Hawaii in that it is also one SEA/LEA
 5. In Indiana, there are no caps on the number of charter schools that may operate, but the mayor of Indianapolis may approve only a certain number each year, with increases cumulatively by five each subsequent year
 6. Nevada allows an unlimited number of charters serving at-risk students, but limits those for non at-risk students
 7. New Mexico- allows fifteen (15) new start-up schools and five (5) conversion schools each year statewide with slots remaining in a year transferring to succeeding years with a cap of seventy-five (75) start-ups and twenty five (25) conversions in a five-year period.
 8. Another creative way to allow for more start-up charter schools is to allow "Agency and County sponsored charter schools whose application is co-submitted by a state or county agency or University of Hawaii campus"
 9. The demand for charter schools is showing no sign of letting up. The CSAO receives about two to four inquires a month regarding the process to apply for a charter.
- **Language allowing charter school local school boards to enter into long-term leases...** Again, we ask you consider resolution to this dilemma as it is difficult for our schools to receive loans or funding assistance without these.
 - **Facilities Funding continues to be a priority issue.** Adding a facilities section to the funding formula on top of the per pupil amount would greatly assist Hawaii's charter schools with support towards their facilities costs.
 1. Although some states have established per-pupil facilities funding to assist schools, many still have to dip into their operational funds. Bridging this gap in funding places significant financial pressures on schools, particularly if a public charter school has to use funds which should go to salaries, classroom supplies and equipment.
 2. Public schools in 26 states receive some manner of state facilities aid ranging in permission to utilize a vacant school facility to per-pupil facilities allotment...D.C. bases their per-pupil facility allotment on a five year average of the available capital funds in D.C.

Mahalo nui loa,

Maunalei Love

DOES THE STATE PROVIDE SUPPORT FOR FACILITIES FUNDING?

Arizona : Charter Schools	Yes. Non-profit charter schools may apply for bond financing from Industrial Development Authorities. The state department of education must annually publish a list of vacant and unused portions of buildings that are owned by the state or by school districts and that may be suitable for the operation of a charter school. Although authorizing legislation for a charter school stimulus fund remains in place, it is currently not funded.
Arkansas : Charter Schools	No.
California : Charter Schools	Yes. The charter schools revolving loan fund allows charter schools to receive loans for as much as \$250,000, allowing up to five years for repayment. A school district is generally required to provide facilities "rent free" to charter schools for students who reside in the district. A lease aid funding program for charter schools in low-income areas provides up to \$750 per student.
Colorado : Charter Schools	Yes. Capital construction funds have been appropriated and are provided to qualified charter schools in the amount of \$332.40 per pupil to assist with capital construction needs. The Educational and Cultural Facility Authority (ECFA) may issue bonds on behalf of charter schools. The charter school debt reserve fund enhances charter schools' ability to borrow funds from ECFA and to obtain more favorable rates. If space is available in a school district facility, a charter school may not be charged for that space, although other costs for facilities operations and maintenance must be negotiated. School districts are required to invite charter schools to discuss their capital construction needs prior to submitting a request to the voters or floating a bond for facilities funding, although the district is not required to include the charter schools as part of their requests or bonds.
Connecticut : Charter Schools	Yes. A state charter school that is renewed is eligible for a one-time grant of \$500,000 to assist it in financing school building projects, general improvements in school buildings and repayment of debt incurred for prior school building projects. Also, charter schools may apply for low-interest loans from the Connecticut Health and Educational Facilities Authority.
Delaware : Charter Schools	Yes. School districts must make unused buildings or space in buildings available for charter schools and must bargain in good faith over the cost of rent, services and maintenance related to such space. In addition, the state department of education and state department of administrative services must publish a list of all vacant and unused buildings and portions of

	buildings owned by the state or school districts that may be suitable for charter schools.
District of Columbia : Charter Schools	Yes. The amount is based on a five year moving average of capital funds available to the school system. The mayor and the District of Columbia government must give preference to charter schools with respect to the purchase, lease or contract for the use of certain public facilities or properties.
Florida : Charter Schools	Yes. The state provides a per-pupil payment on an annual basis to charter schools for their facilities costs in the amount of \$835, \$957.40 and \$1,266.93 for elementary, middle and high schools. The state also provides an exemption from ad valorem taxes for facilities used to house charter schools. If a school district surplus facility or property is available, it must be provided for a charter school's use on the same basis as it is made available to other public schools in the school district. For an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school.
Georgia : Charter Schools	The state board of education may require a local referendum of the qualified voters in a local school system in which a state chartered special school will be located. Such referendum is held for the purpose of deciding whether the local school board must provide funds from school tax levies to support the state chartered special school or incur bonded indebtedness or both.
Hawaii : Charter Schools	No.
Idaho : Charter Schools	Yes. The state's charter school law authorizes a charter school's board of directors to borrow money as a nonprofit corporation to finance the purchase of school building facilities. Subject to the terms of such a contractual agreement, the board may use the facility as collateral for the loan.
Illinois : Charter Schools	Yes. A charter school may negotiate and contract with a school district, the governing body of a state college or university or public community college or any other public or for-profit or nonprofit private entity for the use of a school building.
Indiana : Charter Schools	Yes. Charter schools that are sponsored by the mayor of Indianapolis may obtain facilities financing from the local public improvement bond bank.
Iowa : Charter Schools	No.
Kansas : Charter Schools	No.
Louisiana : Charter Schools	Yes. Depending upon legislative appropriations, each start-up charter school shall receive for each student based on average daily membership in the charter school for the first five years of its existence an amount equaling the average per student budgeted amount for each of those five years by the

	district in which the charter school is located for facility acquisition and construction services. Local school boards must make available to chartering groups any vacant school facilities or any facility slated to be vacant for lease or purchase at fair market value.
Maryland : Charter Schools	No.
Massachusetts : Charter Schools	Yes. Facilities funding is embedded into the tuition formula for commonwealth charters. The FY06 facilities tuition rate is based on a statewide average of \$776.
Michigan : Charter Schools	No.
Minnesota : Charter Schools	Yes. State grants are available for facility improvement. The state provides lease aid to charter schools in the amount of 90% of lease costs or \$1,500 per-pupil. With approval of the state department of education, charter schools may lease space from public or private nonprofit, nonsectarian organizations and from sectarian organizations.
Mississippi : Charter Schools	No.
Missouri : Charter Schools	Yes. A school district may incur bonded indebtedness or take other measures to provide for physical facilities for charter schools that it sponsors or with which it contracts.
Nevada : Charter Schools	No. However, a charter school may contract with the local school board of the school district in which the charter school is located or the University and Community College System of Nevada for the provision of facilities to operate the charter school.
New Hampshire : Charter Schools	Yes. Charter schools may lease, through the school district, buildings that receive state school building aid.
New Jersey : Charter Schools	No. However, the state allows charter schools to use federal funds for facility construction.
New Mexico : Charter Schools	Yes. \$4,000,000 was appropriated from the public school capital outlay fund to the public school capital outlay council for expenditure in fiscal year 2006 for the purpose of making lease payments for classroom facilities, including facilities leased by charter schools. A school district shall provide a charter school with available facilities for the school's operations unless the facilities are currently used for other educational purposes. A charter school shall not be required to pay rent for the school district facilities if the facilities can be provided at no cost to the school district. If facilities are available but cannot be provided at no cost to the school district, the school district shall not charge more than the actual direct cost of providing the facilities. A charter school may pay the costs of operation and maintenance of its facilities or may contract with the school district to provide facility operation and maintenance services. Charter school facilities are eligible for state and local capital outlay funds and shall be included in the school district's five-year

	facilities plan.
New York : Charter Schools	Yes. The state must annually publish a list of vacant and unused buildings and vacant and unused portions of buildings that are owned by the state and that may be suitable for the operation of a charter school. At the request of a charter school or a prospective applicant, a school district shall make available a list of vacant and unused school buildings and vacant and unused portions of school buildings, including private school buildings, within the school district that may be suitable for the operation of a charter school. The state defines charter schools as public agents that are eligible to obtain tax-exempt financing on their own. Although authorizing legislation for a charter school stimulus fund has been enacted, the state has not provided monies to the fund.
North Carolina : Charter Schools	Yes. At the request of a charter school, the local school board of the school district in which the charter school is located shall lease any available building or land to the charter school unless the board demonstrates that the lease is not economically or practically feasible or that the local board does not have adequate classroom space to meet its enrollment needs. Also, a local school board may provide a school facility to a charter school free of charge, but the charter school is responsible for the maintenance of and insurance for the school facility. Charter schools may lease space from sectarian organizations so long as sectarian symbols are removed. The North Carolina Educational Facilities Finance Authority may issue bonds on behalf of charter schools.
Ohio : Charter Schools	Yes. Charter schools may use loans guaranteed under the Facilities Loan Guarantee Program for the construction of new school buildings.
Oklahoma : Charter Schools	Yes. The charter school incentive fund provides support for costs associated with renovating or remodeling existing buildings and structures for use by a charter school.
Oregon : Charter Schools	No.
Pennsylvania : Charter Schools	Yes. The state department of education calculates an approved reimbursable annual rental charge for leases of buildings or portions of buildings for charter school use which have been approved by the secretary of education on or after July 1, 2001. This charge is the lesser of (1) the annual rental payable under the provisions of the approved lease agreement or (2) the product of the enrollment times \$160 for elementary schools, \$220 for secondary schools or \$270 for area vocational-technical schools.
Puerto Rico : Charter Schools	No.
Rhode Island : Charter Schools	Yes. A school district may access aid for reimbursement of school housing costs for school district sponsored charter schools. Charter schools not sponsored by a school district may apply for 30% reimbursement of school housing cost on a need basis.

South Carolina : Charter Schools	Yes. The state department of education must make available, upon request, a list of vacant and unused buildings and vacant and unused portions of buildings that are owned by school districts and that may be suitable for the operation of a charter school. If a school district declares a building surplus and chooses to sell or lease the building, a charter school's board of directors or a charter committee operating or applying within the school district must be given the first refusal to purchase or lease the building under the same or better terms and conditions as it would be offered to the public.
Tennessee : Charter Schools	Yes. The chartering authority may endorse the submission of a qualified zone academy bond application to the local taxing authority, if the project is a qualified project.
Texas : Charter Schools	No. An approved bonding authority, however, may issue bonds to finance or refinance education facilities to be used by an authorized charter school.
Utah : Charter Schools	Yes. The state has created a charter school revolving loan fund. This fund provides loans to charter schools for the costs of constructing, renovating, and purchasing charter school facilities. This fund was initially capitalized with \$2,000,000 in the 2003 general legislative session.
Virginia : Charter Schools	Yes. No rent may be charged, and other fees are negotiable.
Wisconsin : Charter Schools	No.
Wyoming : Charter Schools	Yes. If a school district deems it has available space, the charter school may use the space without having to pay rent for it.

Linda Lingle
Governor

Vanelle Maunalei Love
Interim Executive Director



Charter School Administrative Office

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Tel: 586-3775 Fax: 586-3776

Date: November 29, 2007
To: Senate Committee on Education
Senator Norman Sakamoto, Chair

From: Robert A. Roberts, Chief Financial Officer
Charter School Administrative Office

Subject: Charter Schools Fiscal Year 2009 Supplemental Budget Request

Aloha,

I apologize for not being able to attend today's meeting. Today I have a prior commitment to attend a federal funding workshop on the mainland that was scheduled months in advance. Thank you all for your continuing support for public education and in particular for your support of public charter schools.

I have been requested to provide testimony regarding historic per pupil funding for charter schools based on Hawaii Revised Statutes, historic per pupil funding received from B&F, R&M funding received and requested and CIP/Facilities funding proposals.

History of Charter Schools' Operational Funding

In the year-by-year analysis that follows I have relied on the statutory language of HRS 302B-12 or earlier statutes that were in effect during the year of analysis. The earlier statute provided that the CSAO submit a budget request based on:

"A per-pupil amount for each regular education and special education student, which shall be equivalent to the total per-pupil cost based upon average enrollment in all regular education cost categories, including comprehensive student support services but excluding special education services, and for all means of financing except federal funds, as reported in the most recently published department consolidated annual financial report;..."

For the purpose of this analysis debt-service amounts have also been excluded from the DOE per-pupil funding amounts because this cost is more closely related to the cost of facilities rather

than schools' operating costs. Effective with the 2006-07 fiscal year, the statutory language was changed from using the CAFR in the calculation to using the most recently-approved executive budget recommendations for the department in the calculations. Nonetheless, because the CAFR provides data on the actual costs of the department, comparing the CAFR to the actual charter school funding is worthwhile.

My summary of the history of funding for Hawaii's charter schools begins with the 2003-04 fiscal year. This was, I believe the first year that charter schools were funded based on a formula written into statute providing a per pupil amount for charter schools that was derived from per pupil spending by the DOE. In fiscal year 2003-04 state funding for charter schools was \$23,117,000 and the official enrollment count for charter schools in that year totaled 4,317 students. This resulted in a per pupil funding in that year of \$5,355. Applying the formula in statute at the time, but after the fact, since the Department of Education's Comprehensive Annual Financial Report (CAFR) was not published until January 2005, results in a comparable per pupil funding for regular public schools of \$6,016 per pupil. The difference in per pupil funding in 2003-04 was \$661 per pupil or a total of a \$2,853,537 system-wide shortfall when compared to the statutory formula.

In fiscal year 2004-05 charter school official enrollment had grown to 4,964 students. Total state funding provided in that year for charter schools was \$28,473,504. However, from this amount the Department of Budget and Finance deducted \$5,487,847 for fringe benefit costs, this adjustment was made despite the fact that many of the charter schools were using separate payroll systems and were paying the full cost of fringe benefits for their employees outside the state system. As a result of this deduction, the actual net funding available in 2004-05 was \$22,985,657 or \$4,630.47 per pupil, a 13.5% decrease from the previous year. During this same year the formula showed that the per pupil funding for the Department of Education, again using the CAFR report after the fact, was \$6,413.12. The per pupil funding difference between the two systems in 2004-05 was \$1,782.65. This equates to a total shortfall in funding of \$8,849,074 (4,964 students x \$1,782.65) in 2004-05.

In fiscal year 2005-06 the charter school official enrollment was 5,744 students. Total state funding for operating costs in that year was \$33,569,154. This includes \$1.2 million in funding provided in Act 87 as well as \$402,570 in collective bargaining funds that was provided by B&F for the first time to charter schools. Total actual per pupil funding was therefore, \$5,844.21. Using the DOE's CAFR report for that fiscal year and applying the statutory formula results in an actual per pupil funding amount for DOE schools of \$7,227.28. The difference in actual per pupil funding for 2005-06 between the two systems was therefore \$1,383.07 or a \$7,944,354 shortfall for charter schools.

In fiscal year 2006-07 charter schools enrollment grew to 5,812 students (official count). Total funding provided by the State of Hawaii totaled \$45,443,520. This amount included funding per Act 87 (\$1.5M) and collective bargaining funding provided by B&F (\$1.3M); however it excluded facilities funding of \$3,174,000. The actual per pupil amount calculates to \$7,818.91. The Department of Education has not yet published its CAFR for 2006-07; therefore, a comparison of actual per pupil amounts is not possible at this time. Further the statute was changed effective with this year to use the most recently approved executive budget

recommendations in place of the CAFR. Therefore, using the DOE's budget data for 2006-07 and applying the statutory formula provisions to these amounts yields an estimate of the actual per pupil amount for the DOE of \$8,233.50. The difference in per pupil funding for 2006-07 between the two systems is therefore estimated to be \$414.59 or a \$2,409,597 total shortfall.

In fiscal year 2007-08 charter school enrollment grew to 6,131 students (official count). Total state funding provided to charter schools in this year is \$51,635,990. The actual charter school per pupil amount calculates to \$8,422.12. The most recently approved executive budget recommendations for the DOE dates back to the Governor's 2007-08 biennium budget decision on the DOE's budget and is therefore again now dated data (does not factor in the actual approved budget for the department or actual department costs). However, using this information results in a per pupil amount for the department \$7,701.97. The difference in per pupil funding using this data is therefore \$720.15 per pupil higher for charter schools or a total of \$4,415,240 in additional charter school funding.

Summarizing the above operational funding differences:

Year	Charter Schools' Shortfall /(Additional) Funding
2003-04	\$2,853,537
2004-05	\$8,849,074
2005-06	\$7,944,354
2006-07 (est.)	\$2,409,597
2007-08 (est.)	(\$4,415,240)
Total Funding Shortfall	\$17,641,322

History of Charter Schools' Facilities Funding

The CSAO first included a request for charter schools facilities funding in its 2005-07 biennium budget request equal to \$2,258,592 for fiscal year 2006 and \$2,458,848 for fiscal year 2007. However the Board of Education did not approve this request. Based on the BOE's prior year action, the CSAO did not include a request for facilities funding in its 2006 supplemental budget request. In fiscal year 2006-07 the State of Hawaii provided facilities funding for charter schools for the first time. The amount of funding totaled \$3,174,000. Funding for charter school facilities was not continued beyond fiscal year 2006-07. In the 2007-09 biennium budget request the CSAO requested an increase to the actual funding received in the prior year (\$3,174,000) of \$187,997 in 2007-08 and an increase of \$452,153 in fiscal year 2008-09. Not only were these increases in funding not approved but the prior year funding of \$3,174,000 was not continued.

The charter schools have never requested or received any funding for repairs and maintenance costs. Except for the one year of facilities funding, costs for repair and maintenance are paid by the schools from their operating funds.

The charter schools have never requested or received any CIP funding. This does not mean that the schools are not interested in accessing this resource as a means to fund their facilities needs.

Instead, until now, the schools have chosen to focus their efforts on operational funding equity with the DOE and in obtaining facilities funding through the general fund budget.

Mahalo for allowing me the opportunity to present this information to you today. I will be happy to respond to any questions you may have.

Sincerely,

Robert A. Roberts



He pūko'a kani 'āina: Mapping student growth in Hawaiian-focused charter schools¹

Strategic Planning & Implementation, Research & Evaluation Division

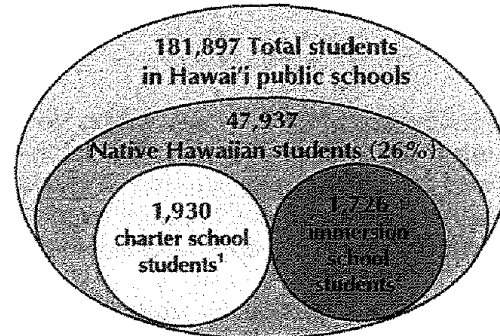
Across the nation, educational reform efforts are providing struggling students with alternatives to conventional public education. With greater community involvement and innovative instructional approaches, charter schools offer environments to develop and use new models to educate and support students.

To understand the value added by such environments and to be accountable to their communities, charter schools must be able to show data that evidence their successes, particularly with respect to available benchmarks.

In Hawai'i, test scores for Native Hawaiian students lag behind statewide averages in both reading and math, and the gap between Hawaiians and non-Hawaiians widens in higher grades. Hawaiian-focused charter schools offer a culturally grounded approach to education, providing a learning environment that is relevant and sensitive to student and family needs. Kamehameha Schools analyzes public data to understand and learn about Hawaiian student successes, in this case tracking changes in individual student achievement over time. For example, a student's SY2001-02 Hawai'i State Assessment (HSA) scaled scores is compared to his/her SY2004-05 HSA scaled scores. The gains are then compared across educational settings to identify the environments that are producing the greatest improvements across learners' educational careers. What follows is a brief summary of what was learned.

- Native Hawaiian students constitute at least 26 percent of the total public school population in Hawai'i.
- Within Hawaiian-focused charter schools, 86 percent of students are Native Hawaiian.
- Two-thirds of students in Hawaiian-focused charters are socioeconomically disadvantaged (e.g., participate in the subsidized lunch programs), making the challenge of educational delivery for these schools even greater.

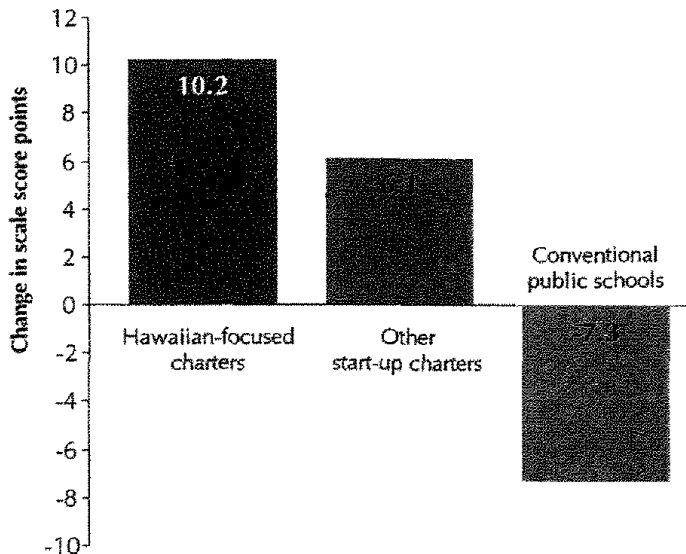
Figure 1. Hawaiian students in public schools: 2001-02



1 Charter school student count includes conversion charters, Hawaiian start-ups, and non-Hawaiian start-ups.
2 Immersion student count is for 2005-06 school year and may include some non-Hawaiian students.

After computing the individual change in scaled scores for each student in the HSA reading test between Grades 8 and Grade 10, the changes were averaged for three public school types: Hawaiian-focused charters, other start-up charters, and conventional public schools. The results are as follows:

Figure 2. Change in HSA scaled reading averages among Native Hawaiian students over time: Grade 8 to Grade 10



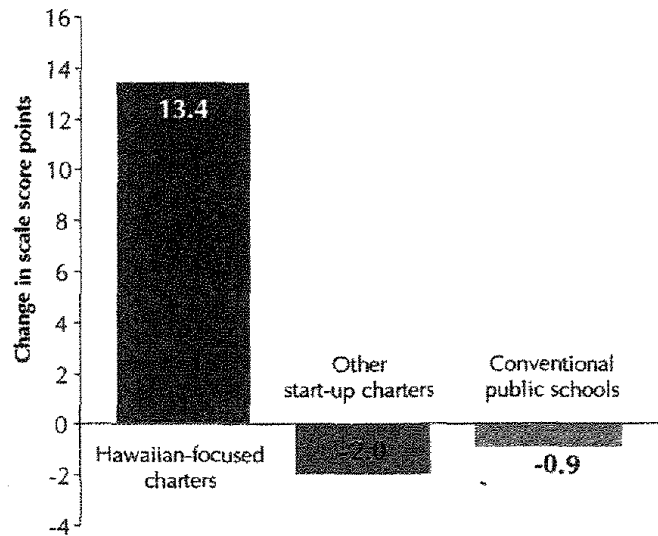
- On average, Native Hawaiian students in Hawaiian-focused charter schools made greater gains (10.2 scale points) than their peers in other start-up charter schools and conventional public schools (Figure 2).
- The percentage of Native Hawaiian students who scored "well below proficiency" decreased by more than half: 20.3 percent to 8.9 percent in Hawaiian-focused charters.
- The percentage of Native Hawaiians "well below proficiency" in reading decreased between Grade 3 to Grade 5 and Grade 5 to Grade 7 (30 percent and 15 percent decreased respectively).

¹ "A coral reef that grows into an island. A person beginning in a small way gains steadily until he becomes firmly established" (Pukui, M. 'Olelo No'eau: Hawaiian Proverbs and Poetical Sayings, 1983, 100).

The same comparison was conducted using HSA math test scores, showing the average gains between Grade 8 and Grade 10 for Hawaiian-focused charters, other charters, and conventional public. The results are as follows:

- Again, Native Hawaiian students in Hawaiian-focused charters made strong gains of about 13.4 points on average (Figure 3).
- The percentage of Native Hawaiian students who scored “well below proficiency” decreased by approximately 30 percent, from 41 percent to 28.9 percent, in Hawaiian-focused charters.
- The percentage of Native Hawaiians “well below proficiency” in math decreased between Grade 5 to Grade 7 by 15 percent; the percentage of elementary students showed a slight increase (3 percent).

Figure 3: Change in HSA scaled math averages among Native Hawaiian students over time: Grade 8 to Grade 10



Findings indicate that there is value added by the Hawaiian-focused charter schools to public education, providing a learning opportunity for the state of Hawai'i. In spite of socioeconomic disadvantage, Native Hawaiian students who attend culturally engaging/authentic Hawaiian-focused charter schools make significant gains in reading and math over time. Furthermore, low-achieving Native Hawaiian students are significantly more likely to move out of “well below proficiency” levels on standardized tests when attending Hawaiian-focused charter schools.

To further study the educational assets and outcomes of Native Hawaiian students in Hawai'i's public schools, Kamehameha Schools' Research & Evaluation staff is pursuing the following research activities to help inform educators, administrators and policy-makers:

1. Collaborative projects with the Department of Education such as the “Successful Schools Study,” and the “Hawaiian Cultural Influences in Education Project.”
2. The Nā Lau Lama Initiative for Hawaiian education.
3. Program and technical support for Nā Lei Na'auao Hawaiian-focused charter schools, including the development of assets-based assessment tools.
4. Extended reach of Kamehameha Schools through research and data dissemination to the community in conjunction with the Community Education Implementation Division.

For more information about this and other research relevant to Native Hawaiian learners, contact Kamehameha School's Research and Evaluation staff at 541-5372, by email pase@ksbe.edu, or by visiting the Strategic Planning and Implementation website www.ksbe.edu/spi.

LATE

Testimony of Shawn Malia Kana'iaupuni, Ph.D.
Director of Public Education Support Division
Kamehameha Schools
November 29th Informational Briefing on Charter Schools
Senate Committee on Education

I'd like to introduce myself to you today as Director of Public Education Support division at KS. Some of you may know me as Director of Research. Public Education is a new division at Kamehameha that I and our team has been asked to build, with the chief objective to make a difference for the 60,000 Hawaiian children in our public schools, and with the intention that by collaboratively working to strengthen the schools that they are in we will be benefitting all of our keiki. For me, establishing this division is a real testament to Kamehameha's understanding of the important role of public schools to our community wellbeing and to our mission, which is to improve the wellbeing and capacity of Native Hawaiian children through education. In setting out our Education strategic plan, we realized that in order to achieve this mission, we must look beyond the 5500 children that we can serve on our three campuses in two principal ways:

- first, we have to focus on the early childhood years as crucial stepping stones to lifetime success...and to do that as widely as possible;
- second, in order to continue the momentum built in the early years, we have to work with the **communities** where our children live, we have to work with the **public schools** that they attend in those communities, because 85% of our keiki are in public schools.

Kamehameha strongly supports the leadership of our charter schools in offering healthy public education choices, particularly because of the mounting data that shows their success in lifting the negative trends in Hawaiian children's educational outcomes for the past 50 years. With all due respect to the good work of many individuals in the DOE, we see our children **flourishing** in these innovative, culture-based environments where cultural relevance and relationships of aloha are making all the difference in critical factors that determine success: student attendance and engagement, time on task, student leadership, teacher interactions, cohesive schools, and especially family and community involvement. And, it shows up in the outcomes (please see Creating Change handout).

We appreciate your support of these innovative efforts and your recognition of the charter schools' unique ability to make a difference for our children--which is exactly what they were set up to accomplish.

We will focus on working with you to support:

- their continued quest to secure adequate **facilities** to service their students;
- examining ways to approve **more community charter schools** that show good promise for *similar successes*;
- and working together to identify and remove the barriers to effective and efficient delivery of education in these schools.

Creating Change...

Hawaiian-focused Charter Schools

- Thirteen Hawaiian-focused charter schools serve over 1,700 students in the state of Hawai'i
- Hawaiian-focused charter schools show success by doing the following:
 - Innovate
 - Improve
 - Involve

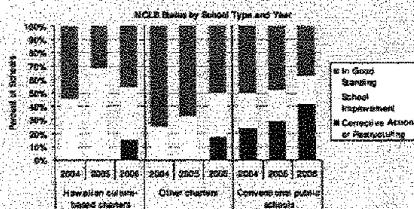


Kamehameha Schools: SPI/Research & Evaluation Division

Creating Change: Innovation

Hawaiian-focused charters implement innovative approaches to achieve more favorable AYP status than conventional public schools, including:

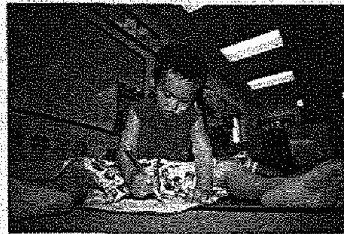
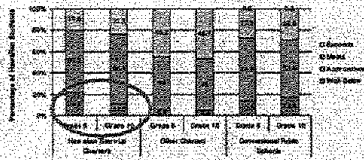
- Research-based practices (Western & Hawaiian)
- Project-based, place-based learning
- Interdisciplinary instruction
- Authentic assessment
- Hawaiian language instruction



Kamehameha Schools: SPI/Research & Evaluation Division

Creating Change: Improvement

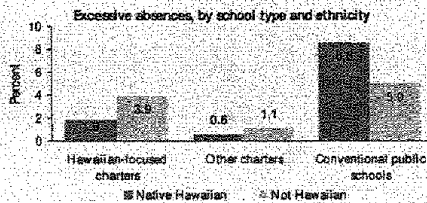
- Hawaiian-focused charter schools are increasing the reading proficiency of their lowest-performing students:
 - the percentage scoring “well below proficiency” in 8th grade was cut in half by 10th grade.
- Even greater improvements occur in math proficiency.



Kamehameha Schools: SPI/Research & Evaluation Division

Creating Change: Involve

Hawaiian-focused charters also witness substantial levels of student engagement, as shown by low rates of absenteeism and high rates of ‘ohana and community involvement

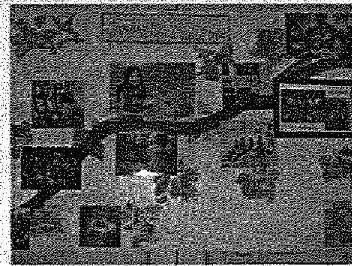
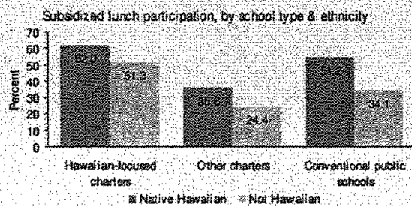


Kamehameha Schools: SPI/Research & Evaluation Division

Creating change

Hawaiian-focused charters serve a student population that is:

- Predominantly Native Hawaiian
- Socioeconomically disadvantaged
- Often disenchanted by their prior conventional public school experiences



Kamehameha Schools: SPI/Research & Evaluation Division

Creating Change

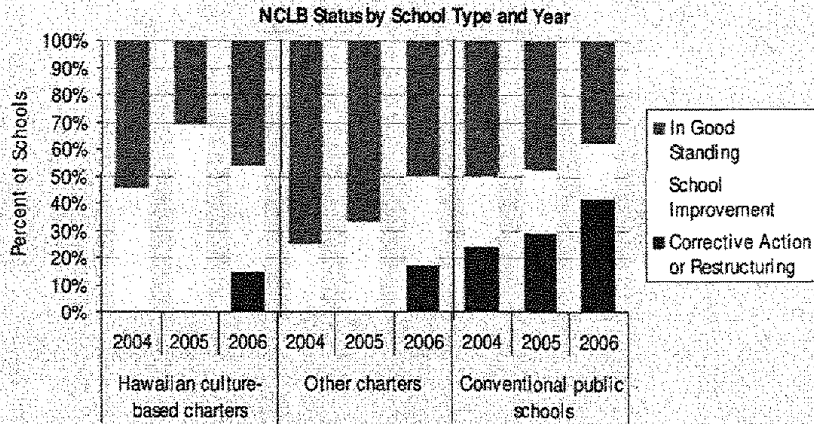
Summary

- Hawaiian-focused charter schools represent a unique and viable educational model.
- Adequate yearly progress (AYP) overlooks important gains made by Hawaiian-focused charter schools (i.e., improvement among the lowest-achieving students).
- Hawaiian-focused charter schools generate promising returns on investment for Hawaiian education.
- *Detailed data provided on the following slides*



Kamehameha Schools: SPI/Research & Evaluation Division

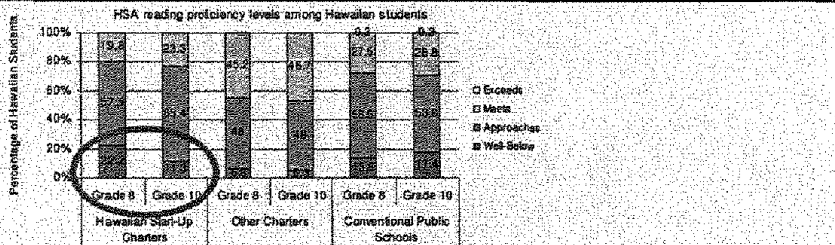
Creating change



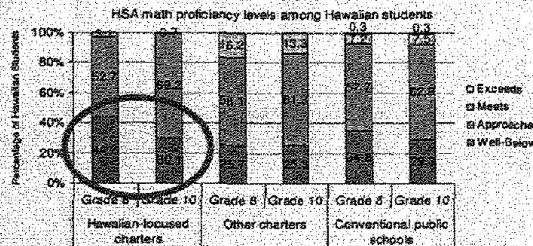
Source: Hawaii Dept. of Education, 2004-2006

Kamehameha Schools: SPI/Research & Evaluation Division

Creating change



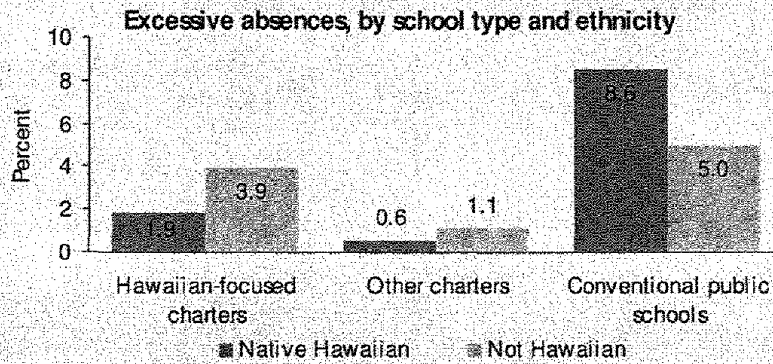
Source: Hawaii Dept. of Education, 2002-2006



Source: Hawaii Dept. of Education, 2002-2006

Kamehameha Schools: SPI/Research & Evaluation Division

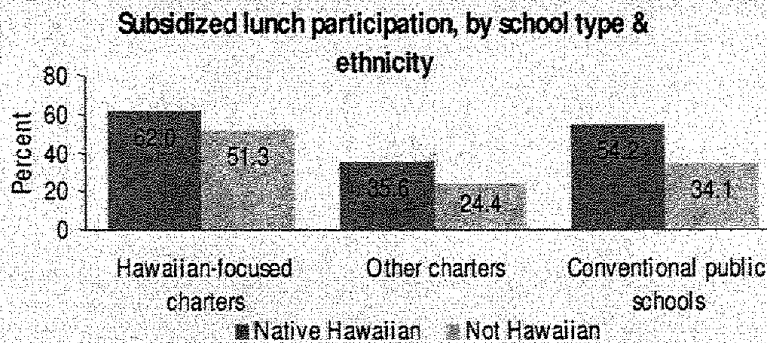
Creating change



Source: Hawaii Dept. of Education, 2004-2005

Kamehameha Schools: SPI/Research & Evaluation Division

Creating change



Source: Hawaii Dept. of Education, 2004-2005

Kamehameha Schools: SPI/Research & Evaluation Division

To: The Honorable Norman Sakamoto, Chair
Members of the Senate Committee on Education
From: Lynn Fallin, Executive Director
Ho'okako'o Corporation
Date: November 29, 2007
Subject: Informational Briefing and Update on Charter Schools

Act 2 passed by the 2002 Legislature enables a Hawaii based non profit corporation to partner with an existing public school and become a conversion charter school. The non profit provides an incentive of \$1 to \$4 state dollar match up to \$1500, technical assistance and oversight to improve school communities. In the five years since Act 2 was passed and the Ho'okako'o Corporation was established:

- Twenty DOE schools contacted and provided information about converting to charter status with the Ho'okako'o Corporation
- Three schools in rural high need communities (Waimea Middle School on the Big island in 2003, Kualapu'u School on Molokai in 2004 and Kamaile School on the Leeward Coast of Oahu in August 2007) converted.
- 256 employees
- 1500 students (approximately 23% of the charter school enrollment)
- Two Local Advisory Panels appointed (and a third currently being organized at recently converted Kamaile School)
- Waimea Middle School and Kualapu'u School made AYP
- Kualapu'u decreased special education population
- Waimea and Kualapu'u increased student attendance
- Waimea showed significant increase in family and community awareness and involvement, student attitude and teachers' openness to try new strategies.
- New programs offered

As an education change agent, Ho'okako'o seeks partnerships with public school communities committed to:

- Effective school community leadership
- Capable teachers with high expectations and the skills to work together in focused learning communities
- Curriculum that is aligned, articulated and integrated
- Families and the greater community with a sense of ownership in the school and willingness to be part of the change process
- Personalized schools
- More time on instructional and co-curricular activities
- Supportive and effective policies and regulations

Ho'okako'o services and supports include:

- Organizational change
- Instructional expertise
- Organizational systems and supports
- Policy and Advocacy
- Resources

In the next five years, Ho'okako'o will continue to work with its three partner schools and explore partnerships within the school complexes where it currently has a presence. By

building on the work underway and sharpening its focus, Ho'okako'o hopes that positive impact on student learning will be maximized, continuous and sustained.

Opportunities and Concerns

Impact of Three Government Backed Transitional Homeless Shelters Within the Kamaile School Geographical Catchment Area

In December of 2006, a 300 bed emergency shelter (Pai'olu) opened within Kamaile School's catchment area. By early spring 2008, two additional shelters "Kahikolu "Ohana Hale O Waianae with 72 rental units and 40 dormitory beds and "Seawind Apartments with 50 rental units will also open with the Kamaile School's area and the school anticipates additional students. Under the federal McKinney Homeless Assistance Act, SEA's and LEA's must ensure that barriers to enrollment, attendance and success in public schools are removed. Homeless children require additional resource to ensure that barriers to enrollment, attendance and success in public schools are removed. Homeless children require additional resources to insure continuity of instruction such as transportation, special instructional programs, professional development of teachers and counselors to address the needs of this special population and strong linkages between schools to ensure smooth transitions.

Currently the student count date for all charter schools is on October 15. Although we do not know the exact impact of the transitional homeless shelters, some anticipate growth could be around 100 students after the count date. The fluctuation in student enrollment affects Kamaile's ability to effectively serve the high need students because the school's student count affects the school budget. Kamaile plans to do a quarterly count during the 2007-2008 school year and we plan to report back to the legislature 2008 at the end of the third quarter (early April) regarding the fluctuating enrollment and the impact of the fluctuating enrollment to the school's services to students. Because of the many challenges facing homeless children and their families, it is anticipated that the students and their families will need more student and family support services to maintain continuity of instruction. If the enrollment increases significantly after the October 15 student count date, the school will be unable to maintain or increase educational and support services for the children and their families.

Should the fluctuating enrollment be a significant problem, the legislature should consider adjusting the student count dates and/or additional funding to schools such as Kamaile School being affected by the location of the large concentration of homeless transitional shelters within the school geographical catchment area.

Administrative

We thank the legislature for clarifying and making changes in laws and policies so that if a school makes the choice to become a conversion charter school, the school community is not adversely affected.

With the best interest of the children foremost, we are making every effort to collaborate with the DOE on these matters and we will continue to keep you abreast of emerging concerns that may need policy clarification and change.

Currently, the main administrative areas are:

- 1) Student Per Pupil Allocation based on most current and accurate DOE budget
- 2) Facilities

We are currently working with the DOE on a draft agreement for the use of school facilities. As we work on the agreement, we have emphasized that the conversion charter schools continue to be the feeder public school for the geographical catchment area as they did prior to conversion and the DOE continues to be responsible for all of special education students and therefore the conversion charter school should continue to use state public school facilities, R and M and CIP under the administration of the DOE.

Charter schools were urged to attend the committee meeting on facilities convened to meet the requirements of Act 213 (2007) regarding facilities funding for charters. By request of the Governor's Office and the committee, Ho'okako'o submitted a summary of the concerns from our three partner conversion schools.

3) Personnel Concerns

Teacher tenure, teacher reclassification, principal and vice principal employment, funding of teachers in hard to fill geographical areas continue to be raised at the school level. As the concerns are brought our attention and clarified, we are working with the DOE and unions to resolve the concerns.

Increase in Conversion Schools

In the next five years, Ho'okako'o will continue to work with its three partner schools and explore partnerships within the school complexes where it currently has a presence. By building on the work underway and sharpening its focus, Ho'okako'o hopes that positive impact on student learning will be maximized, continuous and sustained and that more school communities will make the choice to become conversion schools.

State public policy and laws governing the public school system should afford and encourage opportunities for parents and school communities to have choices. Today, Hawaii state law allows a maximum of 25 conversion charter schools. Only five Hawaii public schools have chosen to convert to charter status. We should ask ourselves "WHY?" and "WHAT?" can be done so that more schools choose to become conversion schools. Other national jurisdictions have seen growth in conversion schools and we encourage the legislature to fund a study of other jurisdictions across the nation and based on the findings to consider making amendments to the Hawaii state law in 2009 that would result in more schools in Hawaii deciding to become conversion schools.

The following is an excerpt from a national publication about conversion schools in California where the number of conversion schools has increased significantly.

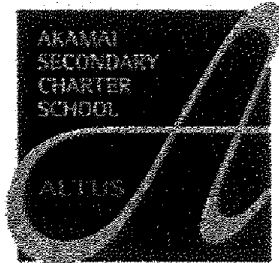
"Charter Conversions Increasing in California Districts

Traditionally, many school districts have viewed charter schools as competition, but in California some districts are moving to convert their own schools to charters. More than one-third of the charter schools in Santa Clara County, including all of the charters in the Cambrian and Campbell Union school districts, are conversions. "Statewide, start-ups still outnumber conversions by three to one," said Caprice Young of the California Charter Schools Association. "But we are seeing more conversions because superintendents are saying, 'Wait, we can do this, too.'" District officials say they are moving to convert more schools to charters so they can attract additional students and take advantage of more flexible state funding. "There's more flexibility in state funding, and fewer rules that bind us," said Campbell Union Superintendent Johanna VanderMolen. "I don't care if it's called a charter or not. What I care about is student achievement."

Source: Mercury News (free registration required), (11/25/2007) "
http://www.mercurynews.com/education/ei_7554258?nclink_check=1

We look forward to the opportunity to work with the legislature on the study and to changes in the state law that result in more school communities making the choice to become conversion schools.

Thank you for the opportunity to submit testimony.



Nurturing
Student Achievement

November 28, 2007

Senator Norman Sakamoto
415 South Beretania Street
Honolulu, HI 96813

RE: WRITTEN TESTIMONIAL FOR THE INFORMATIONAL BRIEFING

Dear Sir:

My name is Lynne Alipio, co-developer, Director for Business, Fiscal Services and Development for Altus Institute. Altus Institute was born from the ideologies shared by The Charter School of San Diego – a 13 years old charter school and Audeo Charter School – a 7 years old charter school. Both educational institutions strive to help students achieve by creating alternative educational options that put students' needs first. Having experienced the successes of these supportive and flexible learning environments, a group of administrators and instructional leaders from these schools discussed the possibility of creating a think tank on educational reform. The Institute would provide teachers and administrators the opportunity to learn about the newest techniques and philosophies that offer students the chance to learn in a way that best suit their needs. It would act as a national resource for innovative methodologies regarding alternative education. It would assist educators in acquiring the skills necessary to become leaders in improving public education.

Altus Institute has formed a Hawaii non-profit corporation (Altus-Akamai, Inc.) specifically for the purpose of supporting and consulting the proposed Akamai Secondary Charter School. In 2006, Akamai received one of the three federal subgrants awarded to qualified applicants for the purposes of planning a Start-Up Charter School. This grant was awarded in accordance with Hawaii charter school law. Akamai's mission is to serve "at risk" students in grades 7-12, initially in the Honolulu District area between Farrington, McKinley and Kaimuki High Schools. Akamai would provide these students with an educational program that combines a traditional site-based school with an independent student program supplemented with on-line courses, seminars, workshops, guest speakers, tutoring and field trips. The School would also base students' courses of study on personalized education plans and workforce development strategies. **This type of innovative educational program does not currently exist in the targeted area for "at risk" students in grades 7-12.** Improvements in academic achievement are greatly needed in this area. Akamai Secondary School will create a fluid relationship between its program and the comprehensive public schools. The institutional design of Akamai will

create a complimentary assessment and instruction centered on assisting students in the completion of their academic objectives. A majority of these students shall be redirected to their resident school or successfully graduated from Akamai. The redirective nature of Akamai would support local public education by reducing their drop out rate, increasing its graduation rate, and recovering ADA lost because of student disengagement.

In January 2007, Akamai submitted an application to become a new charter school. Akamai's application addressed the requirements outlines in the Hawaii Revised Statutes ("HRS") for start-up charter schools and the application provided by the Charter School Administrative Office. Because Akamai had already received one of the federal subgrants awarded to qualified applicants, we reasonably anticipated that **timely action** would be taken on our application. However, **no action was ever taken on the Akamai's January 2007 application.**

On May 14, 2007, the Charter School Review Panel ("Panel") required charter school applicants to submit their Detailed Implementation Plans ("DIPs") by June 1, 2007. Although Akamai already had an application on file, it was instructed to submit a new DIP. Along with this request, the Panel issued a new Scoring Rubric ("Rubric") for the assessments of the DIPs, leaving applicants little more than two weeks to submit their applications. This Rubric differed from the application originally distributed by the Charter School Administration Office. More importantly, **the terms of the NEW Rubric directly conflicted with statutory requirements for operation of a charter school in effect at that time.** For example, the governance provisions of the Rubric state, "Reviewers will look for:.....Description of personnel procedures including recruitment, retention, and termination." This is in direct conflict with HRS 89-10.55, which mandates that employees for the charter schools be assigned to a collective bargaining unit, which, in turn, requires a charter school to abide by the terms of the applicable collective bargaining agreement.

On June 27, 2007, the Panel held an initial meeting. They discussed, and evaluated the applications in executive session. The Panel announced its decision that a denial would be sent to Akamai. However, because these discussions were required to be held in open meetings, those initial decisions were deemed null and void by the Panel.

The Panel met again on July 20, 2007. At this meeting, Panel Member Ardith Renteria, expressed her "**concerns regarding the Panel's lack of procedural consistency**" and indicated that "**for the sake of protection and procedural fairness,**" she wanted the development of operational procedures in accordance with HRS 302-B-3(g). At this meeting, the Panel decided, "all discussions from executive session (on June 27, 2007) are deemed null and void because the decisions on charter school applications were done in executive session. Those discussions and the decisions are now null and void and non-existent." Apparently, the Panel was advised that its review of applications in executive sessions violated HRS Chapter 92. **The minutes from July 20, 2007, meeting have still not been made available to the public.**

The Legislature of the State of Hawaii has repeatedly stated that the purposes for charter schools are to:

- 1) Provide administrators, parents, students, and teachers with expanded alternative public school choices in the types of schools, educational programs, opportunities,

and settings, including services for underserved populations, geographical areas, and communities; and

- 2) Encourage and, when resources and support are provided, serve as a research venue for the development, use, and dissemination of alternative and innovative approaches to educational governance, financing, administration, curricula, technology, and teaching strategies.

As an applicant, these are the following observations we have made:

- The guidelines and the rubrics disseminated to applicants are inconsistent.
- No other information regarding the process was provided to applicants.
- No training were provided to the Panel on the use of the rubrics
- No evidence of adherence to the rubrics. The actions of the Panel has been blatantly subjective.
- No operational procedures, which define the process for the basis of determining minimal criteria for eligibility, were ever issued.
- Minutes were not consistently kept and disseminated to the public.
- It is evident that there are Panel members that feel charter schools are vehicles reserved only for Hawaiian schools.
- Comments were made publicly by panel members stating that a specific charter applicant is not suited because it is not "Hawaiian enough".

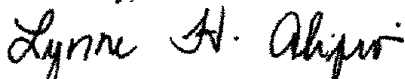
Conclusion:

The review process was subjectively developed and applied with a Panel that lacks training. It is not oriented to the larger view of the educational need for all school-aged children who reside in Hawaii more specifically the ethnically diverse underserved population. The awarding of charter school status should be based on the merits, probable innovation, and contributions a school could make to all communities and not only those oriented to serve native Hawaiian students. This is not to say, that we do not think the charter schools are excellent vehicles for Hawaiian immersion activities. We only request openness to those schools that are not exclusively Hawaiian immersion by design.

The charter school developers for the proposed Akamai Secondary Charter School have a tremendous respect for the community of which they hope to become a part. We strongly support the social and political culture of the native Hawaiian and we would like to work closely with the immersion schools on the island as well as the traditional schools. Akamai had a desire to collaborate with the other charter school and to help form an educational option rich in both academics and culture.

I thank you.

Sincerely,



Lynne H. Alipio
Director of Business, Fiscal Services and Development
Altus Institute – Network of Charter Schools
Audeo Charter School, Mirus Secondary School
The Charter School of San Diego

To: Hawai'i State Senate Committee on Education
For: Hearing of November 29, 2007
Re: "Native Hawaiian-based" Charter Schools
From: Kenneth R. Conklin, Ph.D.; Kane'ohe; Ken_Conklin@yahoo.com
Date: November 26, 2007

Aloha kakou,

I am writing to ask that the committee request a report from the charter schools' executive director regarding the use of the "Native Hawaiian-based Charter Schools" (Ka Lei Na'auao) to indoctrinate children with religious and political views promoting a theology of racial supremacy and a corresponding anti-American racial separatism and ethnic nationalism.

On Thursday July 26, 2007 the PBS-Hawaii TV program "Insights" spent an hour discussing the Native Hawaiian charter schools. Hina Wong, on the staff of the Halau Lokahi school, responding to a viewer question, acknowledged that the religious activities and political views described below are indeed a part of the curriculum, and asserted that they are appropriate in view of a history of Hawaiian oppression and a future of liberation.

I believe that the Legislature would agree with me that religious ceremonies and prayers are not legally allowable as part of the school day in government schools, and that it is bad public policy to use any government school for the purpose of religious and political indoctrination of children.

RELIGIOUS CEREMONY AND PRAYER

To what extent are actual religious ceremonies and prayers being conducted in these tax-supported public schools (not as lessons demonstrating culture but as actual occasions of worship or guidance-seeking)? Is that legally permissible, and is it socially and morally wise? Religious ceremonies and prayers are customary elements of "protocol" in ethnic Hawaiian cultural events; yet such activities in the public schools violate the "establishment of religion" clause of the U.S. Constitution.

Let's recall that only a few years ago a lawsuit supported by ACLU forced McKinley High School to remove the word "God" from a publicly posted student conduct code. It is true that charter schools have great latitude regarding curriculum and methodology; that parents voluntarily choose to send their children there precisely for culture-specific education and are therefore not likely to complain about cultural/religious indoctrination. Nevertheless these are government schools obligated to obey the law regarding separation of church and state. Would the State of Hawaii be comfortable supporting public schools with a blatantly Christian, Jewish, or Muslim curriculum, even if parents requested such schools?

RELIGION AND POLITICS MIXED TOGETHER IN HISTORY/CULTURE CURRICULUM

More troubling than harmless, voluntary prayer is the indoctrination of children to believe in religious doctrines currently being invoked in the political arena to justify assertions that people of a particular racial heritage are entitled to racial supremacy regarding ownership and management of land.

The Kumulipo creation legend is a core element of Hawaiian religion which is being taught as true doctrine. According to this doctrine anyone possessing a drop of Hawaiian native blood is a descendant of the (Hawaiian) gods and a brother to the (Hawaiian) land in a way that nobody lacking that drop of native blood ever can be.

Long story short: Sky father Wakea mated with Earth Mother Papahanaumoku, who then gave birth to the Hawaiian islands as living beings. Later Wakea and Papa mated again, producing daughter goddess Ho'ohokukalani. Wakea later mated with Ho'ohokukalani (a culturally

appropriate incestuous "ni'aup'i'o mating") giving birth to Haloa, the primordial Hawaiian ancestor from whom all persons with a drop of Hawaiian native blood are descended.

Thus there is a family relationship among the gods, the Hawaiian islands, and the ethnic Hawaiian people. Anyone lacking a drop of Hawaiian native blood is forever outside that family, and therefore not entitled to participate fully or equally in decisions about land use policy or who can live upon the land. Needless to say, indoctrinating children to believe this religious doctrine is extraordinarily divisive and corrosive in a multiracial society. It demeans those who lack native blood, and causes those who do have native blood to adopt an attitude of racial supremacy as birthright.

ANALOGY: CREATIONISM VS. EVOLUTION IN THE SCIENCE CURRICULUM

The Hawaii board of education has faced the same dispute as school boards throughout America regarding whether creationism (or "intelligent design") should be included in the science curriculum as an alternative to the generally accepted theory of evolution. Those who oppose including creationism label it religious indoctrination in disguise (and by analogy should also oppose including the Kumulipo creation legend for the same reason). Those who favor including creationism say it's good for children to know there are alternative theories and to become familiar with them (and by analogy should also favor including the Kumulipo legend in the context of teaching children about the diversity of beliefs in Hawaii). However, nobody has claimed that any government school should adopt creationism as the only theory to be taught and that children should be brainwashed to believe it (and by analogy, no government school in Hawaii should adopt the Kumulipo legend as the sole or predominant theory, especially the Kumulipo version as it is being twisted to support a doctrine of racial supremacy).

INDOCTRINATING CHILDREN WITH TWISTED HISTORY FOSTERING ANTI-AMERICAN ATTITUDES

Following are excerpts taken a few years ago from the website statement of purposes of the Kanu O Ka 'Aina public charter school – statements presumably written by Ku Kahakalau, head of that school and also head of the consortium of Hawaiian-focus charter schools. The website is constantly revised, and the stridency has been toned down; but the concepts can still be found on that website.

The question for the Legislature is: do the people of the State of Hawaii really want to pay tax dollars to indoctrinate children with such anti-American attitudes, even if (especially if!) radical parents enthusiastically support such views?

"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 â€" 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."

And so I am asking that Ku Kahakalau and other leadership in the Hawaiian-focus charter schools be called to account regarding whether they endorse or disavow the anti-American concepts in the above paragraph, and whether they have as one of their purposes to indoctrinate the children with those views. And then I call upon our political leadership to decide whether taxpayers should be forced to provide financial support for such "education."

CONCLUSION: THE BIG PICTURE

The "Native Hawaiian-based Charter Schools" are intentionally being used as engines pushing a political agenda described in my book: "Hawaiian Apartheid: Racial Separatism and Ethnic Nationalism in the Aloha State." My book is not available in bookstores; please find it at <http://tinyurl.com/2a9fqa>

These tax supported public schools are functioning in the same way as the Islamist madrassas in Saudi Arabia or Iran -- their purpose is to indoctrinate children with concepts of racial entitlement, racial supremacy, and anti-Americanism. This purpose is served by means of religious beliefs being taught as true, corresponding religious ceremonies performed during the school day, and a twisted history curriculum depicting ethnic Hawaiians as oppressed under the authority of a foreign nation (U.S.) illegally occupying their homeland.

Aloha Senator Sakamoto and Members of the Senate Committee on Education,

Thank you for this opportunity to provide information that may contribute to your deliberations and decisions relating to charter schools that you will make during the upcoming Legislative session.

I attended the Informational Briefing on Thursday, November 29th, 2007. After listening to the discussions, I conclude that your policymaking activities are likely to be more productive if we are able to provide you with more information about the activities of the Charter School Review Panel. From January 23, 2006 – October 2007, I served the Panel as Co-Chair, Vice Chair and then Chair. It is from this knowledge base that I, speaking as an individual, would like to provide you with a sense of the work of the Panel from its inception through the period of changes after Act 115 was signed. It is certainly fair to say that we have suffered from some growing pains, but the Panel has accomplished a great deal in a short time and I would like to share some of these accomplishments with you.

- The Panel began meeting in January, 2006 with the primary task of recommending new charter schools to the Board of Education. From January – May, the Panel met at least once a month to review and revise the charter school application and the evaluation rubric. When those were completed and approved by the BOE, the Panel then created a timeline and guidance for submission of the applications also known as Detailed Implementation Plans. The Charter School Administrative Office distributed the application, rubric and guidance to interested persons and also made them available on the CSAO website.
- When Act 115 was adopted, the Panel developed job descriptions and procedures for advertising, screening and hiring an Executive Director for the CSAO and a special assistant for the Panel. Simultaneously, the Panel adopted operating procedures for the evaluation of start-up and conversion charter applications and for compliance with Chapter 92. Because the existing charter schools needed guidance from the Panel regarding their annual self-evaluation report, complaint procedures, probation and revocation, the Panel designed and adopted an Interim Accountability, Probation and Revocation Policy.
- By August, the Panel was able to review the eight applications that were submitted to fill three start-up vacancies and one conversion. In compliance with the charter school laws, five start-up applications were denied and all applicants were given written feedback and 10 days to provide the Panel with revisions. Applications were returned to the Panel. The Panel quickly moved to approve Kamaile as a conversion charter school. In September, four new members were added to the Panel. The

timeline for response to the applicants was extended to allow the new Panel members to read and evaluate the applications.

- By October, the Panel hired a Special Assistant and approved two start-up charter schools to open in July of 2008. In addition, the Panel made progress in creating Bylaws.

Overall, the Panel has been conscientious, responsible and hard working in order to meet its new responsibilities and challenges. I expect the Panel to continue establishing a strong foundation that will enable it to provide oversight of and support for all of the charter schools in Hawaii.

There are significant challenges that the Panel will need to address as it moves forward. However, none of them are insurmountable as long as the Panel has the support of all charter school stakeholders and the resources necessary to do its job. I ask that the Legislature be patient as the Panel evolves into its new role.

On a personal note, I have been involved with the start-up charter school movement in Hawaii since its inception. I have seen the struggles to overcome barriers of inequitable funding and inadequate support from a fearful public that does not yet understand that charter schools are public schools. As the movement matures, I hope that both the charter and traditional school advocates can come to see that charter schools compliment traditional education, not compete with it, and give parents choice.

Thank you for listening.

Nina Buchanan, PhD.
Educational Psychologist
Professor of Education
Founding Member of the West Hawaii Explorations Academy PCS