

Date of Hearing: Monday, February 2, 2008

Committee: House Committee on Education

Board: Education

Person Testifying: Garrett Toguchi, Chairperson, Board of Education

Title of Bill: H.B. No. 11, Relating to Education

Purpose of Bill: Makes clarifying amendments to laws affecting the charter schools by:
(1) Specifying under the definition of "organizational viability," charter school compliance with Board of Education (Board) policies made in the Board's capacity as the head of the State Education Agency; (2) Enabling the Board to remove members of the Charter School Review Panel for cause; and
(3) Repealing the requirement that the Board adopt rules pursuant to Chapter 91, Hawaii Revised Statutes (Administrative Procedure Law) for placing charter schools on probation and for revoking a charter.

Board's Position: Chairperson Takumi, Vice Chairperson Berg, and members of the House Committee on Education, thank you for the opportunity to submit testimony in **strong support** of H.B. No. 11.

Act 115, Session Laws of Hawaii (SLH) 2007 authorized the Board with the power to appoint members to the Charter School Review Panel. The Board believes that there may be a time when there is compelling reason to remove a member or members from the Panel. Just as appointment power was granted to the Board, we believe that the Board should have the authority and responsibility to remove members from the Panel.

H.B. No. 11 also amends the definition of “organizational viability” to include that charter schools are to comply with all Board policies. As the State Education Agency, the Board asserts that all public schools, whether they are charter schools or Department of Education schools, must comply with statewide educational policies of the Board.

Finally, by Act 115, SLH 2007, the responsibilities of issuing and revoking charters, approving Detailed Implementation Plan revisions, and conducting charter school evaluations, which may include probation or revocation, now rests with the Charter School Review Panel. For this reason, the Board believes that the provision that requires the Board to adopt rules for placing charter schools on probation and for revoking a charter is inapplicable and should be repealed.

Thank you for the opportunity to testify in **strong support** of H.B. No. 11.

berg1-Liz

From: Jennifer Wilbur on behalf of Rep. Lyla B. Berg
Sent: Monday, February 02, 2009 8:35 AM
To: berg1-Liz
Subject: FW: Testimony on House Bill 11

From: Director [mailto:Director@WHEA.net]
Sent: Saturday, January 31, 2009 3:47 PM
To: testimony; Rep. Roy Takumi; Rep. Lyla B. Berg; Rep. Joe Bertram III; Rep. Jerry Chang; Rep. Faye Hanohano; Rep. Joey Manahan; Rep. Mark Nakashima; Rep. Karl Rhoads; Rep. Scott Saiki; Rep. Maile Shimabukuro; Rep. K. Mark Takai; Rep. Ryan Yamane; Rep. Corinne Ching; Rep. Lynn Finnegan
Cc: Sen. Norman Sakamoto
Subject: Testimony on House Bill 11

Testimony from the Hawai'i Charter Schools Network
Representing the Unified Voice of Hawai'i's 31 Public Charter Schools

Strong Opposition to HB11

1/30/2009

Aloha Chairman Takumi, Vice-Chair Berg, and Esteemed Members of the Committee on Education:

The Hawai'i Charter Schools Network is dedicated to improving Hawai'i's charter school laws. We are enthusiastically encouraged by the Obama Administration's position that public charter schools represent meaningful freedom of choice and accountability in public education. We look forward to working with your leadership to continue implementing that position in our state.

That is why we are writing to strongly oppose wording in HB11 regarding the extant federal designation of the Hawai'i Board of Education and Department of Education status as State Educational Agency.

Even though we support the idea in principle and practice, we cannot support legislation that creates unclear expectations.

HCSN has deep reservations about this specific clause:

*"Complies with board policies made in the board's capacity as the head of the state education agency;
And complies with department directives in the department's capacity as the state education agency."*

1. Specifically, the federal status of SEA, especially for NCLB and federal Title programs, is clearly supported vis-à-vis Hawai'i's public charter schools by their continuing long-term compliance.
2. Already encompassing the above is Article X, Section 3. "The board of education shall have the power, as provided by law, to formulate statewide educational policy..." which is well understood and accepted by the public charter schools.
3. Certainly there are isolated cases of non-compliance, but the CSRP and CSAO have been diligent and effective in addressing these isolated instances

We therefore view this clause as unwarranted and frankly, a little bewildering.

HCSN submitted testimony to the Board requesting open discussion on December 18th and again on January 8th on this matter specifically. Further discussion has not occurred. Therefore, we remain in the dark as to why, and to whom, this clause appears necessary.

On a positive note, we are broadly open to the idea of the Board being able to “remove a panel member for cause”.

However, due to the aforementioned SEA clause, we must oppose HB11 as impairment, not improvement. We urge you to defer HB11 until need and clarity can be made apparent.

Sincerely,

Curtis Muraoka, Secretary

For

Alapaki Nahale-A, President

Susie Osborne, Vice-President

Steve Hiramami, Treasurer

Hawai`i Charter Schools Network

Representing the Unified Voice of Hawai`i's Public Charter Schools



KAMEHAMEHA SCHOOLS

Testimony to the House Committee on Education
Hearing Date: Monday, February 2, 2009
2:00p.m. – Conference Room 309

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

Friday, January 30, 2009

Re: HB 11 Relating to Education

Good afternoon Chair Takumi, Vice Chair Berg and members of the House Committee on Education. My name is Shawn Malia Kana'iaupuni, PhD, Director, Public Education Support (PEdS) Division of Kamehameha Schools.

We are submitting these comments concerning HB 11 relating to charters. We note that provisions requiring compliance with Board of Education policies created some concern and may need further clarification. We hope to be part of the ongoing dialog and to work collaboratively with you on improving the language in this measure.

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

Currently, Kamehameha Schools works with 12 nonprofit tax-exempt organizations, including `Aha Pūnana Leo, OHA, KALO and Ho'okāko'o Corporation, to assist a total of 14 start-up and 3 conversion charters with special projects, professional development, and technical assistance. Kamehameha Schools believes that these efforts provide more positive educational choices and ultimately enhances academic achievement and greater school engagement for Hawaiian students. Through these collaborations, Kamehameha Schools currently assists more than 3,200 students in eleven communities on 4 major islands, within the public education system.

Recent research conducted over the past three years shows that Hawaiian-focused charter schools are implementing positive educational strategies and make a difference to Hawai'i's public school landscape in the following ways:

- They demonstrate success in helping "at-promise" students jump-start academic momentum using rigorous place-based and project-based strategies;
- The schools provide relevant and rigorous education in ways that engage both Hawaiian and non-Hawaiian students;
- They cultivate values of environmental stewardship and civic responsibility among future leaders;
- They build a strong sense of 'ohana through caring and supportive student/teacher relationships;
- They enhance the well-being, family involvement, and economic sustainability of communities.

In summary, supporting and replicating the successful strategies found in Hawaiian-focused charter schools is a good way to invest in education that has potential benefits for the entire public school system.

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**TESTIMONY OF TOM MACDONALD TO HOUSE COMMITTEE ON
EDUCATION REGARDING HB 11: RELATING TO EDUCATION
(CHARTER SCHOOLS)**

I AM TESTIFYING AS A MEMBER OF THE CHARTER SCHOOL REVIEW PANEL, WHICH AUTHORIZES AND OVERSEES PUBLIC CHARTER SCHOOLS IN HAWAII.

THE TESTIMONY I AM PRESENTING REFLECTS THE VIEWS OF THE CHARTER PANEL, THE CHARTER SCHOOL ADMINISTRATIVE OFFICE, AND THE CHARTER SCHOOL NETWORK, WHICH REPRESENTS ALL 31 HAWAII CHARTER SCHOOLS .

THE ENTIRE CHARTER SCHOOL COMMUNITY STRONGLY OBJECTS TO THE PROVISION IN HOUSE BILL 11 WHICH WOULD REQUIRE CHARTER SCHOOLS TO COMPLY WITH "BOARD POLICIES MADE IN THE BOARD'S CAPACITY AS THE HEAD OF THE STATE EDUCATION AGENCY" AND WITH "DEPARTMENT DIRECTIVES MADE IN THE DEPARTMENT'S CAPACITY AS THE STATE EDUCATION AGENCY."

CHARTER SCHOOLS HAVE A REASONABLE FEAR THAT SUCH GENERAL, OPEN-ENDED LANGUAGE WOULD LEAD TO ARBITRARY IMPOSITION BY THE BOARD AND THE DEPARTMENT OF POLICIES AND DIRECTIVES THAT WOULD REMOVE THE AUTONOMY AND FREEDOM TO EXPERIMENT THAT THE LEGISLATURE INTENDED THAT CHARTER SCHOOLS SHOULD HAVE.

ONE RECENT EXAMPLE: THE BOARD MEMBER SITTING AS A MEMBER OF THE PANEL INFORMED THE PANEL THAT THE BOARD WAS CONSIDERING REQUIRING THAT ALL CHARTER SCHOOLS BEGIN USING THE DEPARTMENT'S IN-HOUSE ESIS (ELECTRONIC STUDENT INFORMATION SYSTEM). NEARLY HALF OF THE CHARTER SCHOOLS HAVE ALREADY ADOPTED A SUPERIOR STUDENT INFORMATION SYSTEM. IT PROVIDES STUDENT DATA THAT THE DEPARTMENT REQUIRES, WHILE ALSO PROVIDING THE SCHOOLS WITH STATE-OF-THE ART ABILITY TO TRACK STUDENTS, THEIR FAMILIES, AND COMMUNITIES , AT HALF THE PRICE THE DEPARTMENT PROPOSED CHARGING THE SCHOOLS FOR ITS LESS COMPREHENSIVE ESIS SYSTEM.

THE CHARTER SCHOOL COMMUNITY DOES NOT DISPUTE THAT THE STATE CONSTITUTION INVESTS IN THE BOARD BROAD AUTHORITY OVER THE STATE'S PUBLIC SCHOOLS. BUT THE CONSTITUTION DOES PLACE CERTAIN LIMITS ON THAT AUTHORITY: "THE BOARD OF EDUCATION SHALL HAVE THE POWER, AS PROVIDED BY LAW, TO FORMULATE STATEWIDE EDUCATIONAL POLICY..." THE LEGISLATURE HAS CHOSEN TO GRANT TO CHARTER SCHOOLS BY LAW A DEGREE OF AUTONOMY NEEDED FOR THEM TO EXPERIMENT AND DISSEMINATE "ALTERNATIVE AND INNOVATIVE APPROACHES TO EDUCATIONAL GOVERNANCE, FINANCING,

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ADMINISTRATION, CURRICULA, TECHNOLOGY, AND TEACHING STRATEGIES." (Act 115, 2007)
THE BROAD LANGUAGE IN HB 11 REQUIRING CHARTER SCHOOLS TO COMPLY WITH BOARD
POLICIES AND DEPARTMENT DIRECTIVES COULD WELL ENABLE THE BOARD OR THE
DEPARTMENT TO IMPOSE ARBITRARY REQUIREMENTS THAT WOULD PREVENT CHARTERS
FROM LIVING UP TO THE LEGISLATURE'S INTENTIONS IN ENACTING THE CHARTER STATUTES.

CHARTER SCHOOLS RECOGNIZE, AND ALREADY COMPLY WITH, ALL FEDERAL AND STATE LAWS
RELATING TO SCHOOLS. THE PANEL HAS BEEN GIVEN THE AUTHORITY, BY LAW, TO ENSURE
THAT THIS COMPLIANCE CONTINUES.

IT IS NO SECRET THAT SOME MEMBERS OF THE BOARD ARE VOCAL OPPONENTS OF CHARTER
SCHOOLS AND DO NOT WANT TO SEE THEM SUCCEED. HERE IS A DIRECT QUOTE FROM BOARD
MINUTES REGARDING THE GROWTH OF CHARTER SCHOOLS: "PENEBACKER:... 'THIS IS GOING TO
BE A DIRECT THREAT TO PUBLIC SCHOOLS, AND WE SHOULD NOT SIT HERE AND LET THIS
HAPPEN.' GENERALLY HE FELT THAT CHARTER SCHOOLS UNDERMINE TRADITIONAL PUBLIC
EDUCATION."

MANY IN THE CHARTER SCHOOL COMMUNITY WONDER WHETHER THE ATTEMPT TO IMPOSE
THESE POLICIES AND DIRECTIVES ON CHARTERS ARE AN ATTEMPT TO SEE CHARTER SCHOOLS
FAIL.

THE CHARTER SCHOOL COMMUNITY URGES THE COMMITTEE NOT TO PASS THIS BILL UNLESS
THE POLICIES AND DIRECTIVES LANGUAGE IS DELETED. CHARTERS DO NOT OBJECT TO THE
OTHER PROVISIONS OF HB 11.