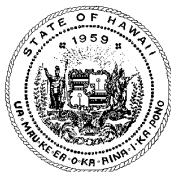


# SB2115

Relating to Charter  
Schools

EDU, WAM



EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

Wednesday, February 1, 2012, 1:15 PM  
State Capitol Room 225

Testimony of  
NEIL ABERCROMBIE  
Governor, State of Hawaii

To the Senate Education Committee  
Senator Jill Tokuda, Chair  
Senator Michelle Kidani, Vice Chair

SB 2115 - Relating to Charter Schools

Chair Tokuda, Vice Chair Kidani, and members of the Committee:

Thank you for the opportunity to testify in support of SB 2115.

SB 2115 repeals chapter 302B, HRS and establishes a new chapter governing charter schools based on the recommendations of the Charter School Governance, Accountability, and Authority Task Force established by Act 130 (Session Laws of Hawaii 2011). My education advisor, Tammi Chun, participated in the Task Force and kept me apprised of the developments to strengthen governance and accountability for our public charter schools.

All schools should be encouraged and empowered to innovate in order to reach our high statewide standards and meet the unique needs of students. Our public charter schools play an important role in fostering innovation in order to improve learning for our children.

Now is time for SB 2115. The genesis of state's charter school law was in 1994, and the law under which most charters are authorized was passed in 1999. More than a decade later, Hawaii's charter schools and the status of the charter movement nationally have evolved. As evident by recent appeals by charter schools to the Board of Education, defining charter authorizers' authority, the process and requirements to establish quality charter schools, and clear expectations for performance and accountability are critical to ensuring quality public educational opportunities. Furthermore, the December 2011 "Performance Audit of the Hawaii Public School

System” by the State Auditor raised serious concerns about oversight of accountability for academic performance of all charter schools as well as financial and ethical practices at some charter schools; disturbingly, the report was subtitled, “Autonomy Without Accountability.”

Charter schools can be catalysts for innovation and improvement for all of our public schools as well as provide quality opportunities for children who attend charter schools. However, concerns about accountability—for academic, personnel, and financial matters—undermine public and parental confidence in the appropriateness of autonomy granted to the publicly funded institutions.

SB 2115 incorporates the lessons learned, best practices, and the National Alliance for Public Charter Schools “Model Law.” I support SB 2115 because it clarifies relationships and responsibilities of the parties seeking to develop, support and review our public charter schools. It also aligns accountability and authority among the entities responsible for oversight of charter schools. Furthermore, SB 2115 eliminates the cap on the number of charter schools that may be authorized. I applaud the Task Force and the Legislature for being open to more quality charter schools. Like other public schools, charter schools should be held accountable for their results and expected to share and replicate successes. We should encourage and nurture schools that produce successful results for students, and charter schools have an important role in this mix.

Thank you for your consideration.



**SB 2115**  
**RELATING TO CHARTER SCHOOLS**  
**COMMITTEE ON EDUCATION**

February 1, 2011

1:15p.m.

Room 225

---

The Office of Hawaiian Affairs **SUPPORTS** SB2115, which establishes a new chapter governing charter schools based on the recommendations of the Charter School Governance, Accountability, and Authority Task Force (“Task Force”) established by Act 130. OHA commends the Task Force and its many volunteer members for the hard work and effort they put into producing the recommendations that created the new chapter.

While the Task Force looked solely at governance, this new chapter offers an opportunity to revisit the problem of facilities. The National Alliance for Public Charter Schools’ new model law recognized that “what is clear from the first 18 years of public charter school movement is that there is not a ‘silver bullet’ to resolving charter’s facilities challenges. Instead, states will likely have to implement several ‘silver bullets’ in order to slay the facility beast.” The model law goes on to suggest several approaches to supporting public charter school facility needs, including per-pupil facilities allowances, a public charter school facility grant program, a public charter school facility revolving loan program, bonding authority, and a credit enhancement fund. The Task Force relied heavily and wisely upon this model law, which also provides statutory language for fair facility funding that can be considered by the legislature for insertion into this proposed chapter governing charter schools.

Again, OHA supports SB2115 but urges consideration of model law language on how to conquer the “facility beast.” Mahalo nui for the opportunity to present this testimony.

NEIL ABERCROMBIE  
GOVERNOR



ROGER McKEAGUE  
EXECUTIVE DIRECTOR

STATE OF HAWAII  
CHARTER SCHOOL ADMINISTRATIVE OFFICE  
1111 Bishop Street, Suite 516, Honolulu, Hawaii 96813  
Tel: 586-3775 Fax: 586-3776

---

FOR: SB2115 Relating to Charter Schools  
SB2116 Relating to Charter Schools

DATE: Wednesday, February 1, 2012

TIME: 1:15 p.m.

COMMITTEE(S): Senate Committee on Education

ROOM: Conference Room 225

FROM: Roger McKeague, Executive Director  
Charter School Administrative Office

---

**Testimony in support of the intent and goals of SB2115 and SB2116**

Chair Tokuda, Vice Chair Kidani, and Members of the Committee:

Aloha, I am Roger McKeague, Executive Director of the Charter School Administrative Office (CSAO).

The CSAO actively participated in the Charter School Governance, Authority, and Accountability Task Force (CSGTF) established by Act 130/2011 with myself serving as a member on the task force. The CSAO supported the intent and goals of the CSGTF, and we now support the intent and goals of SB2115 and SB2116 (the result of the CSGTF) to increase the autonomy and accountability for charter schools.

However, we do have a concern. While there are some responsibilities that could be moved to the governing board and charter school level as discussed in the CSGTF, there are certain CSAO functions that need to be maintained as some level. Centralizing certain functions is often times more efficient and in many cases, necessary, and some charter schools – and even some departments and state offices – may not have the capacity to effectively carry them out.

There are certain parts of SB2115 that we strongly support such as providing the Commission with authorizer staff support. The current operations of the statewide authorizer are unsustainable without support.

We are currently going through the “weeds” of the bills as this process goes forward, and we will be putting forth more detailed testimony as this major rewrite of the charter school law requires in depth analysis. Thank you for this opportunity to testify.



**STATE OF HAWAII  
STATE PROCUREMENT OFFICE**

P.O. Box 119  
Honolulu, Hawaii 96810-0119  
Tel: (808) 587-4700 Fax: (808) 587-4703  
<http://hawaii.gov/spo>

TESTIMONY  
OF  
AARON S. FUJIOKA  
ADMINISTRATOR  
STATE PROCUREMENT OFFICE

TO THE  
SENATE COMMITTEE  
ON  
EDUCATION

February 1, 2012

1:15 PM

SB 2115

RELATING TO CHARTER SCHOOLS.

Chair Tokuda, Vice-Chair Kidani, and committee members, thank you for the opportunity to testify on SB 2115. This bill establishes a new chapter governing charter schools, and includes an exemption from HRS chapter 103D, Hawaii Public Procurement Code (Code), for charter schools, their governing board, their commission and authorizer. The State Procurement Office opposes this exemption.

Public procurement's primary objective is to provide everyone equal opportunity to compete for government contracts, to prevent favoritism, collusion or fraud in awarding of contracts. To legislate that any one entity should be exempt from compliance with HRS chapter 103D conveys a sense of disproportionate equality in the law's application.

The exemption language on page 23, paragraph (d), lines 8 to 17, and page 53, paragraph (b), lines 8 to 18 should be deleted.



# HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

---

February 1, 2012

The Honorable Jill N. Tokuda, Chair  
The Honorable Michelle N. Kidani, Vice Chair  
Senate Committee on Education  
Hawaii State Capitol, Room 218  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: **Testimony on SB No. 2115, Relating to Charter Schools**

Hearing: Wednesday, February 1, 2012, 1:15 p.m.  
State Capitol, Conference Room 225

Written Testimony From: Hawaii State Ethics Commission

The Honorable Jill N. Tokuda, Chair; The Honorable Michelle N. Kidani, Vice Chair;  
and Honorable Members of the Senate Committee on Education:

Thank you for the opportunity to testify on Senate Bill 2115, Relating to Charter Schools. The State Ethics Commission takes no position with respect to the bill's governance structure for Hawaii's charter schools. The Ethics Commission, however, requests that the legislature clarify its intent whether the state entities created by the bill, including the public charter schools, the Public Charter School Commission, the governing boards, and their respective employees and members, are subject to and required to comply with the State Ethics Code, chapter 84, Haw. Rev. Stat. The Ethics Commission also respectfully offers certain amendments to the bill to more clearly reflect the legislature's intent.

1. **Are Charter Schools and Charter School Employees Subject to the State Ethics Code**

It is the Ethics Commission's position that, in accordance with the current charter school law, chapter 302B, Haw. Rev. Stat., public charter schools and their employees are subject to and required to comply with the State Ethics Code.<sup>1</sup> The Ethics

---

<sup>1</sup> The State Ethics Code applies to all state employees, with the exception of judges. For purposes of the ethics code, an "employee" is defined as, "any nominated, appointed, or elected officer or employee of the State, including members of boards, commissions, and committees, and employees under contract to the State . . . ." Haw. Rev. Stat. §84-3.



Commission's position, however, has been challenged, based upon, among other things, section 302B-9, Haw. Rev. Stat. That section provides that charter schools are exempt from "state laws in conflict with this chapter."

The bill, at § -25, contains language substantively identical to section 302B-9. In addition, § -12(f) of the bill, similar to the existing charter school law,<sup>2</sup> requires charter schools to develop "ethical standards of conduct, pursuant to chapter 84." It is unclear whether the legislature intends that the "ethical standards of conduct" to which charter school employees must adhere are in addition to or in lieu of the State Ethics Code. In other words, the Ethics Commission is uncertain whether, by requiring charter schools to develop "ethical standards of conduct," the legislature intends to exempt charter schools and their employees from the State Ethics Code.

If the legislature's intent is that charter schools and charter school employees are subject to and must comply with the State Ethics Code, like every other state employee, the Ethics Commission strongly recommends that the intent be reflected in the bill. Specifically, to avoid any confusion about whether the State Ethics Code applies to charter schools and their employees, the Ethics Commission suggests that § -25 be amended to read as follows:

**§ -25 Exemptions from state laws.** (a) Charter schools and employees of charter schools shall be exempt from chapters 91 and 92 and all other state laws in conflict with this chapter, except those regarding:

- (1) Collective bargaining under chapter 89; provided that:
  - (A) The exclusive representatives as defined in chapter 89 and the governing board of the charter school may enter into supplemental agreements that contain cost and noncost items to facilitate decentralized decision-making;
  - (B) The agreements shall be funded from the current allocation or other sources of revenue received by the charter school; provided that collective bargaining increases for employees shall be allocated by the department of budget and finance to the charter school's authorizer for distribution to the charter school; and
  - (C) These supplemental agreements may differ from the master contracts negotiated with the department;
- (2) Discriminatory practices under section 378-2; [and]
- (3) Health and safety requirements[.]; and
- (4) Standards of Conduct, chapter 84.

---

<sup>2</sup> See Haw. Rev. Stat. § 302B-7(f) (Supp. 2011).

If, however, the legislature's intent is to exempt charter schools and charter school employees from the State Ethics Code, the Ethics Commission suggests that the bill be amended to specifically reflect that intent:

**§ -25 Exemptions from state laws.** (a) Charter schools and employees of charter schools shall be exempt from chapters 84, 91 and 92 and all other state laws in conflict with this chapter, except those regarding: . . . .

**2. Are the Members of the Public Charter School Commission and Governing Boards Subject to the State Ethics Code**

As with charter schools and their employees, the Ethics Commission requests that the legislature clarify whether the members of the Public Charter School Commission, established in § -3 of the bill, and the members of the charter school governing boards, established in § -12 of the bill, are subject to the State Ethics Code. Currently, the Ethics Commission considers both the members of the Charter School Review Panel, the predecessor to the Public Charter School Commission, and the members of the local school boards, the predecessor to the governing boards, to be "employees" as defined in the State Ethics Code, subject to the requirements of the statute.

The bill requires the Public Charter School Commission and the governing boards to develop operating procedures that include "conflict of interest procedures"<sup>3</sup> and policies "consistent with ethical standards of conduct, pursuant to chapter 84,"<sup>4</sup> respectively.

State agencies, such as the Public Charter School Commission and the governing boards, may implement their own conflict of interest policies and other ethical standards of conduct; however, if the employees and members of the Public Charter School Commission and the governing boards are subject to the State Ethics Code, their conduct must, at a minimum, comply with the State Ethics Code's requirements. Stated differently, absent statutory language specifically exempting an agency and its employees from the State Ethics Code, state agencies cannot adopt conflict of interest policies or ethical standards of conduct which are less stringent than and in conflict with those established by the State Ethics Code.

---

<sup>3</sup> § -3(i).

<sup>4</sup> § -12(f).

Because of the potential confusion created by the bill's requirement that the Public Charter School Commission and the governing boards develop procedures and policies relating to areas presently addressed in the State Ethics Code, the Ethics Commission requests that the legislature specifically indicate in the bill whether the State Ethics Code applies to the Public Charter School Commission, the governing boards, and their respective employees and members.

If the legislature's intent is that the Public Charter School Commission and its members and employees are subject to the State Ethics Code, the Ethics Commission suggests that § -3(a) of the bill be amended to state:

(a) There is established the state public charter school commission with statewide chartering jurisdiction and authority. The commission shall be placed within the department for administrative purposes only. Notwithstanding section -25 and any law to the contrary, the commission, its members and employees of the commission shall be subject to chapters 84 and 92.

In addition, the Ethics Commission suggests that § -3(i) relating to the Public Charter School Commission be amended as follows:

(i) The commission shall establish operating procedures that shall include conflict of interest procedures consistent with chapter 84 for any member whose school of employment or governing board is before the commission.

If the legislature's intent is to exempt the Public Charter School Commission, the governing boards and their members and employees from the State Ethics Code, the Ethics Commission suggests that the § -3(a) of the bill be amended to state:

(a) There is established the state public charter school commission with statewide chartering jurisdiction and authority. The commission shall be placed within the department for administrative purposes only. The commission, its members and employees of the commission shall be exempt from chapter 84. Notwithstanding section -25 and any law to the contrary, the commission shall be subject to chapter 92.

With respect to the governing boards, if the legislature's intent is that the State Ethics Code applies to the boards and their members, the Ethics Commission recommends the following amendment to § -12(f):

The Honorable Jill N. Tokuda, Chair  
The Honorable Michelle N. Kidani, Vice Chair  
February 1, 2012  
Page 5

(f) Charter schools and their governing boards shall develop internal policies and procedures consistent with ethical standards of conduct, pursuant to chapter 84. Any law to the contrary notwithstanding, the governing boards and their members shall be subject to chapter 84.

If, however, the governing boards and their members are intended to be exempt from the State Ethics Code, the Ethics Commission suggests that § -12(f) be amended to state:

(f) Charter schools and their governing boards shall develop internal policies and procedures consistent with ethical standards of conduct, pursuant to chapter 84. Governing boards and their members shall be exempt from and not subject to chapter 84.

Thank you for the Committee's consideration of the Ethics Commission's testimony on SB No. 2115.



January 31, 2012

**RE: Senate Bill 2115**

Members of the Senate Education Committee,

Senate Bill 2115 contains many positive provisions that would strengthen the quality of Hawaii's charter schools and improve the quality of education received by thousands of children.

My organization, the National Association of Charter School Authorizers, is a non-profit, professional membership organization that supports agencies that approve and monitor charter schools. We have deep experience across the country working with many authorizers to improve the quality of charter schools in their communities.

We had the privilege of working closely with the Charter School Governance, Accountability and Authority Task Force over the past several months. We also conducted a thorough evaluation of the policies and practices of the Charter School Review Panel and the Charter School Administrative Office.

Senate Bill 2115 incorporates many of the findings and recommendations from our work, including important provisions to:

- Establish performance contracts with each charter school to define the rights and responsibilities of the school, including expected levels of student performance,
- Strengthen charter school monitoring by replacing the CSRP with a charter school commission with clearer responsibilities,
- Streamline the application process to generate better and faster decisions to approve or deny proposals, and
- Strengthen charter school governance by focusing on the qualifications of individuals on charter school boards, rather than on electoral constituencies.

Senate Bill 2115 contains many changes to Hawaii's charter school law that reflect what we have been able to learn about charter school quality, accountability and autonomy over the past decade or more. Some of these changes will be difficult, as change always is. But with SB 2115 you have the opportunity to take advantage of everything we have learned and to apply that knowledge to benefit Hawaii's school children.

Sincerely,

Greg Richmond  
President & CEO



Statement of  
Stephanie Shipton

before the Senate Committee on Education

on

SB 2115, SB 2116, and the Recommendations of the Hawaii Legislative  
Task Force on Charter School Governance, Accountability, and Authority.

on behalf of

The National Governors Association

February 1, 2012

Good Morning,

Thank you, Senator Tokuda and members of the Senate Committee on Education, for allowing me to provide written testimony on SB 2115 and SB 2116. I would like to first commend Senator Tokuda and Representative Belatti for their impressive leadership of the Charter Schools Governance, Accountability, and Authority Task Force. At the request of Governor Abercrombie's staff, I have spent the past seven months working closely with the task force and working group members. I can say, with confidence, that SB 2115 and SB 2116 hold the potential to dramatically shift the charter school system from a focus on pure autonomy without expectations or accountability to a balance of high expectations, appropriate accountability for student results, and increased flexibility for schools.

My organization, the National Governors Association and its Center for Best Practices, works to provide governors and their staff with research and support on best practices in state policy. I lead the charter schools policy work at the NGA Center and have a deep understanding of strong state policies related to charter schools. In my work with governors and other states on charter school accountability, it is clear that a balance of the three components in the proposed legislation – expectations, accountability, and autonomy – are critical for providing a strong policy context that supports quality options and increased student achievement.

The proposed legislation sets high expectations for all actors in the charter system – schools, local school boards (to be renamed “governing boards”), the Charter School Review Panel (CSRP) (to be renamed the “charter schools commission”), and the State Board of Education. Schools will work with their authorizer to establish rigorous yet attainable goals as part of a performance contract. This contract replaces the ambiguous goals schools were asked to develop as part of their detailed implementation plan, or DIP. Running a charter school is comparable to running a non-profit organization, and the majority of failed charter schools are closed because of financial or operational deficiencies. The local school board is critical to ensuring the viability of a charter school. Local school board members should possess the knowledge and skills to be able to fulfill the responsibilities of governing a charter school. The proposed legislation addresses this by shifting from local elections of individuals interested in serving on local school boards to evaluating members based on whether or not they have the adequate qualifications and skills. Similarly, an effective authorizer requires staff and members who possess an understanding of finance, non-profit management, education, and charter schooling. The proposed legislation supports this by shifting from a focus on constituency-based appointment of CSRP members to an explicit focus on qualifications.

The proposed legislation couples high expectations with rigorous but appropriate measures of accountability. Again, all actors in the charter system are included. Each year the authorizer would be required to submit a report to the state board of education and the legislature on its performance as an authorizer, the status of their portfolio of schools, and use and distribution of funds. An important component of this report is information from the department of education on the funding allocated to charter schools. Where there was once ambiguity, the proposed legislation clearly defines the roles and responsibilities of the CSRP. One area of particular importance is clarity around the process for and ability of the authorizer to close low-performing charter schools that are not supporting student success and have failed to meet the goals outlined in their charter contract. New charter applicants are also held accountable for submitting high-quality applications. Interested groups will have one chance to submit a charter school application for approval. This replaces a system where applicants could be rejected, only to make minor changes and resubmit their application.

By building a foundation of high expectations and accountability, the proposed legislation establishes a policy context that will allow for increased autonomy for schools without sacrificing quality. Those three components – expectations, accountability, and autonomy – are tightly connected. For example, removing the charter school cap without also implementing performance contracts could lead to more charter schools that may not increase student achievement, but cannot be closed or held accountable for results. This is why I urge legislators to consider the passage and implementation of these changes as a comprehensive package as opposed to unpacking and only selecting some of the proposed changes. High expectations, accountability, and autonomy must all be in place to best support the success of charter schools in Hawaii. These are large scale changes that have the potential to strengthen the foundation of Hawaii's charter school system. Now is the time for change. For too long schools and the authorizer have operated without clarity about their roles, responsibilities, and requirements. Thank you for the opportunity to present this information. I would be happy to answer any questions.





1101 15th Street, NW  
Suite 1010  
Washington, DC 20005  
T. 202.289.2700  
F. 202.289.4009  
[www.publiccharters.org](http://www.publiccharters.org)

February 1, 2012

To the Members of the Hawaii Senate Education Committee;

The National Alliance for Public Charter Schools (“NAPCS”) is the national organization dedicated to raising academic achievement for all students by fostering a strong public charter school sector. The purpose of this letter is to voice our support for SB 2115 and SB 2116.

On January 17, 2012, the NAPCS released its annual report *Measuring Up to the Model: A Ranking of State Charter School Laws*. This report analyzes the 42 state public charter school laws against the 20 essential components of the NAPCS’s model charter school law. In this year’s report, Hawaii’s ranking fell from #34 to #35. Hawaii’s charter law needs significant improvement across the board, including removing its caps, beefing up the requirements for charter review and decision making processes for new and renewal applications, providing for charter school contracts and ensuring equitable operational funding and access to facilities.

Based upon our analysis of SB 2115 and SB 2116, Hawaii’s score would increase from 74 points to 110 points in our rankings report, and its ranking would jump from #35 to #21 (see accompanying document “How SB 2115 and SB 2116 Will Impact Hawaii’s Charter School Law Ranking” for more details). This increase in score and jump in ranking would occur because of the following:

- The score for **Component #1 (No Caps)** in the rankings report would increase from 3 points to 12 points.
- The score for **Component #4 (Authorizer & Overall Program Accountability System Required)** would increase from 0 points to 12 points.
- The score for **Component #8 (Comprehensive Charter School Monitoring and Data Collection Processes)** would increase from 12 points to 16 points.
- The score for **Component #9 (Clear Processes for Renewal, Nonrenewal, and Revocation Decisions)** would increase from 4 points to 12 points.
- The score for **Component #18 (Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding)** would increase from 0 points to 3 points.

There is also the potential for the score for **Component #3 (Multiple Authorizers Available)** in the rankings report to increase in the future if the state public charter school commission resumes the authorization of charter schools in the state and if the state board of education approves new entities to authorize charter schools in the state (and these new entities actually authorize schools).

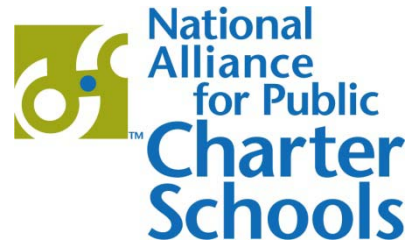
The bottom line is that SB 2115 and SB 2116 will provide more Hawaii students with access to quality public charter school options, while clarifying and strengthening the accountability for these public education entities. Therefore, NAPCS supports these bills.

While these bills represent positive steps forward for public charter schools in Hawaii, we urge state lawmakers in Hawaii to further strengthen the state's charter school law in three critical areas: increasing autonomy to charter schools by making it optional for them to participate in state collective bargaining agreements, ensuring equitable operational funding and equal access to all state and federal categorical funding, and providing equitable access to capital funding and facilities.

The NAPCS thanks Senator Tokuda and Representative Belatti for their dedication and hard work in bringing forward SB 2115 and SB 2116. If you have any questions or need further information from NAPCS, please contact me at [todd@publiccharters.org](mailto:todd@publiccharters.org) or 720-252-8076.

Sincerely,

Todd Ziebarth  
Vice President of State Advocacy and Support



## HOW SB 2115 AND SB 2116 WILL IMPACT HAWAII'S CHARTER SCHOOL LAW RANKING

This document is a draft of our analysis of how Hawaii's charter law would stack up against the 20 essential components of the model law created by the National Alliance for Public Charter Schools (NAPCS) if the SB 2115 and SB 2116 are enacted into law.

In our 2012 State Charter Laws Rankings Report, Hawaii received a score of 74 points and was ranked #35. Based upon our analysis of the proposed bill, Hawaii's score would increase from 74 points to 110 points, and its ranking would jump from #35 to #21. This increase in score and jump in ranking would occur because of the following:

- The score for **Component #1 (No Caps)** would increase from 3 points to 12 points.
- The score for **Component #4 (Authorizer & Overall Program Accountability System Required)** would increase from 0 points to 12 points.
- The score for **Component #8 (Comprehensive Charter School Monitoring and Data Collection Processes)** would increase from 12 points to 16 points.
- The score for **Component #9 (Clear Processes for Renewal, Nonrenewal, and Revocation Decisions)** would increase from 4 points to 12 points.
- The score for **Component #18 (Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding)** would increase from 0 points to 3 points.

There is also the potential for the score for **Component #3 (Multiple Authorizers Available)** to increase in the future if the state public charter school commission resumes the authorization of charter schools in the state and if the state board of education approves new entities to authorize charter schools in the state (and these new entities actually authorize schools).

Below is a table that shows in track changes how the changes to Hawaii’s charter school law incorporated in the bills would impact our analysis and scoring of Hawaii’s charter school law against the essential components of the NAPCS model public charter school law.

Essential Components of NAPCS Model Public Charter School Law	Current State Policies vs. Model Components (Yes/Some/No)	Rating	Weight	Score
<b>1) No Caps, whereby:</b>		<del>4</del>	3	<del>12</del>
1A. No limits are placed on the number of public charter schools or students (and no geographic limits).	<del>No</del> Yes			
1B. If caps exist, adequate room for growth.	Some <del>N/A</del>			
<b>2) A Variety of Public Charter Schools Allowed, including:</b>		4	1	4
2A. New start-ups.	Yes			
2B. Public school conversions.	Yes			
2C. Virtual schools.	Yes			
<b>3) Multiple Authorizers Available, including:</b>		0	3	0
3A. Two viable authorizing options for each applicant with direct application allowed to each authorizing option.	No			
<b>4) Authorizer &amp; Overall Program Accountability System Required, including:</b>		<del>4</del> 0	3	<del>12</del>
4A. At least a registration process for local school boards to affirm their interest in chartering to the state.	N/A			
4B. Application process for other eligible authorizing entities.	<del>N/A</del> Yes			
4C. Authorizer submission of annual report, which summarizes the agency’s authorizing activities as well as the performance of its school portfolio.	<del>No</del> Yes			
4D. A regular review process by authorizer oversight body.	Yes <del>No</del>			
4E. Authorizer oversight body with authority to sanction authorizers, including removal of authorizer right to approve schools.	Yes <del>No</del>			

4F. Periodic formal evaluation of overall state charter school program and outcomes.	<u>Yes</u> <del>No</del>			
<b>5) Adequate Authorizer Funding, including:</b>		2	2	4
5A. Adequate funding from authorizing fees (or other sources).	<u>No</u> <del>Yes</del>			
5B. Guaranteed funding from authorizing fees (or from sources not subject to annual legislative appropriations).	<u>Yes</u> <del>No</del>			
5C. Requirement to publicly report detailed authorizer expenditures.	<u>No</u> <del>Yes</del>			
5D. Separate contract for any services purchased from an authorizer by a school.	<u>No</u> <del>Yes</del>			
5E. Prohibition on authorizers requiring schools to purchase services from them.	<u>No</u> <del>Yes</del>			
<b>6) Transparent Charter Application, Review, and Decision-making Processes, including:</b>		1	4	4
6A. Application elements for all schools.	Some			
6B. Additional application elements specific to conversion schools.	Yes			
6C. Additional application elements specific to virtual schools.	No			
6D. Additional application elements specific when using educational service providers.	No			
6E. Additional application elements specific to replications.	No			
6F. Authorizer-issued request for proposals (including application requirements and approval criteria).	No			
6G. Thorough evaluation of each application including an in-person interview and a public meeting.	No			
6H. All charter approval or denial decisions made in a public meeting, with authorizers stating reasons for denials in writing.	Yes			
<b>7) Performance-Based Charter Contracts Required, with such contracts:</b>		2	4	8
7A. Being created as a separate document from the application and executed by the governing board of the charter school and the authorizer.	Some			

7B. Defining the roles, powers, and responsibilities for the school and its authorizer.	Some			
7C. Defining academic and operational performance expectations by which the school will be judged, based on a performance framework that includes measures and metrics for, at a minimum, student academic proficiency and growth, achievement gaps, attendance, recurrent enrollment, postsecondary readiness (high schools), financial performance, and board stewardship (including compliance).	<a href="#">YesSome</a>			
7D. Providing an initial term of five operating years (or a longer term with periodic high-stakes reviews).	<a href="#">YesSome</a>			
7E. Including requirements addressing the unique environments of virtual schools, if applicable.	No			
<b>8) Comprehensive Charter School Monitoring and Data Collection Processes, including:</b>		<a href="#">43</a>	4	<a href="#">1216</a>
8A. The collection and analysis of student outcome data at least annually by authorizers (consistent with performance framework outlined in the contract).	<a href="#">SomeYes</a>			
8B. Financial accountability for charter schools (e.g., Generally Accepted Accounting Principles, independent annual audit reported to authorizer).	Yes			
8C. Authorizer authority to conduct or require oversight activities.	Yes			
8D. Annual school performance reports which are made public.	<a href="#">YesNo</a>			
8E. Authorizer notification to their schools of perceived problems, with opportunities to remedy such problems.	Yes			
8F. Authorizer authority to take appropriate corrective actions or exercise sanctions short of revocation.	Yes			
<b>9) Clear Processes for Renewal, Nonrenewal, and Revocation Decisions, including:</b>		<a href="#">31</a>	4	<a href="#">412</a>
9A. Authorizer must issue school performance renewal reports to schools whose charter will expire the following year.	<a href="#">YesNo</a>			
9B. Schools seeking renewal must apply for it.	<a href="#">YesNo</a>			
9C. Authorizers must issue renewal application guidance that provides an opportunity for schools to augment their performance record and discuss improvements and future plans.	<a href="#">NoYes</a>			

9D. Clear criteria for renewal and nonrenewal/revocation.	<a href="#">YesSome</a>			
9E. Authorizers must ground renewal decisions based on evidence regarding the school's performance over the term of the charter contract (in accordance with the performance framework set forth in the charter contract).	<a href="#">YesNo</a>			
9F. Authorizer authority to vary length of charter renewal contract terms based on performance or other issues.	<a href="#">YesNo</a>			
9G. Authorizers must provide charter schools with timely notification of potential revocation or non-renewal (including reasons) and reasonable time to respond.	Yes			
9H. Authorizers must provide charter schools with due process for nonrenewal and revocation decisions (e.g., public hearing, submission of evidence).	Yes			
9I. All charter renewal, non-renewal, and revocation decisions made in a public meeting, with authorizers stating reasons for non-renewals and revocations in writing.	Some			
9J. Authorizers must have school closure protocols to ensure timely parent notification, orderly student and record transitions, and property and asset disposition.	<a href="#">YesSome</a>			
<b>10) Educational Service Providers Allowed, including:</b>		0	2	0
10A. All types of educational service providers (both for-profit and non-profit) explicitly allowed to operate all or parts of schools.	No			
10B. The charter application requires 1) performance data for all current and past schools operated by the ESP, including documentation of academic achievement and (if applicable) school management success; and 2) explanation and evidence of the ESP's capacity for successful growth while maintaining quality in existing schools.	No			
10C. A performance contract is required between the independent public charter school board and the ESP, setting forth material terms including but not limited to: performance evaluation measures; methods of contract oversight and enforcement by the charter school board; compensation structure and all fees to be paid to the ESP; and conditions for contract renewal and termination.	No			
10D. The material terms of the ESP performance contract must be approved by the authorizer prior to charter approval.	No			
10E. School governing boards operating as entities legally and fiscally independent of any educational service provider (e.g., must retain independent	No			

oversight authority of their charter schools, and cannot give away their authority via contract).				
10F. Existing and potential conflicts of interest between the two entities are required to be disclosed and explained in the charter application.	No			
<b>11) Fiscally and Legally Autonomous Schools, with Independent Public Charter School Boards, including:</b>		3	3	9
11A. Fiscally autonomous schools (e.g., schools have clear statutory authority to receive and disburse funds, incur debt, and pledge, assign or encumber assets as collateral).	Some			
11B. Legally autonomous schools (e.g., schools have clear statutory authority to enter into contracts and leases, sue and be sued in their own names, and acquire real property).	Some			
11C. School governing boards created specifically to govern their charter schools.	Yes			
<b>12) Clear Student Recruitment, Enrollment and Lottery Procedures, including:</b>		2	1	2
12A. Open enrollment to any student in the state.	Yes			
12B. Lottery requirements.	Some			
12C. Required enrollment preferences for previously enrolled students within conversions, prior year students within chartered schools, siblings of enrolled students enrolled at a charter school.	Some			
12D. Optional enrollment preference for children of a school's founders, governing board members, and full-time employees, not exceeding 10% of the school's total student population.	No			
<b>13) Automatic Exemptions from Most State and District Laws and Regulations, including:</b>		2	3	6
13A. Exemptions from all laws, except those covering health, safety, civil rights, student accountability, employee criminal history checks, open meetings, freedom of information, and generally accepted accounting principles.	Yes			
13B. Exemption from state teacher certification requirements.	No			
<b>14) Automatic Collective Bargaining Exemption, whereby:</b>		1	3	3



14A. Charter schools authorized by non-local board authorizers are exempt from participation in any outside collective bargaining agreements.	N/A			
14B. Charter schools authorized by local boards are exempt from participation in any district collective bargaining agreements.	No			
<b>15) Multi-School Charter Contracts and/or Multi-Charter Contract Boards Allowed, whereby an independent public charter school board may:</b>		1	1	1
15A. Oversee multiple schools linked under a single contract with independent fiscal and academic accountability for each school.	No			
15B. Hold multiple charter contracts with independent fiscal and academic accountability for each school.	No			
<b>16) Extra-Curricular and Interscholastic Activities Eligibility and Access, whereby:</b>		3	1	3
16A. Laws or regulations explicitly state that charter school students and employees are eligible to participate in all interscholastic leagues, competitions, awards, scholarships, and recognition programs available to non-charter public school students and employees.	Some			
16B. Laws or regulations explicitly allow charter school students in schools not providing extra-curricular and interscholastic activities to have access to those activities at non-charter public schools for a fee by a mutual agreement.	Some			
<b>17) Clear Identification of Special Education Responsibilities, including:</b>		2	2	4
17A. Clarity regarding which entity is the local education agency (LEA) responsible for providing special education services.	Yes			
17B. Clarity regarding funding for low-incident, high-cost services for charter schools (in the same amount and/or in a manner similar to other LEAs).	No			
<b>18) Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding, including:</b>		<u>10</u>	3	<u>03</u>
18A. Equitable operational funding statutorily driven.	<del>Some</del> No			
18B. Equal access to all applicable categorical federal and state funding, and clear guidance on the pass-through of such funds.	<del>Some</del> No			
18C. Funding for transportation similar to school districts.	No			
<b>19) Equitable Access to Capital Funding and Facilities, including:</b>		1	3	3

19A. A per-pupil facilities allowance which annually reflects actual average district capital costs.	Yes			
19B. A state grant program for charter school facilities.	No			
19C. A state loan program for charter school facilities.	No			
19D. Equal access to tax-exempt bonding authorities or allow charter schools to have their own bonding authority.	No			
19E. A mechanism to provide credit enhancement for public charter school facilities.	No			
19F. Equal access to existing state facilities programs available to non-charter public schools.	No			
19G. Right of first refusal to purchase or lease at or below fair market value a closed, unused, or underused public school facility or property.	Yes			
19H. Prohibition of facility-related requirements stricter than those applied to traditional public schools.	No			
<b>20) Access to Relevant Employee Retirement Systems, whereby:</b>		2	2	4
20A. Charter schools have access to relevant state retirement systems available to other public schools.	Yes			
20B. Charter schools have the option to participate (i.e., not required).	No			



February 1, 2012

**Statement for Hawaii Senate Education Committee Regarding SB 2115, SB 2116 and Recommendations of Hawaiian Legislative Task Force on Charter School Governance, Accountability and Authority**

From: Joe Nathan, PhD and Director, Center for School Change

Thank you, Senator Tokuda and members of the Senate Committee on Education, for allowing me to provide written testimony on SB 2115 and SB 2116. To begin, thanks to Senator Tokuda and

Representative Belatti for their thoughtful, patient and persistent leadership of the Charter Schools Governance, Accountability, and Authority Task Force. At the request of Governor Abercrombie's staff, I have spent the past several months working with some members of the Task Force.

Having worked with district and charter public schools over the last 40 years, and having helped create both district and charter public schools that have closed or eliminated achievement gaps between students of different races and income levels, and having testified about the charter idea in more than 20 state legislatures and several Congressional committees, I think your proposed legislation will help students in your state in several ways. The legislation:

1. Requires a clear, explicit, rigorous set of measurable goals and a performance contract for each charter public school. These goals can be measured in various ways, some of which involved standardized tests, some of which involve other measures. We know that the most effective public schools, whether district or charter, have a clear, widely understood set of goals.
2. Requires accountability based on either achievement of or significant progress toward achievement of these goals as listed in the performance contract. Central to the charter idea is that schools will have greater flexibility in how they operate, in exchange for greater accountability for results.
3. Separate the technical assistance function from the state. Around the country, we've seen confusing situations arise when one part of state government is providing assistance to schools while another part holds them accountable for results. People in schools where this is the situation have pointed out that they carried out the advice of the state, so they should not be criticized when the results with students are not what was expected.

I realize that some in Hawaii worry about where technical assistance will come from. Throughout the country, we've seen very creative responses to this need. Sometimes schools work together to create collaboration on issues such as special education, transportation, accounting, etc. Sometimes individual schools have this capacity and share it with others. Sometimes business people offer their services to schools. So provision of technical assistance can come from some place other than the authorizer. The authorizer, once staffed, may even offer some back office services that schools may choose re-purpose their funds to purchase.

4. Removes the cap as increased accountability is instituted. In talking with Hawaiians about the charter idea it is clear that community members and educators have ideas about creating charters that could help serve your state's population. One of the ideas that has contributed to the wonder of Hawaii (and progress in the US) is that people have been allowed to carry out their dreams, so long as they are responsible for results, and operate within some limits. These are 3 central ideas of the charter public school movement. I saw several wonderful examples of this creativity on a visit last month to Hawaii. This included a charter focusing on ecology and culture, located in a forest, next to a stream, and a charter associated with a university, helping prepare a new generation of teachers as the school also helps young people achieve their potential. Removal of the caps as part of overall refinements in your law will allow for more progress.

5. Allows carefully evaluated additional authorizers. In some states, among the most respected authorizers are colleges and universities, cities and social service agencies. Allowing for additional authorizers once they have documented knowledge of, and willingness to use research about effective authorizing gives added opportunity to Hawaii.

As we discussed in the legislative briefing I spoke at in January, I think it's important to retain and if possible work toward expansion of the flexibility that schools have in terms of staffing, curriculum and budget. The proposed performance contracts rightly focus on results. I hope this promotes greater willingness to provide more autonomy (with limits such as safe facilities, financial accountability for funds, etc). I also hope that, in future sessions, the Legislature will examine ways it can help charters find facilities. This might include encouraging organizations such as social service agencies, government offices and other groups to collaborate with facilities, creation of a guaranteed loan fund, providing a facility if another public school closes, or allocation of some funds to help a school lease or purchase a building.

After working on the charter idea for 20 years, testifying in more than 20 state legislatures and several Congressional Committees about this idea, I conclude that your bill takes several important steps forward. Thank you for your important work to help young people, educators, taxpayers and the citizens of your beautiful state.



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

**Wil Okabe**  
President

**Karolyn Mossman**  
Vice President

**Joan Kamila Lewis**  
Secretary-Treasurer

**Alvin Nagasako**  
Executive Director

## TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION

RE: SB 2115 – RELATING TO CHARTER SCHOOLS.

Wednesday, February 1, 2012

WIL OKABE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Tokuda and Members of the Committee:

The Hawaii State Teachers Association opposes SB 2115 in its current form. We have many concerns and would still ask that a meeting with Labor representatives be held as you stated in your Charter Task Force meetings. HSTA was not given the opportunity nor were our Charter School teachers allowed to weigh in on proposed changes to the law. Our teachers are the ones who work under the conditions of HRS 302B.

The proposed legislation repeals HRS 302B and replaces it with new language and makes substantive changes.

- We oppose the elimination of 302B-4, which caps the number of new start-up charters and conversion charters. We assert the revamping of the charter school laws were driven greatly by mistakes made in charter school practices and the lack of accountability. It would be ill-advised to lift the caps on the number of start-up and conversion charters without first ensuring that the new laws accomplish its intended results. If the charter school law is to be amended, it would be better to allow law to be implemented, monitored, assessed, and reported to the legislature after a period of time before any caps are lifted.
- The funding limitations have already greatly impacted existing public charter schools. By adding more public charters at a time when existing charters are struggling financially would only dilute the limited and scarce resources available to them

- We oppose the establishment of a new public charter school commission that does not ensure teaching professionals are part of the commission.
  - The new law eliminates designation of all stakeholders, including teachers, as currently provided under 302B-3. How can a policy body not include the practitioners? Teachers know first-hand what is important for educating our children.
  - The new law shifts emphasis on fiscal and organizational requirements for members of the new commission, and deemphasizes knowledge and expertise in education.
  
- We oppose the elimination of requirements under HRS 302B-7, which defines stakeholders and ensures equitable representation. This is such a major policy shift away from decentralizing local school board governance, and could lead to schools making decisions based more on finances, and less on educational needs.
  - Eliminating teachers as required representatives on a local school board shuts out the voice of teachers. Similar to the proposed commission, a public charter school governing board needs to ensure that teaching professionals are part of the school governance. Teachers are the professionals that have first-hand experiences with students and the curriculum.
  
- We are very concerned about the weakening of employee rights and recommend the section dealing with “employees rights” be strengthened to include the requirement that all Charters properly recognize the exclusive representative of each bargaining unit for collective bargaining purposes.
  - We also believe the law should explicitly state that all charters shall comply with all applicable collective bargaining laws, and not just those related to safety and health.
  
- We support the establishment of performance contracts for a set period of time. And we support many of the reforms that ensure greater accountability and transparency.
  
- We believe there should be a requirement that any start-up or conversion charter school clearly demonstrate in its financial plan the ability to sustain costs related to personnel. With Laupahoehoe, it became clear their proposed budget cannot sustain existing salary levels, and would only be able to attract entry level teachers without even a teaching degree.

- We believe there needs to be a requirement that any conversion charter school be required to demonstrate that it worked collaboratively with the existing school personnel of teachers, administrators, and support staff. This did not happen at Laupahoehoe, where teachers were never invited to participate in the conversion process. Yet the Board of Education chose to grant the charter.

We are disappointed and discouraged that the Charter School Task Force did not have anyone from labor participating. We are concerned that there was no follow-up to invite labor to review proposed changes to Charter Law and its collective bargaining implications despite statements that there would be such discussions.

HSTA has many more concerns about proposed changes to 302B and would like you to allow more time for us to weigh in on other areas of concern. We also ask that you allow the teachers who are delivering the services to the students to be allowed to give you feedback on your proposed changes. The language of your bill could be difficult for some people to interpret. It is quite detailed. We hope you will give all stakeholders time to give you quality input and feedback before your committee does decision making on this bill.

As it currently stands, HSTA strongly opposes SB 2115.

Thank you for this opportunity to provide testimony.



HAWAI'I EDUCATIONAL POLICY CENTER  
*Informing the Education Community*

---

Written Testimony  
presented before the  
Senate Committee on Education  
Wednesday, February 1, 2012 at 1:15 p.m. Rm 225  
by  
Donald B. Young, Director  
Hawai'i Educational Policy Center

**SB 2115 RELATING TO CHARTER SCHOOLS**

Chair Tokuda, Vice Chair Kidani, and members of the Senate Committee on Education, thank you for this opportunity to provide testimony on SB 2115.

My name is Donald Young. I am Director of the Hawai'i Educational Policy Center. HEPC supports much of this bill, but has strong reservations and questions regarding some of its components. Among our comments and concerns are the following.

1. **Retaining the Good.** We commend the Charter Schools Task Force for its work and support its recommendation to retain many important sections of the current law. We appreciate the Task Force's recognition that many safeguards, definitions, and other elements were created with much thought and discussion. And that not all of chapter 302B HRS is in need of revision.
2. **Charter Mission.** SB 2115 currently lacks a broad vision or mission for charters. One previous statement of purposes for charters can be found in the preamble for 2006 Session Laws of Hawaii ACT 298.

*PART I*

*SECTION 1. The charter school system is an important complement to the department of education's school system, one that empowers local school boards and their charter schools by allowing more autonomy and flexibility and placing greater responsibility at the school level. The charter school system is made up of the board of education, the charter school administrative office, the charter school review panel, and individual charter schools with differing visions, missions, and approaches to meeting the various needs and desires of Hawaii's communities.*

*The purposes of the charter school system include:*



*(1) Providing 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) Encouraging and, when resources and support are provided, serving 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.*

Clearly these purposes embrace the concepts of 1) the charters as a complement to the Hawai'i Department of Education (HIDOE) schools, 2) the goal and desirability of providing choices, and, 3) like the mission of the College of Education's Curriculum Research & Development Group, a mandate to innovate, experiment and conduct meaningful research on the part of all our public schools. Clarifying a broad sense of choice and innovation in a mission statement could be helpful.

3. **Governing Board Stability.** We are concerned that SB 2115 would require reconstitution of the governing board of the charter schools. This could trigger a period of instability and the loss of experience and historical knowledge that is very helpful in governing schools in tune with the stakeholders, partnerships, and communities from which they grew. Also, we are not entirely clear why it is necessary to limit the number of governing members. The spirit of charters is that each one has the freedom to be unique. This should extend to including different partners and stakeholders on their boards. This provision seems overly restrictive and unnecessary.
4. **Conflicts of Interest & Commission Membership.** Commenting on the section on page 18, lines 7-11. We support conflict of interest provisions in general. However, we are not sure that this provision relates to employees of the Commission, or some relationship of a member of the commission. Depending on how this is interpreted, it could prohibit anyone serving on the Commission who has any relationship to charter school advocacy. If so, just about anyone who has been involved with the charter community could be excluded from appointment to the commission, or inhibit their activities upon leaving. While the Ethics Commission has not yet explicitly ruled on whether they regard governing boards or a future Commission as state employees (such as for lobbying or advocating), should they do so, this could further restrict the pool of who might be qualified for appointments. This section might need clarification.
5. **Annual Reports.** On page 39 it is the option of the authorizer to require an annual report. We suggest that this not be an option but a mandate, and that the authorizer be required to stipulate the minimum information and data that must be provided. In the past, annual reporting has been less formal and the requirements unclear, and as a result, created great unevenness in data collection and reporting. In addition, we suggest that all authorizers be required to report back to each school its evaluation of the quality of the report. This ensures

that reports do not sit on the shelf, and that the authorizer has an obligation to review each one thoroughly and comment on it, thereby being accountable to the charter school.

6. **What is the Real Term for a Charter?** On pages 43-44 there is reference to the power of an authorizer revoking a charter before a five-year term is completed. On page 44 (2) there is room for a great deal of interpretation as to whether a school fails to make sufficient progress. It should be noted that the contracts are created, presumably, with a certain expectation of per-pupil funding. In the past not only has per-pupil funding fallen short of keeping up with charter enrollments, it has actually dramatically been reduced. In 2006 the level of funding was about \$8,000 per pupil, but just a few years later had dipped to just over \$5,300. The authorizer has no control over this, but somewhere there should be language that requires the authorizer to take into account whether good-faith implementation of the provisions of the contract were made by the charter school within the funding actually provided. We do not think a charter's term should be cut short because of financial circumstances beyond its control.
7. **Facilities.** Page 46 discusses what happens when a school closes. Under (c), beginning on line 18, there is obvious confusion over facilities. Non-conversion charters do not have state built and owned facilities. Often facilities are rented from nonprofits that have partnered with the charter to provide facilities. These nonprofits are not state entities and the state has no claim on their assets.
8. **Uniform Reporting.** On pp 48-49, the State Board of Education is required to establish a uniform reporting system. This seems to suggest that whatever the HIDOE has the charters will have to live with. HIDOE schools, like other regular state departments, have many features of management that charters have been free from. One example is establishing permanent positions. Charters are often asked to respond to sets of questions that simply do not apply to charters. We would suggest that the State Board of Education establish appropriate data systems for HIDOE and charters, and leave the details to be worked out later. Certainly many items would be the same, but not all. Charters have additional accountability measures (in their charters and contracts) that would be missed by the HIDOE system. One size does not fit all in this case.
9. **Facilities Occupancy.** On page 49 there is a provision regarding making unused former HIDOE facilities available to charters. However, under this language, it is unlikely that our HIDOE, needing additional income, and seeking to minimize the cost of rental space, would offer facilities to a charter school. This section needs to be tightened up or revised or it may have no effect.
10. **HIDOE and Charter Personnel.** Page 55 (d) relates to facilitating and encouraging the movement of instructional personnel. This is a great ideal, but previous policy memos of HIDOE work against it. (See Memo of January 21, 2011, *SUBJECT: Revisions to the Guidelines Regarding the Movement of Teachers between the Department of Education and the Public Charter Schools.*) This section might be strengthened. One option that the HIDOE

already recognizes is the reassignment of HDOE employees. At least for transitional periods, this might be an attractive additional feature for conversion schools.

11. **Funding.** On page 58 lines 8-10 there is reference to a budget request. We are not clear who makes such a request. We do note that the Commission is prohibited from advocacy or support of the schools.
12. **The Elimination of the CSAO Technical Support.** Our greatest concern is the elimination of the only support agency for charters. Over the years all the charters have benefited by this office, in many ways that are invisible. Smaller charters will not have the ability, expertise or funds to stand alone without the kinds of administrative expertise and support we take for granted within the HDOE. Just one example would be the requirement on page 65 that a separate annual contract be negotiated with each and every charter regarding special education services. In the past, lengthy workshops and meetings were required to sort out many of these technical issues. One consequence would be that charters really would not have an equal footing in negotiating these contracts. As written, SB 2115 prohibits an authorizer from providing any technical assistance. Thus, the transition period whereby some existing staff might be offered employment under the Commission, in no way ensures that the skills, experience or history of charter support would land in another place. And the bill would not allow it.
13. **The Elimination of Advocacy.** Currently the Executive Director (ED) is more than the head of an administrative support office. She or he is by law an independent analyst and advocate. The ED is to charters what the ED is for seniors in the Executive Office on Aging, to cite one example. Over the years it has become clear that many state offices, agencies and departments, not to mention other stakeholders such as unions, do not have the time or resources to deal with each and every charter independently. While we acknowledge that some charters have not always agreed with the actions or inactions of the CSAO and its ED, this is not the same as concluding there is no need for it.

Thank you for the opportunity to provide this testimony.



## KAMEHAMEHA SCHOOLS

Senate Education Committee  
February 1, 2012  
1:15 p.m.  
Capitol Room 225  
**SB 2115, Relating to Charter Schools**

My name is Kalei Kailihiwa, Director of Kamehameha Schools' charter school support department, Ho'olako Like. Thank you for this opportunity to testify in support of SB 2115, relating to charter schools. Our specific comments on this bill are attached.

The long-standing achievement gap of Native Hawaiian students in the state's public schools is a significant concern for Kamehameha Schools and for many diverse stakeholders including the legislature. Increasingly data and practice in indigenous communities demonstrate the importance of culturally relevant education as a means for engaging and empowering students and their families in the learning process.

Whether it is applied to a homeless child who would not eat a meal that day but for the food provided at school, or the high performing academician who needs project-based learning to stimulate their mind, culture-based education has been proven in Hawaii to make a difference in student achievement and wellbeing.

Kamehameha Schools has been a collaborator with Hawaii public charter schools for the past decade in recognition of the ability of Hawaiian-focused public charter schools to cultivate environments where culture based education thrives. We have intensively focused our efforts with Hawaii Public Charter Schools in the areas of strategic, operational and instructional excellence framed by an approach to school accreditation. Currently, Kamehameha Schools works with 13 nonprofit tax-exempt organizations, including: 'Aha Panana Leo, OHA, KALO and the Ho'okako'o Corporation, to assist a total of 14 start-up and 3 conversion charters with value added programming 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

**567 South King Street • Honolulu, Hawai'i 96813-3036 • Phone 808-523-6200**

*Founded and Endowed by the Legacy of Princess Bernice Pauahi Bishop*

Schools currently assists more than 4000 students in eleven communities on 4 major islands, within the public education system.

**567 South King Street • Honolulu, Hawai'i 96813-3036 • Phone 808-523-6200**

*Founded and Endowed by the Legacy of Princess Bernice Pauahi Bishop*

Position on the Recommendations of the Charter School Governance Task Force  
SB 2115

Kalei Kailihiwa  
Director, Ho'olako Like  
Kamehameha Schools

The legislature convened the Charter School Governance Task Force (CSGTF) and Kamehameha Schools served as a participant in each meeting of the Task Force, represented by Ms. Lisa Okinaga of Ho'olako Like. We strongly supported the purpose of the Task Force to: (1) provide statutory language to clearly define the lines of governance structure and authority between the charter schools and relevant state agencies; (2) Identify how this structure relates to the state and local education agencies; (3) Identify the role and responsibilities of the CSRP, the CSAO, Local School Boards (LSBs); and (4) discuss funding issues including the CSAO. Of most important, we wholeheartedly embrace the goals of the Task Force to promote high expectations, increased flexibility and autonomy and meaningful accountability. These are the watchwords of our own commitment to culture based learning in general and Hawaii's public charter schools in particular.

These were extremely challenging and complex areas for discussion and often members engaged in debates that brought past issues of distrust among stakeholders movement to the forefront. Despite the challenges, and with our full support, members were able to agree on several recommendations with guidance and active involvement from several organizations including the National Governors Association (NGA), the National Association of Charter School Authorizers (NACSA), and Joe Nathan of the Macalester College Center for School Change. This paper summarizes our position with respect to the resulting proposed legislation:

1. The overarching task force goals reiterated the original intentions of Hawaii's charter school law, therefore please consider retaining language from Hawaii's original public charter school bill (Act 62/1999) as a way to make explicit, the intent of charter schools and to offer an assurance that successful, innovative strategies are shared with all public schools. Suggested language from Act 62/1999 that should be inserted in the draft bill:
  - a. *"to create new approaches to education that accommodate the individual needs of students and provide the State with successful templates that can dramatically improve Hawaii's educational standards for the twenty-first century"*
  - b. *create "genuine opportunities for communities to implement innovative models of community-based education"*

567 South King Street • Honolulu, Hawai'i 96813-3036 • Phone 808-523-6200

*Founded and Endowed by the Legacy of Princess Bernice Pauahi Bishop*

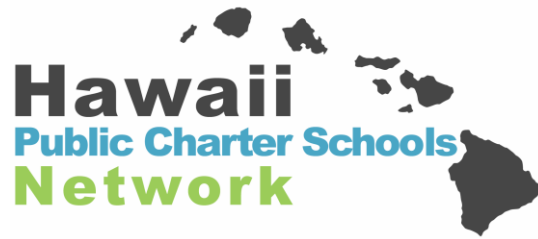
2. Overall, we **strongly support** the substance, the intent and the express recommendations of the Task Force, but for the exception of our concerns over Recommendation #14, pertaining to the collection and use of school data, we uniformly support the changes proposed, subject to careful implementation and the need to fine tune the details of how implementation will be rolled out. We also **express concern** and reservation with respect to the exemption from **criminal liability** for authorizers (**bill page 15**).
3. While well intended, we have **concerns** about Task Force Recommendation #14 pertaining to the Uniform Data Reporting (**see bill page 48**) requirements and use of school data. Charter schools have lingering challenges with access and control of their student data. We have reservations about this particular provision and ask that it be deferred until a more comprehensive review of the data collection systems can be completed as a part of the planned transition. Because our concern is so strong, and this is the only reservation with which we truly feel strong enough to request modification to the bill, we have raised it first and foremost for your consideration.
4. We **strongly support** the Task Force's recommendations #1 and #2, to replace the Detailed Implementation Plan (DIP) with a meaningful **performance-based contract (relevant throughout the bill, including at page 13)** and to push back the re-authorization process by one year. We believe that engagement of the charter school community and stakeholders in the development of performance-based contracts, tailored to the specific needs of students, parents, community and schools are essential to ensuring high performing schools.
5. We are equally enthusiastic **in support** of the **renaming and reconfiguring both the Charter School Review Panel and the Local School Boards** (recommendations #3 and #4) (**page 7 of the bill; page 21 as to governing boards**). Kamehameha Schools has made significant contributions and commitment toward promoting good governance, transparency and accountability and sound fiscal practices through its accreditation support. We support the changes proposed by the Task Force and appreciate and recognize the importance in taking into account the need for flexibility for the smallest of the charter schools.
6. We **support** the Task Force's recommendation #5, to **promote an FTE audit** of positions in the DOE and to arm the Transition Coordinator with the directive necessary to seek and receive information that will be helpful to the transition.
7. We **support** lifting the cap on the number of charter schools, provided that it can be implemented in such a way as to avoid unnecessarily or inadvertently under-funding charter schools in any given year (e.g. self-cannibalizing the funding). We also **support** the concept of **multiple authorizers** on the premise that authorizers must have the capacity to oversee the number and breadth of applicants and schools – our position with recommendations #6 and #7 are therefore to support the Task Force.

567 South King Street • Honolulu, Hawai'i 96813-3036 • Phone 808-523-6200

*Founded and Endowed by the Legacy of Princess Bernice Pauahi Bishop*

8. Recommendations #8 - #13 pertain to the **duties, staffing and roles/responsibility of the authorizer(s), the CSAO and the schools**. We **support** these recommendations based on our understanding of the Model Law, the needs of the schools and our experience with diverse schools and culture-based education.
9. We do not have a specific comment pertaining to the BOE as the ultimate arbiter of disputes nor any serious concern or problem with the transition. We do want to continue to positively engage with the charter school leadership, the public school community, authorizers, the BOE and the legislature concerning culture based education and Hawaii Public Charter Schools.





Hawaii State Senate  
Committee on Education

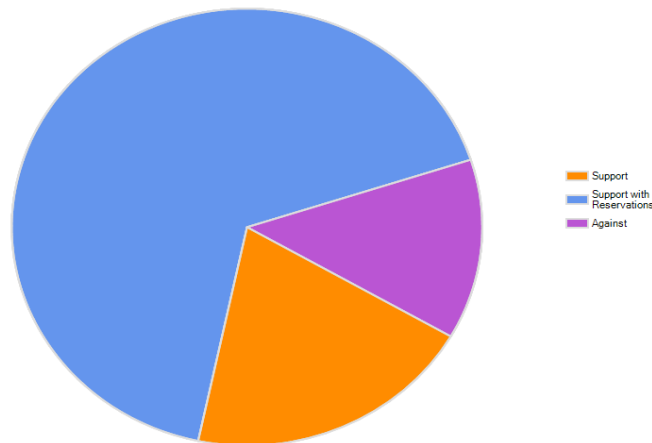
DATE: Wednesday, February 01, 2012  
TIME: 1:15 p.m.  
PLACE: Conference Room 225  
State Capitol

Chair Tokuda, Vice Chair Kidani and members of the Senate Education Committee,

Re: SB2115 & SB2116, Testimony in Support w/reservations

The Hawaii Public Charter School Network (Network) is a 501(c)(3) non-profit organization that exists to advance high quality public education in Hawaii by advocating for, and providing supports to, public charter schools. The HPCSN represents all 31 of Hawaii's public charter schools, and their 9,000+ public charter school students. So far half of our schools have responded to our poll regarding this bill: 20% support, 67.7% support with reservations and 13.7% against.

SB2115 - Charter School Governance Authority and Accountability Task  
Force recommendations bill



This process started over a year ago; even before the Charter School Governance, Authority and Accountability Task Force was created. Charter school leaders and communities have been meeting to unify around charter school commonalities for charter school quality.

We strongly supported the purpose of the Charter School Governance, Authority and Accountability Task Force (CSGAATF) and appreciate the tremendous amount of time and effort invested by Co-Chairs Sen. Tokuda and Rep. Belatti, along with the esteemed and knowledgeable members of the task force. Rest assured, HPCSN recognizes the depth, sincerity, time and work invested in the resulting proposed legislation now before you.

We are heartened that during the CSGAATF discourse, the matter of trust was acknowledged openly, while discussion over the session was encouraged, not discouraged. We are thankful for the opportunity to continue exchanging ideas, information and viewpoints.

We respectfully point out that this bill proposes significant changes to the charter school law, and will cause charter schools to adjust to another governance framework. The good news is that this time, the change elements are largely based on national lessons learned.

With change however, there is fear of the unknown; leaps of faith are never easy, therefore, our collective "support with reservations" expresses optimism, but communicates responsible caution as well. One obvious source of reluctance to leap is the lingering question of funding children fairly, equitably and adequately. Charter schools have historically dealt with increasing demands and reporting while funding continues to be cut. Without acknowledging and addressing the issue of charter school funding, it would be difficult for charter schools to absorb new reporting, accountability, and transparency requirements, while also meeting and exceeding student performance standards and dealing with facility and other operational costs.

There are a number of national models to support charter school students that would significantly improve funding for charters, which is a stated concern in Hawaii's Race to the Top evaluation. The work of the previous charter school funding task force, while arduous and inclusive, has not yet resulted in equity, and we hope it is understandable we hold this as a major concern.

While charter school enrollments have continued to increase each year, the per pupil funding to the charter schools has declined significantly since fiscal year 2007-08. For example, since 2007-08 total charter school enrollment has increased by 3,208 students or 52.3%. During that same time per pupil funding for these students has declined from \$9,063.89 to \$5,933.50, a decrease of \$3,130.39 or 34.5%. This past year, state support for charter students continued to drop significantly.

As the legislature considers moving forward with these recommendations to fix the charter school governance system, please also consider that the need to equitably fund charter schools works hand in hand to provide the best outcomes for our students.

Therefore, in addition to passing bills SB2115 & SB2116, we humbly request the committee members, to:

1. Lift EDN600 budget provisos 19 & 20 for school year 12-13;
2. Use moneys currently held in the "under/over appropriations account" to support the CSAO's needs-based facilities funding formula, in part, and SB2116;
3. Support SB 2537 - Collective Bargaining, Master Agreements;
4. And support SB2598 - SPRBs for Charter Schools.

The funding increases can happen with funds already appropriated and without pulling from the already strained state general fund budget.

While the charter schools support creating a quality control governance structure to meet public accountability needs, **the following general overarching reservations with respect to SB 2115 and 2116 were shared by many:**

1. Carefully addressing and supporting the charter school sector should the CSAO be eliminated due to the vacuum of services that will occur with the elimination of that office, and;
2. Whether or not this new governance structure would further peel away at charter school autonomy.

However, please be assured that charter schools also see these changes as an opportunity to improve, which is the reason they wish to continue operating autonomously, and why the original intent of the law must be preserved. Charter schools, like those who have put in so much time and effort into the Task Force, want this legislation and system it sets up, to succeed.

**Specific comments for SB2115:**

The overarching task force goals reiterated the original intentions of Hawaii's charter school law, therefore please consider retaining language from Hawaii's original public charter school bill (Act 62/1999) as a way to make explicit, the intent of charter schools and to offer an assurance that successful, innovative strategies are shared with all public schools. Suggested language from Act 62/1999 that should be inserted in the draft bill:

- a. "to create new approaches to education that accommodate the individual needs of students and provide the State with successful templates that can dramatically improve Hawaii's educational standards for the twenty-first century"
- b. create "genuine opportunities for communities to implement innovative models of community-based education"

**S5 Authorizer power, duties, and liabilities. (pg 14, line 1)**

\*Clarification: Could conflict with S10 (page 17, line 10). Technical supports vs. services? Section 5, subsection (f) clearly prohibits an authorizer from providing technical supports to a charter school, and this is in line with the Model Law. However, Section 10 allows for the purchase of services from its authorizer, which is also allowed under the Model Law. Perhaps clarifying that Section 5, subsection (f)'s technical support prohibition is limited to the application process is needed.

**S13 Start-up charter schools; establishment. (pg 26, line 9)**

Please consider removing the word "interim", as it may not be needed.

**S23 Uniform education reporting system. (pg 48, line21)**

While well intended, we have concerns about pertaining to the Uniform Data Reporting requirements and use of school data. Charter schools have lingering challenges with access and control of their student data. We have reservations about this particular provision and ask that it be deferred until a more comprehensive review of the data collection systems can be completed as a part of the planned transition.

**S28 Funding and finance. (pg 60 &61)**

\*Amend language to allow funds in account for the needs based facilities formula and SB2116.

In conclusion, charter schools are generally in support of these sweeping changes and the reservations are mostly due to the support that is needed for implementation of, and transitioning to making these changes.

Thank you for your support of Hawaii's public charter schools.

A handwritten signature in black ink, appearing to read "Lynn Finnegan", with a long horizontal stroke extending to the right.

Lynn Finnegan  
Executive Director



# Ho'okāko'o Corporation

Testimony to the Senate Committee on Education  
Senator Jill Tokuda, Chair  
Senator Michelle Kidani, Vice Chair  
**Re: SB 2115 & SB 2116 – Relating to Charter Schools**

Wednesday, February 1, 2012, 1:15 p.m.  
State Capitol, Conference Room 225

## **Position on the Recommendations of the Charter School Governance Task Force**

Honorable Chair Tokuda, Vice Chair Kidani, and Members of the Committee:

As the representative of Ho'okāko'o Corporation (HC) participating on the Charter School Governance Task Force, I strongly supported the purpose of the Task Force to: "provide clarity to the relationships, responsibilities, and lines of accountability and authority among stakeholders of the charter school system" (Act 130, SLH 2011). Understandably, this was no easy task; however, with due diligence and perseverance, the Task Force was able to move forward with the intent to create a positive environment in which Hawaii's charter schools can operate and thrive. Most critically, the Task Force addressed issues such as strong governance models, meaningful accountability, and increased flexibility and autonomy of charter schools which is closely aligned to national charter school systems. Ho'okāko'o Corporation supports these goals as they are closely aligned with our strategic priorities to engage our community-based, conversion charter schools in innovative teaching and learning opportunities that set high expectations for student outcomes.

The Task Force discussions were often characterized by healthy debate about complex issues that confront our public education system in Hawaii however members can be commended for reaching agreement about nationally recognized, successful models for charter school governance and accountability, and the need for a set of defined expectations for student and school performance.

This document summarizes our position with respect to the proposed legislation:

1. In keeping with the original intentions of Hawaii's charter school law, we would like you to please consider retaining language in Hawaii's original public charter school bill (Act 62/1999) to ensure that emphasis is placed on public charter schools as community-based schools of

innovation with high expectations for academic achievement. Suggested language that should be inserted in the draft bill:

- a. “to create new approaches to education that accommodate the individual needs of students and provide the State with successful templates that can dramatically improve Hawaii’s educational standards for the twenty-first century”
  - b. create “genuine opportunities for communities to implement innovative models of community-based education”
2. HC strongly supports recommendations #1 and #2 to introduce a performance-based charter contract, in place of the Detailed Implementation Plan (DIP), to strengthen the reauthorization process and articulate expectations for charter school eligibility. If well-planned, this document should set clear expectations for student outcomes and allow individual charter schools flexibility in defining their own metrics for student and teacher success. We feel that this measure adds value and meaningful accountability to the process of reauthorization, and highlight this as a priority in the redesign of the new charter governance structure.
  3. HC strongly supports recommendation #3 and the proposal of a charter school governance model that is closely aligned to that of the National Charter School Model Law. As the Local School Board for three (3) public conversion charter schools it is clear to us the need for a strong governance model and fiscal accountability.
  4. We support the renaming and reconstitution of the Local School Boards, especially as it relates to being qualification-based, as outlined in recommendation #4. We would also like to acknowledge that alongside increased accountability for governing bodies, this language also strengthens the autonomy with which boards govern charter schools in their local communities.
  5. HC generally supports recommendation #5 with our own recommendation that members of the charter school community be involved in this process.
  6. HC supports recommendations #6 and #7, in particular removing the cap on charter school applications including measures to ensure that this process does not inadvertently lead to under-funding of existing charter schools. We also support the concept of multiple authorizers as long as we have successfully reconstituted the authorizer or ‘Commission’ with adequate staffing and resources to govern an increasing number of charter schools in Hawaii.
  7. In regards to recommendations #8 – 11, we support the ‘nuclear model’ because it most closely aligns with the national Model Law; however, we would feel most strongly about the concept with more detail as to the process and timeline in respect of the Charter School Administrative Office transition. We would also strongly support this concept with further clarification about assurances that federal funding will be made available and accessible to public charter schools.
  8. We support recommendations #12 and #13 to increase measures of accountability by ensuring a reporting mechanism is in place for both the Authorizer and the BOE. While we support this, we express some concern that this would be the only means of identifying inadequate levels of federal funding to charter schools. Rather, we suggest a more clearly defined process that

ensures that appropriate levels of federal funding reach the children in charter school communities for which they were intended.

9. HC has reservations about recommendation #14 regarding the establishment of a uniform data reporting system to include fiscal, personnel, and student data. The manners in which charter schools operate vary greatly among individual schools. It would seem the conformance to a single data reporting/management system would compromise charter school autonomy and create issues in regards to control of the data.
10. We support the general intent of recommendation #15 to ensure that procedures are in place to govern the Board of Education hearing process in its role as final arbitrator.
11. Similar to our response to recommendation #5, HC generally supports recommendation #15 however we do have some concerns. The Transition Coordinator position would be funded by the charter schools, yet the incumbent would be selected by the Board of Education. While we support the BOE as the ultimate authority in the public charter system, we also request that careful consideration be given to developing a set of competencies for this position that demonstrate a deep understanding of the charter schools sector, and specifically that of Hawaii's charter system. Further, we would like to request clarification regarding the recruitment process for the Commission staff. While we support this intent, we would like more specifics in terms of the process and timeline for recruitment of the Commissioner staff.

We respectfully acknowledge that the Task Force was not charged with addressing funding and facilities issues, however we would like to reiterate our position as a matter of social justice that public charter schools be equitably resourced in order to succeed and be sustainable.

Finally, we would like to express our deepest gratitude to Senator Tokuda for facilitating this task force and both the Senator and Representative Au Bellati for their tireless work over the course of this process. Thank you for this opportunity to express our concerns and show our support for increased measures for quality and accountability in Hawaii's public charter system.

Respectfully,



Megan McCorriston  
Executive Director  
Ho`okāko`o Corporation

**ON THE FOLLOWING MEASURE:**

S.B. NO 2115 and S.B. NO 2116, RELATING TO CHARTER SCHOOLS

**BEFORE THE:**

SENATE COMMITTEE ON EDUCATION

**DATE:** Wednesday, February 1, 2012

**TIME:** 1:15

p.m.

**LOCATION:** State Capitol, Conference Room 225

---

Chair Jill Tokuda, Vice Chair Michelle Kidani, and Members of the Committee:

The Hawai'i Island Charter Schools generally support this bill.

We are supportive and appreciative of Hawai'i's effort to provide a more systematic alignment with laws effecting charter schools and the rest of the nation's.

In reviewing the proposed legislation, we offer the following comments:

1. Regarding "amending vs. repealing," we believe reference should be maintained to the original intention of public charter schools and their community-based innovation with high expectations for academic achievement in public education. The overarching task force themes reiterated these original intentions, therefore please consider retaining language from Hawai'i's original public charter school bill (Act 62/1999) to preserve its intent and assure that successful innovative strategies are shared with all public schools. Suggested language from Act 62/1999 that should be inserted in the draft bill:
  - o *"to create new approaches to education that accommodate the individual needs of students and provide the State with successful templates that can dramatically improve Hawai'i's educational standards for the twenty-first century"*
  - o *create "genuine opportunities for communities to implement innovative models of community-based education"*
  - o *"a new approach to education that is free of bureaucratic red tape and accommodates the individual needs of students to allow the State to dramatically improve its educational standards for the twenty-first century"*
  - o *"a school should otherwise be free from statutory and regulatory requirements that tend to inhibit or restrict a*



*school's ability to make decisions relating to the provision of educational services to the students attending the school"*

2. We strongly support thoughtful implementation of charter contracts, drawing from models provided by NACSA and the National Alliance for Public Charter Schools. We ask that specific language be added to the draft bill to ensure charter contracts are fair, bilateral and collaborative, recognizing unique community goals and circumstances.

We support a seamless transition plan and are concerned about continued coordination and connectivity to the necessary state systems, such as:

- development of biennium and supplemental budgets
- state provided benefits
- legislative reporting

The issue here is twofold;

1. Diminished essential connective services with state agencies
  2. State agencies' willingness/ability to administer and manage benefits and services for 31 individual public charter schools
3. We advocate that adequate resources be provided - including formal contractual support from NACSA and the National Alliance for Public Charter Schools - for the proposed Implementation and Transition Coordinator to expedite a successful transition. We recommend drawing from the public charter schools Over-Appropriation Fund to assure a high level of expertise, as well as sufficient administrative support throughout the transition.

We respectfully acknowledge that the task force was not charged with addressing funding and facilities issues, however we must reiterate our position as a matter of social justice that public charter schools be suitably resourced to succeed.

Further, to clarify specific points concerning the draft omnibus bill, we are submitting suggested additions/revision to the draft bill (attached).

Respectfully submitted,

Jennifer Hiro, **Innovations Public Charter School**  
Allyson Tamura, **Kanu o ka 'Äina New Century Public Charter School**  
Steve Hirakami, **Hawai'i Academy of Arts & Sciences**  
John Colson, **Waimea Middle Public Conversion Charter School**  
Curtis Muraoka, **West Hawai'i Explorations Academy**  
Dan Caluya, **Nä Wai Ola Waters of Life**

Ardith Reneria, **Volcano School of Arts & Sciences**  
Huihui Kanahale-Mossman, **Ka 'Umeke Kai**  
John Thatcher, **Connections Public Charter School**  
Usha Kotner, **Kona Pacific Charter School**

THE SENATE **S.B. NO.**

TWENTY-SIXTH LEGISLATURE, 2012

STATE OF HAWAII

**A BILL FOR AN ACT**

RELATING TO CHARTER SCHOOLS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

**9** The purpose of this Act is to adopt the recommendations of  
**10** the task force by repealing chapter 302B, Hawaii Revised  
**11** Statutes, and establishing a new charter school law that  
creates

**12** a solid governance structure for Hawaii's charter school  
system

**13** with clear lines of authority and accountability that will

**14** foster improved student outcomes.

The purpose of this Act is also to honor the original intention  
of the public charter schools establishment (Act 62/1999) to  
bring community based innovation and high expectations for  
academic achievement to public education by:

*“creating new approaches to education that accommodate the individual needs of students and  
provide the State with successful templates that can dramatically improve Hawaii’s educational  
standards for the twenty-first century”*

*“provide genuine opportunities for communities to implement innovative models of community-  
based education”*

*“continue a new approaches to education that is free of bureaucratic red tape and accommodates the individual needs of students to allow the State to dramatically improve its educational standards for the twenty-first century”*

*“ assure an educational approach free from statutory and regulatory requirements that tend to inhibit or restrict a school's ability to make decisions relating to the provision of educational services to the students attending the school”*

10 "Charter contract" means a fixed-term, renewable contract  
11 between a public charter school and an authorizer that  
outlines

12 the roles, powers, responsibilities, and performance

13 expectations for each party to the contract. *The contract shall be collaborative and bilateral to empower innovative educational and entrepreneurial strategies that foster academic achievement and ensure school-level flexibility, recognizing unique community goals and circumstances.*

14 "Charter school" or "public charter school" refers to those  
15 public schools and their respective governing boards, as  
defined

16 in this section, that are holding charters to operate as  
charter

17 schools under this chapter, including start-up and conversion

18 charter schools, and that have the flexibility and independent

19 authority to implement alternative frameworks with regard to

20 curriculum, facilities management, instructional approach,

21 virtual education, length of the school day, week, or year,

and

22 personnel management.

7 (5) Meets appropriate standards of student achievement;  
8 (6) Cooperates with board, commission, and authorizer  
9 requirements in conducting its functions;  
10 (7) Complies with applicable federal, state, and county  
11 laws ~~and requirements~~;  
12 (8) In accordance with authorizer guidelines and  
13 procedures, is financially sound and fiscally  
14 responsible in its use of public funds, maintains  
15 accurate and comprehensive financial records, operates  
16 in accordance with generally accepted accounting  
17 practices, and maintains a sound financial plan;  
18 (9) Operates within the scope of its charter and fulfills  
19 obligations and commitments of its charter;  
20 (10) Complies with all health and safety laws ~~and~~  
21 ~~requirements~~; and

**13 § -3 State public charter school commission;**

**14 establishment; appointment.** (a) There is established the state  
15 public charter school commission with statewide chartering  
16 jurisdiction and authority. The commission ~~be placed~~  
17 ~~within the department for administrative purposes only shall~~  
18 ~~receive administrative services from the department.~~

18 Notwithstanding section -25 and any law to the contrary, the  
19 commission shall be subject to chapter 92.

20 (b) The mission of the commission shall be to authorize  
21 high-quality public charter schools throughout the State.

**1 § -5 Authorizer powers, duties, and liabilities.** (a)

2 Authorizers are responsible for executing the following  
3 essential powers and duties:

4 (1) Soliciting and evaluating charter applications;  
5 (2) Approving quality charter applications that meet  
6 identified educational needs and promote a diversity  
7 of educational choices;  
8 (3) Declining to approve weak or inadequate charter  
9 applications;  
10 (4) Negotiating and executing ~~sound~~ *collaborative and*  
*bilateral* charter contracts with  
11 each approved public charter school;  
12 (5) Monitoring, in accordance with charter contract terms,  
13 the performance and legal compliance of public charter  
14 schools; and  
15 (6) Determining whether each charter contract merits  
16 renewal, nonrenewal, or revocation.  
17 (b) An authorizer shall:  
18 (1) Act as the point of contact between the department and  
19 a public charter school it authorizes and be  
20 responsible for the administration of all applicable  
21 state and federal laws;

Page 17 **S.B. NO.**

\*2012-0335 SB SMA-1.doc\*

1 (2) The academic and financial performance of all  
2 operating public charter schools overseen by the  
3 authorizer, according to the performance expectations  
4 for public charter schools set forth in this chapter;  
5 (3) The status of the authorizer's public charter school  
6 portfolio, identifying all public charter schools in

7 each of the following categories: approved (but not  
8 yet open), not approved, operating, renewed,  
9 transferred, revoked, not renewed, voluntarily closed,  
10 or never opened;

11 (4) The authorizing functions provided by the authorizer  
12 to the public charter schools under its purview,  
13 including the authorizer's operating costs and  
14 expenses detailed in annual audited financial  
15 statements that conform with generally accepted  
16 accounting principles;

17 (5) *The services purchased from the authorizer by the*  
18 *public charter schools under its purview, including an*  
19 *itemized accounting of the actual costs of these*  
20 *services, as required in section -10; (THIS IS CONFUSING AS IT*  
*SEEMS TO CONFLICT WITH PAGE 15 LINE 21-22, PLEASE CLARIFY)*

Page 33 **S.B. NO.**

\*2012-0335 SB SMA-1.doc\*

1 board of directors of the nonprofit organization and  
2 not representatives of the participant groups  
3 specified in section -12. The nonprofit  
4 organization may also appoint advisory groups of  
5 community representatives for each school managed by  
6 the nonprofit organization; provided that these groups  
7 shall not have governing authority over the school and  
8 shall serve only in an advisory capacity to the

9 nonprofit organization;

10 (2) The application for each conversion charter school to  
11 be operated by the nonprofit organization shall be  
12 formulated, developed, and submitted by the nonprofit  
13 organization, and shall be approved by a majority of  
14 the votes cast by existing administrative, support,  
15 and teaching personnel, and parents of the students of  
16 the ~~proposed conversion charter~~ existing school;

17 (3) The board of directors of the nonprofit organization,  
18 as the governing body for the conversion charter  
19 school that it operates and manages, shall have the  
20 same protections that are afforded to the board of  
21 education in its role as the conversion charter school  
22 governing body;

Page 37 **S.B. NO.**

\*2012-0335 SB SMA-1.doc\*

1 reauthorization has been denied, or whose charter has been  
2 revoked may initiate an appeal under this section for cause.  
3 The board shall review an appeal and issue a final decision  
4 within sixty calendar days of the filing of the appeal. The  
5 board may adopt applicable rules and procedures pursuant to  
6 chapter 91 for implementing the appeals process.

7 **§ -16 Performance framework.** (a) The performance  
8 provisions within the charter contract shall be based on a  
9 performance framework that clearly sets forth the academic and  
10 operational performance indicators, measures, and metrics that  
11 will guide the authorizer's evaluations of each public charter



12 school. The performance framework shall include indicators,  
13 measures, and metrics for, at a minimum:  
14 (1) Student academic proficiency ~~+~~ based on an academic growth  
model and performance based assessments  
15 (2) ~~Student academic growth;~~  
16 (3) Achievement gaps in proficiency and growth between  
17 major student subgroups;  
18 (4) Attendance ~~+~~, transfer and graduation rate  
19 (5) Recurrent enrollment from year to year;  
20 (6) Postsecondary readiness, as applicable for high  
21 schools;  
22 (7) Financial performance and sustainability; and

## Page 45 **S.B. NO.**

\*2012-0335 SB SMA-1.doc\*

1 (4) Allow charter holders access to representation by  
2 public counsel or the option to retain their own private counsel  
and to call witnesses on their behalf;  
3 (5) Permit the recording of proceedings described in  
4 paragraph (3); and  
5 (6) After a reasonable period for deliberation, require a  
6 final determination to be made and conveyed in writing  
7 to the charter holders.  
8 (i) If an authorizer revokes or does not renew a charter,  
9 the authorizer shall clearly state in writing the reasons for  
10 the revocation or nonrenewal.  
11 (j) Within days of taking action to renew, not  
12 renew, or revoke a charter, the authorizer shall report to the

13 board the action taken, and shall simultaneously provide a  
14 copy  
15 of the report to the charter school. The report shall set  
16 forth  
17 the action taken and reasons for the decision and assurances  
18 as  
19 to compliance with all the requirements set forth in this  
20 chapter.

21 **§ -19 School closure and dissolution.** (a) Prior to any  
22 public charter school closure decision, an authorizer shall  
23 have  
24 developed a public charter school closure protocol to ensure  
25 timely notification to parents, orderly transition of students  
26 and student records to new schools, and proper disposition of

Page 75 **S.B. NO.**

\*2012-0335 SB SMA-1.doc\*

1 school review panel occurring between the effective date of  
2 this  
3 Act and the discharge from office of all charter school review  
4 panel members shall remain vacant until appointed to the state  
5 public charter school commission by the board of education  
6 pursuant to this Act.

7 SECTION 14. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 15. This Act shall take effect on July 1, 2013 *only if*  
*S.B. No. in any form passed by the legislature, Regular*  
*Session of 2012, becomes an Act.*

INTRODUCED BY: \_\_\_\_\_

# S.B. NO.

\*2012-0335 SB SMA-1.doc\*

**Report Title:**

Education; Charter Schools

**Description:**

Establishes a new chapter governing charter schools based on the recommendations of the charter school governance, accountability, and authority task force established by Act 130, Session Laws of Hawaii 2011. Repeals chapter 302B, HRS. Makes housekeeping amendments.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



# Kanu o ka 'Āina Learning 'Ohana

Grows womb-to-tomb models of education that advance Hawaiian culture for a sustainable Hawaii

Testimony as of January 31, 2012  
SB2115 and SB2116  
Education Committee

WEDNESDAY, FEBRUARY 1, 2011  
Conference Room 226, 1:15pm

Aloha Chair Tokuda, Vice Chair Michelle Kidani, and Members of the Committee:

My name is Taffi Wise, the Executive Director of KALO, testifying on behalf of Kanu o ka 'Āina NCPCS a member of Na Lei Na'auao.

Thank you for allowing me to share the school level perspective of SB2115 and SD2116.

We are grateful for the extraordinary time and sincere devotion to the future of Hawai'i's keiki by the task force members, the National Association of Charter School Authorizers (NACSA), National Governors Association (NGA) and the National Alliance for Public Charter Schools. This collaboration moves Hawai'i toward systemic alignment with the rest of the nation as we strive to provide the best education for this and the next generation of Hawai'i citizens.

The following are my comments regarding the existing language:

1. Regarding "amending vs. repealing," we believe **reference should be maintained to the original intention of public charter schools and their community-based innovation with high expectations for academic achievement in public education.** The overarching task force themes reiterated these original intentions, therefore **please consider retaining language from Hawai'i's original public charter school bill (Act 62/1999) to preserve its intent** and assure that successful innovative strategies are shared with all public schools. Suggested language from Act 62/1999 that should be inserted in the draft bill:
  - o *"to create new approaches to education that accommodate the individual needs of students and provide the State with successful templates that*



# Kanu o ka 'Āina Learning 'Ohana

Grows womb-to-tomb models of education that advance Hawaiian culture for a sustainable Hawai'i

*can dramatically improve Hawai'i's educational standards for the twenty-first century"*

- o *create "genuine opportunities for communities to implement innovative models of community-based education"*
- o *"a new approach to education that is free of bureaucratic red tape and accommodates the individual needs of students to allow the State to dramatically improve its educational standards for the twenty-first century"*
- o *"a school should otherwise be free from statutory and regulatory requirements that tend to inhibit or restrict a school's ability to make decisions relating to the provision of educational services to the students attending the school"*

2. **We strongly support thoughtful implementation of charter contracts**, drawing from models provided by NACSA and the National Alliance for Public Charter Schools. We **ask that specific language be added to the draft bill to ensure charter contracts are fair, bilateral and collaborative**, recognizing unique community goals and circumstances.
3. We support a **seamless transition plan and are concerned about continued coordination and connectivity to the necessary state systems**, such as:
  - o development of biennium and supplemental budgets
  - o state provided benefits
  - o legislative reportingThe issue here is twofold;
  - 1) Diminished essential connective services with state agencies
  - 2) State agencies' willingness/ability to administer and manage benefits and services for 31 individual public charter schools
4. We advocate that **adequate resources be provided - including formal contractual support from NACSA and the National Alliance for Public Charter Schools -** for the proposed Implementation and Transition Coordinator to expedite a successful transition. We recommend drawing from the public charter schools Over-Appropriation Fund to assure a high level of expertise, as well as sufficient administrative support throughout the transition.



# Kanu o ka 'Āina Learning 'Ohana

Grows womb-to-tomb models of education that advance Hawaiian culture for a sustainable Hawaii

We respectfully acknowledge that the task force was not charged with addressing funding and facilities issues, however we must reiterate our position as a matter of social justice that public charter schools be suitably resourced to succeed.

Further, to clarify specific points concerning the draft omnibus bill, we are submitting suggested additions/revision to the draft bill (attached).

Mahalo for this opportunity to comment and provide additional due diligence on behalf of our students, families and communities. We are committed to continuing to work together with you to provide a community voice.

Thank you for the opportunity to testify.  
Respectfully submitted,  
Taffi Wise

#### Key Facts:

- Charters cannot charge tuition
- Charters are bound by collective bargaining
- Charters are subject to NCLB and all State testing requirements
- Charters run only on the cash they have in-hand
- Charters must be in compliant safe facilities



# Kanu o ka 'Āina Learning 'Ohana

Grows womb-to-tomb models of education that advance Hawaiian culture for a sustainable Hawaii

Testimony as of January 31, 2012  
SB2115 and SB2116  
Education Committee

WEDNESDAY, FEBRUARY 1, 2011  
Conference Room 226, 1:15pm

Aloha Chair Tokuda, Vice Chair Michelle Kidani, and members of the committee:

My name is Katie Benioni, I am the Chief Financial Officer of KALO, testifying on behalf of Kanu o ka 'Āina NCPCS a member of Na Lei Na'auao.

I support these bills and am supportive and appreciative of Hawaii's effort to provide a more systematic alignment with laws effecting charter schools and the rest of the nation.

As a resident of Hawaii Island, I agree with the following comments regarding the existing language that were submitted by the Hawaii Charter Schools:

1. Regarding "amending vs. repealing," we believe **reference should be maintained to the original intention of public charter schools and their community-based innovation with high expectations for academic achievement in public education.** The overarching task force themes reiterated these original intentions, therefore **please consider retaining language from Hawaii's original public charter school bill (Act 62/1999) to preserve its intent** and assure that successful innovative strategies are shared with all public schools. Suggested language from Act 62/1999 that should be inserted in the draft bill:
  - *"to create new approaches to education that accommodate the individual needs of students and provide the State with successful templates that can dramatically improve Hawaii's educational standards for the twenty-first century"*
  - *create "genuine opportunities for communities to implement innovative models of community-based education"*
  - *"a new approach to education that is free of bureaucratic red tape and accommodates the individual needs of students to allow the State to dramatically improve its educational standards for the twenty-first century"*
  - *"a school should otherwise be free from statutory and regulatory requirements that tend to inhibit or restrict a school's ability to make decisions relating to the provision of educational services to the students attending the school"*
2. **We strongly support thoughtful implementation of charter contracts,** drawing from models provided by NACSA and the National Alliance for Public Charter Schools. We **ask that specific language be added to the draft bill to ensure**



# Kanu o ka 'Āina Learning 'Ohana

Grows womb-to-tomb models of education that advance Hawaiian culture for a sustainable Hawaii

**charter contracts are fair, bilateral and collaborative**, recognizing unique community goals and circumstances.

3. We support a **seamless transition plan and are concerned about continued coordination and connectivity to the necessary state systems**, such as:
  - development of biennium and supplemental budgets
  - state provided benefits
  - legislative reporting

The issue here is twofold;

- Diminished essential connective services with state agencies
  - State agencies' willingness/ability to administer and manage benefits and services for 31 individual public charter schools
4. We advocate that **adequate resources be provided** – including formal contractual support from NACSA and the National **Alliance for Public Charter Schools** – for the proposed Implementation and Transition Coordinator to expedite a successful transition. We recommend drawing from the public charter schools Over-appropriation Fund to assure a high level of expertise, as well as sufficient administrative support throughout the transition.

“We respectfully acknowledge that the task force was not charged with addressing funding and facilities issues, however we must reiterate our position as a matter of social justice that public charter schools be suitably resourced to succeed.”

Mahalo for this opportunity to comment and provide additional due diligence on behalf of our students, families and communities. We are committed working together to provide a community voice.

Respectfully submitted,

Katie Benioni



**Ruth D. Tschumy**

---

2444 Hihiwai St. #902  
Honolulu, HI. 96826  
Tel/Fax: 808•946-3453  
[ruthdt@hawaiiantel.net](mailto:ruthdt@hawaiiantel.net)  
808•381-8642 (cell)

February 1, 2012

1:15 P.M.

Conference Room 225

TESTIMONY TO THE  
SENATE COMMITTEE ON EDUCATION

**RE: SB 2115**  
**Relating to Charter Schools**

**In SUPPORT of SB 2115**

Chair Tokuda, Vice Chair Kidani, and Members of the Committee:

My name is Ruth Tschumy; I am a former member of the Charter School Review Panel, and a member of the Charter School Task Force.

In my view, legislation with regards to charter schools should help schools fulfill the fundamental charter school “bargain,” at the same time it holds them accountable if they fail to do so. The bargain is that in exchange for greater autonomy and the use of State funds, charter schools agree to be accountable, transparent, educationally innovative and academically strong. I support SB 2115 because it spells out what schools must do to fulfill this bargain, what help they can expect in doing so, and what the consequences will be for breaking the bargain.

However, I would like to ask that you consider several possible changes:

1. Section 12 - Governing Boards – 302B-7 spells out the constituencies that must be represented on the governing board of the school (formerly the local school board). Since SB 2115 does away with these constituencies, it is possible there could be a governing board with no community members, parents or teachers. I suggest that governing board meetings be placed under “Sunshine” so the school community can be involved in the meetings, know what’s to be discussed and voted on, and if unable to attend, know what’s transpired at them.

Further, the bill states “No more than 30% shall be employees of the school...”; however, it later defines “employee” as the head of school, by whatever name. The intent, I thought, was to limit the number of school employees on the board (teachers, staff, etc.) since how can an employee hired by the head of school evaluate the head’s performance or make policy decisions that may be in conflict with the head’s position? The definition of “employee” should be broadened to include all those who work for the head/principal of the school.

2. Section 14 – To avoid another Laupahoehoe and for the sake of fairness, I would strongly urge that a majority vote of at least teachers and parents, if not all constituency groups, be required for conversion of a DOE public school. Some years ago before the statute was changed, Kualapu`u had to wait to convert until all segments of its school community were heard, were respected, and, finally, came together and agreed to the conversion. Today Kualapu`u is excelling as a school.

3. Section 18 – Though most charter schools are highly professional in meeting their responsibilities, I would like to see the bill include a provision that all charter schools initially be given a 1-year performance contract. A one-year contract for all schools, followed by 5-year contracts for those who meet the specifications in the contract (for those who don’t, additional one-year contracts would be offered), will help all schools live up to the charter school bargain.

Thank you for this opportunity to provide testimony.

Testimony SB2115  
Senate Committee on Education  
February 1, 2012 Room 225  
1:15 PM  
Oppose

Dear Chair Tokuda and committee,

I am in opposition to Senate Bill 2115. First, I would like to acknowledge the work of the Charter Schools Governance Task Force for all the work and collaboration they performed in the interim of legislative sessions. The first and most important point is that I disagree with the repeal of Chapter 302B. The law has grown with the charter schools over the years and is comprehensive and well thought out. In fact, the new chapter retains 90% of 302B. The problem with the introduction of the new chapter is that it does not afford the charter school followers the advantage of seeing what is being stricken from 302B and what is added. I have been one of the followers of the statute 302B, and I had to read through the law to be able to find omissions. For instance, after several readings of the 75 pages of the proposed new chapter, I thought that the section of sports was omitted. I found it included on the bottom of page 66. In the ten or more years that I have been involved with charter schools, following changes to 302B has been way easier with statutory material to be repealed in brackets and struck through and new material underscored.

First of all, charter supporters worked for years to get some language in 302B that addressed facilities funding. In 2009, language was inserted in the law that said: “a calculation showing the per-pupil funding based on the department of budget and finance's debt service appropriation for the department of education divided by the department of education's actual enrollment that school year...” After significant work by a Facilities Financing Task Force, the law was changed in 2011 to read: “in preparing the budget request with regard to needs-based facilities funding, the executive director shall ensure that, as a budget item separate from other operating costs, the request is accompanied by a detailed explanation of the formula used and a funding request breakdown by school”. I find no mention of facilities mention in the new chapter. The lack of facilities funding for charter school remains one of the most glaring omissions in charter school funding and can impact the Race to the Top funding.

Four main changes are evident in the proposed new chapter: 1) Elimination of the Charter School Review Panel and the creation of the Charter School Commission; 2) changing the composition of Local School Boards; 3) phasing out the Charter School Administrative Office and the Executive Director; and 4) Creating performance contracts instead of the Detailed Implementation Plan (as a contract).

From the description of the new Charter School chapter, the Panel is being replaced by a Commission which will not have the same stakeholder make-up as the Panel. The Commission will be staffed with an Executive Director, five other directors and four to five other staff members. This could amount to a lot of money and should be included as a line item separate (not taking from) per pupil funding.

The other change is to the make-up of charter's Local School Boards which will be called Governing Boards. The law will change the stakeholder percentage to 30% of employees of the school. That will mean that on our Governing Board of nine directors, there will be only two members allowed as employees at the school. As the one administrator at our school, I would be a natural person to represent the school. Teachers and staff would be represented by one person. These stakeholder groups provide valuable input into the continuous quality improvement of the school. I also looked at the consideration given to governing board members and feel like getting that level of expertise in a rural community as a volunteer is unrealistic.

The change I disagree with the most is the removal of the CSAO and ED. We will be left without our own administrative support system and worse, no single (the buck stops here) person to speak for charter schools collectively. Small schools with small operation budgets contributed their 2% to an entity that built economy of scale for their administrative support. Imagine a small school with 40 students and a State budget of \$240K that would contribute \$4.8K to the CSAO for administrative support would now have a huge burden on their hands. Think too of the many steps (11 in all) it takes the CSAO to extract budget items from the FMS system and convert it to a transferable medium to the schools. Who would be that person at the individual charters that could do that task? Could the individual DOE schools operate without a central administrative system? Could the DOE operate without a superintendent? For the same reasons you answered no on these questions, is why charters need a central support system.

The last addition which is the performance contracts, I have only one concern with: the time for 32 charters to negotiate their performance contracts. If it takes years to complete all 32 contracts, what will be in place in the interim?

Overall, I have a feeling that the saying: "throwing out the baby with the bath water" fits this situation. Yes, we need to improve the law and the governance and operations. But how are the children doing overall? What will be the impacts on them with this sweeping overhaul? Please consider making amendments and not repeal 302B as we know it.

Thank you for this opportunity to testify.

Steve Hirakami

Director, Hawaii Academy of Arts & Science PCS

**Erin Conner**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 3:22 PM  
**To:** EDU Testimony  
**Cc:** kaipo\_kealoha@yahoo.com  
**Subject:** Testimony for SB2115 on 2/1/2012 1:15:00 PM

Testimony for EDU 2/1/2012 1:15:00 PM SB2115

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Chris Gates  
Organization: Individual  
E-mail: [kaipo\\_kealoha@yahoo.com](mailto:kaipo_kealoha@yahoo.com)  
Submitted on: 1/31/2012

**Comments:**

Charter schools in my area achieve above the DOE schools in this area with the same student bodies. Don't mess with a system that is working better than the DOE.

## Erin Conner

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 4:47 PM  
**To:** EDU Testimony  
**Cc:** hikimiller@yahoo.com  
**Subject:** Testimony for SB2115 on 2/1/2012 1:15:00 PM

Testimony for EDU 2/1/2012 1:15:00 PM SB2115

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Kim Miller  
Organization: Individual  
E-mail: [hikimiller@yahoo.com](mailto:hikimiller@yahoo.com)  
Submitted on: 1/31/2012

### Comments:

I am opposed to SB 2115, SB 2116, SB 2010, and SB 2008 which would reorganize the governance and oversight of Hawaii State Public Charter Schools to be under the DOE and would redefine the role and membership of local school boards. It is the mandate of public charter schools to be innovative in offering alternative teaching methodologies, more personalized educational plans for students, and integration of curriculum in meaningful ways for students. The public charter school movement came from the public's demand for this, as well as from recognition that significant innovation was difficult within the DOE. Appropriate oversight of innovation needs to come from a culture that values innovation, which is precisely what Superintendent Matayoshi has stated is part of the intrinsic value of public charter schools: the ability of charter schools to do things differently is bringing new and effective models of education to DOE schools. There is a mistaken belief among some that charter schools "get away" with things and don't need to follow state mandates for student progress and growth and financial responsibility and accountability. In fact, charter schools are held to a higher degree of accountability than regular DOE schools with required yearly financial audits, yearly progress reports, ongoing evaluation of teacher effectiveness, and regular review of the detailed implementation plan - in addition to the measures of accountability under NCLB such as hiring and maintaining highly qualified teachers and meeting annual yearly progress on state testing. The current CSAO is doing an excellent job overseeing and advocating for Hawaii's public schools and supporting administrators, business managers, and local school boards to be up-to-date and compliant with state requirements. To place oversight under the DOE and to redefine the role and membership of the local school boards would be a significant step towards dismantling charter schools in Hawaii - a step that our currently failing educational system cannot afford.

Star Carlin  
Po Box 651  
Mountain View, HI 96771  
1/31/2012

Hawaii State Senate  
Honolulu, HI

To the Honorable Members of the Education Committee,

I am a teacher at the Volcano School of Arts and Sciences, a Public Charter School. Our students are successful, we are in good standing with NCLB, and our school has received accreditation from WASC.

I am writing to ask you to vote no on SB2115 and SB2116 because I believe this change in the governance of charter schools would have a negative impact on all charter schools. Charter schools were created to allow for schools that practice innovation and meet the needs of individual communities. The Department of Education is a large organization charged with educating most of the students in Hawaii and thus the mission of their organization is not compatible with creating small community centered schools. I also question shifting the governance of charter schools to the authority of an organization which has been antagonistic to the survival and success of charter schools. The Department of Education has a history of treating charter schools, and charter school students, with policies and procedures that result in inequities in funding, staffing and facilities.

I believe that charter schools need an independent governing authority in order to be successful. Mahalo for reading my testimony.

Respectfully,

Star Carlin

Testimony for EDU 2/1/2012 1:15:00 PM SB2115

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Lisa Barnard  
Organization: Individual  
E-mail: [barnard\\_lisa@yahoo.com](mailto:barnard_lisa@yahoo.com)  
Submitted on: 2/1/2012

Honorable Senators:

I understand that the intention of this bill is to dissolve the CSAO and put charter schools under the governance of the DOE. This measure is contrary to the intention of charter schools in the first place. Educational reform is difficult enough without stifling it in its infancy. Hawaii's children deserve better than their current educational options.

I am a parent of a student who has attended The Volcano School of Arts & Sciences K-8 and is now attending Hawaii Academy of Arts & Sciences in 9<sup>th</sup> grade (after a brief trial in a DOE high school). The DOE school was not a healthy environment for students or teachers, and certainly not a place conducive to learning.

Lisa Barnard



**Erin Conner**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 11:45 PM  
**To:** EDU Testimony  
**Cc:** info@schha.com  
**Subject:** Testimony for SB2115 on 2/1/2012 1:15:00 PM

Testimony for EDU 2/1/2012 1:15:00 PM SB2115

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Annie Au Hoon  
Organization: Individual  
E-mail: [info@schha.com](mailto:info@schha.com)  
Submitted on: 1/31/2012

Comments:  
LSB Member, Support with Reservations