



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

Wednesday, March 14, 2012, 2:10 PM
State Capitol Room 309

Testimony of
NEIL ABERCROMBIE
Governor, State of Hawaii

To the House Committee on Education
Representative Roy Takumi, Chair, Education Committee
Representative Della Au Belatti, Vice Chair, Education Committee

SB 2116 SD 2 - Relating to Charter Schools

Chair Takumi, Vice Chair Belatti, and members of the Committee:

Thank you for the opportunity to testify in support of SB 2116 SD2.

SB 2116 SD2 provides for a transition to implement provisions of SB 2115. The Senate Draft 2 makes some clarifying and technical amendments but does not change the purpose or function of the bill. I support the revisions proposed by SB 2115 to clarify and strengthen accountability and governance of our public charter schools, and SB 2116 SD2 provides for an orderly and thoughtful execution of changes in the structures and expectations related to our public charter school system.

Thank you for your consideration.



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TESTIMONY
OF
AARON S. FUJIOKA
ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE
HOUSE COMMITTEE
ON
EDUCATION

March 14, 2012

2:10 p.m.

SB 2116, SD2

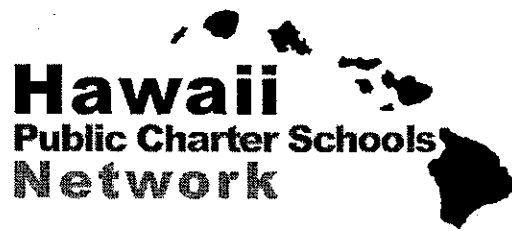
RELATING TO CHARTER SCHOOLS.

Chair Takumi, Vice-Chair Belatti and committee members, thank you for the opportunity to submit testimony on SB 2116, SD2. SECTION 2 of the bill allows an exemption from HRS chapter 103D, Hawaii Public Procurement Code, for contracting of the implementation and transition coordinator.

The State Procurement Office (SPO) is opposed to this exemption. The bill identifies the scope of work, preferred experience and abilities of the implementation and transition coordinator which the department can incorporate into a request for proposals, pursuant to HRS section 103D-303, competitive sealed proposals (CSP).

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 SPO opposes the language on page 6, lines 4 to 6, paragraph (e). Thank you.



Hawaii State House of Representatives
Committees on Education and Labor & Public Employment

DATE: Wednesday, March 14, 2012
TIME: 2:15 p.m.
PLACE: Conference Room 309
State Capitol

Chair Takumi, Vice Chair Belatti, Chair Rhoads, Vice Chair Yamashita and members of the Education and Labor and Public Employment Committees,

Re: SB2115 SD2 & SB2116 SD2, 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. The Network's Board of Directors and membership have not been able to meet to review the changes reflected in SD2. We are scheduled to meet tomorrow, March 15.

Please consider the following comments/suggestions for amendments:

SB2115 SD2

Section 1, pg7, 12 -

Although this item seeks to clarify the board's responsibility to consider which of its policies are deemed applicable to the charter schools, the concern is that certain policies could force a charter school to operate in conflict with a charter school's contract or its charter.

Section 5, pg17, e -

Possible concerns with the immunity from civil and criminal liability.

Section 10, pg21, b -

Discussion occurred in the CSGAATF that Authorizers should not be providing technical assistance to charter schools as it creates conflicts of interest and gray area. Although there is language in this bill creating reporting mechanism and language for potential conflict of interest situations, an authorizers oversight is overarching and would leave virtually every technical support a potential conflict.

Section 28, pg62, 1 -

Schools have mentioned not receiving A+ program services or money from the department.

SB2116 SD2

Add to Transition Coordinator responsibilities "to create and assist a workgroup consisting of representatives from the DOE, Commission, CSAO and charter schools to implement (SB 2115 SD2, Section 28, c - Money follows the student).

Adequate funding to support the Transition Coordinator's lengthy list of responsibilities.

Conclusion

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. **Please consider funding the needs based facilities request made by the CSAO on behalf of the schools.**

There are a number of national funding models to support charter school students that would significantly improve support 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.

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.

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.



Lynn Finnegan
Executive Director



SB 2116, SD 2
RELATING TO CHARTER SCHOOLS
House Committee on Education

March 14, 2012

2:10 p.m.

Room 309

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB 2116, SD 2, which requires the board of education to contract for an implementation and transition coordinator to assist with the implementation of S.B. 2115, which OHA also supports.

This bill strengthens the accountability and governance of our public charter schools and provides for a smooth transition. This transition will require planning and coordination to manage the complex structures and processes necessary to produce a quality charter school system. OHA believes the transition coordinator is necessary to implement S.B. 2115.

Therefore, OHA urges the committee to PASS SB 2116 SD 2. Mahalo for the opportunity to testify on this important measure.



Ho'okāko'o Corporation

Testimony to the House Committee on Education
Representative Roy Takumi, Chair
Representative Della Au Bellati, Vice Chair
Re: SB 2115 & SB 2116 SD2 – Relating to Charter Schools

Wednesday, March 14, 2012, 2:10 p.m.
State Capitol, Conference Room 309

Honorable Chair Takumi, Vice Chair Au Belatti, and Members of the Committee:

As the representative of Ho'okako'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). Among the more critical issues addressed on this Task Force were: strong governance models, meaningful accountability, and increased flexibility and autonomy of charter schools and closer alignment to national charter school systems. For ten years, HC has engaged our community-based, conversion charter schools in innovative teaching and learning opportunities that set high expectations for student outcomes. We feel that this bill is a meaningful step towards addressing these priorities as a state system.

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:

1. HC strongly supports the introduction of 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.

2. HC supports the new charter school governance model that is closely aligned to that of the National Charter School Model Law and reconstitution of the Charter School 'Commission'. 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.
3. HC supports the renaming and reconstitution of the Local School Boards, especially as it relates to increased accountability for governing bodies. This language also strengthens the autonomy with which boards govern charter schools in their local communities.
4. The definition of "organizational viability" has been amended in Section 2, §-1 to include requirements that a charter school "complies with all board policies deemed applicable to charter schools by the board." HC requests further clarification regarding specifically which policies shall be applicable to charter schools and how the policies shall be applied.
5. The establishment of the Charter School Administrative Office (CSAO) shall be repealed on July 1, 2013. HC requests further clarification regarding how charter schools can acquire technical administrative assistance formerly provided by the CSAO.

HC is committed to driving student success, effective teaching methods, and creating positive environments in which all charter schools may flourish. Thank you for the opportunity to testify on this measure.

Respectfully,



Megan McCorrison
Executive Director



KANU O KA 'ĀINA LEARNING 'OHANA

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Testimony as of March 14, 2012
SB2115 and SB2116
EDN/LAB

WEDNESDAY, MARCH, 14, 2012
House Conference Room, 2:10pm

Aloha,

Rep. Roy M. Takumi, Chair
Rep. Della Au Belatti, Vice Chair

Rep. Karl Rhoads, Chair
Rep. Kyle T. Yamashita, Vice Chair

and members of the committee:

My name is Taffi Wise, testifying on behalf of Kanu o ka 'Aina NCPCS a member of Na Lei Na'auao & HPCSN.

Thank you for allowing me to share the school level perspective of SB2115 SD2 and SD2116 SD2.

The following are my requests regarding the existing language:

1. Section 28 (Funding and finance) please consider not limiting the *allocation*, *clarity of formula*, and *distributing formula* to the "general fund" money and include the federal funding too. As evidenced by the "equity study" led by Senator Takamine in 2009-2010 the social justice issue of funding in Hawai'i stems from an inappropriate distribution of federal funds with the status of one LEA/SEA as the justification/excuse. The allocation of federal funds needs to be added to the language so all qualified and eligible students are able to receive their fair share.

2. 28 (Funding and finance), with regard to the following expert:

Include all general fund regular education cost categories, including comprehensive school support services, but excluding special education services, adult education, and the after-school plus program; provided that these services are provided and funded by the department; and

Kanu has been repeatedly denied access to services and funding for afterschool programs specifically A+ and Adult Education, yet it remains excluded from the "general fund allocation".



KANU O KA 'ĀINA LEARNING 'OHANA

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3. 28 (Funding and finance), I would also request a timely disbursement of funds no matter what category of funding. No office should be holding state or federal funds until the end of the school year in which the child should be benefiting from the resources, please consider the following language.

Provide the remaining ten per cent of a charter school's per-pupil allocation and all federal funding by January 31 of each year;

4. Please consider removing the CSAO criteria as recently put back into SD2. The charter schools through the CSRP have PAID OFF five CSAO Executive Directors. The following contradictory language will create another "set up to pay off" scenario.

SECTION 3. (a) There is established a charter school administrative office...The state public charter school commission shall hire the executive director, who may be contracted for a term of up to four years; shall offer the executive director a written contract; and may terminate the executive director's contract only for cause. The executive director, with the approval of the state public charter school commission, may hire necessary staff without regard to chapters 76 and 89, Hawaii Revised Statutes, to assist in the administration of the office... vs ...the Description which states ...Maintains the charter school administrative office until July 1, 2013.

The neutral and expert NACSA report diligently used by the Task Force has outlined an "Administrative Director" position; perhaps this position should be filled with more priority to accommodate any concerns regarding the transition.

5. **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.
6. 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.



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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.

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



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**Testimony to the House Committees on Education and on Labor and Public
Employment**

Wednesday, March 14, 2012

2:10 p.m.

Conference Room 309

**RE: Relating to Charter Schools – Senate Bill 2115 S.D. 2, Senate Bill 2116
S.D. 2**

Chairs Takumi and Rhoads, Vice Chairs Au Bellati and Yamashita, and Members of the Committees:

My name is Gary Kai and I am the Executive Director of the Hawaii Business Roundtable. The Hawaii Business Roundtable supports SB 2115 S.D. 2 which establishes a new chapter governing charter schools based on the recommendations of the Charter School Governance, Accountability, and Authority Task Force and SB 2116 S.D. 2 which requires the Board of Education to contract for an implementation and transition coordinator to assist with the implementation of the new governing chapter. We would like to commend the Task Force Co-chairs, Senator Jill Tokuda and Representative Della Au Belatti and their members for their efforts to improve the quality of Charter Schools in Hawaii. Their efforts will raise the quality of education for thousands of our children who attend and will attend charter schools.

The new chapter addresses many issues that we strongly support. We feel that performance based contracts with charter schools defining the responsibilities of the school and setting levels of student performance are very important. We also feel that this legislation helps to clarify the roles of all of the stakeholders in our charter school system which is essential in moving the system forward. While further refinements and discussions will take place, as can be expected with an issue so complex, this legislation is a very positive step forward for our charter schools.

The members of the Hawaii Business Roundtable are prepared to be a part of, and support the legislative vision for our charter schools and ultimately for our children.

Thank you very much for the opportunity to testify.

Gary K. Kai, Executive Director
Hawaii Business Roundtable