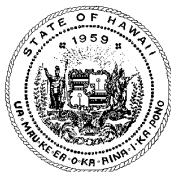


SB2116

Charter Schools;

BOE; \$

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 2116 - 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 2116.

SB 2116 provides for a transition to implement provisions of SB 2115. I support the revisions proposed by SB 2115 to clarify and strengthen accountability and governance of our public charter schools, and SB 2116 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.

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.



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

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 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.
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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 |
|--|---|--------------|--------|---------------|
| 1) No Caps, whereby: | | 4 | 3 | 12 |
| 1A. No limits are placed on the number of public charter schools or students (and no geographic limits). | No Yes | | | |
| 1B. If caps exist, adequate room for growth. | Some N/A | | | |
| 2) A Variety of Public Charter Schools Allowed, including: | | 4 | 1 | 4 |
| 2A. New start-ups. | Yes | | | |
| 2B. Public school conversions. | Yes | | | |
| 2C. Virtual schools. | Yes | | | |
| 3) Multiple Authorizers Available, including: | | 0 | 3 | 0 |
| 3A. Two viable authorizing options for each applicant with direct application allowed to each authorizing option. | No | | | |
| 4) Authorizer & Overall Program Accountability System Required, including: | | 4 | 3 | 12 |
| 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. | N/A Yes | | | |
| 4C. Authorizer submission of annual report, which summarizes the agency’s authorizing activities as well as the performance of its school portfolio. | No Yes | | | |
| 4D. A regular review process by authorizer oversight body. | Yes No | | | |
| 4E. Authorizer oversight body with authority to sanction authorizers, including removal of authorizer right to approve schools. | Yes No | | | |

| | | | | |
|---|--------------------------|---|---|---|
| 4F. Periodic formal evaluation of overall state charter school program and outcomes. | <u>Yes</u> No | | | |
| 5) Adequate Authorizer Funding, including: | | 2 | 2 | 4 |
| 5A. Adequate funding from authorizing fees (or other sources). | <u>No</u> Yes | | | |
| 5B. Guaranteed funding from authorizing fees (or from sources not subject to annual legislative appropriations). | <u>Yes</u> No | | | |
| 5C. Requirement to publicly report detailed authorizer expenditures. | <u>No</u> Yes | | | |
| 5D. Separate contract for any services purchased from an authorizer by a school. | <u>No</u> Yes | | | |
| 5E. Prohibition on authorizers requiring schools to purchase services from them. | <u>No</u> Yes | | | |
| 6) Transparent Charter Application, Review, and Decision-making Processes, including: | | 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 | | | |
| 7) Performance-Based Charter Contracts Required, with such contracts: | | 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). | YesSome | | | |
| 7D. Providing an initial term of five operating years (or a longer term with periodic high-stakes reviews). | YesSome | | | |
| 7E. Including requirements addressing the unique environments of virtual schools, if applicable. | No | | | |
| 8) Comprehensive Charter School Monitoring and Data Collection Processes, including: | | 43 | 4 | 1216 |
| 8A. The collection and analysis of student outcome data at least annually by authorizers (consistent with performance framework outlined in the contract). | SomeYes | | | |
| 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. | YesNo | | | |
| 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 | | | |
| 9) Clear Processes for Renewal, Nonrenewal, and Revocation Decisions, including: | | 31 | 4 | 412 |
| 9A. Authorizer must issue school performance renewal reports to schools whose charter will expire the following year. | YesNo | | | |
| 9B. Schools seeking renewal must apply for it. | YesNo | | | |
| 9C. Authorizers must issue renewal application guidance that provides an opportunity for schools to augment their performance record and discuss improvements and future plans. | NoYes | | | |

| | | | | |
|---|-------------------------|---|---|---|
| 9D. Clear criteria for renewal and nonrenewal/revocation. | YesSome | | | |
| 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). | YesNo | | | |
| 9F. Authorizer authority to vary length of charter renewal contract terms based on performance or other issues. | YesNo | | | |
| 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. | YesSome | | | |
| 10) Educational Service Providers Allowed, including: | | 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 | | | |
| 11) Fiscally and Legally Autonomous Schools, with Independent Public Charter School Boards, including: | | 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 | | | |
| 12) Clear Student Recruitment, Enrollment and Lottery Procedures, including: | | 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 | | | |
| 13) Automatic Exemptions from Most State and District Laws and Regulations, including: | | 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 | | | |
| 14) Automatic Collective Bargaining Exemption, whereby: | | 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 | | | |
| 15) Multi-School Charter Contracts and/or Multi-Charter Contract Boards Allowed, whereby an independent public charter school board may: | | 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 | | | |
| 16) Extra-Curricular and Interscholastic Activities Eligibility and Access, whereby: | | 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 | | | |
| 17) Clear Identification of Special Education Responsibilities, including: | | 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 | | | |
| 18) Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding, including: | | <u>10</u> | 3 | <u>03</u> |
| 18A. Equitable operational funding statutorily driven. | Some No | | | |
| 18B. Equal access to all applicable categorical federal and state funding, and clear guidance on the pass-through of such funds. | Some No | | | |
| 18C. Funding for transportation similar to school districts. | No | | | |
| 19) Equitable Access to Capital Funding and Facilities, including: | | 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 | | | |
| 20) Access to Relevant Employee Retirement Systems, whereby: | | 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.

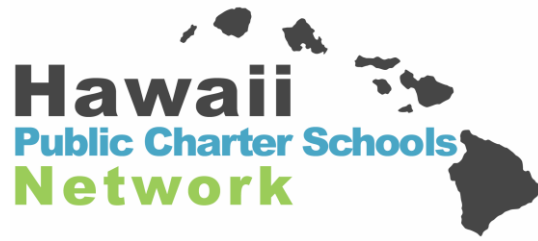
I realize that some in Hawaii worry about where technical assistance will come from. Throughout the country, we've seen very creative responses to this need. Sometimes schools work together to create collaboration on issues such as special education, transportation, accounting, etc. Sometimes individual 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.



Hawaii State Senate
Committee on Education

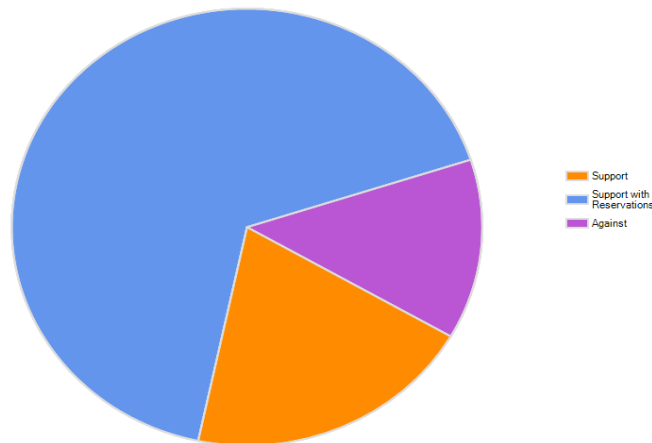
DATE: Wednesday, February 01, 2012
TIME: 1:15 p.m.
PLACE: Conference Room 225
State Capitol

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



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 2116 RELATING TO CHARTER SCHOOLS

Position: Support with Reservations

Chair Tokuda, Vice Chair Kidani, and members of the Senate Committee on Education, thank you for this opportunity to provide testimony on SB 2116.

My name is Donald Young. I am Director of the Hawai'i Educational Policy Center. HEPC supports SB 2116 with reservations.

The purpose of this bill is to require the Hawai'i State Board of Education to contract for an implementation and transition coordinator to assist in creating a comprehensive transition framework to implement the recommendations of the Charter Schools Task Force, included in S.B. No., Regular Session of 2012.

HEPC supports the need for careful transition from the current law to the major revisions of SB 2115 should it pass as introduced. Clearly, SB 2115 represents a major revision for the charter community and the support system for the 32 charter schools. However, we have some concerns. These include

1. Because the scope of the work will be extensive and ongoing it may be more appropriate for the Hawai'i State Board of Education to hire someone to conduct this work as well as strengthen relationships with the new Commission, Charter Schools, and other departments. While a consultant can produce a product, the importance and scope of the work is so crucial for the implementation of SB 2115 that there needs to be more accountability built into what is likely to be a two- or three-year effort. It is evident from SB 2115 that the Commission itself will be prohibited from providing technical assistance to charters, and the elimination of the Charter School Administrative Office and its director will leave a great deal of liaison work to chance. There also could be a conflict of interest with some organizations or individuals who might bid on the contract.

2. It is not clear what the role of the national organizations should be with such a contract. Clearly, they have contributed to the final product, but what the Legislature envisions for their continuing role, and whether their views of an ideal system is consistent with Hawai'i's views remains to be seen. (For example, several national organizations have been very clear in their opposition to the application of collective bargaining in schools. They are predisposed to favor outsourcing as many governance functions as possible. This might create tension and conflicts with our public sector unions.) It appears that if transitional efforts are implemented through a contract, national organizations or others involved in developing a request for proposals could potentially become bidders on that contract. This could be a conflict. We also are not clear if an entity in Hawai'i, such as our College of Education or another unit of the University, could bid on such a contract.
3. There will be uneven impact on charter schools by the elimination of the CSAO and its executive director as a charter schools advocate. There are many charters who are dependent on the services of the current support structure, as well as the leadership provided by the CSAO executive director on policy issues. Therefore, we would like to see some capacity for support and advocacy in the state system, and perhaps this is best placed under the Board of Education as permanent staff.

Thank you for the opportunity to provide this testimony.

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 Ka'eo**
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)

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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;

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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

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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*



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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.



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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.

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



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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"*
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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**



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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



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

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
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

Erin Conner

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2012 11:46 PM
To: EDU Testimony
Cc: info@schha.com
Subject: Testimony for SB2116 on 2/1/2012 1:15:00 PM

Testimony for EDU 2/1/2012 1:15:00 PM SB2116

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

Comments:
LSB Member, Support with Reservations