



**STATE OF HAWAII
BOARD OF EDUCATION**
P.O. BOX 2360
HONOLULU, HAWAII 96804

House Committee on Finance

Thursday, February 25, 2016
11:00 A.M.
Hawaii State Capitol, Room 308

House Bill 2205, HD1, Relating to Charter Schools

Dear Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

The Board of Education ("Board") is testifying in opposition of House Bill 2205 HD1, which would, among other things, establish additional requirements for charter school governing board meetings and exempt the State Public Charter School Commission ("Commission") from certain public meeting requirements.

The Board believes the interests of the public and charter school students would best be served by this Committee indefinitely deferring this measure. An earlier draft of this measure would have allowed the Commission to adopt interim rules for 18 months and forego the formal promulgation of administrative rules. While the Board appreciates the removal of that provision, the remaining provisions range from unnecessary to unacceptable.

Section 1 would clarify that authorizers should not provide technical support to charter school applicants. While the Board does not object to this provision, the Board believes the provision is not necessary, and it should not be used as a justification for keeping this measure alive.

Section 2 would place additional requirements on charter school governing boards for posting of meeting documents. The current requirements are sufficient to protect the interests of charter school stakeholders and the public. The Board believes it is unnecessary to impose additional requirements. The Commission should focus its efforts on the current statutory requirements.

Section 3 would provide protections to some applicant governing boards. Applicant governing boards are not government entities until their applications are approved by the Commission and they execute charter contracts. This provision seems contrary to wise public policy.

Section 4 would essentially exempt the Commission's decision-making process regarding revocation and nonrenewal of charter contracts from Chapter 91, Hawaii Revised Statutes. Revocation and nonrenewal are the most significant and high stakes decisions the Commission can make. Transparency and due process are especially important for all concerned during Commission decision-making on these and related decisions. The Board urges this Committee to refrain from approving this provision in any form.

Section 5 would clarify that charter schools are permitted to charge certain fees. This provision is unnecessary as charter schools already have the ability to collect fees for co-curricular activities, and this proposal should not be used as a reason to keep this measure alive.

Section 6 would exempt conversion charter schools from the Department of Education's geographic exceptions procedures and allow them to establish enrollment preferences for students not located within the respective school's geographic service area. The Board is not aware of problems with the current provision that would warrant a change in the statute.

Section 7 would explicitly include the Commission as a board that exercises adjudicatory functions in matters it has already decided upon in a public meeting. The Board objects to this provision and notes that the Board itself is not explicitly included on the list to which this measure would add the Commission. This provision would potentially allow the Commission to claim that it was making certain high stakes decisions about charter schools in private due to its "adjudicatory functions."

In summary, the Board believes there is no reason for this measure to move forward and respectfully requests that this Committee defer HB 2205 HD1 indefinitely.

Thank you for this opportunity to testify on behalf of the Board.

Very truly yours,

A handwritten signature in cursive script that reads "Lance A. Mizumoto". The signature is written in black ink and is positioned above the printed name and title.

Lance A. Mizumoto
Chairperson

DAVID Y. IGE
GOVERNOR



CATHERINE PAYNE
CHAIRPERSON

STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
('AHA KULA HO'ĀMANA)

<http://CharterCommission.Hawaii.Gov>
1111 Bishop Street, Suite 516, Honolulu, Hawaii 96813
Tel: (808) 586-3775 Fax: (808) 586-3776

FOR: HB 2205 HD1 Relating to Charter Schools
DATE: Thursday, February 25, 2016
TIME: 11:00 AM
COMMITTEE(S): House Committee on Finance
ROOM: Conference Room 308
FROM: Tom Hutton, Executive Director
State Public Charter School Commission

Testimony in support of HB 2205 HD1

Chair Luke, Vice Chair Nishimoto, and members of the Committee:

The State Public Charter School Commission appreciates the opportunity to submit this testimony in support of House Bill 2250 House Draft 1, "Relating to Charter Schools," which makes clarifying and conforming amendments to the statutory provisions governing charter schools. We are grateful to Chair Takumi and Vice Chair Ohno for their sponsorship of the bill and for their cooperation and assistance in amending the measure.

The proposed measure as amended would:

- Prohibit the Commission from providing technical support to prospective charter applicants that would directly and substantially impact its decision related to the approval or denial of the charter applications, similar to the statutory admonition to the Commission regarding its oversight role as to current charter schools;
- Provide charter school governing boards more flexibility regarding the deadline for the posting of meeting agendas, minutes, and membership, as well as some minimal guidance regarding the quality of such disclosures to better ensure greater public transparency;

- Provide the same protections to a nonprofit organization that serves as a charter school's governing board as are afforded to other governing boards;
- Specify that the procedural requirements for Commission hearings are those already set forth in the charter school statute, including the right to legal representation, to present witnesses, etc., and not other requirements for contested case hearings set forth in Chapter 91, Hawaii Revised Statutes, or in other sources of law not specific to charter schools and charter school authorizers;
- Expressly allow charter schools to assess special fees and charges for co-curricular activities, to parallel the department of education's statute;
- Allow conversion charter schools (*i.e.*, former DOE schools, which remain the default neighborhood public school for their assigned attendance districts) to apply enrollment preferences, if they have any, to those enrollment seats remaining available after all students from within the school's attendance district have been admitted; and
- Expressly add the Commission to the non-exhaustive list of state agencies that are excluded from open meeting requirements of sections 91-8 and 91-9, HRS, when exercise a purely adjudicatory function, but, unlike for other agencies, limit this authority to matters on which the Commission already has made the decision in a public meeting.

These proposed provisions represent incremental but important refinements to the statutory framework governing Hawaii's public charter school sector.

Thank you for your consideration of this testimony.

A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

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

PART I

~~SECTION 1. Section 302D-3.5, Hawaii Revised Statutes, is amended to read as follows:~~

~~"~~[[§302D-3.5]]~~ **Rules.** Unless otherwise provided for in this chapter or chapter 302A, the commission may adopt rules pursuant to chapter 91 to administer and implement this chapter; provided that the board shall maintain exclusive [rule making] rulemaking authority over state educational policy[.]; and provided further that the commission may issue interim rules by commission directives that shall be exempt from the public notice, public hearing, and gubernatorial approval requirements of chapter 91. The interim rules shall not be effective for more than eighteen months."~~

SECTION ~~2~~ 1. Section 302D-5, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

"(g) An authorizer shall not provide technical support to a prospective charter school applicant, an applicant governing board, or a charter school it authorizes in cases where the technical support will directly and substantially impact any

authorizer decision related to the [~~authorization,~~] approval or denial of the charter application or the renewal, revocation, or nonrenewal of the charter [school-] contract. This subsection shall not apply to technical support that an authorizer is required to provide to a charter school pursuant to federal law."

SECTION ~~3~~ 2. Section 302D-12, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

"(h) Charter schools and their governing boards shall be exempt from the requirements of chapters 91 and 92. The governing boards shall:

- (1) Hold meetings open to the public;
- (2) [~~Make available~~] Post the notices and agendas of public meetings:
 - (A) At a publicly accessible area in the charter school's office so [~~as to be~~] they are available for review during regular business hours; and
 - (B) On the charter school's internet website, not less than six calendar days prior to the public meeting, unless a waiver is granted by the authorizer or authorizer's designee in the case of an emergency; [~~and~~]
- (3) Keep written minutes of all public meetings that shall include:

- (A) The date, time, and place of the meeting;
 - (B) The members of the board recorded as either present or absent;
 - (C) The substance of all matters proposed, discussed, and decided;
 - (D) The views of the participants;
 - (E) A record, by individual member, of any votes taken; and
 - (F) Any other information that any member of the board requests be included or reflected in the minutes;
- (4) Not be required to produce a full transcript or audio or video recording of any public meeting, unless otherwise required by law;
- [+3] (5) [~~Make available~~] Post the written minutes from public meetings:
- (A) At a publicly accessible area in the charter school's office so the minutes are available for review during regular business hours; and
 - (B) On the charter school's internet website, within [~~thirty days and maintain~~] sixty **calendar** days **after** the public meeting or **no less than** five **calendar** days **after** ~~prior to~~ the next public meeting, whichever is sooner; and

(6) Maintain a list of the current names and contact information of the governing board's members and officers:

(A) In the charter school's office so [~~as to be~~] it is available for review during regular business hours; and

(B) On the charter school's internet website."

SECTION 4 3. Section 302D-13, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Any community, department school, school community council, group of teachers, group of teachers and administrators, or nonprofit organization may submit a letter of intent to an authorizer to form a charter school and establish an applicant governing board. An applicant governing board may develop a charter application pursuant to this section; provided that:

- (1) An applicant governing board established by a community may develop a charter application for a start-up charter school;
- (2) An applicant governing board established by a department school or a school community council may develop a charter application for a conversion charter school;

- (3) An applicant governing board established by a group of teachers or a group of administrators may develop a charter application for a start-up or conversion charter school; and
- (4) A nonprofit organization may:
 - (A) Establish an applicant governing board that is separate from the nonprofit organization and develop a charter application for a start-up or conversion charter school; or
 - (B) Establish an applicant governing board that shall be the board of directors of the nonprofit organization and may develop a charter application for a conversion charter school; provided that any nonprofit organization that seeks to manage and operate a conversion charter school shall:
 - (i) Submit to the authorizer at the time of the charter application bylaws or policies that describe the manner in which business is conducted and policies that relate to the management of potential conflict of interest situations;
 - (ii) Have experience in the management and operation of public or private schools or,

to the extent necessary, agree to obtain appropriate services from another entity or entities possessing such experience; [~~and~~]

- (iii) Not interfere in the operations of the department school to be converted until otherwise authorized by the authorizer in consultation with the department[~~-~~]; and
- (iv) Have the same protections that are afforded to all other governing boards in its role as the conversion charter school governing board."

SECTION 5-4. Section 302D-18, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

"(h) An authorizer shall develop revocation and nonrenewal processes that:

- (1) Provide charter contract holders with a timely notification of the prospect of revocation or non-renewal and the reasons for such possible closure;
- (2) Allow charter contract holders a reasonable amount of time in which to prepare a response;
- (3) Provide charter contract holders with an opportunity to submit documents and give testimony challenging the rationale for closure and supporting the continuation of the school at an orderly proceeding held for that

purpose; provided that the proceeding shall be governed by the requirements set forth in this section and not additionally subject to requirements established for an agency hearing not be subject to under chapter 91;

- (4) Allow charter contract holders access to representation by counsel, subject to section 28-8.3, and to call witnesses on their behalf;
- (5) Permit the recording of proceedings described in paragraph (3); and
- (6) After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the charter contract holders."

SECTION **6 5**. Section 302D-28, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

"(h) No charter school may assess tuition[-]; provided that a charter school may assess and collect special fees and charges from students for co-curricular activities. Any special fees and charges collected pursuant to this subsection shall be deposited into insured checking or savings accounts and expended by each individual charter school."

SECTION **7 6**. Section 302D-34, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) A conversion charter school shall:

- (1) Enroll any student who resides within the school's former geographic service area pursuant to section 302A-1143, for the grades that were in place when the department school converted to a charter school; provided that the department may consult with a conversion charter school every three years to determine whether realignment of the charter school's service area is appropriate given population shifts and the department's overall service area reviews;
- ~~[(2) Follow the department's procedures regarding enrollment, including but not limited to geographic exceptions and enrollment preferences;]~~ and
- ~~[(3)]~~ (2) Be subject to subsection (b) for ~~[grades]~~:
- (A) Grades that were not in place when the school converted to a public charter school~~[-]~~; and
- (B) For any seats still available at the charter school after the enrollment of all students desiring to attend the charter school who reside within the school's former geographic service area pursuant to section 302A-1143."

PART II

SECTION **8 7**. Section 92-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

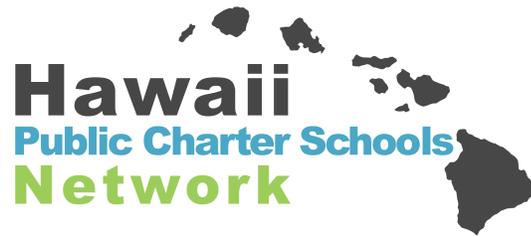
"(a) This part shall not apply:

- (1) To the judicial branch[-]; and
- (2) To adjudicatory functions exercised by a board and governed by sections 91-8 and 91-9, or authorized by other sections of the Hawaii Revised Statutes. In the application of this subsection, boards exercising adjudicatory functions include, but are not limited to, the following:
- (A) Hawaii labor relations board, chapters 89 and 377;
 - (B) Labor and industrial relations appeals board, chapter 371;
 - (C) Hawaii paroling authority, chapter 353;
 - (D) Civil service commission, chapter 26;
 - (E) Board of trustees, employees' retirement system of the State of Hawaii, chapter 88;
 - (F) Crime victim compensation commission, chapter 351;
- [and]
- (G) State ethics commission, chapter 84[-]; and
 - (H) The state public charter school commission, established pursuant to section 302D-3, as to a matter on which the commission already has rendered a decision in a public meeting notwithstanding any other law to the contrary."

PART III

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 10. This Act shall take effect upon its approval.



February 23, 2016

To: Honorable Sylvia Luke, Chair
Honorable Scott Nishimoto, Vice Chair
House Finance Committee

From: Jeannine Souki, Executive Director
Hawaii Public Charter Schools Network

Re: **HB 2205 HD1 – RELATING TO PUBLIC SCHOOLS – COMMENTS with SUGGESTED CHANGES**
Conference Room 306 – Hawaii State Capitol – Feb. 25, 2016 11:00 A.M.

On behalf of the Hawaii Public Charter School Network (HPCSN), we are writing to express concerns on HB 2205, HD1, Relating to Charter Schools and ask that the bill be deferred to allow collaboration between the Commission and charter schools to work out suggested policy changes that may be revisited the next session. However, should this legislation advance we are respectfully submitting suggested changes for your committee's consideration.

Act 130, Session Laws of Hawaii 2011, established a task force to address issues on charter school governance, accountability, and authority. In 2012, the legislature repealed previous charter school laws and adopted recommendations made by the Charter School Governance, Accountability, and Authority Task Force which provided a new Charter School Commission significant oversight authority and responsibility to ensure compliance of charter schools with applicable state and federal laws and also gave Charter School Governing Boards significant powers and duties to oversee the management and operations of charter schools. This effort was intended to establish clear roles and responsibilities for the charter schools sector and to balance accountability with providing innovative learning opportunities and creative educational approaches to improve the education of students.

In Section 4, the Commission is seeking an amendment to HRS Section 302D-18, to be exempted from the contested case procedures under HRS Chapter 91. We understand the purpose of this provision is to seek clarity on whether disputes on revocation or non-renewal of school contracts should be subject to contested case proceedings. HPCSN appreciates the need to have clarity in this process and further recommends that the request for exemption be rejected instead to allow further due process for the affected parties. Charter schools should be allowed to pursue contested case procedures in matters relating to disputes pertaining to a revocation or non-renewal of a charter school contracts.

We further recommend that both the Charter School Commission and the affected charter school should have full access to legal representation by the Attorney General in disputes on the revocation or non-renewal of their contracts.

In Section 7 of this bill, the Commission seeks to gain exemptions from HRS Chapter 92, from the Sunshine Law when engaged in adjudicatory functions. HPCSN respectfully disagrees with this provision as HRS Section 92-4, -5, allows the Commission to discuss personal or confidential matters in executive sessions. We respectfully request that this section be stricken from the bill.

HPCSN works to support public charter schools in Hawaii and to be a voice for children and families that seek choice in an independent public school setting.

Thank you for consideration of our comments. We appreciate the opportunity to provide testimony on behalf of HPCSN.



HAWAI'I EDUCATIONAL POLICY CENTER TESTIMONY

HOUSE COMMITTEE ON FINANCE
THURSDAY FEBRUARY 25
11 AM ROOM 308

RE HB 2205 H.D.1 RELATING TO CHARTER SCHOOLS

HEPC HAS SERIOUS CONCERNS REGARDING SECTIONS OF THIS BILL

Background

In previous hearings, the bill was met with much opposition among charter schools and other stakeholders. The content raises a number of important issues relating to transparency, due process, and public participation.

HEPC sees this proposed bill as part of a trend of other education bills seeking to remove educational decision making from openness and transparency. Determining the balance between functionality and public participation is an important public policy decision. Other bills would require more public access to agendas, documents, and presentations in education and other boards. This brief analysis is intended to highlight some of the debate, and suggest an agenda that favors public transparency and participation.

HEPC Analysis.

Section 1. Doubles down on the withholding of basic support for charter schools. The HIDEOE, and most public education systems, have created a three legged stool of structure and administration: (a) advocacy; (b) accountability; and (c) support to enhance success. With the most recent major amendments of the charter law, two of these three legs have been sawed off (advocacy and technical support) – under the theory that oversight should *never* include support. Our law was inspired by the National Association of Charter School Authorizers which rejects the usual public school management mission.

Section 1. prohibits the Commission from providing technical support for charter applicants, as well as existing charter governing boards. Although technical assistance is not well defined, it could easily include actions such as sharing important information. This existing section appears to allow some technical assistance, but on closer inspection there really is nothing of substance – such as federal requirements requiring an authorizer to provide services.

If the legislature wished to improve the flow of information and assistance to charters by its only state authorizer, it could consider deleting section 302D-5 (g) from the law.

~~(g) An authorizer shall not provide technical support to a charter school it authorizes in cases where the technical support will directly and substantially impact any authorizer decision related to the authorization, renewal, revocation, or nonrenewal of the charter school. This subsection shall not apply to technical support that an authorizer is required to provide to a charter school pursuant to federal law. [L 2012, c 130, pt of §2; am L 2013, c 159, §5; am L 2014, c 99, §5; am L 2015, c 114, §3]~~

An alternative would be to define “technical assistance” and the phrase: “directly and substantially impact any authorizer decision.” If the law is allowed to stand as is, with or with the proposed amendments in this bill, interpretations may become arbitrary, capricious, and ever changing. In fact, a recent Board of Education listening initiative found that the constantly changing accountability policies of the Commission were a major issue for charters.

Section 2. originally imposed reporting requirements on minutes of charter board meetings that might well discourage informal and open discussion and input from the charter school community. The most onerous language has been removed. Some generic information required to be available on line does improve the sharing of information and transparency.

Section 3. affords protections consistent with other governing boards.

Section 4. is by far the most troublesome.

Apart from voting and participating in legislative hearings, most citizen rights, due process, transparency and engagement are with agencies, boards, and departments. Democratic rights are guaranteed through our Sunshine law (Ch 92, the Administrative procedures law and rulemaking (Ch 91), as well as the ethics law and access to documents.

Section 4 exempts Charter Commission deliberations to close a school from the safeguards embedded in writing administrative rules under Chapter 91. It should be noted that Ch 91 includes procedures that incorporate Sunshine. This is one of most *un*-transparent proposals of this bill, and the draft offers no justification why the most consequential decisions of a Commission – the closing of a school – should operate from public view and participation.

If the Legislature wished to maintain openness, it could delete section 4 from the bill.

It should be noted that the Charter School Commission is perhaps the only state agency that can create another public agency (a charter school) or abolish it, without any approval or involvement of the Legislature.

Why the Commission would want to exempt itself from basic democratic safeguards is not clear.

Section 5. relates to the collection of special fees for student activities, and does not appear to impact on transparency.

Section 6. seeks to add outside controls for charter enrollments in conversion schools. It is not clear if this conflicts with other sections of the charter law that explicitly grants the administrative powers to run a school to its governing board.

Section 7 again chooses shadows vs. sunshine. PART II, Section 7 seeks to exempt the Commission from sections of Chapter 92 (Sunshine), placing it in the category of the Judiciary, and a variety of other specialized boards.

HEPC does not understand the desire of the Commission to be exempt.

In Conclusion, analysis and thoughtful examination of HB 2205 HD! opens an important discussion about how open, transparent, and participatory our State institutions should be.

Appendix I. Key Elements of Chapter 91.

HEPC GUIDE TO KEY SECTIONS OF HRS CHAPTER 91: ADMINISTRATIVE PROCEDURES

Various proposals to exempt agencies from Chapter 91 seek to remove a number of sections related to public participation and due process. Key public safeguards within Chapter 91 include provisions for public information; procedures for adoption of rules; publication of rules; the right of any citizen to petition for adoption, amendment or repeal of rules; the right to challenge rules in court; the procedures for contested case hearings. Current 2016 Legislative proposals include SB 2780 and HB 2205.

Section 91-2 summarizes several key elements of public information:

§91-2 Public information. (a) In addition to other rulemaking requirements imposed by law, each agency shall:

- (1) Adopt as a rule a description of the methods whereby the public may obtain information or make submittals or requests.
- (2) Adopt rules of practice, setting forth the nature and requirements of all formal and informal procedures available, and including a description of all forms and instructions used by the agency.
- (3) Make available for public inspection all rules and written statements of policy or interpretation formulated, adopted, or used by the agency in the discharge of its functions.

HAWAI'I EDUCATIONAL POLICY CENTER

1776 University Avenue, Castle Memorial Hall 133 • Honolulu, Hawai'i 96822

Dr. Jim Shon, Director Phone (808) 282-1509 • jshon@Hawaii.edu

<http://manoa.Hawaii.edu/hepc/>

- (4) Make available for public inspection all final opinions and orders.
- (b) No agency rule, order, or opinion shall be valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been published or made available for public inspection as herein required, except where a person has actual knowledge thereof.
- (c) Nothing in this section shall affect the confidentiality of records as provided by statute.

§91-2.6 Proposed rulemaking actions and rules; posting on the lieutenant governor's internet website ensures that all members of the public have access to proposed rules through postings on the lieutenant governor's web site. This is important because some agencies, boards and commissions are behind in their technical staff and web site postings.

§91-3 Procedure for adoption, amendment, or repeal of rules. This section ensures adequate notice of public hearings and availability of the contents of the proposed rules.

§91-4 Filing and taking effect of rules. This section ensures that rules, once adopted, are made readily available to the public.

§91-5 Publication of rules. This section ensures that state agencies, including charter schools, may receive free copies of the final rules.

§91-6 Petition for adoption, amendment or repeal of rules is crucial for public participation in the administrative rules regime. It allows anyone to petition the agency (the Commission) to adopt, amend, or repeal a rule. It applies the Sunshine law to the process, and thus exemption from this section also includes exemption from Chapter 9-3. It reads:

§91-6 Petition for adoption, amendment or repeal of rules. Any interested person may petition an agency requesting the adoption, amendment, or repeal of any rule stating reasons therefor. Each agency shall adopt rules prescribing the form for the petitions and the procedure for their submission, consideration, and disposition. Upon submission of the petition, the agency shall within thirty days either deny the petition in writing, stating its reasons for the denial or initiate proceedings in accordance with section 91-3.

§91-7 Declaratory judgment on validity of rules. This section allows citizens to challenge rules in court.

§91-8 Declaratory rulings by agencies. This section allows citizens to petition for a ruling as to applicability of an adopted administrative rule to an agency action.

§91-8 Declaratory rulings by agencies. This section encourages the incorporation in rules encouragement for mediation.

§91-9 Contested cases; notice; hearing; records. This section sets out various safeguards for contested case hearings, including the application of the Sunshine law to the process

§91-9.5 Notification of hearing; service. This section requires proper notification of hearings.

§91-10 Rules of evidence; official notice. This section lays out the process, rules of evidence and procedures in a contested case hearing.

§91-12 Decisions and orders. This section requires separate findings of fact and law in a decision or order. They cannot be arbitrary or capricious.

Summary

HEPC encourages all policy makers take into consideration these provisions when considering exempting any agency, board or commission from Chapter 91. HEPC also expresses a concern that should any agency receive a new exemption, others may seek the same – which would only diminish the public safeguards embedded in Chapter 91.

HAWAI‘I EDUCATIONAL POLICY CENTER

1776 University Avenue, Castle Memorial Hall 133 • Honolulu, Hawai‘i 96822

Dr. Jim Shon, Director Phone (808) 282-1509 • jshon@Hawai'i.edu

<http://manoa.Hawai'i.edu/hepc/>



HB2205 HD1
RELATING TO CHARTER SCHOOLS
House Committee on Finance

February 25, 2016

11:00 a.m.

Room 308

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on HB2205 HD1, which, among other provisions, exempts charter school revocation and nonrenewal processes from the agency hearing requirements under Hawai‘i Revised Statutes (HRS) Chapter 91, and exempts the State Public Charter School Commission (Commission) from the Sunshine Law requirements of HRS Chapter 92 for certain matters.

Given the Commission’s potential to significantly impact the education of our public charter school students, including those enrolled in Hawaiian-focused or Hawaiian language charter schools, HB2205 HD1 continues to raise due process and procedural concerns. **OHA respectfully requests that Sections 4 and 7 of this measure be deleted, or that this measure be deferred to allow outreach between the Commission, charter schools, and the State Board of Education as appropriate.**

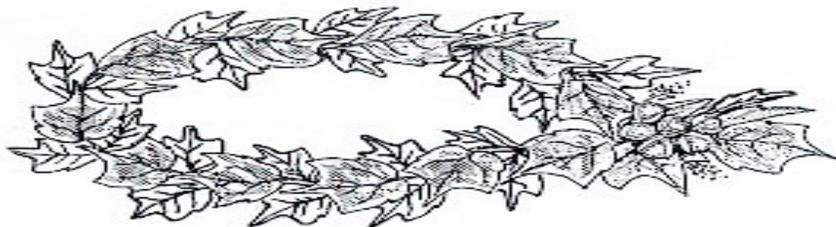
There are several reasons for this request. The State Board of Education (“BOE”) conducted a Listening Tour in November and December 2015, attended by charter school principals, governing board members, and stakeholders, related to concerns raised about the Commission. Subsequently, on January 19, 2016, the BOE unanimously approved a motion to assign three BOE members to an investigative committee to determine if a special review of the State Public Charter School Commission is warranted and, if so, to develop the process and procedures for such a review using nationally recognized principles and standards for quality charter authorizing, pursuant to Hawai‘i Revised Statutes Section 302D-11(c). OHA respectfully submits that this measure may be premature, in light of the BOE’s recent actions and ongoing investigation.

Further, Section 4 of this measure exempts charter revocation and nonrenewal proceedings from contested case procedures and due process protections provided under Chapter 91. Chapter 91 contested case proceedings, which include a number of procedural requirements such as recorded findings of fact and conclusions of law, are designed to provide fair and adequate due process to affected parties of agency decisions. In the case of charter revocation and charter nonrenewal, the due process procedures in HRS Chapter 91 may be critical to protecting the rights and interests of charter school students, parents, the 501(c)(3) non-profit arms of charter schools, private funders, and the State itself.

Moreover, Section 7 of this measure exempts the Commission from the open meeting requirements of HRS Chapter 92 when engaged in adjudicatory functions. Such a provision heightens the concerns raised by the contested case hearing exemptions of Section 4, by eliminating any opportunity for public notice or oversight in decisions that may affect the interests of individual public charter schools, as well as their students and stakeholders. The private and public interests in such adjudicatory actions counsel the retention of Chapter 92's open meeting requirements, which OHA notes already contain exceptions for executive sessions and discussions of personal or confidential matters. See HRS §§ 92-4, -5.

Finally, OHA notes that this measure's companion bill, SB2780, was heard by the Senate Education Committee on February 1, 2016. In response to opposition by public charter schools and stakeholders, the Senate Education Committee deferred decision-making to February 12, 2016, and urged the Commission to outreach with public charter schools in the interim. It is OHA's understanding that the requested outreach has still not taken place. During the hearing on SB2780, a member of the Hawai'i State Board of Education ("BOE"), in his individual capacity, also noted that Section 8 of SB2780 (reflected in Section 7 of HB2205 HD1), "would potentially allow the Commission to claim that it was making certain high stakes decisions about charter schools in private, due to its 'adjudicatory functions.' Unlike the Board of Education (which is NOT on the list to which this bill would add the Commission) the Commission does not handle appeals from agencies not under its direct control. The only appeals heard by the Commission are related to charter school applicants and charter schools. These types of appeals should not be termed 'adjudicatory' as they are part of the Commission's core responsibilities." The BOE member concluded that key provisions of SB2780 are highly objectionable and others are unnecessary, and recommended that the Committee hold SB2780.

For the foregoing reasons, OHA therefore urges the Committee to **DELETE** **SECTIONS 4 and 7** from HB2205 HD1. Mahalo nui for the opportunity to testify on this measure.



'A'ole pau ka 'ike i ka hula no'okahi

Connections Public Charter School

A Community, Business & Education Learning 'Ohana

Testimony Strongly Opposing House Bill 2205

Public Hearing on February 25, 2016 at 11:00 am

John Thatcher, Connections Public Charter School

Chairperson Luke, Vice-Chair Nishimoto and Members of the House Committee on Finance:

Thank you for this opportunity to testify regarding my strong opposition to House Bill 2205. This bill is both an assault on the autonomy of our charter schools and another attempt to endow the Commission with powers that undermine the public's ability to scrutinize and participate in decisions that may ultimately affect the very existence of charter schools in Hawai'i.

There are several provisions in this bill that are troubling. The State Public Charter School Commission is seeking exemptions from key provisions of the law that ensure fairness in applications of the law and the public right to participate in the formation of public policy. This bill is coalesced with provisions that appear beneficial to the charter schools in an attempt to conceal the actual intentions. The provisions in this bill pertaining to meetings by the governing boards of charter schools are an attempt to micromanage the charter schools, thus undermining their statutorily guaranteed autonomy. In light of the recent Board of Education scrutiny of the Commission and its staff, this bill appears to be retaliation for the recent Board of Education Listening Tour.

I am especially concerned with the Commission's request for an exemption from provisions of the Sunshine Law. The law (§302D-3) says, "Notwithstanding section 302D-25 and any law to the contrary, the commission shall be subject to chapter 92." The Commission's current administrative rules (§8-501-4) says "All meetings shall be conducted in accordance with chapter 92, Hawaii Revised Statutes." I question the Commission's need for an exemption to provisions of the law (specifically §92-6). This proposed exemption is especially troubling given the fact that there are at least two active Office of Information Practices (OIP) complaints against the Commission. On May 20, 2015, the Executive Director of the Commission received a letter from the OIP. Their staff attorney wrote, "The Office of Information Practices (OIP) has received an appeal from Mr. John Thatcher, concerning the State Public Charter School Commission (SPCSC) meeting held on May 14, 2015. Specifically, Mr. Thatcher asks whether the SPCSC violated Part I of chapter 92, Hawaii Revised Statutes (Sunshine Law), by considering Connections Public Charter School's (Connections) 'use of enrollment form 515-IOW or [Connections's] request for a written decision by the Hawaii State Public Charter School Commission regarding this matter,' even though the item was not on the agenda for the General Business Meeting held on May 14, 2015."

On July 7, 2015, I received an email from a staff attorney with the State of Hawaii Office of Information Practices. It said, "The Office of Information Practices (OIP) is in receipt of your e-mails dated June 20, 2015 and July 1, 2015, requesting a status update regarding S APPEAL 15-26. On June 5, 2015, OIP received the Department of the Attorney General's (AG) response, on behalf of the State Public Charter School Commission (Commission), to OIP's Notice of Appeal of Sunshine Law Complaint. This Response Letter dated June 3, 2015 indicates that the AG also provided you with a copy of the letter. Currently, OIP is experiencing a backlog of cases and is striving to complete work on the oldest appeals first. It could therefore be quite some time before work on these appeals are completed. For your information, any person may file a lawsuit to require compliance with or to prevent a violation of the Sunshine Law, or to determine the applicability of the Sunshine Law to discussions or decisions of a government board. Hawaii Revised Statutes (HRS) §92-12(c) (2012). The court may order payment of reasonable attorney fees and costs to the prevailing party in such a lawsuit. Where a final action of a board was taken in violation of the open meeting and notice requirements of the Sunshine Law, that action may be voided by the court. HRS §92-11 (2012). A suit to void any final action must be commenced within ninety days of the action."

In his February 8, 2016 testimony before the House Committee on Education, Tom Hutton said, "We request that the provision specifically adding the Commission to the non-exhaustive list of agencies exercising purely adjudicatory functions be revised to limit this authority to matters on which the Commission already has made the decision in a public meeting. The proposal was intended to address a situation in which the Commission was asked to issue a written decision in a matter on which it already had voted multiple times in public meetings and was advised that this adjudicatory function need not necessitate yet another public meeting on the same matter."

Then on February 11, 2016, at the Commission's general meeting, Hutton reported on the Commission Legislative Advocacy for 2016 Legislative Session requesting the following action, "Revise the position on adding the Commission expressly to the non-exhaustive statutory list of agencies that are exempt from on meeting requirements when exercising purely adjudicatory functions, to stipulate that this authority shall be limited to matters on which the Commission already has made the decision in a public meeting. The proposal was intended to address a situation in which the Commission was asked to issue a written decision in a matter on which it already had voted multiple times in public meetings and was advised that this adjudicatory function need not necessitate yet another public meeting on the same question."

Hutton's insinuation that the Commission had previously made a decision concerning the admissions and enrollment policies and practices for Connections Public Charter School is not accurate. No definitive decision was made by the Commission on this matter until a May 14, 2015 meeting attended by seven Commissioners and documented by a letter from Catherine Payne on May 15, 2015. The issue first appeared at the December 11, 2014 general business meeting of the Commission as agenda item III. According to the approved minutes, action on this item was deferred by Commission Chair Payne until the January, 2015 meeting. Connections Public Charter School was not on the agenda for the January 8 or 15, 2015 Commission general meetings. At the March 12, 2015 Commission general meeting conditional approval of Connections' admissions policy and practices was approved, "contingent on the school's use of a modified version of the DOE enrollment form that removes the questions regarding McKinney-Vento eligibility, ethnicity, gender, and language spoken by applicant." Commission staff were directed "to work with the school to ensure that the modified form will be used for its summer admissions cycle and report on this to the Commission no later than its June 2015 general business meeting."

At the June 18, 2015 Commission general meeting Hutton reported, “The approval of the school’s admission policy was contingent on the removal of questions regarding McKinney-Vento eligibility, ethnicity, gender, and language spoken in its admissions application. A check of the school’s website confirmed that the school continues to use the Department of Education’s enrollment form, which contains the questions that the school has been requested to remove, as its admission application. Staff will continue to seek a resolution to this matter prior to the start of the school’s July admissions period.” This report was again presented at the July 9, 2015 general business meeting with the following added, “The school’s director has filed a complaint with the Office of Information Practices over the Commission’s approval in a non-public meeting of its written decision on the school’s contract dispute over this matter. When and how staff follows up may depend upon the likely timing of the resolution of that complaint.” During the August 13, 2015 general business meeting Hutton reported, “The July Executive Director’s Report erroneously reported that the school had continued to use the Department of Education’s enrollment form as its admission application, including questions inappropriate for the applications stage concerning the child’s characteristics. In fact, the school revised its admission application and enrollment form on June 17, 2015. This revised form removes all the questions the school had been directed to remove, except for a question asking whether the applicant is homeless. The school’s director stated that he still was expecting a response to an inquiry from the DOE on asking about an applicant’s homeless status. However, the DOE has notified the director that it will not be weighing in on this matter. The Commission continues to work with the school on this issue.” The school’s admission policy was finally approved at the September 10, 2015 general business meeting through a request by the school to allow for an enrollment preference for educationally disadvantaged students.

There is nothing in this bill that will have a positive impact on charter schools. We do not need changes in the law to collect special fees and charges from students for co-curricular activities. I strongly urge you to defer this bill.

Testimony HB2205 HD1
House Finance Committee
February 25, 2016 Conference Room 308 11:00 am
Oppose

Dear Chair Luke and committee,

I oppose the general intent of this bill to allow the State Public Charter School Commission to operate with less transparency and accountability as to statutes involving administrative rules and the sunshine law. If you browse the past testimonies of this bill, you will discover that 90% or more has been in opposition. The proponents of the bill offer no valid testimony as to why these changes to existing statute is needed. We desperately need public transparency in charter school oversight.

Section 1. This section prohibits the Commission from providing technical support for charter school applicants as well as existing charter governing boards. Technical support comes in many forms and this lack of support from the authorizer has created functional and operational problems for existing charter schools, so I would imagine that it would have an even larger impact on those applicants who don't know how the system works. I would say with emphasis that charter schools, existing and proposed, need more technical support not less. With the statute change from 302B to 302D, the central administrative support went from "okay but not great" to "non-existent". Imagine if all 260 traditional public schools had an overstuffed BOE with no support from a DOE. That's how it is in charters.

Section 2. Minor changes to 302D-12 (3) (D) states: "Keep written minutes of all public meetings that shall include (D) The views of the participants; (E) A record, by individual member, of any votes taken." Written minutes kept at Governing Board meetings should not have to include the views of the participants. This often times is not related to the business part of the meetings. This requirement will discourage open and informal discussion by stakeholders in the public meeting. The records of individual member votes are kept only in the case of a roll call where there is a 2/3 vote necessary to pass a motion which in some cases may be amendments to the Governing Board by-laws. There is no need to record every vote and keep a log of the voting record of each member. I don't even understand why this restrictions on board meetings are even proposed.

Section 4. This part of the bill is by far, the most objectionable. The change to 302 D-18 states: "(3) Provide charter contract holders with an opportunity to submit documents and give testimony challenging the rationale for closure and supporting the continuation of the school at an orderly proceeding held for that purpose; provided that the proceeding shall not be subject to chapter 91." This is probably the most critical meeting for Charter school staff and board members facing school closure. Why should this important hearing be out of the public eye and limit their participation. This eliminates contested cases hearings and denies the charter school due process.

Section 5 This addition to Section 92-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows: (a) This part shall not apply: (H) The state public charter school commission, 2 established pursuant to section 302D-3, 3 notwithstanding any other law to the contrary." The Commission has responsibility over 34 charter schools, 10,500 students and their families, and their staff and board members. If you refer to the minutes of the recent BOE "listening tour" you will find evidence that the Commission has already not complied with the open meetings law and to exempt them would put the charter school public in jeopardy of hidden agendas.

On behalf of the 10,500 public charter school students, I thank you in advance for supporting their education by holding all parties to the highest levels of transparency and accountability.

Steve Hirakami, Director, Hawaii Academy of Arts & Science PCS

Marion K A Kapuniai
P. O. Box 6753
Kamuela, Hawaii 96743

February 24, 2016

COMMITTEE ON FINANCE

Hearing: Thursday, February 25, 2016 11:00 a.m.
Conference Rm 308 State Capitol, Hawaii

TESTIMONY ON HB 2205

Establishes requirements for public charter school board meetings. Exempts public charter school commission from certain public meeting requirements. Authorizes charter schools to assess fees and charges for co-curricular activities.

I, an interested and concerned citizen, and Governing Board Member of Kanu O Ka 'Aina New Century Public Charter School testify to **OPPOSE HB 2205,HD1, unless further amended.**

SECTION 2. (h) (3), (5) OPPOSE amendments to 302D-12, unless further amended.

(3) Keep Governing Board approved written minutes of all public meetings that shall include:

(3) (C)(D) DELETE AS PRESENTED

(C) AMEND The motions proposed, seconded, and the vote to accept or not accept.

(5) Post the Governing Board approved written minutes from public meetings:

Minutes serve to memorialize and to confirm actions taken!

SECTION 4. (h) (3) OPPOSE amendment to 302D-18

This is another example of attempting to erode and infringe upon our rights to due process Protections. (An attempt to circumvent the Board of Education's approval of a permitted interactive group to investigate complaints and concerns against the Charter School Commission and its Staff, led by its Executive Director.) **The Charter School Commission and its staff SHALL BE SUBJECT TO ALL PROVISIONS UNDER CHAPTER 91!**

SECTION 7. (a) (2) (H) OPPOSE amendment to Section 92-6 HRS

Further Comment:

The amendments proposed in this bill combine unrelated issues. This bill should go no further as presented.

We have identical kuleana – to SERVE and REPRESENT.

I appreciate this opportunity to participate!

Thank You, M Kapuniai,
Waimea, Moku O Keawe
Governing Board Officer/Kanu O Ka 'Aina NCPCS

Phone: (808) 936-0157
Email: duke@sandwichisles.net

OPPOSE HB2205

THANK YOU FOR THE OPPORTUNIT TO TESTIFY.

Aloha, my name is Taffi Wise from Kanu o ka Aina on the Big Island of Hawaii. As a founding member of one of Hawaii's first start-up Charter Schools I have been involved in developing and refining the charter movement for the last 16 years. Kanu and its nonprofit partner KALO have brought in over \$90 million dollars to Hawaii and supported over 22 educational communities since 2000. I have worked on every charter task force and want to thank you so much for all the many empowerments the State Legislature has provided over the past decade.

For clarity, Charter Schools already have the right to charge fees, see the excerpt below of current contract provision: "8.9. Fees. **This language is a diversion, in efforts to make this Bill appear charter friendly - undermining the true intent to dilute the due process rights of Governing Boards and circumvent the current BOE Permitted Interaction Group Investigation and Administrative Rule Making process that is formally underway as of January 19, 2016**, as well as the current complaints against the Commission filed with the Office of Information Practices.

A BOE Listening tour took place in November-December 2015, on three islands. Despite the inconvenient holiday timing approximately, 28 of 35 or 80% of the school communities took time and testified against the commission. That is a group representing approximately 8338 families. A clip from the conclusion presented to the BOE and public on January 19, 2016, reads as follows: "**The concerns that have been expressed during this listening tour are of such significant breadth and depth that more formal investigation by the Board is warranted....**" the full report is attached. Subsequently, the **BOE took unanimous action designating a formal Permitted Interaction Group** (pursuant to Hawaii Revised Statutes Section 92-2.5(b)), to investigate the allegations and complaints against the commission and concerning Board responsibilities under Hawaii Revised Statutes Section 302D-11, Oversight of public charter school authorizers and review of proposed charter school legislation.

Many concerns expressed during the listening tour were a result of the last two external financial audits of the charter school commission office. On page 17 of the most recent Charter School Office External Audit done by CW Associates (attached) the financials clarified, in 2014 there was an **excess of expenses over revenue of \$(656,709); in 2015 \$(485,306) resulting in a net financial deficit of \$(367,592)**. Additionally the financials in the audits DO NOT match the last two annual reports done by the charter commission and presented to the BOE and Legislature.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

STATEMENT OF ACTIVITIES

For the Year Ended June 30, 2015
(With Prior Year Comparative Information)

Functions/Programs	2015			2014		
	Expenses	Operating Grants Revenues	Net (Expenses) Revenues and Changes in Net Position	Expenses	Operating Grants Revenues	Net (Expenses) Revenues and Changes in Net Position
Governmental activities						
Support and administrative services	\$ 1,526,889	\$ -	\$ (1,526,889)	\$ 1,924,637	\$ -	\$ (1,924,637)
Instructional enhancement	<u>2,030,615</u>	<u>2,030,615</u>	<u>-</u>	<u>2,218,815</u>	<u>2,218,815</u>	<u>-</u>
Total governmental activities	<u>\$ 3,557,504</u>	<u>\$ 2,030,615</u>	<u>(1,526,889)</u>	<u>\$ 4,143,452</u>	<u>\$ 2,218,815</u>	<u>(1,924,637)</u>
General revenues						
Administrative fees charged to schools			967,558			1,235,363
Other grants and income			<u>74,025</u>			<u>32,565</u>
Total general revenues			<u>1,041,583</u>			<u>1,267,928</u>
Excess of expenses over revenues			(485,306)			(656,709)
Net position – beginning of year			<u>117,714</u>			<u>774,423</u>
Net position (deficit) – end of year			<u>\$ (367,592)</u>			<u>\$ 117,714</u>

See accompanying notes to the financial statements

Other formal documents raising concern, The State Auditors Study of Public Charter Schools' Report Number 15-14, December 2015, page 10, found, "the financial data schools must currently submit to the State Public Charter School Commission do provide indications of possible financial stress. However, **human error and inexperience among commission staff contributed to their inability to recognize and interpret the information....**"

Lastly, For the first time in Hawaii's history **in 2015, the per-pupil funding allocated by the State legislature WAS NOT disbursed appropriately by the commission office and in accordance with HRS 302-D28.** There is also a current investigation by the USDOE AAPI Commission into the distribution or lack thereof, of the federal titled funds under the control of the Commission office since 2012.

It is imperative that there be oversight of the Commission office by the BOE, due process NOT be undermined and public accountability and transparency be maintained. The safeguards the Legislature put in place are currently working please allow them to remain.

Please **DO NOT SUPPORT THIS BILL.**

With humility,



Taffi Wise

For your easy reference:

[§302D-11] Oversight of public charter school authorizers. (c) Persistently unsatisfactory performance of an authorizer's portfolio of public charter schools, a pattern of well-founded complaints about the authorizer or its public charter schools, or other objective circumstances may trigger a special review by the board. In reviewing or evaluating the performance of authorizers the board shall apply nationally recognized principles and standards for quality charter authorizing.

Excerpt of current contract provision: “8.9. Fees. The School may charge reasonable fees, to the extent permitted by law, for summer school programs, after school programs, student activities, and any other service, materials, or equipment for which other state public schools may charge a fee.”

[§302D-28] Funding and finance:

(d) Charter schools shall be eligible for all federal financial support to the same extent as department schools. The department shall provide all authorizers with all state-level federal grant proposals submitted by the department that include charter schools as potential recipients and timely reports on state-level federal grants received for which charter schools may apply or are entitled to receive. Federal funds received by the department for charter schools shall be transferred to authorizers for distribution to the charter schools they authorize in accordance with the federal requirements. If administrative services related to federal grants are provided to the charter school by the department, the charter school shall reimburse the department for the actual costs of the administrative services in an amount that shall not exceed six per cent of the charter school's federal grants.

Any charter school shall be eligible to receive any supplemental federal grant or award for which any department school may submit a proposal, or any supplemental federal grants limited to charter schools; provided that if department administrative services, including funds management, budgetary, fiscal accounting, or other related services, are provided with respect to these supplemental grants, the charter school shall reimburse the department for the actual costs of the administrative services in an amount that shall not exceed six per cent of the supplemental grant for which the services are used.

All additional funds generated by the governing boards, that are not from a supplemental grant, shall be held separate from allotted funds and may be expended at the discretion of the governing boards.

(e) Authorizers shall calculate a general fund per-pupil amount based upon the amount of general funds appropriated by the legislature and released by the governor and the projected enrollment amount used to calculate the general funds appropriated pursuant to subsection (a).

Authorizers shall submit a report to the legislature no later than twenty days prior to the convening of each regular session that contains each charter school's current school year

projection that is used to submit the budget request, the updated May 15 enrollment projection, the actual October 15 enrollment count, the authorizer's reviewed and verified enrollment count, and the November 15 enrollment count.

(f) To enable charter schools to access state funding prior to the start of each school year, foster their fiscal planning, enhance their accountability, and avoid over-allocating general funds to charter schools based on self-reported enrollment projections, authorizers shall:

- (1) Provide sixty per cent of a charter school's per-pupil allocation based on the charter school's projected student enrollment no later than July 20 of each fiscal year; provided that the charter school shall have submitted to its authorizer a projected student enrollment no later than May 15 of each year;
- (2) Provide an additional thirty per cent of a charter school's per-pupil allocation no later than December 1 of each year, based on the October 15 student enrollment, as reviewed and verified by the authorizer, only to schools in compliance with all financial reporting requirements; and
- (3) Retain no more than the balance of the remaining ten per cent of a charter school's per-pupil allocation, as a contingency balance to ensure fiscal accountability and compliance, no later than June 30 of each year;

Attachments:

BOE Report 1/19/2016

CW Associates Commission Audit

DAVID Y. IGE
GOVERNOR



CATHERINE PAYNE
CHAIRPERSON

STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
(‘AHA KULA HO‘ĀMANA)
1111 Bishop Street, Suite 516, Honolulu, Hawaii 96813
Tel: (808) 586-3775 Fax: (808) 586-3776

RECOMMENDATION SUBMITTAL

DATE: December 10, 2015

TO: Catherine Payne, Chairperson

FROM: Tom Hutton, Executive Director

AGENDA ITEM: Action on State Public Charter School Commission’s 2015 Financial Audit Report

I. DESCRIPTION

Action on Commission’s 2015 financial audit report prepared by CW Associates.

II. DECISION MAKING STATEMENT

The Commission’s annual audit report is attached as **Exhibit 1**. As staff noted at the Commission’s November 19, 2015 general business meeting, the audit report was not finalized in time for its formal acceptance at that meeting. The Commission’s 2015 Annual Report, which includes this audit report, had to be submitted to the Board of Education by December 1, 2015. The Commission also will submit the Annual Report directly to the state Legislature.

III. RECOMMENDATION

Proposed Motion:

“Moved that the Commission accept the FY 2015 financial audit report as prepared by CW Associates.”

Exhibit 1

**STATE PUBLIC CHARTER SCHOOL
COMMISSION**

(An Agency of the State of Hawaii)

FINANCIAL AND COMPLIANCE AUDIT

**As of and For the Year Ended June 30, 2015
(With Prior Year Comparative Information)**



CW Associates

A Hawaii Certified Public Accounting Corporation

**STATE PUBLIC CHARTER SCHOOL COMMISSION
(An Agency of the State of Hawaii)**

TABLE OF CONTENTS

**For the Year Ended June 30, 2015
(With Prior Year Comparative Information)**

SECTION	PAGE
PART I – MANAGEMENT’S DISCUSSION AND ANALYSIS	3-11
PART II – FINANCIAL SECTION	
Independent Auditor’s Report	13-15
• Financial statements	
– Statement of Net Position (Deficit) – Governmental Activities	16
– Statement of Activities	17
– Balance Sheet – Governmental Funds	18
– Reconciliation of the Balance Sheet – Governmental Funds to the Statement of Net Position (Deficit) – Governmental Activities	19
– Statement of Revenues, Expenditures, and Changes in Fund Balances (Deficits) – Governmental Funds	20-21
– Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances (Deficits) – Governmental Funds to the Statement of Activities	22
– Statement of Cash Flows	23-24
• Notes to the Financial Statements	25-30
• Supplementary Financial Information	
– Schedule of Expenditures of Federal Awards	33
– Notes to the Schedule of Expenditures of Federal Awards	34
PART III – INTERNAL CONTROL AND COMPLIANCE SECTION	
• Independent Auditor’s Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with <i>Government Auditing Standards</i>	36-37
• Independent Auditor’s Report on Compliance for Each Major Federal Program and Report on Internal Control Over Compliance	38-39
PART IV – SCHEDULE OF FINDINGS AND QUESTIONED COSTS	
• Schedule of Audit Findings and Questioned Costs	41
• Summary Schedule of Prior Audit Findings	42
PART V – CORRECTIVE ACTION PLAN	
• Corrective Action Plan	44

PART I
MANAGEMENT'S DISCUSSION AND ANALYSIS

**STATE PUBLIC CHARTER SCHOOL COMMISSION
(An Agency of the State of Hawaii)**

MANAGEMENT’S DISCUSSION AND ANALYSIS

For the Year Ended June 30, 2015

Effective July 1, 2013, the State Public Charter School Commission (“Commission”) was established under Act 130, Chapter 302D, Hawaii Revised Statutes, with statewide chartering jurisdiction and authority. Its predecessor, the Charter School Administrative Office (“CSAO”), which was established by Chapter 302B, Hawaii Revised Statutes in 2014, closed as of June 30, 2013 pursuant to the repeal of Chapter 302B.

The following is management’s discussion and analysis of the Commission’s financial activities for the fiscal year ended June 30, 2015. Please read it in conjunction with the financial statements and the related notes to the financial statements, which begin on page 13.

FINANCIAL HIGHLIGHTS

- The Commission’s net position (deficit) decreased by \$485,306 during the year ended June 30, 2015.
- Despite a special allocation to Commission and approved supplemental budget requests, the annual funding decreased to \$803,097 as a result of conflicting language in the budget proviso.
- The Commission ended the year in a net deficit position.

OVERVIEW OF THE FINANCIAL STATEMENTS

This annual report consists of five parts – management’s discussion and analysis (this section), the basic financial statements, internal control and compliance, schedule of findings and questioned costs, and corrective action plan. The basic financial statements include two types of statements that present different views of the Commission’s financial activities:

The first two statements are government-wide financial statements that provide both long-term and short-term information about the Commission’s overall financial status.

The remaining statements are fund financial statements that focus on the individual parts of the Commission, reporting the Commission’s operations in more detail than the government-wide statements. The fund financial statements tell how general services were financed in the short term as well as what remains for future spending.

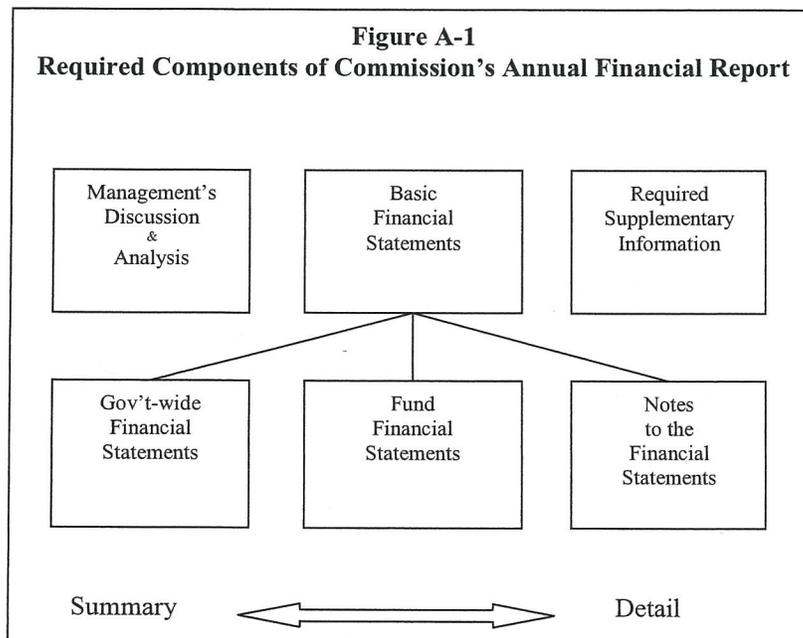
**STATE PUBLIC CHARTER SCHOOL COMMISSION
(An Agency of the State of Hawaii)**

MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)

For the Year Ended June 30, 2015

OVERVIEW OF THE FINANCIAL STATEMENTS (Continued)

The financial statements also include notes that explain certain information in the financial statements and provide more detailed information. The statements are followed by required supplementary information that further explains and supports the information in the financial statements. Figure A-1 shows how the required parts of the annual report are arranged and relate to one another. In addition to these elements, combining statements are provided with details about the non-major governmental funds, each of which are added together and presented in single columns in the basic financial statements.



**STATE PUBLIC CHARTER SCHOOL COMMISSION
(An Agency of the State of Hawaii)**

MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)

For the Year Ended June 30, 2015

OVERVIEW OF THE FINANCIAL STATEMENTS (Continued)

Figure A-2 summarizes the major features of the Commission's financial statements, including the portion of the Commission they cover and the types of information they contain. The remainder of this overview section of management's discussion and analysis explains the structure and content of the statements.

Figure A-2 Major Features of CSAO's Government-wide and Fund Financial Statements		
	<i>Government-wide Statements</i>	<i>Fund Statements: Governmental Funds</i>
Scope	Entire Commission	If the Commission operated proprietary or fiduciary funds these would be excluded from these statements.
Required financial statements	<ul style="list-style-type: none"> • Statement of Position (Deficit) • Statement of Activities 	<ul style="list-style-type: none"> • Balance Sheet • Statement of Revenues, Expenditures and Changes in Fund Balances (Deficits)
Accounting Basis and measurement focus	Accrual accounting and economic resources focus	Modified accrual accounting and current financial resources focus.
Type of asset/liability information	All assets and liabilities, both financial and capital, and short-term and long-term	Only assets expected to be used and liabilities that come due during the year or soon thereafter; no capital assets included.
Type of inflow/outflow information	All revenues and expenses during the year, regardless of when cash is received or paid	Revenues for which cash is received during or soon after the end of the year; expenditures when goods or services have been received and payment is due during the year or soon thereafter.

**STATE PUBLIC CHARTER SCHOOL COMMISSION
(An Agency of the State of Hawaii)**

MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)

For the Year Ended June 30, 2015

OVERVIEW OF THE FINANCIAL STATEMENTS (Continued)

Government-Wide Financial Statements

The government-wide financial statements report information about the Commission as a whole using accounting methods similar to those used by private sector companies. The statement of net position (deficit) includes all of the Commission's assets and liabilities. All of the current year's revenues and expenses are accounted for in the statement of activities regardless of when cash is received or paid.

The two government-wide statements report the Commission's net position (deficit) and how net position (deficit) has changed during the year. Net position (deficit), the difference between the Commission's assets and liabilities, is one way to measure the Commission's financial health or position.

- Over time, increases or decreases in the Commission's net position (deficit) are an indicator of whether its financial health is improving or deteriorating, respectively.
- To assess the overall health of the Commission, one would need to consider additional nonfinancial factors including how well the Commission performed in meeting its statutory obligations.

The government-wide financial statements of the Commission are included in one category, Governmental Activities, although other governmental agencies may report their activities in as many as three categories. For completeness, each of the three different categories is described here even though the Commission's activities are all presented in the Governmental Activities category:

- Governmental Activities – All of the Commission's activities are included here, such as administration, financial services, federal programs support and information technology support. Operating revenues, which include a percentage of total charter school appropriations and federal grant income pay for most of these activities.
- Business-type Activities – If the Commission engaged in activities, such as self-insurance programs or activities where the Commission was operating more like a business these activities would be reported in a separate column in its government-wide financial statements.
- Component Units – If the Commission was financially responsible for a separate entity or entities, usually a non-profit corporation(s) that meet certain accounting rules, then these "component units" would be reported as such because of the Commission's financial responsibility to the component unit(s).

Fund Financial Statements

- The fund financial statements provide more detailed information about the Commission's most significant funds – not the Commission as a whole. Funds are accounting devices that the Commission uses to keep track of specific sources of funding and spending for particular purposes.

**STATE PUBLIC CHARTER SCHOOL COMMISSION
(An Agency of the State of Hawaii)**

MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)

For the Year Ended June 30, 2015

OVERVIEW OF THE FINANCIAL STATEMENTS (Continued)

The Commission reports its financial activities in two funds: the Commission General Fund and the Restricted – Federal Programs Fund. The Commission's general operations are reflected in the General Fund. Within the Restricted – Federal Programs Fund, the Commission records its activities for Federal Title I, Title IIa, Title III, Federal Impact Aid, and other Federal Programs.

FINANCIAL ANALYSIS OF THE COMMISSION AS A WHOLE

Net Position (Deficit): The Commission's net position (deficit) decreased between the fiscal years ended June 30, 2015 and 2014 from \$117,714 to (\$367,592) as of June 30, 2015 (See Table A-1).

Table A-1: Commission's Summary Comparative Statement of Net Position (Deficit)

	<u>2015</u>	<u>2014</u>	<u>Percentage Change 2014-2015</u>
ASSETS			
Current assets	\$ 3,760,747	\$ 3,413,752	10%
Capital Assets, net of depreciation	46,217	71,745	(36%)
Total Assets	<u>\$ 3,806,964</u>	<u>\$ 3,485,497</u>	<u>9%</u>
LIABILITIES			
Current	<u>\$ 4,174,556</u>	<u>\$ 3,367,783</u>	24%
Total Liabilities	<u>4,174,556</u>	<u>3,367,783</u>	<u>24%</u>
NET POSITION			
Invested in capital assets	46,217	71,745	(36%)
Unrestricted	<u>(413,809)</u>	<u>45,969</u>	<u>(1000%)</u>
Total net position (deficit)	<u>(367,592)</u>	<u>117,714</u>	<u>(412%)</u>
Total liabilities and net position	<u>\$ 3,806,964</u>	<u>\$ 3,485,497</u>	<u>9%</u>

Increases or decreases in the net position (deficit) may serve as a useful indicator of whether the Commission's financial condition is improving or deteriorating. Some of the Commission's net position (deficit) is restricted as to the purposes for which they can be used because they are invested in capital assets, primarily computer equipment.

**STATE PUBLIC CHARTER SCHOOL COMMISSION
(An Agency of the State of Hawaii)**

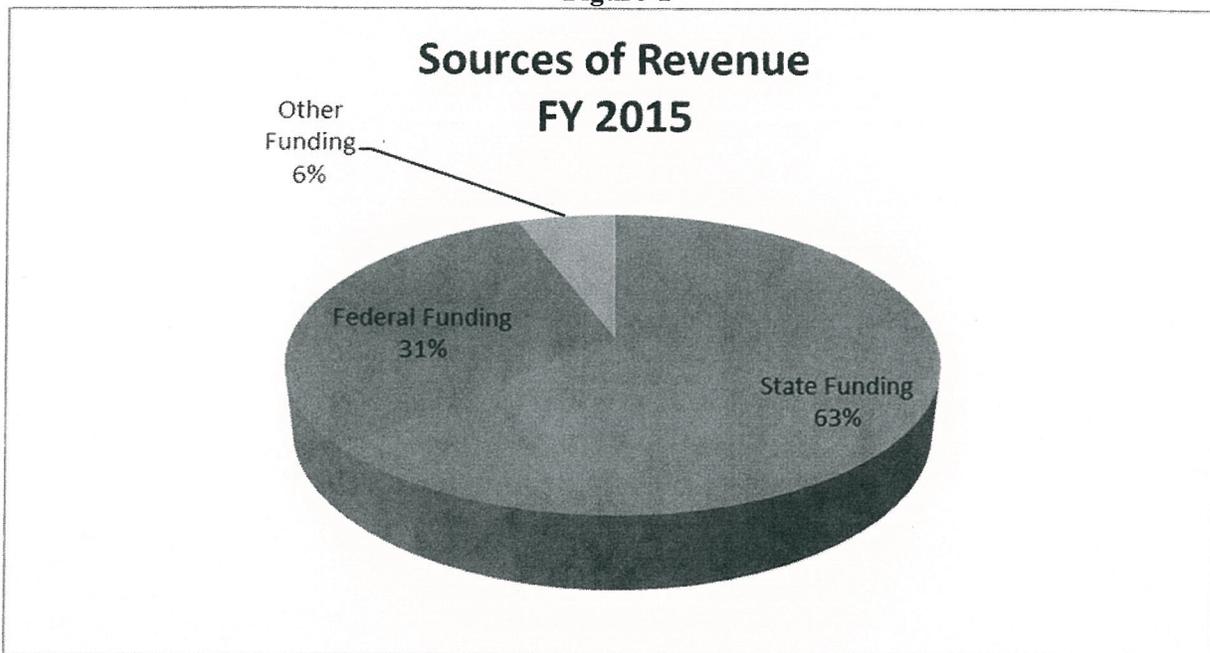
MANAGEMENT'S DISCUSSION AND ANALYSIS

For the Year Ended June 30, 2015

FINANCIAL ANALYSIS OF THE COMMISSION AS A WHOLE (Continued)

In the fiscal year ended June 30, 2015, the Commission's total revenues decreased by 16% to \$1,255,089, compared to total revenues of \$1,500,565 in the fiscal year ended June 30, 2014. Federal programs funding increased by \$145,359 or 62%, primarily due to the addition of Academic Officers to support focus and priority charter schools, as ranked by the Department of Education's (DOE) Strive HI assessment system. State funding continues to be a significant source of funds for charter schools, as provided by statute and approved by the State Legislature. In the fiscal year ended June 30, 2015, federal revenues amounted to 30% of total revenues for the Commission, or \$377,996. As a result of conflicting language in the budget proviso, annual general funds for the Commission were limited to \$800,000, or 63%, compared to the budgeted allocation of \$1,360,000 (see Figure-1).

Figure-1



In the fiscal year ended June 30, 2015, the Commission was awarded a grant to start pre-kindergarten classes at charter schools. This four-year grant, totaling \$14.9 million, will eventually serve 920 pre-school students, with four classrooms scheduled to open in this upcoming school year.

In the fiscal year ended June 30, 2015, the total cost of all programs and services provided by the Commission decreased by 19% or by \$416,879. The decrease in expenses was primarily due to the distribution of funds to the charter schools of \$476,922 in the fiscal year ended June 30, 2014 by way of a special fund assessment. Expenses for the Commission cover a range of services as required by statute to support the Commission in its role as authorizer.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An Agency of the State of Hawaii)

MANAGEMENT'S DISCUSSION AND ANALYSIS

For the Year Ended June 30, 2015

FINANCIAL ANALYSIS OF THE COMMISSION AS A WHOLE (Continued)

Changes in the Commission's Net Position (Deficit)

	<u>2015</u>	<u>2014</u>	Percentage Change <u>2014-2015</u>
Revenues			
CSAO/commission funding	\$ 803,067	\$ 1,235,363	(35%)
Federal grants	377,996	232,637	62%
Other income	74,026	32,565	127%
Total revenues	<u>1,255,089</u>	<u>1,500,565</u>	<u>(16%)</u>
Expenses			
Payroll and related expenses	1,321,817	1,203,326	10%
Special fund assessment	-	476,922	(100%)
Professional services	182,113	216,893	(16%)
Building leases	92,284	90,906	2%
Travel	57,907	54,011	7%
Capital outlay	25,528	53,811	(53%)
Repairs and maintenance	12,529	12,033	4%
Computer expenses	11,053	12,207	(9%)
Supplies	10,564	9,210	15%
Miscellaneous	4,492	4,511	0%
Telecommunications	4,253	1,541	176%
Meeting refreshments and meal	3,915	8,560	(54%)
Dues and subscriptions	3,198	1,474	117%
Printing and advertising	3,134	723	333%
Postage	2,180	1,802	21%
Professional development	1,800	7,219	(75%)
Rental expenses	1,584	587	170%
Equipment purchases	1,408	1,165	21%
Utilities	636	373	71%
Total expenses	<u>1,740,395</u>	<u>2,157,274</u>	<u>(19%)</u>
Transfers			
Transfers in	(73,116,061)	(70,680,509)	3%
Transfers out	73,116,061	70,680,509	3%
Total transfers	-	-	0%
Change in net position (deficit)	(485,306)	(656,709)	(26%)
Net position (deficit) – beginning of year	<u>117,714</u>	<u>774,423</u>	<u>(85%)</u>
Net position (deficit) – end of year	<u>\$ (367,592)</u>	<u>\$ 117,714</u>	<u>(412%)</u>

The narrative that follows considers the operations of the Commission's governmental activities.

**STATE PUBLIC CHARTER SCHOOL COMMISSION
(An Agency of the State of Hawaii)**

MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)

For the Year Ended June 30, 2015

FINANCIAL ANALYSIS OF THE COMMISSION AS A WHOLE (Continued)

Governmental Activities

The cost of all governmental activities of the Commission for the fiscal year ended June 30, 2015 was \$1,686,444.

Business-type activities

Certain governmental agencies charge fees to customers to fund certain types of services it provides. If the Commission operated business-type funds, these activities would be reported as such. In the fiscal years ended June 30, 2015 and 2014, the Commission did not engage in any business-type activities.

FINANCIAL ANALYSIS OF THE COMMISSION'S FUNDS

As the Commission completed the year, its governmental funds reported a deficit of (\$284,977), a decrease from the prior year of \$431,355. The following paragraphs summarize the significant transactions occurring in the Commission's funds during fiscal year ended June 30, 2015:

The Commission's general funding for the year was severely reduced due to conflicting language in the budget proviso compared to statute. The Legislature appropriated an additional \$800,000 to the Commission, in addition to its budget of \$1,360,000. However, the budget proviso defined all funds in EDN 600 as per pupil funds, except for the \$800,000 additional allocation. As a result, with the annual enrollment reconciliation with the DOE, any funds in excess of the calculated per pupil funds was transferred to the DOE. Unfortunately for the Commission, the resulting transfer effectively moved the Commission's budget allocation to the DOE.

During the fiscal year ended June 30, 2015, the continuing impact of the economic slow-down on the State of Hawaii's (State) budget was felt at the program level. As a result, State funding for charter school per pupil amounts remained at approximately the same level as the prior year. For the fiscal year ended June 30, 2015, the Commission's budget was determined as a separate line item within the state budget. Beginning with the fiscal year ending June 30, 2016, the funding of the Commission's operational budget will be separately allocated and identified in a separate department, EDN 612, separating its funding from the charter schools' per pupil allocation.

CAPITAL ASSET AND LONG-TERM DEBT ACTIVITIES

The Commission's capital asset policy provides that furniture and equipment purchases that exceed \$5,000 with a useful life of greater than one year be capitalized and depreciated over the asset's useful life.

**STATE PUBLIC CHARTER SCHOOL COMMISSION
(An Agency of the State of Hawaii)**

MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)

For the Year Ended June 30, 2015

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET AND RATES

The official enrollment count date for charter schools is October 15 of each year. Enrollment among the charter schools grew by .5% in the 2014-15 school year to 10,493. This compares to a growth rate of 5.7% in the 2013-14 school year. Effective with the fiscal year ending June 30, 2016, the Commission's budget will be determined as a separate line item, and separate from the Charter Schools' per pupil funding, within the State budget. The proposed funding level for the Commission in the fiscal year ending June 30, 2016 is \$1,400,000.

CONTACTING THE COMMISSION'S FINANCIAL MANAGEMENT

This financial report is designed to provide stakeholders with a general overview of the Commission's finances and to demonstrate the Commission's accountability for the funds it receives. If you have questions about this report or need additional financial information, contact the SPCSC Fiscal Services team, 1111 Bishop Street, Suite 516, Honolulu, Hawaii 96813.

PART II
FINANCIAL SECTION

INDEPENDENT AUDITOR'S REPORT

State Public Charter School Commission:

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the State Public Charter School Commission (Commission), an agency of the State of Hawaii, as of and for the year ended June 30, 2015, and the related notes to the financial statements, which collectively comprise the Commission's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion on the Financial Statements

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Commission as of June 30, 2015, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

As discussed in Note B to the financial statements, the financial statements as of and for the year ended June 30, 2014 were restated to correct a misstatement. Our opinion is not modified with respect to this matter.

Report on Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 3 through 11 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board which considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Management has omitted the budgetary comparison information that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board which considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by the missing information.

Report on Prior Year Comparative Information

The financial statements of State Public Charter School Commission for the year ended June 30, 2014 were audited by another auditor who expressed an unmodified opinion on those statements. The information presented herein as of and for the year ended June 30, 2014, is based on the report of the other auditor and audited financial statements from which it has been derived.

Report on Schedule of Expenditures of Federal Awards

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Commission's basic financial statements. The schedule of expenditures of federal awards, as required by the Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, is presented for purposes of additional analysis and is not a required part of the basic financial statements.

Report on Schedule of Expenditures of Federal Awards (Continued)

The schedule of expenditures of federal awards is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 30, 2015, on our consideration of the Commission's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grants agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Commission's internal control over financial reporting and compliance.

CW ASSOCIATES, CPAs

Honolulu, Hawaii
November 30, 2015

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

STATEMENT OF NET POSITION (DEFICIT) – GOVERNMENTAL ACTIVITIES

As of June 30, 2015
(With Prior Year Comparative Information)

	<u>2015</u>	<u>2014</u>
Current Assets		
Cash and cash equivalents	\$ 881,996	\$ 1,952,637
Accounts receivable – net	1,846,555	33,646
Pass through receivable from State	777,196	1,171,032
Funds held for others	255,000	255,000
Prepaid expenses	-	1,437
Total current assets	<u>3,760,747</u>	<u>3,413,752</u>
 Capital assets, net of depreciation	 <u>46,217</u>	 <u>71,745</u>
 Total assets	 <u>3,806,964</u>	 <u>3,485,497</u>
 Current Liabilities		
Accounts payable	1,930,869	252,178
Unearned revenue	776,266	450,413
Pass through payable to charter schools	742,994	2,254,019
Pass through payable to State	287,298	55,764
Funds held for others	255,000	255,000
Accrued leave earnings	128,832	100,409
Accrued liabilities	53,297	-
Total current liabilities	<u>4,174,556</u>	<u>3,367,783</u>
 Net position (deficit)		
Invested in capital assets	46,217	71,745
Unrestricted position (deficit)	<u>(413,809)</u>	<u>45,969</u>
 Total net position (deficit)	 <u>\$ (367,592)</u>	 <u>\$ 117,714</u>

See accompanying notes to the financial statements.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

STATEMENT OF ACTIVITIES

For the Year Ended June 30, 2015
(With Prior Year Comparative Information)

	2015		2014	
<u>Functions/Programs</u>	<u>Expenses</u>	<u>Operating Grants Revenues</u>	<u>Expenses</u>	<u>Operating Grants Revenues</u>
Governmental activities				
Support and administrative services	\$ 1,526,889	\$ -	\$ 1,924,637	\$ -
Instructional enhancement	2,030,615	2,030,615	2,218,815	2,218,815
Total governmental activities	<u>\$ 3,557,504</u>	<u>\$ 2,030,615</u>	<u>\$ 4,143,452</u>	<u>\$ 2,218,815</u>
General revenues				
Administrative fees charged to schools		967,558		
Other grants and income		74,025		
Total general revenues		<u>1,041,583</u>		
Excess of expenses over revenues		(485,306)		(656,709)
Net position – beginning of year		<u>117,714</u>		<u>774,423</u>
Net position (deficit) – end of year		<u>\$ (367,592)</u>		<u>\$ 117,714</u>
				<u>Net (Expenses) Revenues and Changes in Net Position</u>

See accompanying notes to the financial statements

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

BALANCE SHEET – GOVERNMENTAL FUNDS

As of June 30, 2015
(With Prior Year Comparative Information)

	<u>General</u>	Restricted <u>Funds</u>	<u>Total</u>	
			<u>2015</u>	<u>2014</u>
ASSETS				
Cash				
Cash and cash equivalents	\$ 101,972	\$ 776,266	\$ 878,238	\$ 1,948,789
Cash held for others	-	255,000	255,000	255,000
CSRP expenditure account	3,558	-	3,558	3,648
Petty cash	200	-	200	200
Total cash	<u>105,730</u>	<u>1,031,266</u>	<u>1,136,996</u>	<u>2,207,637</u>
Accounts receivable – net	1,846,555	-	1,846,555	33,646
Pass through receivable from State	777,196	-	777,196	1,171,032
Prepaid expenses	<u>-</u>	<u>-</u>	<u>-</u>	<u>1,437</u>
TOTAL ASSETS	<u>\$2,729,481</u>	<u>\$1,031,266</u>	<u>\$3,760,747</u>	<u>\$3,413,752</u>
LIABILITIES				
Accounts payable	\$ 1,930,869	\$ -	\$ 1,930,869	\$ 252,177
Unearned revenue	-	776,266	776,266	450,413
Pass through payable to schools	742,994	-	742,994	2,254,019
Pass through payable to state	287,298	-	287,298	55,764
Funds held for others	-	255,000	255,000	255,001
Accrued liabilities	53,297	-	53,297	-
Total liabilities	<u>3,014,458</u>	<u>1,031,266</u>	<u>4,045,724</u>	<u>3,267,374</u>
FUND BALANCE (DEFICITS)				
Non-spendable: prepaid expenditures	-	-	-	1,437
Unassigned	<u>(284,977)</u>	<u>-</u>	<u>(284,977)</u>	<u>144,941</u>
Total fund balances (deficit)	<u>(284,977)</u>	<u>-</u>	<u>(284,977)</u>	<u>146,378</u>
TOTAL LIABILITIES AND FUND BALANCE (DEFICIT)	<u>\$2,729,481</u>	<u>\$1,031,266</u>	<u>\$3,760,747</u>	<u>\$3,413,752</u>

See accompanying notes to the financial statements.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

RECONCILIATION OF THE BALANCE SHEET – GOVERNMENTAL FUNDS
TO THE STATEMENT OF NET POSITION (DEFICIT) – GOVERNMENTAL ACTIVITIES

As of June 30, 2015

Total fund balances (deficits) – governmental funds	\$ (284,977)
Amounts reported for governmental activities that are different in the Statement of Net Position due to:	
Capital assets used in governmental activities are not financial resources and therefore not reported in the governmental funds	46,217
Accrued employee benefits payable not reported in the governmental funds	<u>(128,832)</u>
Total net position (deficit) – governmental activities	<u>\$ (367,592)</u>

See accompanying notes to the financial statements.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

**STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN
FUND BALANCES (DEFICITS) – GOVERNMENTAL FUNDS**

**For the Year Ended June 30, 2015
(With Prior Year Comparative Information)**

	Restricted Funds						2015	2014
	General	Title I	Title II	Title III	Impact Aid	SPEED		
REVENUES								
Administration fee to charter schools	\$ 967,558	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 967,558	\$ 1,235,363
Federal grant revenues	-	177,131	11,372	25,003	-	-	213,506	232,637
Other	55,150	-	-	-	-	-	55,150	13,690
State special salary funding	18,875	-	-	-	-	-	18,875	18,875
Total revenues	<u>1,041,583</u>	<u>177,131</u>	<u>11,372</u>	<u>25,003</u>	<u>-</u>	<u>-</u>	<u>1,255,089</u>	<u>1,500,565</u>
EXPENDITURES								
Payroll and related expenses	1,172,275	96,619	11,936	12,564	-	-	1,293,394	1,203,326
Special fund assessment	-	-	-	-	-	-	-	476,922
Professional services	134,976	45,026	-	2,111	-	-	182,113	216,893
Building leases	92,284	-	-	-	-	-	92,284	90,906
Travel	23,516	30,464	-	3,927	-	-	57,907	54,011
Capital outlay	-	-	-	-	-	-	-	12,678
Repairs and maintenance	12,529	-	-	-	-	-	12,529	12,033
Computer expenses	11,053	-	-	-	-	-	11,053	12,207
Supplies	5,605	326	-	4,633	-	-	10,564	9,210
Miscellaneous	2,917	1,813	(564)	326	-	-	4,492	4,511
Telecommunications	4,253	-	-	-	-	-	4,253	1,541
Meeting refreshments and meal	2,171	852	-	892	-	-	3,915	8,560
Dues and subscriptions	3,198	-	-	-	-	-	3,198	1,474
Printing and advertising	3,134	-	-	-	-	-	3,134	723
Postage	975	1,205	-	-	-	-	2,180	1,802
Professional development	1,800	-	-	-	-	-	1,800	7,219
Rental expenses	389	645	-	550	-	-	1,584	587
Equipment purchases	1,408	-	-	-	-	-	1,408	1,165
Utilities	455	181	-	-	-	-	636	373
Total expenditures	<u>1,472,938</u>	<u>177,131</u>	<u>11,372</u>	<u>25,003</u>	<u>-</u>	<u>-</u>	<u>1,686,444</u>	<u>2,116,141</u>
EXCESS OF EXPENDITURES OVER REVENUE	(431,355)	-	-	-	-	-	(431,355)	(615,576)

(Continued)

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

**STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN
FUND BALANCES (DEFICITS) – GOVERNMENTAL FUNDS (Continued)**

For the Year Ended June 30, 2015
(With Prior Year Comparative Information)

	Restricted Funds								
	General	Title I	Title II	Title III	Impact Aid	SPED	Other	2015	2014
EXCESS OF EXPENDITURES OVER REVENUE	\$ (431,355)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (431,355)	\$ (615,576)
OTHER FINANCING SOURCES (USES)									
Transfers in	68,916,775	1,329,445	106,000	27,605	2,407,491	139,175	189,570	73,116,061	70,680,508
Transfers out	<u>(68,916,775)</u>	<u>(1,329,445)</u>	<u>(106,000)</u>	<u>(27,605)</u>	<u>(2,407,491)</u>	<u>(139,175)</u>	<u>(189,570)</u>	<u>(73,116,061)</u>	<u>(70,680,508)</u>
Total other financing sources (uses)	-	-	-	-	-	-	-	-	-
NET CHANGE IN FUND BALANCES (DEFICITS)	(431,355)	-	-	-	-	-	-	(431,355)	(615,576)
FUND BALANCES, BEGINNING OF YEAR	<u>146,378</u>	-	-	-	-	-	-	<u>146,378</u>	<u>761,954</u>
FUND BALANCES (DEFICITS), END OF YEAR	<u>\$ (284,977)</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ (284,977)</u>	<u>\$ 146,378</u>

See accompanying notes to the financial statements.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

**RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCE (DEFICIT) – GOVERNMENTAL FUNDS TO THE
STATEMENT OF ACTIVITIES**

For the Year Ended June 30, 2015

Total net change in fund balances (deficits) – governmental funds	\$(431,355)
Amounts reported for governmental activities that are different in the Statement of Activities due to:	
Depreciation expense	(25,528)
The net change in obligations for accrued vested vacation benefits is reported in the Statement of Activities, but is not reported as an expenditure in the governmental funds as it does not require the use of current financial resources.	<u>(28,423)</u>
Change in net position of governmental activities	<u><u>\$(485,306)</u></u>

See accompanying notes to the financial statements.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

STATEMENT OF CASH FLOWS

For the Year Ended June 30, 2015
(With Prior Year Comparative Information)

	<u>Title I</u>	<u>Title II</u>	<u>Title III</u>	<u>Impact Aid</u>	<u>School Improvement Grant</u>	<u>PreK Grant</u>	<u>Other</u>	<u>Total All Funds 2015</u>	<u>Total All Funds 2014</u>
General	-	-	-	-	-	-	-	\$ (485,306)	\$ (656,709)
25,528	-	-	-	-	-	-	-	25,528	53,811
(1,419,073)	-	-	-	-	-	-	-	(1,419,073)	(255,541)
1,437	-	-	-	-	-	-	-	1,437	6,198
480,920	-	-	-	-	-	-	-	480,920	723,621
-	(513,798)	(76,622)	21,341	11,250	-	485,125	398,557	325,853	63,789
NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES	\$ (513,798)	\$ (76,622)	\$ 21,341	\$ 11,250	\$ -	\$ 485,125	\$ 398,557	\$ (1,070,641)	\$ (64,831)

RECONCILIATION OF NET LOSS TO NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES

Change in net position (deficit)

Adjustments to reconcile net position (deficit) to net cash provided by (used in) operating activities:

Depreciation

Changes in operating assets and liabilities:

Accounts receivable and pass through receivable from State and Charter Schools

Prepaid expenses

Pass through payable to State and Charter Schools and accrued expenses

Unearned revenue

NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES

(Continued)

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

STATEMENT OF CASH FLOWS

For the Year Ended June 30, 2015
(With Prior Year Comparative Information)

	<u>General</u>	<u>Title I</u>	<u>Title II</u>	<u>Title III</u>	<u>Impact Aid</u>	<u>School Improvement Grant</u>	<u>PreK Grant</u>	<u>Other</u>	<u>Total All Funds</u> 2015	<u>Total All Funds</u> 2014
Cash Flows from Operating Activities										
Cash received from Charter Schools	\$ 16,974,721	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 16,974,721	\$ 18,893,084
Cash received from State	72,164,106	815,646	29,378	48,946	2,418,741	-	-	588,212	76,065,029	73,580,131
Cash received from Federal Government	-	-	-	-	-	-	485,125	-	485,125	-
Other cash receipts	585,462	-	-	-	-	-	-	-	585,462	57,502
Cash paid to Charter Schools	(72,990,120)	(1,329,444)	(106,000)	(27,605)	(2,407,491)	-	-	(328,745)	(77,189,405)	(74,841,013)
Cash paid to State	(16,326,139)	-	-	-	-	-	-	-	(16,326,139)	(15,800,435)
Cash paid to employees and vendors	(1,804,524)	-	-	-	-	-	-	139,090	(1,665,434)	(1,954,100)
Net cash provided by (used in) operating activities	(1,396,494)	(513,798)	(76,622)	21,341	11,250	-	485,125	398,557	(1,070,641)	(64,831)
Cash Flows from Investing Activities										
Purchase of capital assets	-	-	-	-	-	-	-	-	-	(12,678)
Net cash used in investing activities	-	-	-	-	-	-	-	-	-	(12,678)
Net increase/(decrease) in Cash	(1,396,494)	(513,798)	(76,622)	21,341	11,250	-	485,125	398,557	(1,070,641)	(77,509)
Cash, including restricted amounts, beginning of year	1,757,224	222,815	56,251	17,379	-	153,968	-	-	2,207,637	2,285,146
Cash, including restricted amounts, ending of year	\$ 360,730	\$ (290,983)	\$ (20,371)	\$ 38,720	\$ 11,250	\$ 153,968	\$ 485,125	\$ 398,557	\$ 1,136,996	\$ 2,207,637

See accompanying notes to the financial statements.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

NOTES TO THE FINANCIAL STATEMENTS

For the Year Ended June 30, 2015
(With Prior Year Comparative Information)

NOTE A – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Organization and Activity

The State Public Charter School Commission (Commission) was formed pursuant to Hawaii State Legislature (Legislative) HRS 302D-3 and is attached to the Department of Education (DOE) for administrative purposes only. Among other duties, the Commission is responsible for the following:

- Preparing and executing the budget for the Commission,
- Allocating annual appropriations to the charter schools based on student enrollment,
- Monitoring charter school compliance with various state laws,
- Representing charter schools in communication to the Board of Education (BOE), and
- Statewide chartering jurisdiction and authorization of high-quality public charter schools throughout the State.

In order to fulfill these responsibilities, the Commission employs an Executive Director and Framework Managers along with several qualified staff persons in its Honolulu office. All the staff persons report to the Executive Director who reports to the Commission.

The Commission receives funding from the State of Hawaii (State). Other support is in the form of payments for administrative costs allocated from various federal grants.

These financial statements are intended to present the financial position and activity of only the Commission and not that of the DOE. Additionally, these financial statements do not represent any balances or activity of the individual charter schools.

Basis of Accounting

The accompanying statements and accounting policies of the Commission conform to accounting principles generally accepted in the United States of America (GAAP) as applicable to governmental units.

Government-Wide and Fund Financial Statements

The government-wide financial statements consist of the statement of net position (deficit) and the statement of activities. These statements report all activities of the primary governmental unit. The statement of activities demonstrates the degree to which the direct expenses of a given function are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function. Program revenues include grants that are restricted to meeting the operational requirements of a particular function. Other items not properly included among program revenues are reported instead as general revenues. The Commission does not allocate general government (indirect) expenses to other functions.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

NOTES TO THE FINANCIAL STATEMENTS (Continued)

For the Year Ended June 30, 2015
(With Prior Year Comparative Information)

NOTE A – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Government-Wide and Fund Financial Statements (Continued)

Government funds financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized when they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Commission considers revenues other than federal grants and assistance awards to be available if they are collected within 60 days of the end of the fiscal year.

Federal grants and assistance awards made on the basis of entitlement periods are recorded as revenues when available and entitlement occurs which is generally within 12 months of the end of the current fiscal year. All other federal reimbursement-type grants are recorded as intergovernmental receivables and revenues when the related expenditures or expenses are incurred and funds are available.

Expenditures are generally recorded when a liability is incurred. However, expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

Encumbrances are recorded obligations in the form of purchase orders or contracts. The Commission records encumbrances at the time purchase orders or contracts are awarded and executed. Encumbrances outstanding at fiscal year-end are reported as restrictions, assignments, or commitments (no commitments in 2015 and 2014) of fund balances since they do not constitute expenditures or liabilities.

Fund Accounting

The financial statements of the Commission are recorded in individual funds, each of which is deemed to be a separate accounting entity. The Commission uses fund accounting to report on its financial position and results of operations. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities. A fund is a separate accounting entity with a self-balancing set of accounts.

Net Position

In the government-wide financial statements, net position is reported in three categories: net investment in capital assets, net of related debt, if any; restricted; and unrestricted. Restricted category components are restricted by parties outside of the State (such as citizens, public interest groups or the judiciary) or imposed by law through enabling legislation.

Fund Balance Reporting

In the fund financial statements, governmental funds report reservations of fund balance for amounts that are not available for appropriation or are legally restricted by outside parties for use for a specific purpose. Designations of fund balance represent tentative management plans that are subject to change.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

NOTES TO THE FINANCIAL STATEMENTS (Continued)

For the Year Ended June 30, 2015
(With Prior Year Comparative Information)

NOTE A – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Fund Balance Reporting (Continued)

In accordance with Government Accounting Standards Board (GASB) Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, the Commission classifies fund balances based primarily on the extent to which it is bound to follow constraints on how resources can be spent. Classifications used by the Commission are:

Restricted – Represents resources that are restricted to specific purposes usually imposed by external parties such as creditors, grantors, or other governments.

Committed – Represents resources that can only be used for specific purposes pursuant to formal action of the Legislature (none in 2015 and 2014).

Assigned – Represents resources that are constrained by management’s intent to be used for specific purposes, but are neither restricted nor committed (none in 2015).

Unassigned – Represents residual balances that are neither nonspendable, restricted, committed or assigned.

Encumbrance balances at year-end are reflected as assigned. The Commission’s Special Funds consist of specific revenue sources restricted as or committed as to expenditure for specific purposes other than debt service or capital projects. Restricted and committed as revenues are expected to comprise a substantial portion of the fund inflows. Funds not meeting these criteria are reported in the general fund. The spending policy of the Commission’s Special Funds is, in order of priority, restricted, committed, and then assigned. The Commission’s classification of Special Fund inflows are restricted (federal grants), program revenues (committed), transfers from other funds (assigned), investment income (assigned unless restricted), and miscellaneous revenues (assigned). The Commission’s Special Funds are not encumbered.

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the amounts reported in the basic financial statements and accompanying notes. Actual results could differ from those estimates.

Accrued Leave Earnings

The Commission’s policy is to permit employees to accumulate earned but unused vacation and sick leave benefits. There is no liability for unpaid accumulated sick leave as sick leave is not convertible to pay upon termination of employment. All vacation pay is accrued when incurred in the government-wide financial statements. A liability for these amounts is reported in the governmental funds only if they have matured, for example, as a result of employee resignations and retirements.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

NOTES TO THE FINANCIAL STATEMENTS (Continued)

For the Year Ended June 30, 2015
(With Prior Year Comparative Information)

NOTE A – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Cash and Cash Equivalents

Cash and cash equivalents include all cash and unrestricted highly liquid investments with original maturities of three months or less.

Pass Through Receivable and Payable Accounts

The Commission acts as an intermediary for payroll and related benefits that are due and/or payable between the State and individual charter schools. For schools that choose to be on the DOE system, the Commission records a pass through receivable from schools and a payable to the DOE for the payroll amount. Schools on the proprietary payroll system, pay the full report amount, which includes fringe benefits and payroll taxes. As with all State agencies, employer payroll taxes are paid by the State of Hawaii Department of Budget & Finance and the Commission records a pass through receivable from the State and payable to the schools.

Federal program funds that have been received by the Commission by June 30, 2015 and are to be directly passed on to the schools, but paid to the schools after year-end, are also included in the pass through accounts.

Unearned Revenue

The Commission reports unearned revenue in the financial statements. Unearned revenue arises when potential revenue does not meet both the measurable and available criteria for recognition in the current period. In general, federal monies received in the current year, which have not been expended for the federal purpose by year-end are unearned.

Capital Assets, Net of Depreciation

Capital assets purchased or acquired with an original cost of \$5,000 or more are reported in the statement of net position, at cost. Maintenance and repairs are charged to operations when incurred. Betterments and major improvements which significantly increase values, change capacities, or extend useful lives are capitalized. When assets are retired or otherwise disposed of, the cost and accumulated depreciation are removed from the accounts, and any resulting gain or loss is recognized in the statement of activities.

The Commission's capital assets consist of furniture and equipment which are depreciated using the straight-line method over their estimated useful lives of five to seven years.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

NOTES TO THE FINANCIAL STATEMENTS (Continued)

For the Year Ended June 30, 2015
(With Prior Year Comparative Information)

NOTE B – CORRECTION FOR MODIFIED ACCRUAL BASIS

The Commission has restated the previously issued balance sheet – governmental funds as of and for the year ended June 30, 2014 to conform to the modified accrual basis of accounting under GASB. Previously, the Commission included accrued leave earnings in the balance sheet of \$100,409. Accordingly, the Commission restated its financial statements as of and for the year ended June 30, 2014 to exclude the accrued leave earnings.

NOTE C – CASH AND CASH EQUIVALENTS AND INVESTMENTS

The State of Hawaii, Director of Finance is responsible for the safekeeping of all monies deposited into the State Treasury. The Director of Finance pools and invests any monies of the Commission, which in the Director’s judgment, are in excess of the amounts necessary for meeting the specific requirements of the Commission. Investment earnings are allocated to the Commission based on its equity interest in the pooled monies.

Legally authorized investments include obligations of or guaranteed by the U.S. Government, obligations of the State, federally-insured savings and checking accounts, certificates of deposits, and repurchase agreements with federally-insured financial institutions.

NOTE D – CAPITAL ASSETS

For the year ended June 30, 2015, capital asset activity for the governmental activities of the Commission was as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Governmental Activities				
Office and Computer Equipment	\$270,855	\$ -	\$ -	\$270,855
Accumulated depreciation	<u>(199,110)</u>	<u>(25,528)</u>	<u>-</u>	<u>(224,638)</u>
Capital assets, net of depreciation	<u>\$ 71,745</u>	<u>\$ (25,528)</u>	<u>\$ -</u>	<u>\$ 46,217</u>

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

NOTES TO THE FINANCIAL STATEMENTS (Continued)

For the Year Ended June 30, 2015
(With Prior Year Comparative Information)

NOTE D – CAPITAL ASSETS (Continued)

For the year ended June 30, 2014, capital asset activity for the governmental activities of the Commission was as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Governmental Activities				
Office and Computer Equipment	\$258,177	\$ 12,678	\$ -	\$270,855
Accumulated depreciation	<u>(145,299)</u>	<u>(53,811)</u>	<u>-</u>	<u>(199,110)</u>
Capital assets, net of depreciation	<u>\$112,878</u>	<u>\$ (41,133)</u>	<u>\$ -</u>	<u>\$ 71,745</u>

NOTE E – LEASES

The Commission leases office space in Honolulu, Hawaii under an operating lease. Effective November 2014, the Commission's office lease expired and is on a month-to-month basis, with a monthly base rent of \$2,011 plus \$4,418 for common area maintenance expenses and property taxes. Rent expense for the years ended June 30, 2015 and 2014 totaled \$90,984 and \$90,906, respectively.

NOTE F – CONTINGENCIES

The Commission may be subject to legal proceedings, claims, or litigation arising in the ordinary course of business for which it may seek the advice of the Attorney General of the State of Hawaii. Management estimates that the cost to resolve such matters, if any, would not be material to the financial statements. However, it is at least reasonably possible that such estimates may change within the near term.

The Commission operates in the State of Hawaii. National and international events can have severe, adverse effects on economic conditions in Hawaii. The effects on the financial statements of the Commission, from such changes in economic conditions, if any, are not presently determinable.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

NOTES TO THE FINANCIAL STATEMENTS (Continued)

For the Year Ended June 30, 2015
(With Prior Year Comparative Information)

NOTE G – FINANCIAL STATEMENT PRESENTATION

The financial statements include certain prior year comparative information. Such information does not include sufficient detail to constitute a complete presentation in conformity with accounting principles generally accepted in the United States of America. Accordingly, such information should be read in conjunction with the Commission's financial statements as of and for the year ended June 30, 2014, from which the information was derived. Certain amounts in the prior year financial statements have been reclassified to conform to the current year presentation.

NOTE H – SUBSEQUENT EVENTS

Management has evaluated subsequent events through the date of the independent auditor's report, which is the date the financial statements were available to be issued, and determined that the Commission did not have any subsequent events requiring adjustment to the financial statements or disclosure in the notes to the financial statements.

**SUPPLEMENTARY FINANCIAL
INFORMATION**

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An Agency of the State of Hawaii)

SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS

For the Year Ended June 30, 2015

<u>Program Title</u>	<u>Federal CFDA Number</u>	<u>Federal Expenditures</u>	<u>Amount Provided to Subrecipient</u>
<u>United States Department of Education:</u>			
Direct Program			
Preschool Development Grants	84.419	\$ 35,051	\$ -
Passed through the State of Hawaii, Department of Education			
Impact Aid	84.041 *	2,407,491	2,407,491
Passed through the State of Hawaii, Department of Education			
Title I Grants to Local Education Agencies	84.010 *	1,622,103	1,445,410
Title I Grants to Local Education Agencies – ARRA	84.010 *	437	-
Passed through the State of Hawaii, Department of Education			
Special Education Grants to States	84.027 *	139,175	139,175
Passed through the State of Hawaii, Department of Education			
Improving Teacher Quality State Grants	84.367	117,372	106,000
Passed through the State of Hawaii, Department of Education			
Title III	84.365	47,450	22,447
Passed through the State of Hawaii, Department of Education			
Education Jobs Fund	84.410	<u>4,762</u>	<u>4,762</u>
Total Expenditures of Federal Awards		<u>\$4,373,841</u>	<u>\$4,125,285</u>

See accompanying notes to the Schedule of Expenditures of Federal Awards.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

NOTES TO THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS

For the Year Ended June 30, 2015

NOTE A – BASIS OF PRESENTATION

The accompanying Schedule of Expenditures of Federal Awards (Schedule) includes the federal grant activity of the State Public Charter School Commission and is presented on the accrual basis of accounting. The information in this Schedule is presented in accordance with the requirements of U.S. Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Non-Profit Organization*. Therefore, certain amounts presented in this Schedule may differ from amounts presented in, or used in the preparation of, the general-purpose financial statements.

* Denotes major program expenditures, comprising 95% of total expenditures of federal awards.

NOTE B – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The expenditures are recognized following the cost principles contained in OMB Circular A-87, *Cost Principles for State, Local, and Indian Tribal Governments*, wherein certain types of expenditures are not allowable or are limited as to reimbursement.

PART III
INTERNAL CONTROL AND COMPLIANCE SECTION



**INDEPENDENT AUDITOR'S REPORTS ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED
IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS***

State Public Charter School Commission:

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the State Public Charter School Commission (Commission) as of and for the year ended June 30, 2015, and the related notes to the financial statements, which collectively comprise the Commission's basic financial statements, and have issued our report thereon dated November 30, 2015.

Internal Control over Financial Reporting

The management of the Commission is responsible for establishing and maintaining effective internal control over financial reporting (internal control). In planning and performing our audit of the financial statements, we considered the Commission's internal control to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, we do not express an opinion on the effectiveness of the Commission's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency or combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Commission's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, including applicable provisions of the Hawaii Public Procurement Code (Chapter 103D of the Hawaii Revised Statutes) and procurement rules, directives and circulars, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this report is not suitable for any other purpose.

CW ASSOCIATES, CPAs

Honolulu, Hawaii
November 30, 2015



CW Associates

A Hawaii Certified Public Accounting Corporation

**INDEPENDENT AUDITOR'S REPORT ON
COMPLIANCE FOR EACH MAJOR FEDERAL PROGRAM
AND REPORT ON INTERNAL CONTROL OVER COMPLIANCE**

State Public Charter School Commission:

Report on Compliance for Each Major Federal Program

We have audited the State Public Charter School Commission's (Commission) compliance with the types of compliance requirements described in the U. S. Office of Management and Budget (OMB) *Circular A-133 Compliance Supplement* that could have a direct and material effect on each of Commission's major programs for the year ended June 30, 2015. The Commission's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the Commission's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the Commission's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the Commission's compliance.

Opinion on Each Major Federal Program

In our opinion, the Commission complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2015.

Report on Internal Control Over Compliance

Management of the Commission is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit, we considered the Commission's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Commission's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Accordingly, this report is not suitable for any other purpose.

CW ASSOCIATES, CPAs

Honolulu, Hawaii
November 30, 2015

PART IV
SCHEDULE OF FINDINGS AND QUESTIONED COSTS

**STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)**

SCHEDULE OF AUDIT FINDINGS AND QUESTIONED COSTS

For the Year Ended June 30, 2015

SECTION I – SUMMARY OF AUDIT RESULTS

FINANCIAL STATEMENTS:

Type of auditor’s report issued:

- | | |
|--|----------------------|
| 1. Internal control over financial reporting: | <u>Unmodified</u> |
| 2. Material weakness identified? | <u>No</u> |
| Reportable condition identified that is not considered to be material weakness | <u>None reported</u> |
| 3. Noncompliance material to financial statements noted? | <u>No</u> |

FEDERAL AWARDS

- | | |
|--|-------------------|
| 1. Internal control over major programs:
Material weakness identified? | <u>No</u> |
| Reportable condition identified that is not considered to be material weakness? | <u>No</u> |
| 2. Type of auditor’s report issued on compliance for major programs: | <u>Unmodified</u> |
| 3. Any audit findings disclosed that are required to be reported in accordance with section 501(a) of Circular A-133? | <u>No</u> |
| 4. Identification of major programs: | |
| a. CFDA No. 84.041 – Impact Aid. CFDA No. 84.010 – Title I Grants to Local Educational Agencies. CFDA No. 84.027 – Special Education – Grants to States. | |
| b. Dollar threshold used to distinguish between type A and type B programs: | <u>\$300,000</u> |
| c. Auditee qualified as low-risk auditee? | <u>No</u> |

SECTION II – FINANCIAL STATEMENT FINDINGS

No matters were reported.

SECTION III – FEDERAL AWARD FINDINGS AND QUESTIONED COSTS

No matters were reported.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS

For the Year Ended June 30, 2015

STATUS OF PRIOR YEAR COMMENTS

FINDINGS – FINANCIAL STATEMENTS AUDIT

In the prior year, no deficiencies or combinations of deficiencies material to the Commission’s internal control over financial reporting and no instances of noncompliance material to the Commission’s financial statements were reported by the auditor.

FINDINGS AND QUESTIONED COSTS – MAJOR FEDERAL AWARD PROGRAM AUDIT

In the prior year, the auditor expressed a qualified opinion on compliance for the Commission’s major federal award program. The following deficiencies or combinations of deficiencies significant to the Commission’s internal control over compliance were reported by the auditor.

Reference Number – Item #2014 – 001

Condition

The Commission is responsible for ensuring the following as a pass through entity: (1) Ensuring that subrecipient’s expending \$500,000 or more in Federal awards during the subrecipient’s fiscal year for fiscal years ending after December 31, 2003 as provided in OMB Circular A-133 have met the audit requirements of OMB Circular A-133 and that the required audits are completed within 9 months of end of the subrecipient’s audit period; (2) issuing a management decision on audit findings within 6 months after receipt of the subrecipient’s audit report; and (3) ensuring that the subrecipient takes timely and appropriate corrective action on all audit findings. The Commission did not perform number 2 and 3 requirements noted above.

Recommendation

The Commission should put procedures in place to ensure that the management decision on the audit findings is issued and to monitor the Charter Schools’ corrective actions for timeliness and appropriateness.

Current Status

The Commission implemented procedures to ensure management decisions on audit findings are issued within 6 months after receipt of the subrecipient’s audit report and that the subrecipient takes timely and appropriate corrective action on all audit findings.

PART V
CORRECTIVE ACTION PLAN

**STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)**

CORRECTIVE ACTION PLAN

For the Year Ended June 30, 2015

CORRECTIVE ACTION PLAN

No findings or questioned costs were reported for the year ended June 30, 2015.



**STATE OF HAWAII'
BOARD OF EDUCATION**
P.O. BOX 2360
HONOLULU, HAWAII 96804

January 19, 2016

TO: Lance Mizumoto
Chairperson, Board of Education

FROM: Jim Williams
Member, Board of Education

AGENDA ITEM: Report on the 2015 Charter School Listening Tour

Executive Summary

I. **Background**

The Board of Education ("Board") has oversight of the State Public Charter School Commission ("Commission"), pursuant to Hawaii Revised Statutes Section 302D-11. Board members have received informal complaints from charter school leaders over the course of several years. This includes complaints provided as a part of testimony at Board meetings as well as during informal meetings. As a result, several Board members participated in a listening tour, which was designed to hear from a broad spectrum of charter school governing board members, directors, and staff. Listening tour sessions were held on Oahu, Hawaii Island (Hilo), and Kauai, see **Exhibit A** (listening tour flyer), and invited people to provide their views on a variety of charter school issues. The flyer was emailed directly to charter school governing board members and directors, went out in the Commission's weekly newsletter, was posted on the Board's website, and distributed through other channels.

II. **Listening Tour Session Participation**

The listening tour sessions were attended by representatives from approximately 75% of charter schools (25 of 34 charter schools). There were total of 81 attendees,¹ which included charter school governing board members, directors, staff, and stakeholders. The same agenda was used at all of the sessions to loosely organize the discussion (**Exhibit B**).

On behalf of the Board members and Board staff, I would like to extend our heartfelt thanks and appreciation to the schools (University Laboratory School, Ka 'Umeke Kā'eo Public

¹ Note that individuals that attended multiple sessions were only counted once, so the numbers broken down by island may be slightly different.

Charter School, and Kawaikini New Century Public Charter School) that graciously hosted these sessions.

Oahu. The Oahu listening tour session was held on Thursday, November 19, 2015 at the University Laboratory School from 5:00-7:00 p.m. Board Members Jim Williams and Hubert Minn participated in the session and Board Staff (Alison Kunishige and Kenyon Tam) also attended. 11 charter school directors, 9 governing board members, 2 staff and, 6 stakeholders attended. A total of 12 charter schools were represented at this session.

Hawaii Island (Hilo). The Hawaii Island listening tour session was held in Hilo on Monday, November 30, 2015 at the Ka 'Umeke Kā'eo Public Charter School from 4:30-6:30 p.m. Board Members Jim Williams and Brian De Lima participated in the session and Board Staff (Alison Kunishige) also attended. 11 charter school directors, 15 governing board members, 11 staff and, 8 stakeholders attended. A total of 13 charter schools were represented at this session.

Kauai. The Kauai listening tour session was held on Thursday, December 3, 2015 from 5:00-7:00 p.m. Board Members Jim Williams and Margaret Cox participated in the session and Board Staff (Alison Kunishige) also attended. 3 charter school directors, 4 governing board members, 1 staff and, 2 stakeholders attended. A total of 3 charter schools were represented at this session.

III. Comments Received

At these sessions, Board Members received a number of comments on charter school issues. In an attempt to organize the comments for presentation purposes, the comments received at each session were sorted into seven categories: commission mission and performance of duties; communication; commission staff, capacity, and turnover; multiple authorizers; retaliation; and oversight. A detailed summary of the comments received are included in the attached exhibits (**Exhibit C** – Oahu session, **Exhibit D** – Hilo session, **Exhibit E** – Kauai session). The following lists the key points for each of the categories.

Commission Mission and Performance of Duties. This category includes comments on the Commission's mission and what it focuses on, the atmosphere between the Commission and schools, issues related to the State Public Charter School Contract ("Charter Contract"), the systems the Commission uses to evaluate schools and issue renewals of the Charter Contract, and oversight of Commission Staff.

- The Commission's focus is on compliance and not innovation and compliance is done in a negative and reactionary manner.
- Schools are overburdened with compliance requirements that take administrators away from students, teachers, and their schools.
- There is a lack of recognition of each school's mission and any differences are perceived as lowering the bar.
- The relationship between schools and the Commission and Commission Staff were described as contentious, antagonistic, oppositional, and where schools are always on the defense and are always presumed guilty. There are working relationships with some Commission Staff members, but those staff members were not permitted to propose solutions to situations or voice their opinions.

- The Commission does not advocate for charter schools or support school success.
- The Charter Contract should have been negotiated with each school. Without the negotiation, the contract was not bilateral, as required by law. Many schools signed the Charter Contract under duress because per pupil funds would be withheld otherwise.
- There is a lack of oversight of Commission Staff by the Commission. The Commission is viewed as a rubber stamp approving Commission Staff's actions. Schools do not get to evaluate Commission Staff or the Executive Director.

Communication. This category includes comments regarding communication between charter schools and Commissioners, Commission Staff, and attempts to communicate with the Commissioners through Commission Staff.

- It is difficult to communicate directly with Commissioners because Commission Staff serve as a barrier. This barrier was particularly evident with School Specific Measures and Charter Contract renewal criteria.
- Because all Commission meetings are held on Oahu, it is difficult for neighbor island schools to participate and many have spent school funds to fly over and attend Commission meetings to try to communicate directly with Commissioners.
- Commissioners are not actively listening to the schools and, as a result, are not making fully informed decisions.
- There are issues with the accuracy, timeliness, clarity, and quality of the communication from Commission Staff.
- It is difficult to communicate with Commission Staff because the communication is one-way, critical, callous, adversarial, and non-responsive. Attempts to consult with Commission Staff are rebuffed as being a request for technical support and no alternatives are offered.
- Schools are not allowed to verify or refute information in the Commission Staff's written reports to the Commissioners before the information is made public. These reports have contained inaccurate information, which was damaging to the schools.
- The rules are changed without effectively communicating these changes to schools. Input is not sought in advance, so schools are constantly reacting to changes.

Commission Staff, Capacity and Turnover. This category includes comments about the Commission Staff's level of knowledge and the effect of turnover in the office.

- Generally, the sentiment was that Commission Staff lacked capacity in the areas of education, charter school operations, culturally-based education, charter school funding, and the diversity of schools.
- Many viewed Commission Staff as the real issue, not Commissioners. Others said they were unable to separate the two because they were so intertwined.
- There was mention of several Commission Staff members that schools were able to work with.
- The Commission cannot provide technical assistance to schools, but it is unclear what is considered technical assistance.
- Commission Staff did not appear to have policies or procedures that governed the office, which resulted in serious issues, which staff was unwilling to discuss or correct.

- There is a lack of consistency and continuity when Commission Staff members leave. Many of the best staff members have left over the last two years.

Multiple Authorizers. This category includes attendee responses to being asked whether they would be in favor of multiple authorizers. Generally attendees advocated for multiple authorizers and stated that the Commission had jurisdiction over too many schools, which was viewed as a contributing factor in the failure of Commission Staff to provide appropriate supports and a reason Commission Staff has schools to do everything the same way.

Federal Funds. This category includes comments on federal funds that are distributed to charter schools through the Commission and the Commission’s preschool development grant.

- Charter schools did not get Race to the Top funds, so they should get other concessions, like an extended Charter Contract term.
- There were concerns about the Commission’s administration of the federal preschool grant.
- Schools that were categorized as “Continuous Improvement” and schools impacted by natural disasters did not get financial support.
- There was a lack of transparency regarding the timing and amount of funds distributed to schools and questions about whether charter schools were receiving their fair share of federal funds.

Retaliation. This category is for comments concerning retaliation by the Commission and/or Commission Staff against charter schools. Vocal charter schools experienced retaliation from the Commission and Commission Staff, which used other agencies (like Department of Health, Ethics Commission, State Auditor’s Office, and the Department of Human Services) to silence schools.

Oversight. This category includes comments on the Board’s oversight of the Commission.

- There were questions about whether the Commission was fulfilling all of the requirements of authorizer reporting in the Annual Report (Hawaii Revised Statutes Section 302D-7).
- There were questions about the level of Board oversight of the Commission’s budget.
- There were questions about whether the process of appointing Commissioners could be made more public and transparent and whether there could be a more diverse representation of educators that understand charter schools on the Commission.

Legal Representation. This category includes comments on legal representation that charter schools receive from the Office of the Attorney General. The deputy attorney general for the charter schools does not attend Commission meetings and will only respond to specific questions. Schools are not allowed to retain *pro bono* attorneys.

The Board also requested and received written comments, both at the listening sessions and after the listening sessions were completed. These written comments are attached as **Exhibit F**.

IV. Conclusion

The concerns that have been expressed during this listening tour are of such significant breadth and depth that more formal investigation by the Board is warranted. I recommend the establishment of an investigative committee (a Permitted Interaction Group pursuant to Hawaii Revised Statutes Section 92-2.5(b)(1)) to determine if a special review is warranted and to review legislative proposals relating to charter schools (as described in my memorandum relating to “Board Action on designation of Board members to an investigative committee (a permitted interaction group pursuant to Hawaii Revised Statutes Section 92-2.5(b)), concerning Board responsibilities under Hawaii Revised Statutes Section 302D-11, Oversight of public charter school authorizers and review of proposed charter school legislation,” dated January 19, 2016).

Exhibit A
Listening Tour Flyer

Hawaii Public Charter School

Listening Tour

Board of Education members are interested in hearing from charter school administrators, administrative staff, and governing board members about their relationship with the Hawaii State Public Charter School Commission and its staff, their views on how the Commission is performing its duties, suggestions about how the Board should fulfill its oversight and evaluation duties and any other issues charter schools are facing. The Board may consider this information when assessing Board oversight and evaluation of the Commission and the issue of multiple authorizers.

Oahu

Thursday, November 19, 2015, 5:00-7:00 p.m.
University Laboratory School
1776 University Avenue, Multi-Purpose Building
Honolulu, Hawaii 96822

Hilo

Monday, November 30, 2015, 4:30-6:30 p.m.
Ka 'Umeke Kā'eo Public Charter School
1500 Kalaniana'ole Avenue
Hilo, Hawaii 96720

Kauai

Thursday, December 3, 2015, 5:00-7:00 p.m.
Kawaikini New Century Public Charter School
3-1821 J Kaumualii Hwy, Hale Akamai #1
Lihue, Hawaii 96766

Exhibit B
Listening tour agenda

Hawaii Public Charter School Listening Tour

Agenda

- I. Introductions
 - a. Board/staff
 - b. Charter school participants
- II. Statement re purpose of session (jw)
- III. Feedback from charter school participants (topic by topic)
 - a. Charter School Commission – performance (accessibility, communications, decisions, charter contract, etc.)
 - b. Commission executive director and staff – performance (accessibility, communications, support, charter contract, etc.)
 - c. BOE oversight of the Commission
 - i. Duties of Board per HRS 302 (D)
 - ii. Appeals (not currently applicable, but might apply if action taken negatively affecting schools)
 - iii. Evaluation – needed? Suggestions?
 - d. Additional authorizer(s)
 - i. Should the Board make this a priority?
 - ii. Would current schools seek to move to different authorizer?
 - iii. Comments/suggestions?
- IV. Other topics related to Board responsibilities (time permitting)
- V. Adjournment

Exhibit C

Summary of comments received at Oahu listening tour session

The comments from this listening tour session were categorized by subject matter, then they were arranged the order (greatest to least) of the number of comments made. The intent was to organize the issues in order of what attendees were most interested in by looking at which issues were commented on most frequently.

Commission Mission and Fulfillment of Duties. This category includes comments on the Commission's mission and what it focuses on, the atmosphere between the Commission and schools, issues related to the State Public Charter School Contract ("Charter Contract"), the systems the Commission uses to evaluate schools and issue renewals of the Charter Contract, and oversight of Commission Staff.

A number of attendees commented on the lack of emphasis that the Commission places on innovation in charter schools. The Commission's focus is on compliance and finances, not innovation or the mission and community-based models the charter schools were founded on. There is a sense that innovation has become suspect and differences are perceived by Commission Staff as lowering the bar instead of enhancing programs to create something that students can be enthusiastic about. Attendees described the differences they did not feel the Commission was recognizing: differences between Department of Education ("Department") schools and charter schools, differences between Hawaii charter schools and mainland charter schools, differences between the individual communities charter schools serve, and differences in the student demographics each charter school serves. An attendee pointed to the fact that the Commission has only approved School-Specific Measures ("SSM") for two schools (out of 13 that applied) as an indication that innovation was not valued. There was also a comment that the Department could benefit by looking at the practices charter schools are developing applying them to Department schools.

There were several comments on the negative and reactionary nature of the compliance issues. When there is a problem at one school, all schools are questioned and an action is required from all schools. Attendees discussed a recent example of this where the Commission required all charter schools to develop a theft policy on short notice. The theory was that this was required of the schools because of a theft that occurred at one of the schools. There were also statements that charter schools only find out which Board of Education ("Board") policies apply to charter schools after something goes wrong. There were also comments about financial monitoring: how monitoring is instituted even if there is no large triggering event like missing payroll or failing to pay off a contractual debt; how financial monitoring makes it difficult for schools to apply for grants; the suspicion that the Commission failed to distribute all funds to the schools; and that the Commission was simultaneously withholding funds and instituting financial monitoring.

A couple of attendees expressed frustration with the level of detail that was being scrutinized for compliance. Attendees stated that the Commission should be focusing on higher regulatory issues, like performance criteria, but that instead compliance issues have been at a detailed level that school governing boards should be responsible for, or which are at a daily operational school level.

Several attendees stated that the Commission did not advocate for charter schools and that it was there primarily to police the schools.

The renewal criteria was approved by the Commission earlier the same day that the Oahu listening tour session was held. Generally, attendees agreed that all schools opposed the

renewal criteria over the last six months. The renewal criteria was described as really complicated and was criticized for creating new criteria and applying this new criteria retroactively. An attendee stated that the revised version that the Commission approved was more well received; prior to that it was a much different proposal that people did not like. There were comments about the way in which the Commission had made its decision on the renewal criteria earlier that day. The version of the renewal criteria that was approved was posted the same day that the Commission made its decision, which left little time for review. Moreover, the Commission made its decision to unanimously approve the revised renewal criteria without engaging in extensive deliberation, which was jarring to some attendees after it had appeared on the agenda for months.

There were questions about whether the Board supported the change that the Commission was leading, with an emphasis on regulation and not innovation; what the intent of charter school law was and whether it was being implemented correctly; and whether charter schools were developed to respond to issues in the educational sector or whether the purpose was to address issues with education.

Attendees raised the issue of the negotiation of the Charter Contract. The position of several attendees was that the Commission should be negotiating a charter contract with each school and that without this negotiation, the contract was not bilateral. Attendees also stated that many schools signed the charter contract “under duress” because per pupil funds would be withheld if schools did not sign the contracts. Attendees stated that one deputy attorney general stated that deputies will not negotiate individual Charter Contracts, but there were seemingly contradictory statements made by another deputy attorney general who stated that the Charter Contract should be negotiated.

Attendees expressed concern with the lack of oversight of Commission Staff. Schools had not been asked to evaluate Commission Staff services. An attendee stated that Commission Staff accountability for things like the inaccurate information that negatively impact schools and the ability to review Commission Staff would be a step forward.

Communication. This category includes comments regarding communication between charter schools and Commissioners, Commission Staff, and attempts to communicate with the Commissioners through Commission Staff.

Several attendees commented on how difficult it was to communicate directly with Commissioners because Commission Staff often served as a barrier to this communication. This results in a number of things: issues and concerns fall by the wayside if a Commission Staff member does not consider them valid; things like SSMS do not get reviewed by Commissioners unless Commission Staff believes that it is ready for approval; it looks like schools are not doing enough; and school input is ignored or disregarded until very late in the process.

Moreover, attendees commented that it was hard to have discussions with Commission Staff because ideas get shut down and discussion and consultation are not permitted; some described communication with Commission Staff as one way, critical, callous, and adversarial. An attendee stated that the Commission Staff is working hard and doing a lot of good, and that some Commission Staff are good, but that they need to listen to the schools. Charter schools that want to consult with Commission Staff are told that Commission Staff cannot provide that kind of support and no alternatives are offered.

Attendees raised issues with the quality of communication. When the aforementioned theft policy task was assigned, there were no accompanying instructions explaining the task. Many

attendees expressed confusion about what the policy was supposed to address, how this applied to schools, and how to complete the task in a meaningful way.

Attendees also raised issues with the timeliness of the communication. The example of the renewal criteria was used. Schools were advocating for school input on the renewal criteria, which had been on the Commission's agenda since June, but school input and movement on the renewal criteria template did not occur until late in November and only happened after Commissioners heard directly from the schools.

Commission Staff Capacity and Turnover. This category includes comments about the Commission Staff's level of knowledge and the effect of turnover in the office.

Several attendees raised issues regarding the capacity of Commission Staff. The general comment was that Commission Staff provided schools with inaccurate and incorrect information. This inaccurate information results in schools wasting time (both disputing inaccurate information and attempting to find the right answers on their own) and potentially exposes schools to liability when they act using such inaccurate information. There were also comments on the range of knowledge Commission Staff exhibits with the example of one Commission Staff member not knowing what Western Association of Schools and Colleges ("WASC") accreditation was. An attendee commented that some Commission Staff members display a greater depth of knowledge. There was acknowledgement that everyone (schools, the Commission, and Commission Staff) was doing the best that they could, but that there was a need to see how they could do better.

Attendees commented on the lack of consistency and continuity when Commission Staff members leave. Schools spend 3-4 years talking to one Commission Staff member and when someone new comes in they interpret or apply things differently. Because of the high staff turnover, schools do not get accurate or consistent information. Many of the best staff members have left over the last two years so the most helpful people are gone.

Multiple Authorizers. This category includes attendee responses to being asked whether they would be in favor of multiple authorizers.

Attendees advocated for multiple authorizers to provide options and pointed out the benefits of multiple authorizers. Multiple authorizers would allow for more school visits; currently Commission Staff only visits schools when they are on official business. A comment was made that Commission Staff is overworked and they are trying to get everything done by making everyone march to the beat of the same drummer and that the level of staffing in the Commission office is not sufficient for providing charter schools appropriate supports.

An attendee also stated that there is community support for multiple authorizers, as evidenced by the resolution that was recently passed by the Association of Hawaiian Civic Clubs, supporting the creation of a second authorizer. Another attendee stressed the urgency of the matter and the desire to address the issue more expeditiously through legislation.

Retaliation. This category is for comments concerning retaliation by the Commission and/or Commission Staff against charter schools.

A couple of attendees raised concerns about retaliation from the Commission and Commission Staff. This includes the Commission using other state agencies like the Ethics Commission, Department of Health, State Auditor's Office, and Department of Human Services to silence schools. Attendees stated that there are about 10-12 individuals, who have been most vocal, that are experiencing this retaliation. An attendee described a connection between testimony to

the Commission and visits or inquiries from state agencies. It was also stated that Commissioners were notified of the allegations of retaliation via oral testimony, but that Commissioners did not respond to this testimony. Another attendee stated that Commissioners and Commission Staff had visited the school and did not feel that there was negative retaliation, but added that this school did not spend a lot of time questioning the Commission.

Oversight . This category includes comments on oversight of Commission staff as well as the Board's oversight of the Commission.

An attendee raised an issue with authorizer reporting and whether the Commission met all of the requirements outlined in Hawaii Revised Statutes Section 302D-7² with the annual reports that it produces.

Legal Representation. This category includes comments on legal representation that charter schools receive from the Office of the Attorney General.

Board members inquired about how the Office of the Attorney General was organized to provide legal support to charter schools and the Commission. Attendees clarified that the Commission has a deputy attorney general that represents it and that a different deputy attorney general represents all of the charter schools. Schools have asked the charter school deputy attorney general to attend Commission meetings, but the deputy does not attend these meetings. Further, the deputy attorney general will only respond to specific questions. Schools have asked for the ability to retain *pro bono* attorneys, but this request was denied.

² **§302D-7 Authorizer reporting.** Every authorizer shall be required to submit to the board and the legislature an annual report summarizing:

- (1) The authorizer's strategic vision for chartering and progress toward achieving that vision;
- (2) The academic performance of all operating public charter schools overseen by the authorizer, according to the performance expectations for public charter schools set forth in this chapter, including a comparison of the performance of public charter school students with public school students statewide;
- (3) The financial performance of all operating public charter schools overseen by the authorizer, according to the performance expectations for public charter schools set forth in this chapter;
- (4) The status of the authorizer's public charter school portfolio, identifying all public charter schools and applicants in each of the following categories: approved (but not yet open), approved (but withdrawn), not approved, operating, renewed, transferred, revoked, not renewed, or voluntarily closed;
- (5) The authorizing functions provided by the authorizer to the public charter schools under its purview, including the authorizer's operating costs and expenses detailed in annual audited financial statements that conform with generally accepted accounting principles;
- (6) The services purchased from the authorizer by the public charter schools under its purview;
- (7) A line-item breakdown of the federal funds received by the department and distributed by the authorizer to public charter schools under its control; and
- (8) Any concerns regarding equity and recommendations to improve access to and distribution of federal funds to public charter schools. [L 2012, c 130, pt of §2; am L 2014, c 99, §6]

Exhibit D

Summary of comments received at Hilo listening tour session

The comments from this listening tour session were categorized by subject matter, then they were arranged the order (greatest to least) of the number of comments made. The intent was to organize the issues in order of what attendees were most interested in by looking at which issues were commented on most frequently.

Communication. This category includes comments regarding communication between charter schools and Commissioners, Commission Staff, and attempts to communicate with the Commissioners through Commission Staff.

Attendees described communication with Commission Staff was described as one way and non-communicative where calls and emails are not returned. An attendee also made a statement about Commission Staff being out of sync with charter schools, as evidenced by the comments that the executive director made to Civil Beat in a recent article. Another attendee commented that when certain charter school leaders start speaking, Commission Staff closes off. Difficulty in communicating with Commission Staff was also attributed to personality and staff's need to exert control over people.

Attendees raised issues with the accuracy, timeliness, and clarity of communication. One example discussed was the submission of graduation requirements. Commission Staff asked all of the charter schools to submit their graduation requirements on the same day the request was made. Commission Staff issued two subsequent communications correcting inaccurate information in the first request and extending the deadline by 10 days. These multiple revisions were characterized by one attendee as harassment. Another example discussed was the requirement that charter schools submit governing board meeting schedules. An attendee stated that the executive director told a school that he would waive the six-day meeting notice requirement so the Board could meet sooner; which conflicted with the meeting schedule requirement and was not how the school's governing board operated.

Generally, Commission Staff and the executive director were viewed as barriers that filter or block information and stand between schools and the Commissioners. There is no way to contact the Commissioners directly without going through Commission Staff. As a result, attendees felt that Commissioners did not know what was going on, did not know about the issues schools face and questioned whether the Commission was getting the information it needed to make its decisions. Comments ranged from the Commission Staff blocking communication because of a lack of understanding to the Commission Staff intentionally and dishonorably withholding information from Commissioners. Attendees stated that communication with the Commissioners is further hampered by the fact that the meetings are only on Oahu and people on neighbor islands can only testify by phone, there is no video, and testifiers only get two minutes to testify. As a result, many charter schools have been using their limited resources to travel to Oahu to make sure that they have a presence at Commission meetings.

The Commission was also described as a rubber stamp for the Commission Staff. One attendee questioned whether the chairperson or the executive director is leading the Commission, with another pointing out that during Commission meetings the executive director sits next to the chairperson and whispers and passes notes to her. An attendee also alleged that the Commission violated Sunshine Law by holding a secret meeting regarding a school. Another commented that the Commission listens to certain key players, but they do not get all the facts necessary to make their decisions.

When asked about whether Commissioners visited schools in the last year, attendees stated that several Commissioners (Commissioners Jill Baldemor, Peter Hanohano, and Kalehua Krug) had visited some schools, but one school stated that during their school visit they could not engage with the Commissioner without the Commission Staff member being involved. Another attendee stated that there was very little response from Commissioners when they were invited to a graduation and accreditation celebration for Hawaiian focused schools. An attendee commended Commissioners Kalehua Krug and Ernest Nishizaki for attending the Commission's listening session on the renewal criteria and Commissioner Peter Hanohano was described as a "voice of reason" when schools ask for financial and academic concessions.

Attendees stated that much of the information that the executive director provides to the Commissioners is in the form of reports, and that the schools are not allowed to verify or refute the information in these reports before the meeting. A couple of attendees described incidents where reports were issued with inaccurate information, which was damaging to the schools. At times the information issued in these reports was changed without prior notice to the school. Attendees further stated that the information was made public without Commission Staff having conversations with the schools affected or reviewing the information try to determine why the numbers look the way they do.

Several attendees also stated that Commission Staff changed the rules without communicating the changes to schools, changes that have a significant impact on a school's ability to meet things like fiscal requirements. Further, Commission Staff failed to provide the schools with the information that they need to do essential things, like develop their budgets. For example, schools were asked to develop budgets without knowing how much they would receive in federal Impact Aid. Also, School-Specific Measures ("SSM") are a part of the system that the Commission uses to evaluate schools, but the Commission was not clear on these, and as a result only two schools have SSMs. An attendee stated that Epicenter was helpful for mapping out tasks, but that tasks get inserted throughout the year and it is not clear whether the Commission is aware of those additional tasks or how schools are rated on the additional tasks.

Commission Mission and Fulfillment of Duties. This category includes comments on the Commission's mission and what it focuses on, the atmosphere between the Commission and schools, issues related to the State Public Charter School Contract ("Charter Contract"), the systems the Commission uses to evaluate schools and issue renewals of the Charter Contract, and oversight of Commission Staff.

Attendees described the relationship with the Commission and Commission Staff as contentious, one where the schools are always on the defense and reacting, antagonistic, a "gotcha" atmosphere, morale deflating for school leaders and teachers, an "us and them" situation, a "let's go get the schools" attitude, oppositional, and one where schools were presumed guilty and had to constantly prove their innocence. One attendee described this atmosphere as more than a feeling, that it was something that was constantly "hitting you in the face." A couple attendees said that they had a working relationship with certain Commission Staff members, but that these Commission Staff members could not provide their personal perspectives or propose solutions to situations. Many attendees stated that there was a lot of emphasis on the compliance side and a complete absence of support for school success and advocating for charter schools. These compliance requirements are constant and take away from their work of educating children.

Two specific examples were given: requiring a criminal activities policy and governing board meeting minutes. The first task required schools to draft and get governing board approval of a criminal activities policy within a short amount of time, which did not take into account the time it takes to draft a policy and get it approved by a school's governing board. Many governing

boards meet once a month and some meet quarterly. As to the second task, there was confusion regarding the requirement that schools post governing board minutes and a school was asked to post its minutes even if the minutes were not approved by the governing board.

Attendees discussed the Commission's attempts to label schools and put them into boxes which did not take into account the schools' missions. This included labeling schools as priority or focus labels under Strive HI when the numbers did not reflect what the school was actually doing. Instead, the focus is on test scores. The Commission has denied schools academic or financial considerations or to look at the demographics of the student population a school is serving.

An attendee stated that the system that the Commission uses to evaluate schools violates the spirit of charter schools. Another attendee raised the fact that up until the fourth draft of the renewal criteria, schools were not allowed to appeal the Commission's decision to the Board, even though the appeals process is in the law. Even though the Commission is granting all schools three year contracts, it is still going to use data from past years, which puts the schools into categories that they cannot get out of. No one understands the evaluation process that the Commission uses because charter schools get rated by the Strive HI performance system ("Strive HI"), then go through as second evaluation process with the Commission's Academic Performance Framework that changes the Strive HI ratings.

The lack of support for innovation was raised a couple of times and the fact that the Commission needs to start valuing and harnessing the innovation in charter schools and partnering with schools to accomplish this.

A comment was made that the Department supported its schools through natural disasters, but the Commission did not support charter schools through these same disasters. After the disasters, the schools affected were not given academic or financial considerations.

Attendees were asked about the attitude of the Commission and Commission Staff towards schools approved by the Commission, versus existing schools. The attitude toward new schools was described as a mixture of "can-do" and compliance and that new schools did not get any special treatment as evidenced by the fact that they shared many of the same experiences as other attendees.

An attendee raised the issue of Western Association of Schools and Colleges ("WASC") accreditation, which Commission Staff does not value, but a significant stakeholder (Kamehameha Schools) has invested a lot of money in getting Hawaiian focused schools accredited. Attendees also expressed a desire to have multiple systems (Title I, WASC, etc.) work together so that schools are not constantly "chasing rabbits down holes."

Another attendee raised the fact that the Commission looks at the timeliness of reports submitted through Epicenter, not necessarily the accuracy of the reports. Schools are encouraged to just get the reports in on time, but then the reports are scrutinized for discrepancies.

Attendees raised the issue of the negotiation of the charter contract. The position taken was that the Commission should be negotiating a charter contract with each school and that without this negotiation, the contract was not bilateral. Some attendees stated that their schools signed the charter contract "under duress" because per pupil funds and Title I funds would be withheld if schools did not sign the contracts and that the single form charter contract does not take into account the differences between schools, especially Hawaiian medium schools. Attendees pointed to this failure to negotiate separate charter contracts with schools as the genesis of

problems with the Commission and the adversarial relationship between the schools and the Commission.

There were questions about who evaluates the executive director and Commission. It was clarified that the Board evaluates the Commission and the Commission evaluates the executive director. An attendee stated that the “clean-up” legislation that the executive director has been getting passed took charter schools out of the evaluation process.

Attendees stated that an evaluation of the executive director was done recently and that the understanding was that schools and Commission Staff would be able to provide feedback, but this was not done.

Commission Staff Capacity and Turnover. This category includes comments about the Commission Staff’s level of knowledge and the effect of turnover in the office.

Generally, the sentiment was that Commission Staff lacks an understanding of things like education, charter schools and how they operate (for example, with few administrative staff people), culturally-based education, and the diversity of schools.

Many attendees spoke highly of Ben Conkright, Federal Programs Manager and Title I Linker, who was described as one of the few “golden shining stars” of the office who bends over backwards to help schools and who has experience working in a school. The biggest fear that is being realized is that people that have provided support to the schools, like Title I Linkers and Charter Academic Officers, are leaving.

An attendee stated that the larger issue is that the Commission and Commission Staff have not been specific on what is and what is not technical assistance. One Commission Staff member will say that they cannot provide a certain support, but then there is an example that seems far-reaching on the other end of the spectrum.

It was unclear to former Commission Staff members what technical support meant and when it was or was not allowed. There were times that they were told not to help the schools or when internal school documents were inappropriately requested for compliance purposes.

Issues were raised with the fact that the Commission and Commission Staff do not appear to have policies in place for themselves while they are monitoring policies for schools. This absence of policies and procedures for the Commission and Commission Staff has resulted in serious issues. When these issues were raised Commission Staff was unwilling to meet, take the time to understand the issues, or correct them. Commission Staff is also given decision-making power over the use of things like federal funds, but lack the capacity and knowledge to allocate the funds to effectively support the schools.

An issue was raised with the Commission’s complaint webpage, alleging that Commission Staff was asked several times over an eight month time period to update the page to remove contact information for a former director and chair, but did not do so. This was significant because if someone contacted these former employees with current complaints against the school, it could have a negative impact on the school.

Retaliation. This category is for comments concerning retaliation by the Commission and/or Commission Staff against charter schools.

Some attendees felt targeted and expressed concern that what was expressed at the session would result in further retaliation since former Commission Staff members were present. Others

were not concerned about was being stated, even if there was retaliation as a result. An attendee stated that there has been change recently where even newer school leaders are anticipating retaliation. In the past it had been more established school leaders that had experienced retaliation. Another stated that the executive director and Commission Staff work together to organizationally harass the schools and that evidence would be provided showing this harassment.

Attendees pointed to visits some schools received from the Department of Human Services (“DHS”) and Department of Health and inquiries from the Ethics Commission as retaliation. An attendee described a visit from DHS regarding after school care program licenses and was told that the agency was responding to a complaint from the Commission’s executive director that the schools were operating illegal programs.

An attendee stated that after the school requested an extension, Commission Staff sent an email (which the school mistakenly copied on) stating that the school was always asking for extensions and that “we are going to have to do something about that.”

Another attendee stated that the fear of retaliation is because the Commission Staff lacks flexibility, communicates poorly, and is overly concerned with accountability and making sure charter schools are doing what they are supposed to do.

Federal Funds. This category includes comments on federal funds that are distributed to charter schools through the Commission and the Commission’s preschool development grant.

The fact that charter schools did not get Race to the Top (“RTTT”) funds or other federal funds was raised. One attendee stated that when testimony was provided inquiring about why RTTT funds were not included in the Commission’s annual report, the executive director stated that the RTTT grant is outside of the scope of the Commission’s annual report. The executive director allegedly also stated that charter schools were offered RTTT funds and declined them (in front of charter school stakeholders) and directed the school to the Board regarding its inquiries. If there are no more RTTT funds, then charter schools that would have gotten these funds because they were in the zones of innovation should get additional time on their charter contracts instead. These gaps in the system are unfair to charter schools.

There were concerns raised with the Commission’s administration of the federal preschool grant. Concerns were expressed about the fact that the professional development provided under this grant was English-based, which did not take into account the fact that the preschools were to open at Hawaiian medium schools. There were also concerns about how, who, and the basis for making made decisions about which schools could open preschools in the first year. These decisions had negative impacts on schools their public images suffered as a result.

There were also issues with the lack of financial support for schools that were not categorized as focus or priority under Strive HI and the absence of any funds from the Federal Emergency Management Agency (“FEMA”) for natural disasters that had impacted Hawaii Island. There was also a lack of transparency about the distribution of funds to schools and the timing and means of such distribution. An attendee commented that the legislative change to exempt charter schools from statute regarding the use of federal funds is a slippery slope.

Multiple Authorizers. This category includes attendee responses to being asked whether they would be in favor of multiple authorizers.

A majority of the attendees responded positively to the idea of additional authorizers. Additional authorizers would break the monopoly, could address existing issues, and avoid repeating the

same mistake of going down the rabbit hole of compliance. Attendees expressed the need for an authorizer that understands education, understands Hawaiian focused schools, that lives here, and that is not an attorney.

An attendee referenced the standards on charter school authorizing published by the National Association of Charter School Authorizers (“NACSA”), which recommends that each state have more than one authorizer to create a system of checks and balances. NACSA further recommended that a new authorizer be created in Hawaii by July 2013 and that new schools open in Fall 2014. The attendee also provided nationwide statistics on authorizers – only seven states have one authorizer and all of those states have environments that are hostile to charter schools. The attendee further commented that while the Board has to adopt administrative rules in order to create the process for additional authorizers, the Commission passed their administrative rules expeditiously, so the timing will depend largely on whether anyone protests against the rules.

An attendee raised the idea of having an authorizer for Hawaii Island charter schools (and Maui charter schools as a canoe district), with the authorizer being Hawaii County. Hawaii County could be the Local Education Agency (“LEA”), which could potentially bring in more funds for education. This would address issues with having all decision-making centralized on Oahu.

Oversight. This category includes comments on the Board’s oversight of the Commission.

An attendee made several suggestions regarding Board oversight of the Commission, including assigning a Board member to address Commission compliance; creating a grievance process and a process for accessing Board members because these do not currently exist; requiring that legal issues, like bilateral negotiations are addressed prior to the next round of contract executions; allowing charter schools to come to the Board to address things like federal funds, since this is within the Department’s purview; and creating a new authorizer that can implement accountability in a different way.

There were also questions as to whether the Board had oversight of the Commission’s budget because the Commission has exceeded its budget in the past and took funds from the schools to make up the deficit. Attendees stated that Commission Staff made decisions regarding the Commission’s budget and these actions, not the Commission.

Exhibit E

Summary of comments received at Kauai listening tour session

The comments from this listening tour session were categorized by subject matter, then they were arranged the order (greatest to least) of the number of comments made. The intent was to organize the issues in order of what attendees were most interested in by looking at which issues were commented on most frequently.

Communication. This category includes comments regarding communication between charter schools and Commissioners, Commission Staff, and attempts to communicate with the Commissioners through Commission Staff.

Attendees stated that they do not hear about things until after they are done, so they are constantly reacting to things. School input is not requested in advance. In the past there were quarterly meetings to inform school directors and business managers about what was going to

be available and to provide input. At these meetings charter school leaders could ask questions about things like funding.

Attendees also raised issues with timely communication about important things, like capital improvement program applications, which are not communicated until the last minute. After schools work on these things and submit them, they do not hear back about what happened.

An attendee stated that Commission Staff was unable to communicate the specifics of requirements, like posting minutes, and answer questions like whether the 30 day requirement for posting minutes was 30 days after the meeting or 30 days after the minutes were approved.

Attendees also discussed the absence of communication when requirements change; there were specific concerns raised with communication regarding School-Specific Measures (“SSM”) and funding. SSMs originally required three years of data; at some point it changed to one year, but schools were not informed of the change until they were questioned about why the school had not submitted an SSM. In another instance, use of a particular assessment was rejected one year, but the school was later told the assessment could be used as a SSM. Another attendee described the SSM process as not helpful. The school was told to do a number of things, but did not get the technical support it needed to do these things. Attendees also stated that the executive director has changed requirements and processes for significant things, like funding, in the middle of the school year. When developing their budgets, charter schools were told to calculate federal Impact Aid on a per pupil basis. In the middle of the year, school were told that impact aid might be distributed using a targeted formula instead of per pupil, which could change the amounts each school received. At the point when the listening tour session on Kauai was held, no impact aid funds had been released to the schools. Attendees commented on the lack of transparency and that changing things in the middle of the year is difficult for schools, many of which have very tight budgets.

An attendee commented that Commission Staff does not facilitate collaboration between schools or the sharing of information. When a school asked to see the approved SSMs it was told to contact the school with the SSM directly. When meeting material, like PowerPoints were requested, they were not provided.

Generally, attendees stated that Commission Staff filters the information that the Commission receives, in particular when dealing with SSMs and the renewal criteria. Commission Staff reviews SSMs and if they do not think that an SSM should be approved, the Commission never sees it. The executive director controls the agenda and the results of the agenda items are almost scripted and schools know what the result will be before the meeting occurs. Moreover, charter schools on Kauai are at a disadvantage because the Commission meetings are held on Oahu.

Attendees stated that Commissioners are not listening to the schools. Only 2-3 Commissioners have made the effort to go to the school level to listen to people and, as a result, they are not making fully informed decisions. An attendee questioned whether the Commission is doing its due diligence when voting. An attendee described a huge disconnect between charter schools and the Commission because the Commission is not actively listening to the schools.

Attendees spoke positively about a special meeting with two Commissioners that had a different format from the Commission’s formal meetings where the intent was to find out what stakeholder concerns were. This meeting was more productive because everyone was engaged, able to share their mana’o, and worked through things that had been raised from the beginning. The meeting did not result in all the changes schools requested, but they felt that they were heard for the first time in a long time.

Commission Mission and Fulfillment of Duties. This category includes comments on the Commission's mission and what it focuses on, the atmosphere between the Commission and schools, issues related to the State Public Charter School Contract ("Charter Contract"), the systems the Commission uses to evaluate schools and issue renewals of the Charter Contract, and oversight of Commission Staff.

Attendees described the atmosphere as one of oppression and one where the schools and the Commission are butting heads. Schools want to be accountable, but the closing of one charter school lingers until today. There are constant reminders of this school at almost every Commission meeting - about what occurred, what could happen, and the large outstanding debt left by the closing. This is used as a justification for much of what is being asked of charter schools. Hearing this so often breeds animosity and bad feelings. Instead of bringing up the past, the Commission should be monitoring schools and raising concerns when issues start to arise or when schools are close to the edge. Requirements come from a punitive standpoint and if the schools do not do what is required, the information is made public. Another attendee stated that they did not want to believe that the intent is to be adversarial and punitive, but Commission Staff had commented in a meeting with the attendee that the "community could do without a charter school because it is not like there isn't a [Department] school in every neighborhood anyway."

An attendee described the mindset of Commission Staff as one of a lawyer that comes from a negative, compliance-oriented place where there is a lack of flexibility and no clarification, conversation, or collaboration. The focus is not on innovative education, which is why charter schools exist. Commission Staff is sending the message is that schools are not allowed to be innovative and creative, which is part of the reason why there are so few approved SSMs.

An attendee stated that charter schools were more supported under the executive directors of the Charter School Administrative Office ("CSAO"). The atmosphere has changed from one that celebrated and encouraged culture and innovative education to one focused on compliance issues. Compliance does not positively impact student achievement; instead it keeps administrators away from students and teachers. The compliance required by the Commission has required administrators to spend more time away from the school and office than when CSAO was in place.

Several attendees stated that the Commission does not advocate for charter schools anymore. They hear over and over that they do not provide technical support because they are an authorizer. CSAO used to provide useful training.

An attendee spoke of how charter schools are overrun with tasks relating to accountability. The tasks schools are provided in Epicenter started with four pages in 2014-2015, but now it is nine pages long. There are many things that need to be done, but more is added every year. There was a recent requirement that schools develop a crime related incident reporting policy that had to be adopted within two weeks, which is a short turnaround time to draft a policy and get governing board approval. This is a new and additional policy that was not required before.

Attendees stated that the Charter Contract was not bilateral and that school governing boards signed the contract under duress because contracts were signed soon before the school year was to start and they needed the money to open the school to students and teachers. There were a lot of things wrong with the contract the first time around, but the schools could not fix these things and the Charter Contract was rushed through.

Attendees stated that Commission Staff needs to be reviewed and evaluated and that charter schools need to be able to evaluate the executive director. It was questioned why evaluation of

the executive director by charter schools was removed from the law and whether the Commission could be required to get feedback from the schools when evaluating the executive director.

There was also a question about the appropriateness of the executive director sitting in the superintendent's seat (next to the chairperson) and the reason for the change. The impression is that he is more of a voting Commissioner than an executive director. It appears that he is held less accountable and is questioned less because he is sitting at the table with the Commissioners and the Commission is rubber stamping his actions.

Federal Funds. This category includes comments on federal funds that are distributed to charter schools through the Commission and the Commission's preschool development grant.

Charter schools did not receive any Race to the Top funds and they lose out because they are not in the pathway to receive those monies. There was a question about whether the proportion of federal funds that Department schools receive and the proportion of federal funds that charter schools receive are the same.

Multiple Authorizer. This category includes attendee responses to being asked whether they would be in favor of multiple authorizers.

The attendees generally agreed that they would be interested in moving their schools to a new authorizer. An attendee raised National Association of Charter School Authorizers' ("NACSA") guiding principles, one of which was that for authorizers to be effective, it should only be responsible for 10-12 charter schools. It is a concern if one authorizer has over 30 charter schools. Things like bilateral contract negotiations cannot occur if an authorizer has too many schools, so the authorizer relies on a one size fits all model. If an authorizer has too many schools, then it makes sense that it would focus on the troublesome schools. Another attendee agreed that the Board should move forward on opening things up for other authorizers.

Commission Staff Capacity and Turnover. This category includes comments about the Commission Staff's level of knowledge and the effect of turnover in the office.

Attendees emphasized that the biggest issue was the Commission Staff and not the Commissioners.

Attendees questioned Commission Staff's ability to understand what the schools are saying or review SSMs because Commission Staff does not have an educational background or recently moved to Hawaii. There were comments about Commission Staff making up requirements, providing inaccurate and inconsistent information, and not listening to schools. There was a suggestion that Commission Staff review the guiding principles of NACSA so that some of those things, like a minimum 5 year contract renewal period, are implemented. An attendee commented that Commission Staff is stuck to a linear way of thinking.

There are some Commission Staff that attendees worked well with – Danny Vasconcellos and Kenyon Tam were mentioned specifically.

There were comments regarding Commission Staff turnover and its impact on things like SSMs. Requirements changed when Commission Staff members left and new people came on board and SSM reviews were delayed.

Oversight. This category includes comments on the Board's oversight of the Commission.

There were questions about the process that the Board uses to appoint Commissioners as well as suggestions to allow schools to submit names in a public, transparent process. There were also comments on the makeup of the Commissioners and whether there could be more diverse representation with educators familiar with Hawaiian focused schools, Hawaiian immersion, and traditional education settings. Conversations were fuller and more meaningful when they involved Alapaki Nahale-a (who was appointed by the Commission as a Charter School Director Advisor in accordance with the Commission's Bylaws). There was a question about whether the Commissioners understood enough about charter schools to be a part of the charter school movement.

Exhibit F
Written comments received



Hinaleimoana Wong-Kalu
<taahine.hina@gmail.com>

12/22/2015 11:52 PM

To boe_hawaii@notes.k12.hi.us
cc
Subject HAWAII STATE CHARTER SCHOOL
COMMISSION

- HINALEIMOANA WONG-KALU: Former Cultural Director of Halau Lokahi PCS
- Any meeting pursuant to discussion re: Hawaii State Charter School Commission
- I SUPPORT ANY AND ALL EFFORTS TO DO EITHER ONE OF THE FOLLOWING:
- Take corrective action against the Hawaii State Charter School Commission for hostile treatment of Halau Lokahi PCS
- Release of Tom Hutton as Executive Director for high ineptitude at handling issues rooted within an already troubled and highly contentious charter school environment that requires more support than regulation (regulation is only logical if all of the support sources and individual school infrastructure is fully functional and efficient)
- Replacement of all of the commissioners for failure to appropriately deal with the issues such as those that impacted Halau Lokahi PCS with a level of competence in conflict resolution/mitigation APPROPRIATE for a Hawaiian/local island engage. Also for lack of sensitivity in expediting corrective action towards Halau Lokahi PCS resulting in the subsequent "public eye demise" and closure of the school by the commission.
- If there is no disciplinary action taken by the BOE towards Tom Hutton and commissioners then they all need to be curtailed in their ability to kill simply kill a school. Direct requests were made to Mr. Hutton and he refused to honor our requests.
- There a several other points to for further discussion however the best I can do is to offer it up to your board members that I can and will provide greater articulation in person if notified ahead of time.

I am so very disappointed at what the body of the Hawaii State Charter school currently represents to charter schools, especially Native Hawaiian Charter Schools and on behalf of all those of us whom suffered because of the staunchly inappropriate methodology of problem resolution/reconciliation.

I am and have been at the head of the Oahu Island Burial Council, another board/commission appointed by the governor and confirmed by the senate. I know from my 8 years of council experience that the kind of engage with the current administrative executive and the current commission members was abusive, unnecessary, inappropriate, unconscionable, and inexcusable behavior and engage.

My contact info is:

Hinaleimoana Wong-Kalu
808-225-4123
taahine.hina@gmail.com

for further questions please feel free to contact me.

Mahalo,

Hinaleimoana Wong-Kalu

**

This email was scanned by the Cisco IronPort Email Security System contracted by the Hawaii Dept of Education. If you receive suspicious/phish email, forward a copy to spamreport@k12.hi.us. This helps us monitor suspicious/phish email getting thru. You will not receive a response, but rest assured the information received will help to build additional protection. For more info about the filtering service, go to http://help.k12.hi.us/nssb/internal/spam_pages/index.html

**

Nā Lei Na'auao
Ph #: 808-887-1117
Fax #: 808-887-0030
NLN@kalo.org

NĀ LEI NA 'AUAO
Alliance for Native Hawaiian Education

Hakipuru Learning
Center
Kāne'ohe, O'ahu

Hālau Kū Māna
Honolulu, O'ahu

Ka 'Umeke Kō'eo
Keaukaha, Hawai'i

Ka Waihoia o ka
Na'auao
Wai'anae, O'ahu

Kamaile Academy
Wai'anae, O'ahu

Kanu o ka 'Āina
Kamuela, Hawai'i

Kanu i ka Pono
Anahola, Kaua'i

Kawaikini PCS
Līhue, Kaua'i

Ke Ana La'ahana
Keaukaha, Hawai'i

Ke Kula Niihau 'o
Kekaha
Kekaha, Kaua'i

Ke Kula 'o
Nāwahōkalanī 'opu'u
Kea'au, Hawai'i

Ke Kula 'o Samuel M.
Kamakau
Kāne'ohe, O'ahu

Kua o ka Lā
Pāhoa, Hawai'i

Kualapu'u Elementary
Kualapu'u, Molokai

Kula Aupuni Niihau A
Kahelelani Aloha
Makaweli, Kaua'i

Mālama Hōnua
Waimānalo, O'ahu

Waimea Middle
Kamuela, Hawai'i

September 28, 2015

Lance Mizumoto, Chairman and Members of the Board
Hawaii Board of Education
P.O. Box 2360
Honolulu, Hawaii 96804

Nā Lei Na'auao and other charter school leaders request your assistance in addressing issues of serious concern for Hawai'i Charter Schools. These issues were presented in formal written testimony to the Charter School Commission on September 10, 2015 and in individual presentations by Charter School leaders and supporters on multiple occasions over the past several months. While leaders believe Charter Commissioners are generally supportive of our schools, there is concern that the important issues have not been addressed. To date, they have not received a formal response on the issues raised in respective testimony.

Charter School leaders collectively feel that they are under inordinate, intensive scrutiny in a hostile regulatory and compliance environment that hampers their ability to focus on student learning, oversteps the authority and autonomy of its Governing Boards, and threatens the very existence of their schools. These negative operating conditions divert attention away from the true mission of educating students in innovative learning environments upon which each school was founded.

Charter school leaders are formally requesting Board of Education intervention to clarify the eight overarching issues cited in the enclosed testimony that they believe are incongruent with the current statute and contract and to seek legal interpretation of the same as necessary. School leaders are prepared to meet with Board of Education committees and/or be placed on board agendas soon for this purpose.

As Coordinator of Nā Lei Na'auao, an alliance of charter schools listed on this letterhead, I will avail myself to assist in any way, working towards a positive collaboration. Please feel free to contact me if you have any questions or to coordinate a follow up meeting. I can be reached on my direct line on Hawai'i Island at 890-2507 or by cell at 960-5272.

Mahalo for your attention and consideration of our request.

Sincerely,

Ka'iulani Pahi'ō, Coordinator
Nā Lei Na'auao Alliance for Native Hawaiian Education

Enclosure

Nā Lei Na'auao
Ph #: 808-887-1117
Fax #: 808-887-0030
NLN@kalo.org

NĀ LEI NA 'AUAO *Alliance for Native Hawaiian Education*

Hakipu'u Learning
Center
Kāne'ohe, O'ahu

Hālau Kū Māna
Honolulu, O'ahu

Ka 'Umeke Kā'eo
Keaukaha, Hawai'i

Ka Waihona o ka
Na'auao
Wai'anae, O'ahu

Kamaile Academy
Wai'anae, O'ahu

Kanu o ka 'Āina
Kamuela, Hawai'i

Kanu i ka Pono
Anahola, Kaua'i

Kawaikini PCS
Līhue, Kaua'i

Ke Ana La'ahana
Keaukaha, Hawai'i

Ke Kula Ni'ihau 'o
Kekaha
Kekaha, Kaua'i

Ke Kula 'o
Nāwahīokalani'opu'u
Kea'au, Hawai'i

Ke Kula 'o Samuel M.
Kamakau
Kāne'ohe, O'ahu

Kua o ka Lā
Pāhoa, Hawai'i

Kualapu'u Elementary
Kualapu'u, Molokai

Kula Aupuni Ni'ihau
A Kahelelani Aloha
Makaweli, Kaua'i

Mālama Hōnua
Waimānalo, O'ahu

Waimea Middle
Kamuela, Hawaii

Date: September 4, 2015

TO: Catherine Payne, Chairperson,
Charter School Commission

Cc: Tom Hutton, Executive Director

FROM: Na Lei Na'auao Alliance for Native Hawaiian Education and Friends

SUBJECT: Charter Contract Renewal Criteria and Process

Mahalo for the Commission's action extending the timelines for the bilateral contracts and for the subsequent staff meetings with Nā Lei Na'auao Alliance (NLN) and friends to include Connections Charter School, Kihei Charter School, Kamehameha Schools and The Office of Hawaiian Affairs. The August 6, 2015, meeting was appreciated with 24 representatives of 21 organizations attending the informational commission meeting in the morning and NLN debrief that followed.

While we agree the timeline is important to move the charter renewal contract process forward, the Alliance and the Governing Boards we represent have serious concerns regarding perceived misinterpretation or disregard for the law and question the legality of components that are included and omitted that impact the process and timeline currently proposed.

A long list of detailed concerns and questions that were discussed at the August 6th meeting with the Commission staff is currently being circulated amongst the group to bring forth comment however; we believe that there are overarching questions about the charter renewal process, interpretation of the law, and timeline that need to be addressed prior to getting into the details of the contract and its exhibits.

This representative group identified eight overarching issues that are incongruent with the statute and current contract. We are requesting clarification and neutral formal legal interpretation of the proposals and procedural details to commence as soon as immediately feasible. We further request that the legal opinion be disseminated to all schools and Governing Boards (GB) before requiring charter schools to sign contracts over provisions that may be outside the parameters of the laws GBs and the Commission are accountable to.

We request clarification of the following overarching issues with the charter renewal contract and timeline that we feel are problematic:

1. If probation is accepted, a Governing Board (GB) would waive the right to appeal eliminating a GB's due process rights.
2. A portion of the contract renewal process Reports/Feedback/Guidance outlined in HRS 302D-18, your administrative rules, and the current

NĀ LEI NA 'AUAO *Alliance for Native Hawaiian Education*

Hakipu'u Learning
Center
Kāne'ohe, O'ahu

Hālau Kū Māna
Honolulu, O'ahu

Ka 'Umeke Kā'eo
Keaukaha, Hawai'i

Ka Waihona o ka
Na'auao
Wai'anae, O'ahu

Kamaile Academy
Wai'anae, O'ahu

Kanu o ka 'Āina
Kamuela, Hawai'i

Kanu i ka Pono
Anahola, Kaua'i

Kawaikini PCS
Līhue, Kaua'i

Ke Ana La'ahana
Keaukaha, Hawai'i

Ke Kula Ni'ihau 'o
Kekaha
Kekaha, Kaua'i

Ke Kula 'o
Nāwahīokalani'opu'u
Kea'au, Hawai'i

Ke Kula 'o Samuel M.
Kamakau
Kāne'ohe, O'ahu

Kua o ka Lā
Pāhoa, Hawai'i

Kualapu'u Elementary
Kualapu'u, Molokai

Kula Aupuni Ni'ihau
A Kahelelani Aloha
Makaweli, Kaua'i

Mālama Hōnua
Waimānalo, O'ahu

Waimea Middle
Kamuela, Hawaii

contract Section 14.2, has been eliminated under the current timeline. This removal is inappropriate and incongruent with Act 130 and the current contract.

3. The current process and timeline does not allow GB negotiations, disregarding the intent and letter of Act 130. Each GB's rights to negotiate must be maintained and imbedded in the process and timeline.
4. The charter school Attorney General (AG) has taken the position that it is not appropriate for their office to negotiate the charter bilateral contract on behalf of GBs. Given the primary negotiator representing the commission is an attorney, GBs request that the Governor approve outside counsel on their behalf. An attorney's professional responsibility when acting in the attorney role is to allow the other party to also have attorney representation.
5. Under Article VII of the State Constitution agencies are only allowed to carryover or reserve 5% of annual budgets. A mandated 25% reserve of the annual operational funds allocation violates the constitutional provision.
6. The contract mandate for Commission staff to conduct inspections of student files and records may violate FERPA laws and policies. Clarification of the purposes and specifics of the record review is required in order to ensure GB's do not violate IDEA access to student records and/or FERPA laws and policies.
7. A formal legal interpretation is required to outline clear lines of authority between GBs and Commission Staff to ensure that GBs and the Commission are fulfilling their fiduciary responsibility while maintaining the intended purpose and serving the best interest of the children.
8. With the passage of a new federal education bill, part of the authorization process involves a period of Rule Making to work out the implementation details of the law that can extend well into 2017. The contract must be aligned so implementation will be timely and relevant to new federal guidelines and laws. Honoring the current contract timeline instead of pushing it forward a year, will allow alignment with the new federal guidance and breathing room to work with Commission staff to produce a realistic contract that serves all of our purposes.

It remains clear that each school shall have the opportunity to negotiate a bilateral contract due to its complexity and implications HRS 302D-5(a)(4). Governing Boards should have access to legal counsel to guide them through the process. This will ensure that the authority of Governing Boards and their autonomy to control and be held accountable for the management of their respective charter schools is maintained, allowing the charter school's to meet the purpose of ACT 130 "to provide genuine community-based education."

Clearly, there is an obvious disconnect between the charter schools' philosophical approach and the commission staff's regulatory intention. It would be extremely helpful if the Commissioners, in conjunction with charter school communities,

Nā Lei Na'auao
Ph #: 808-887-1117
Fax #: 808-887-0030
NLN@kalo.org

NĀ LEI NA 'AUAO *Alliance for Native Hawaiian Education*

Hakipu'u Learning
Center
Kāne'ohe, O'ahu

Hālau Kū Māna
Honolulu, O'ahu

Ka 'Umeke Kā'eo
Keaukaha, Hawai'i

Ka Waihona o ka
Na'auao
Wai'anae, O'ahu

Kamaile Academy
Wai'anae, O'ahu

Kanu o ka 'Āina
Kamuela, Hawai'i

Kanu i ka Pono
Anahola, Kaua'i

Kawaikini PCS
Līhue, Kaua'i

Ke Ana La'ahana
Keaukaha, Hawai'i

Ke Kula Ni'ihau 'o
Kekaha
Kekaha, Kaua'i

Ke Kula 'o
Nāwahīokalani'opu'u
Kea'au, Hawai'i

Ke Kula 'o Samuel M.
Kamakau
Kāne'ohe, O'ahu

Kua o ka Lā
Pāhoa, Hawai'i

Kualapu'u Elementary
Kualapu'u, Molokai

Kula Aupuni Ni'ihau
A Kahelelani Aloha
Makaweli, Kaua'i

Mālama Hōnua
Waimānalo, O'ahu

Waimea Middle
Kamuela, Hawaii

clearly articulated the long-term strategic vision for the movement that would allow all entities to work together for the betterment of our students.

In the spirit of aloha we come to you with unified thankfulness and appreciation for the Commissioners' support to charter schools and ask for your continued support of the children and families we serve throughout the contract renewal process.



UNIVERSITY
of HAWAII®
WEST O'AHU

December 14, 2015

Mr. Jim Williams, Board of Education
State of Hawaii
1390 Miller Street, Room 405
Honolulu, Hawaii 96813
BOE_Hawaii@notes.k12.hi.us

Re: Charter School Authorizer

Aloha, Mr. Williams:

The University of Hawai'i – West O'ahu offers a distinct, student-centered baccalaureate education that integrates the liberal arts with professional and applied fields. We develop life-long learners enriched and informed by career competencies and educational opportunities that address state, regional, and international needs. As a diverse and inclusive indigenous serving institution, UH West O'ahu embraces Native Hawaiian culture and traditions while simultaneously providing an environment where students of all ethnic backgrounds are valued, respected, and supported. Our campus fosters excellence in teaching and learning and serves the community of Hawai'i by providing an accessible and affordable college experience.

Our vision is to be a premier, comprehensive, indigenous-serving institution dedicated to educating students to be engaged global citizens and leaders in society. UH West O'ahu envisions a supportive and dynamic learning environment where all students, faculty and staff embody Native Hawaiian values and perpetuate Native Hawaiian culture and in which the inclusion of all individuals is reflected in the institution's culture, practices and relationships.

The vision and mission above completely aligns with Na Lei Na'auao Alliance for Native Hawaiian Education charter schools which is to establish, implement, and continuously strengthen models of education throughout the Hawaiian islands and beyond, which are community-designed and -controlled and reflect, respect and embrace 'ōlelo Hawai'i, 'ike Hawai'i and Hawaiian cultural values, philosophies and its practices.

We are currently working collaboratively with Na Lei Na'auao to support dual credit early college opportunities and college bridge programs that will allow college to be a seamless and expected transition for Hawai'i students. We are formally piloting the partnership beginning January 2016, and are very interested and willing to become a charter school authorizer.

Mahalo,

A handwritten signature in black ink that reads 'Rockne Freitas'.

Rockne Freitas
Chancellor

Concerned Charter School Oldies Collective
December 22, 2015

To: Hawaii State Board of Education

Re: Charter School Listening Tour

As Founding Administrators of some of Hawaii's first start-up Charter Schools we have been involved in developing and refining the charter movement for the last 16 years. Collectively we have over a century of educational experience, a majority of it with Hawaii charters. Many of us have grave concerns regarding the following issues and humbly request your support. We are appealing to the BOE to clarify the vision of the charter school movement as an educational innovation model and investigate the perceived issues below. We also request while the investigation is ongoing, that no action be taken against a school, negative press from the commission be eliminated that may undermine due process, and individuals that speak their truth be protected from retaliation.

Finance:

- Two past annual audits of the Commission office show over spending beyond State allocations
- Annual Report clarifies millions of dollars in federal funding withheld from schools
- No check and balance on internal controls
 - Withholding per-pupil allocations until the last minute 6/30
 - Withholding % of allocation amount inappropriately 12/4/15 newsletter
 - Sending out inappropriate per-pupil funding amounts to schools
 - Withholding federal funding indefinitely
 - No clarity or communication regarding collective bargaining funding
 - The person receiving the funding for schools, is the one disbursing the funding, is the same one interpreting financials to withhold funding and reporting to the Legislature and BOE
 - Transferring payroll without schools consent in the wrong fiscal year

Disregard for the law:

- Refusal to negotiate with governing boards
- Contract manipulation and disregard
- Encroachment on governing boards authority and responsibility
- Consistently try to decline due process through contractual agreements
 - Preschool grant agreement
 - Current contract
- Not allowing new charters
 - attempted moratorium on new schools limiting ability to obtain federal funding
 - percentage of new schools to applicants
 - lack of community outreach to promote the movement
 - negative press
 - negative reports to legislators

Lack of response to significant issues charters have requests clarity on:

- "Parking lot" of last contact commissioner intervention
- Collective bargaining
- USDA Food Service exclusion of Title 1 students

Concerned Charter School Oldies Collective
December 22, 2015

- Special Education
- Enrollment projections
- Title III
- Withdrawal and transfer students between DOE and charter

Hostile regulatory environment:

- Inappropriate timelines for communication responses to staff and due dates
- Only allowing HPCSN communication as formal input which requires significant membership dues and over half the schools are members.
- Micromanagement of Schools and Governing Boards via Epi Center
- Consistent negative press from staff
- Commission meeting agenda's not including submittals at posting while testimonies are due prior to submittals being posted online
- No notification that schools will be on the Commission meeting agenda for action
- Executive sessions that continue after the AG has left
- Changing compliance terms arbitrarily outside of the statute or contract
- Changing annual report without school consultation or notification
- Legislative lobbying to remove community control and gain individual control

Perceived Retaliation:

- Utilizing other agencies in perceived retaliation
 - Department of Human Services to end afterschool programs
 - Department of Human Services to end long operating preschools by removing waivers for Hawaiian schools
 - Ethics Commission
 - Office of Hawaiian Affairs
 - Auditors
 - Department of Health

Disregard for BOE Policies 2104 ad 2105 and E-3

Disregard for Accreditation as an educational best practice

Disregard for governing board due diligence processes and required timelines

Disregard for Sunshine Law

Manipulating DOE AYP data in performance matrix

We feel the current Commission and staff are creating such a complicated compliance environment that GB's and Administrators are destined to fail. We are accountable, transparent, and understand the compliance that the public deserves. We are available to clarify any of the above issues and provide background as needed.

Taffi Wise, Kanu o ka Aina Public Charter School

Gene Zarro, Kihei Charter School

Charlene Hoe, Hakipu'u Learning Center

John Thatcher, Connections Public Charter School

Alvin Parker, Ka Waihona o ka Na'auao Public Charter School

William P. Kenoi
Mayor



Walter K.M. Lau
Managing Director

Randall M. Kurohara
Deputy Managing Director

County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 74-5044 Ane Keohokalole Hwy., Bldg. C • Kailua-Kona, Hawai'i 96740
(808) 323-4444 • Fax (808) 323-4440

December 14, 2015

Jim Williams, Board of Education
State of Hawai'i
1390 Miller Street, Room 405
Honolulu, Hawai'i 96813
BOEHawaii@notes.k12.hi.us

Re: Public Charter School Listening Tour – Charter Authorizer

Aloha Mr. Williams,

The County of Hawai'i is interested in the education and wellbeing of our keiki on Hawai'i Island. We believe in the charter school movement and are willing to join the public-private partners for the growth, development and wellbeing of our Hawai'i Island students.

The County of Hawai'i will continue to our support of our charter schools and their missions in our Hawai'i Island communities. We are investigating entering into a long standing partnership investment for the future of our communities by becoming a charter school authorizer. We want to ensure local input, control and support for these Hawai'i Island schools.

I believe that a healthy, safe community begins with healthy children and families that are well educated. I fully support the concept of multiple charter school authorizers in our state and believe that a new authorizer for the charter schools in the County of Hawai'i is desperately needed.

Mahalo,

A handwritten signature in black ink, appearing to be "William P. Kenoi".

William P. Kenoi
MAYOR



16-120 'Ōpūkaha'ia St
Kea'au, HI 96749
(808) 982-4260
(808) 966-7821
www.nawahi.org

Ka Papa Alaka'i

Kēhaulani 'Aipia-
Peters,
Pelekikena

Kēhaulani Shintani,
Hope Pelekikena

Kaleo Hayashida,
Kākau 'Ōlelo

Leilani Ka'apuni,
Pu'ukū

Kamalei Hayes

Kauanoē Kamanā

Nāmaka Rawlins

Pila Wilson

Pelehonuamea
Harman

No 'Ane'i Ko
Kākou Ola!

Mr. Lance Mizumoto, Chairperson
Mr. Brian De Lima, Vice-Chairperson
State of Hawai'i Board of Education
P.O. Box 2360
Honolulu, HI 96804

Dear Chairperson Mizumoto, Vice-Chairperson De Lima & Fellow Board Members,

I am Dr. Kēhaulani 'Aipia-Peters, the current governing board chair of Ke Kula 'O Nāwahīkalanī 'ōpu'u Iki. Our school is designed for families, teachers and staff who have chosen to speak Hawaiian as the first and main language of the home, and also those who are in the process of establishing Hawaiian as the dominant language of the home. The goal is to develop, enhance and maintain the Hawaiian language through education in the home and school in accordance with state Hawaiian language medium education law.

Over the past years, we have worked tirelessly with, and at times disagreeing with the Charter School Commission and its staff in fulfilling the numerous requests and requirements unduly imposed on charter schools. The high turnover of Commission staff as well as their lack of knowledge relative to state law regarding Hawaiian language medium education and best practice in its implementation has negatively affected our school community.

Due to our school being a Hawaiian language medium school, distinct federal and state laws apply to us, which need to be articulated in our school contract with the Commission. Although the contract is considered "bi-lateral", the Commission has dictated that all charter schools follow an identical contract, essentially eliminating unique elements of individual charter schools. The single contract ignores the distinct legal aspects of the use of Hawaiian as the medium of education. Therefore, we have been forced to sign our contract "under duress" in order to ensure that our school and school community are not negatively impacted.

Additionally, we have continuously called upon the Charter School Commission and its staff to advocate for our school community to protect it from the inaccurate "Priority" classification in the Strive HI Five Steps Performance System and subsequent "implementation turnaround interventions". This initiative threatens to reverse HIDEOE and HAIS/WASC accreditor acclaimed outcomes made over 15 years during which not a single student has dropped out of Nāwahī and an average of over 80% have proceeded directly to college upon graduation. We have not been protected and the overall integrity of Nāwahīkalanī 'ōpu'u as a successful Hawaiian language medium laboratory school is publically mischaracterized as a failing school. The Charter School Commission and its staff should be heeding the direction of the "soon to be" new federal Elementary and Secondary Education Act. President Obama has sent out an open letter to parents that basically says that tests that are worth taking are of high quality, aimed at good instruction and should not occupy too much classroom time, or crowd out teaching and learning AND that testing should be just one source of information and that classroom work, surveys, and other factors will give us an all-around look at how our students and schools are doing. Our state is the national and international model for Native American language revitalization. Indeed, our state has much to be proud of. The teachers, parents, staff and students at Nāwahī work very hard to create an excellent learning environment steeped in our own language and cultural standards. We need support!! The rush to come up with criteria for charter school contract renewals that do not include the principles of education in a state with constitutional education mandates for high diversity and the recognized dual official language pathways of education is cause for concern.

<https://www.whitehouse.gov/blog/2015/10/26/open-letter-americas-parents-and-teachers-lets-make-our-testing-smarter>

Further, Nāwahīokalani'ōpu'u was one of four schools selected for the state's preschool development grant to provide access to eligible families to Hawaiian medium preschools. This has become yet another instance where the unfair implementation of a framework for English-medium based curriculum and assessments is imposed and negatively impacting Hawaiian medium preschools.

Finally, the Hawai'i charter school commission's financial accountability sets criteria that do not give a true picture of the financial "health" of our school. In the recent compilation of our school's financial report, it was determined that we failed. The true picture would have shown that we did NOT fail but that our expenditures on a new school building (we grew our "building fund") should be accounted for and discussed when calculating our cash and fund balances. This is extremely frustrating!

We ask that you protect our school community. We ask that your Charter School Commission and its staff advocate for our schools at the legislature to secure funding for facilities and to come up with true bilateral contracts. Mahalo for the opportunity to address the Board of Education and share our concerns relative to our school community and the statewide charter school community as a whole.

Sincerely,



Dr. Kēhaulani 'Aipia-Peters

Chair, Governing Board

Ke Kula 'O Nāwahīokalani'ōpu'u Iki LPCS

11/30/2015

Good evening, my name is Cheryl Zarro and I am an employee at Kihei Charter, I want to thank the board of education members for taking the time to listen to the charter schools for the purpose of building better relationships between the schools and the Hawaii Charter School Commission.

I have an interest in making the workload manageable for our school, without repercussions for speaking out in regards to the processes we are held to.

- 1) The process of WASC accreditation was just completed at Kihei Charter School for the 3rd time since we have been open. It would be helpful if the commission used the WASC reporting as a measurement of success in education, without creating additional reporting. And accepting this as a legitimate measurement.
- 2) The Hawaii Charter School Commission treats the school employees as their own, without consult with the board of directors or sometimes the leadership in the school.
- 3) Our school uses certain internal controls to accomplish the work at hand, communication sometimes is not able to take place internally, prior to the commission requiring work being produced (sometimes just a day or two of notice)
- 4) Epi-Center program creates defined tasks from the commission with deadlines, on a calendar, I appreciate this calendar and record of reporting, although, the time factor is considered the most important factor, while the accuracy is not part of the rubric for judging how well a school is doing, so I am told by the commission. The Commission reserves the right to post more items at any time and sometimes sends emails with a day or two notice to be completed. Additionally my understanding is the commission is now looking to challenge reports by looking for discrepancies, when we are encouraged to just meet the deadlines and not worry about the quality of the reports.
- 5) The audits that charter schools have completed by an independent auditor should be enough to finalize the financial component.
- 6) Charters School started as an autonomous educational entity, doing things in a different way to have research and development of improvement to education. Since the commission was created it seems as though we are reporting as a charter school, in a system that is more like the DOE system, then not. The Local Schools boards authority is being challenged when reporting is due to the commission without enough time to first report to their own local school board.
- 7) As an employee of the school, I have had employees of the commission create discouragement in the job I am performing and when I have been on leave, disregard for the rights I have as a State employee for the leave and have been accused of Kihei ALWAYS asking for some type of additional time to complete the required tasks. Since I am the one submitting the majority of the reports into Epi-Center, I do take this personally and they are aware of my role in this regard. It is like having an additional employer to answer to, and I have shared my leave requests as it seems the only way it would be approved as an extension, the internal and confidential aspect of employment is challenged by the way the commission, expects us to perform our jobs, it is as though we have all the time to do what ever is being asked of us, when it is asked. I did explain one day that payroll needed to be completed and then vendors paid, prior to being able to complete the requirement of the commission.

8) I support the Board of Education adding other authorizers to the State.

9) The lack of enough funding to the schools is extremely challenging, when we have more required task and the same funding to perform the duties. Many times I just work the additional hours in the work day to be sure the commission is satisfied.

10) Financial Template reporting CSAO created with a rubric to help schools in 2010-11 make financial cails, budget, evaluation etc, the commission has been stating they would be developing something different. The template was not developed to make school accountable to the commission, but as an internal tool is my understanding. Our accounting does not mirror the template and whenever I have asked it was indicated that something else would be replacing it. Every year I have considered changing the accounting we use to match it once we end the fiscal year. This reporting is very time consuming, I still do not understand the purpose and how this is helping the schools.

11) When the commission requires changes, like the student application of the schools while we are already in the process of the applications being accepted, we do not have time for our own internal processes for the board review and the executive director to accept the change. This is not limited to this one item sited.

12) Confidential information was shared with a past board member and not given directly to the board, the complaint page of the commission had a past employee and past board member listed for our school and I was told they would get to it. Employment issues have come up and the commission gets involved on internal business, without regard for the effect of the employer (the schools).

**Testimony by John Thatcher, Connections Public Charter School Principal
Hawaii Public Charter School Listening Tour, November 30, 2015**

The original law creating charter schools in Hawaii was introduced by six state senators including our Governor, David Ige. The original bill (Senate Bill 1501) said, “The legislature finds that as long as a public school complies with the requirements that it be free to all attending students, that its admissions policies be nondiscriminatory, and that it comply with statewide performance standards, 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.

To nurture the ideal of more autonomous and flexible decision-making at the school level, the legislature supports the concept of new century charter schools. The legislature finds that this concept defines a new approach to education that is free of bureaucratic red tape and accommodating of the individual needs of students to allow the State to dramatically improve its educational standards for the twenty-first century. Both existing public schools and new schools may be established as new century charter schools, and these schools will allow educators to better tailor the curriculum to enhance the learning of the students.

The purpose of this Act is to increase the flexibility and autonomy at the school level by allowing existing public schools and new schools to be designated as new century charter schools. These new century charter schools shall have a local school board as a governing body, and shall operate independent educational programs from those provided by the department of education statewide.”

The National Association of Charter School Authorizers (NACSA) was intimately involved with the restructuring of our charter school laws through Act 130 of the 2012 Hawaii State Legislature. Since 2004, NACSA has established and widely promoted standards that provide essential guidance to charter authorizing organizations and leaders, as well as to policymakers who seek to support quality authorizing. They strongly recommend that each state have more than one authorizer. Multiple authorizers serve to strengthen the charter school sector because they create a system of checks and balances in charter approval, oversight and renewal decisions. NACSA recommended that Hawaii create at least one new authorizer by July, 2013, with the first set of new schools targeted to open in the Fall of 2014.

The Center for Education Reform (CER) has a mission to “accelerate the growth of the education reform movement in ways that make available to families new and meaningful choices, give parents fundamental power over their children’s education, and allow teachers and schools to innovate in ways that transform student learning.” For the past 19 years, the CER has evaluated state charter school laws to address fundamental issues through a thorough comprehensive review. They have found that interpretation and implementation vary “depending on how the regulations were written and frankly, who’s in charge.” In setting the foundation for reporting on Hawaii’s charter school laws in 2015, they wrote, “Hawaii has one of the weaker charter laws in the country, and changes over the last few years have not had the improvements that were expected.” Hawaii actually earned a -2 for the implementation of our laws. The report noted, “Two points are deducted because while progress has been made to improve the charter school law, growth has still been almost nonexistent.”

In 2013 the CER published [Charter Authorizers: The Truth About State Commissions](#). In the introduction they wrote, “The evidence is clear that quality charter schools are directly correlated to

quality authorizers... A strong charter authorizer must be vigilant in monitoring its charter school portfolio, without becoming an overbureaucratic policing agent... Charter school commissions, offer no evidence of success, have been subject to more political oversight and bureaucratic interference than any other chartering institutions, and have shunned many charter applications, even by proven providers... And yet, sadly, many charter advocates and policymakers have become convinced that this is a "best practice" model that works in practice... Charter school commissions are not only not independent (no matter how a law is written) but they are often antagonistic, bureaucratic and the antithesis of the charter school concept."

Unfortunately, the Hawaii State Public Charter School Commission has become exactly what the CER has described. Here is a recent example... On November 13, 2015 (at 11:35 am) many charter Governing Board chairs and administrators received an email from the Commission. It said, "Dear Charter School Leaders, Please see the attached request for information from the Charter School Commission." The letter said: (see Attachment A). At 12:44 pm, I sent an email to the Commission's Organizational Performance Specialist, Sylvia Silva. I wrote, "Sylvia: Please forward this to Commissioners Krug and Nishizaki. We consider this to be harassment!" Commissioners Krug and Nishizaki had recently hosted a session for charter schools to gain feedback concerning the renewal process being proposed. When it was pointed out by one of the attendees that the Commission staff's presence at this session could lead to retaliation, Commissioner Krug said to let him know if any such actions occurred. At 1:52 pm, I received an email from Ms. Silva that said, "Hi Tom, Will you include this in your Commission update or do you want it forwarded to Kalehua and Ernie?" At 2:06 pm, I sent an email to Ms. Silva. I wrote, "Sylvia: Do you need his permission to forward the email? I understand that Commissioner Krug asked people to let him know if they faced retaliation for speaking up." Eleven minutes later, I received another email from Ms. Silva. She wrote, "Hi John, Tom was about to email something to the Commissioners so I wanted to ask if he would include this too. So sorry for clogging your inbox with mistaken email :/" At 3:20 pm another email from Ms. Silva arrived. It said, "There was a typo in the date of the letter we emailed earlier. I apologize for any inconvenience and any alarm this may have caused. Please see the attached corrected letter and please send any response by Monday November 23, 2015. Let me know if you have any questions. Again, my sincere apologies" The corrected letter said: (see Attachment B).

The following Monday (November 16, 2015) at 1:03 pm I sent an email to Danny Vasconcellos seeking clarification. I wrote, "Danny: As you are the "point person" for this new directive concerning graduation requirements, I guess I will direct my questions to you. In his November 13, 2015 letters regarding this matter Mr. Hutton wrote, 'This obviously is a serious concern for this year's seniors, since there is a limited window for rectifying the situation this school year.' Our contract says, '3.4. Graduation Requirements for High Schools. The School shall comply with BOE Policy 4540, as the same may be amended from time to time, which shall apply starting with the incoming ninth graders for the school year 2013-2014, and shall provide evidence of such compliance; provided that the School may request a waiver of this Policy from the BOE.' According to this provision of the contract, the BOE Graduation Requirements do not apply to our seniors this year. They apply to next year's seniors. Am I missing something here or does Mr. Hutton need to make further revisions to his edict?" At 5:12 pm I received the following answer from Mr. Vasconcellos, "Aloha John, The point that you raise regarding the Charter Contract provision for graduation requirements is valid. It is next year's seniors, not this year's seniors, who we need to be concerned about getting the necessary credits for a diploma. We apologize for the error and will be revising our request to reflect that fact. But we still need to get the information from the schools promptly because some of them may still need to make revisions to their requirements and or their course offerings soon to ensure that next year's seniors can earn the needed credits, or to seek a BOE waiver in time to know whether revisions or changes to

course offerings are needed. We assume high schools have their graduation requirements readily available in their parent or student handbooks and can easily forward them, along with any needed explanations. If your school needs more time, though, just let me know." The following day, at 12:42 pm, I received a third memo concerning graduation requirements. It said: (see Attachment C).

The Executive Director of the Commission, Mr. Thomas Hutton, and Commission Chair, Catherine Payne, have created a hostile environment for charter schools in Hawaii. Blame for the current state of affairs should be placed appropriately. They have employed a heavy-handed, top-down approach to overseeing our schools. They have threatened to deprive some schools of their due process rights. Mr. Hutton has utilized the media to orchestrate a campaign of misinformation about many of our schools. As far as I am concerned, they are both a danger to the positive evolution of charter schools in Hawaii. A complete revamping of the Commission and its staff would be a positive first step. Promulgating administrative rules to create multiple authorizers should follow. Mahalo to the Board of Education for creating this Listening Tour so that we can bring our plight to your attention.

A handwritten signature in cursive script that reads "John Hatcher". The signature is written in black ink and is positioned to the right of the main text block.

Attachment A

DAVID Y. IGE
GOVERNOR



CATHERINE PAYNE
CHAIRPERSON

STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
(*AHA KULA HO'AMANA)
<http://CharterCommission.Hawaii.Gov>
1111 Bishop Street, Suite 516, Honolulu, Hawaii 96813
Tel: (808) 586-3775 Fax: (808) 586-3776

November 13, 2015

VIA EMAIL Tierneymcclary@yahoo.com, john_thatcher@hawaii.rr.com

Tierney McClary
John Thatcher
Connections Public Charter School
174 Kamehameha Avenue
Hilo, Hawaii 96720

RE: Board of Education high school graduation requirements

Dear Governing Board Chair and School Director/Principal:

It recently has come to the attention of the Commission that some charter high schools may not be requiring their seniors to fulfill all of the courses required for graduation under Board of Education ("BOE") Policy 4540 on High School Graduation Requirements and Commencement and Section 3.4 of the Charter Contract. This obviously is a serious concern for this year's seniors, since there is a limited window for rectifying the situation this school year. The BOE requirements are available [at this link](#).

Charter schools are allowed to request a formal waiver of these minimum course and credit requirements from the BOE, which considers such requests on a case by case basis. At this time only one charter school has obtained such a waiver, under which the BOE allowed the school to require its students to earn more credits than the BOE requires.

In order for both the school and the Commission to confirm that the school is providing its students with the coursework they need to earn a diploma, we ask that your school forward to the Commission your current high school graduation requirements, along with any explanatory information you think necessary to make clear how the school requirements fulfill the BOE requirements. Please submit the information to Organizational Performance Manager Danny Vasconcellos at Danny.Vasconcellos@spcsc.hawaii.gov by close of business on Friday, November 13, 2015. You also may contact Mr. Vasconcellos with any questions.

Thank you very much for your attention to this matter.

A handwritten signature in black ink, appearing to read "Tom Hutton".

Thomas E. M. Hutton
Executive Director

Attachment B

DAVID Y. IGE
GOVERNOR



CATHERINE PAYNE
CHAIRPERSON

STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
(*AHA KULA HO'ĀMANA)
<http://CharterCommission.Hawaii.Gov>
1111 Bishop Street, Suite 516, Honolulu, Hawaii 96813
Tel: (808) 586-3775 Fax: (808) 586-3776

November 13, 2015

VIA EMAIL tierneymclary@yahoo.com, john_thatcher@hawaii.rr.com

Tierney McClary
John Thatcher
Connections Public Charter School
174 Kamehameha Avenue
Hilo, Hawaii 96720

RE: Board of Education high school graduation requirements

Dear Governing Board Chair and School Director/Principal:

It recently has come to the attention of the Commission that some charter high schools may not be requiring their seniors to fulfill all of the courses required for graduation under Board of Education ("BOE") Policy 4540 on High School Graduation Requirements and Commencement and Section 3.4 of the Charter Contract. This obviously is a serious concern for this year's seniors, since there is a limited window for rectifying the situation this school year. The BOE requirements are available [at this link](#).

Charter schools are allowed to request a formal waiver of these minimum course and credit requirements from the BOE, which considers such requests on a case by case basis. At this time only one charter school has obtained such a waiver, under which the BOE allowed the school to require its students to earn more credits than the BOE requires.

In order for both the school and the Commission to confirm that the school is providing its students with the coursework they need to earn a diploma, we ask that your school forward to the Commission your current high school graduation requirements, along with any explanatory information you think necessary to make clear how the school requirements fulfill the BOE requirements. Please submit the information to Organizational Performance Manager Danny Vasconcellos at Danny.Vasconcellos@spcsc.hawaii.gov by close of business on **Monday, November 23, 2015**. You also may contact Mr. Vasconcellos with any questions.

Thank you very much for your attention to this matter.

A handwritten signature in black ink, appearing to read "Tom Hutton".

Thomas E. M. Hutton
Executive Director

DAVID Y. IGE
GOVERNOR



CATHERINE PAYNE
CHAIRPERSON

STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
(‘AHA KULA HO‘ĀMANA)
<http://CharterCommission.Hawaii.Gov>
1111 Bishop Street, Suite 516, Honolulu, Hawaii 96813
Tel: (808) 586-3775 Fax: (808) 586-3776

November 17, 2015

VIA EMAIL tierneymcclary@yahoo.com, john_thatcher@hawaii.rr.com

Tierney McClary
John Thatcher
Connections Public Charter School
174 Kamehameha Avenue
Hilo, Hawaii 96720

RE: Correction to Commission’s 11/13/2015 letter on high school graduation requirements

Dear Governing Board Chair and School Director/Principal:

In response to our November 13, 2015 letter on compliance with Board of Education (“BOE”) high school graduation requirements, schools have correctly pointed out that Section 3.4 of the State Public Charter School Contract provides that charter schools shall comply with BOE Policy 4540 starting with the incoming ninth graders for the 2013-2014 school year. As such, the graduation requirements apply starting with *next* year’s seniors, not *this* year’s seniors, as our previous letter stated.

I apologize for the error and for any confusion it may have caused. Fortunately, the schools and the Commission have more time to confirm that their current requirements meet BOE guidelines or, if necessary, either to make revisions to their graduation requirements and/or course offerings to ensure that next year’s seniors can earn the credits they need, or to request a BOE waiver in time to know whether such revisions will be needed. The BOE requirements are available [at this link](#).

For this purpose, the Commission still needs you to forward your current high school graduation requirements, along with any explanatory notes needed to show how they meet the BOE requirements. We assume your requirements are available to students and families and so can be readily forwarded, but if you need longer than close of business on November 30, 2015 to forward them and/or to add any explanatory information, please contact Organizational Performance Manager Danny Vasconcellos at Danny.Vasconcellos@spcsc.hawaii.gov. You also may contact Mr. Vasconcellos with any questions.

With apologies for the initial error and thanks for your understanding and attention to this matter,

A handwritten signature in black ink, appearing to read "Tom Hutton".

Thomas E. M. Hutton
Executive Director

CONNECTIONS PUBLIC CHARTER SCHOOL HISTORY OF PROBLEMS WITH THOMAS HUTTON AND COMMISSION

June 19, 2012 – Governor signs ACT 130 “The purpose of this Act is to adopt the recommendations of the task force by repealing chapter 302B, Hawaii Revised Statutes, and establishing a new charter school law that creates a solid governance structure for Hawaii’s charter school system with clear lines of authority and accountability that will foster improved student outcomes. The legislature finds that this Act will support 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. This Act will create genuine opportunities for communities to implement innovative models of community-based education.”

February 12, 2013 – Thomas Hutton assumes position as Executive Director of Hawaii State Public Charter School Commission.

☒ March, 2013 – The directors of Laupahoehoe, Hawai'i Academy of Arts & Science, Connections, Kua o ka La, Kula Aupuni Niihau A Kahaelani Aloha, and Halau Lokahi pose questions concerning negotiations for first contract. They develop a list of questions, consult with their deputy attorney general, and arrange a meeting with Commission staff and consultants working on the first contract.

☒ ⌚ April 25, 2013 – Group of six charter schools meet with Hutton, Ms. Karen Street, Ms. Dede Mamiya and other Charter School Administrative Office (CSAO) staff. The directors attempt to air their grievances concerning the contract and specifically ask Hutton and Street to consider inserting language into the contract that would make Section 13.2 unenforceable without administrative rules duly promulgated under §91. Hutton, Street and Mamiya told the directors that they believed that Section 13.2 already contained such language and that the directors should seek clarification through their deputy attorney general. The charter schools' deputy attorney general replied, “The language in 13.2 of the contract still allows the Commission to revoke a charter contract (within the 1 year period) for the reasons listed in HRS section 302D-18(g)(1), (3) and (4).” Charter schools can still be closed for the following reasons:

(1) Committed a material and substantial violation of any of the terms, conditions, standards, or procedures required under this chapter or the charter contract;
(3) Failed to meet generally accepted standards of fiscal management; or
(4) Substantially violated any material provision of law from which the charter school is not exempted. While these school directors said that they would like to “trust” the Commission, their history is plagued with attempts to shut down, micromanage and harass charter schools. They said that there is not a history of “trust” where authorizers are concerned and that the blatant refusal by the Commission to negotiate a contract has not given them a reason to “trust” the intent of the new authorizer.

Ⓢ April 26, 2013 – Charter schools receive email from CSAO office offering opportunity to work in consortium to apply for federal 21st Century Community Learning Centers (CCLC) grant.

☒ ⌚ May 9, 2013 – Charter schools testify at Commission meeting about major concerns with first contract. One major concern noted by Thatcher, “Section 13.1 forces us to agree to the use of a process for contract renewal that is outside of the law (§302D-18). What was the process that was followed exempting the Commission from following the law? Connections asked our deputy attorney general for an opinion regarding this matter. Monica Morris replied, “You may want to ask the Commission what the intent is with the language... if the intent is to eliminate due process rights of charter schools, this

goes more to substance. This point should be clarified with the Commission, because charter schools should not be made to waive substantive due process rights they are entitled to under §302D-18.” The law (§302D-18) said, “No later than September 1, the authorizer shall issue a charter school performance report and charter contract renewal application guidance to any charter school whose charter contract will expire the following year. The performance report shall summarize the charter school's performance record to date, based on the data required by this chapter and the charter contract, and shall provide notice of any weaknesses or concerns perceived by the authorizer concerning the charter school that may jeopardize its position in seeking renewal if not timely rectified. The charter school shall have thirty days to respond to the performance report and submit any corrections or clarifications for the report.”

Ⓣ May 23, 2013 – Connections chosen to lead charter schools' team applying for 21st CCLC grant.

Ⓣ May 24, 2013 – Hutton directs staff to halt all efforts for establishing 21st CCLC grant proposal.

Ⓣ ⌚ June 7, 2013 – Deadline for schools to return signed contract to the Commission. Some schools had resolutions for signing contract that noted signing under duress and/or being forced to sign (or lose 60% of funding). No negotiations with schools occurred as required by §302D-5(4).

Ⓣ June 19, 2013 – Hutton meets with Thatcher about school concerns and status of 21st CCLC grant charter schools consortium. Hutton emphasized that a half time position in Commission office would need to be created. Asked for more background on school's A+ program concerns.

June 21, 2013 - Governor signs ACT 159 amending ACT 130 (2012) to:

- (1) Require charter schools to complete an annual independent financial audit;
- (2) Require the State Public Charter School Commission (Charter School Commission) to develop procedures for conducting criminal history checks of persons who are employed or seeking employment in any position that places them in close proximity to children;
- (3) Specify when a charter school may use criminal history information to terminate or deny employment;
- (4) Specify charter school enrollment requirements;
- (5) Authorize the Charter School Commission to request facilities funding for charter schools as part of its annual budget request;
- (6) Amend the definition of "employee" under chapter 84, Hawaii Revised Statutes (HRS), to include any person under an employment contract to serve as chief executive officer, chief administrative officer, executive director, or designated head of a charter school;
- (7) Require Charter School Commission members to disclose to the Commission a list of all charter schools in which the member is an employee, governing board member, vendor, contractor, agent, or representative and disqualify members from voting on or participating in the discussion of such matters;
- (8) Authorize the Charter School Commission to hire employees without regard to chapters 76 and 89, Hawaii Revised Statutes;
- (9) Remove the requirement that a nonprofit organization that governs a conversion charter school make minimum annual contributions to the charter school; and
- (10) Make other amendments to chapter 302D, HRS, for the purposes of clarity and consistency.

Ⓣ ⌚ July 15, 2013 – First and only Commission staff meeting with all schools and Lynn Finnegan (See Finnegan notes). Schools informed that money to fund Commission staff (\$1,235,104) will be taken from schools (with no legal authority to do so). Schools also informed that part of federal impact aid

money will be withheld from schools for a “collective” Commission project (approximately the same amount as being withheld to fund Commission staff).

⌚ ☒ November 21, 2013 - Halau Lokahi only school with Financial Performance problems indicated in the State Public Charter School Commission 2012-2013 Annual Report submitted to the BOE and Legislature (did not meet 7 of 8 indicators). School evaluated “Far Below” on three indicators. Report said, “A Falls Far Below rating indicates that upon further review following a preliminary Pending rating, the Commission identifies significant financial risk and has concerns about financial viability such that heightened monitoring and/or intervention are necessary.”

§302D-17 (c) In the event that a public charter school's performance or legal compliance appears unsatisfactory, the authorizer shall promptly notify the public charter school of the perceived problem and provide reasonable opportunity for the charter school to remedy the problem, unless the problem warrants revocation in which case the revocation time frames set forth in section 302D-18 shall apply. Contract 12.5. Intervention. If the Commission finds deficiencies in the School's performance or legal compliance, the Commission and the School shall follow the Intervention Protocol attached as Exhibit D. Intervention may be initiated when the Commission finds that the School has failed to:

- (a) Comply with applicable laws, rules, policies or procedures;
- (b) Comply with the terms and conditions of this Contract; or
- (c) Meet performance expectations as set forth in the Performance Frameworks.

Failure to invoke the Intervention Protocol shall not be (i) construed as a waiver or relinquishment of any requirement under applicable laws, rules, policies, procedures, contractual terms and conditions or performance expectations; or (ii) deemed a necessary precedent to non-renewal or revocation.

Ⓣ December 24, 2013 - Steve Hiramami and Thatcher ask deputy AG for opinion on Hutton's proposed use of impact aid to fund a charter schools' facilities project.

Ⓣ January 9, 2014 – Deputy AG responds to Hiramami and Thatcher supporting their contentions concerning the release of federal impact aid funding to the charter schools and referencing §302A-1401 (Administration and use of federal funds).

⌚ January 16, 2014 – House Bill 1745 and Senate Bill 2418 (1/17/14) introduced at Legislature.

⌚ January 17, 2014 – Senate Bill 2516 and House Bill 2438 (1/22/14) introduced at Legislature.

Ⓣ ⌚ January 28, 2014 – Hutton sends email to Governing Board chairs and administrators of schools with his proposal for using \$565,000 in federal Impact Aid funds previously earmarked for his facilities project.

☒ February 21, 2014 – Connections formally notifies Commission of its desire to negotiate the new contract pursuant to §302D-1, §302D-2, §302D-3.5, §302D-5, §302D-6, §302D-12, §302D-15, §302D-16, §302D-17, §302D-18, §302D-19, §302D-28, §302D-29.5, and §302D-34.

March 28, 2014 – Hutton testifies at WAM (HB 1745 HD2 SD1) in support of exempting the Commission from §302A-1401 and to “expressly allow the Commission to reconstitute a charter school’s governing board under certain exigent circumstances, including unlawful or unethical conduct by governing board members or school personnel or other circumstances that raise serious doubts about the current board’s ability to fulfill its statutory, contractual, or fiduciary duties.”

Ⓣ July 9, 2014 – Commission sends email attached response to Connections 90 day deadline for

response noting that they cannot respond because they have not been provided with a response to June 18, 2014 letter.

⌚ July 10, 2014 – Commission votes to approve the Educational Program, adopt a dissolution contingency plan, appoint new governing board members, require the school to refrain from taking any actions that may obligate the school and State of Hawaii, and release the first allocation to Halau Lokahi. Commission also votes to allocate the remaining \$892,802 in federal Impact Aid funding to the schools with 50% going to the schools as a straight per pupil and the remaining 50% targeted at start-up brick and mortar schools.

⌚ July 16, 2014 – Hutton sends memo to charter schools outlining ways federal Impact Aid funding for 2013-2014 can be used. Schools required to submit plans. Hutton wrote, “As with the February distribution, these funds may only be expended in accordance with an Attorney General’s opinion provided to two charter schools in January of 2014.”

⌚ July 17, 2014 – Thatcher sends letter to BOE and copies Commission requesting a special review of the Hawaii Public Charter School Commission (§302D-11).

July 25, 2014 – Connections receives a direct deposit for remainder of federal Impact Aid for 2013-2014 without accompanying ACH transfer documentation. Email request for documentation sent by school on August 24, 2015. Documentation sent to school same day.

August 14, 2014 – Commissioners Takabayashi/Street moved to allocate Fiscal Year 2015 Federal impact aid funds in the aggregate amount of \$2,225,214 as follows: 1. \$75,000 to be available to fund school labor arbitration costs, with any balance remaining at the end of the fiscal year to be distributed to the schools on a per-pupil basis; 2. Fifty percent of the balance on a straight, per pupil basis among all charter schools; and 3. The other fifty percent of the balance to be determined by the Commission by December 2014, with consideration given to any additional input from the charter schools. 4. All calculations were based on the school year 2014-2015 official enrollment count passed unanimously. Commission Chair Payne provided an update on the Commission’s review and approval of charter schools’ admission and enrollment policies. Hutton provided background on the admission and enrollment policies. Hutton shared during the preliminary organization performance assessment, staff identified serious concerns with some charter schools’ policies. Hutton shared that during the 2013 application cycle there was an applicant whose proposed admission and enrollment policy raise the kind of concerns at issue. He shared additional examples where charters can be viewed as selecting students. He reported that staff has conducted webinars and has made itself available for meetings. Hutton shared staff will come back to the Commission in September for action on issuing some initial categorical guidance to the schools. Commission Chair Payne clarified that the admissions and enrollment policies is for school year 2015-16.

⌚ November 13, 2014 – Commission approves Chapter 8-501, Hawaii Administrative Rules, entitled ‘State Public Charter School Commission Rules of Practice and Procedure’ and Chapter 8-505, HAR, entitled ‘Applications, Renewals or Nonrenewals, and Revocations,’ as attached to the submittal dated November 13, 2014 for submission to the Governor for final approval. Thatcher submits testimony, “Yesterday at 8:55 am I received an email from your executive director, Mr. Thomas Hutton. Mr. Hutton said, “, these aren’t yet up on the website, but we know you have taken a strong interest in both these topics, so here are the submittals for tomorrow’s Commission meeting. The short versions are that (1) we aren’t recommending substantive changes to these administrative rules, which would necessitate have to start things over, and with a new administration, but we do anticipate promulgating additional

rules this year, and (2) we are recommending granting the Network's request for another month to continue its discussion with schools about Impact Aid targeting methodology – you're free to weigh in separately on that, since you indicated in Hilo that the Network doesn't speak for you." With such a short notice, I did not have time to submit testimony countering your staff's reasons for not accepting the changes I proposed to the draft administrative rules. In fact, your staff is not recommending considering ANY of the proposed changes submitted by any of the testifiers at the public hearings. In their recommendation submittal they note (pursuant to HRS §91-3(a)(2)), "prior to the adoption of any rule authorized by law, or the amendment or repeal thereof, the adopting agency shall . . . [a]fford all interested persons opportunity to submit data, views, or arguments, orally or in writing. The agency shall fully consider all written and oral submissions respecting the proposed rule[.] Upon adoption, amendment, or repeal of a rule, the agency, if requested to do so by any interested person, shall issue a concise statement of the principal reasons for and against its determination." It appears that your staff did not "fully consider all written and oral submissions" because they would "have to start things over with a new administration." Pursuant to §91-8 I would like to petition the Commission for a declaratory order as to the applicability of these rules. Please let me know the form of the petition and the procedure for submission, consideration, and prompt disposition." **Request was ignored.**

November 26, 2014 – 2013-2014 Annual Report submitted to Legislature. Halau Lokahi failed to meet all financial indicators. Financial situation for other schools summarized, "In conclusion, charter schools appear to have exercised sound stewardship of State funds. Most schools are on solid footing for FY15, while some schools show signs of struggling with increased operating costs while trying to maintain the quality of their programs. Overall, schools met the near-term measures. However, meeting the longer term sustainability measures presented more of a challenge for most schools. This reinforces the concern that the charter schools may not be on firm financial footing for the long term if current levels of available funding remain essentially flat in coming years and/or if schools are unable to realize cost savings."

December 11, 2014 – Commission chair Payne defers action on 16 schools' Admission and Enrollment Policies and Procedures.

January 8, 2015 – Despite December 11, 2014 deferral of action on 16 schools' Admission and Enrollment Policies and Procedures, only 5 schools' policies and procedures are discussed with only 2 gaining approval by Commission.

February 12, 2015 – Commission moved to recommend that the Commission adopt additional guidance to charter schools using the DOE's enrollment form as their application, schools remove questions regarding McKinneyVento eligibility, ethnicity, and language spoken by applicant, unless the school has an immersion or language medium program, as well any other questions unrelated to the school's approved enrollment preference(s), and move those questions to the school's enrollment process after the applicant has been selected for admission. For those Charter Schools whose admission and enrollment policy and practices have been previously approved -- Halau Ku Mana Public Charter School, Mālama Honua Public Charter School, Kua o ka La New Century Public Charter School, and Voyager: A Public Charter School, they will not have to go through the formal approval process again provided that if their application forms contain questions regarding the foregoing, such questions will be removed and the revised application form resubmitted to Commission staff Moved to recommend that the Commission expand on the additional guidance to charter schools by requiring questions regarding gender to also be removed from charter school application forms and moved to the school's enrollment process.

☞ March 12, 2015 – Commission approves the adoption of the proposed Charter Contract renewal procedures and timeline for the development and implementation of the Charter Contract renewal process. All but 1 school deferred on December 11, 2014 (and other charter schools) receive approval (some conditional) of Admission and Enrollment Policies and Procedures. Thatcher provided oral testimony. He said that he had consulted with the charter school's Deputy Attorney General, Carter Siu, and had been advised that including a disclaimer on the form that the school does not discriminate against any of those factors that are listed in 302D-34 is sufficient. He shared that he has submitted a modified form to the staff and has made it available on the school's website and would like to continue using that form. He discussed the charter school law and charter contract further and said he will submit a written request using the modified version submitted to Vasconcellos on March 11. Commissioner D'Olier asked if the Commission's Deputy Attorney General reviewed the modified form submitted by Thatcher. Hutton answered staff will consult with the Attorney General on the arguments. For now he suggested conditionally approving the policy subject to the staff's recommendation. Commissioners discussed the proposed motion. Commission Chair Payne asked if the advice we receive differs from the guidance already provided to schools' whose policies have been approved, will they be able to go back to the DOE enrollment form as an admissions application form. Hutton noted that aside from the legal question there also is a policy issue.

March 13, 2015 - Pursuant to section 14.7 of the Contract, Connections PCS formally claims that a dispute between the Commission and Connections PCS has arisen under and by virtue of this Contract. The dispute has not been resolved by mutual agreement. Connections PCS officially requests a final decision concerning their use of the DOE enrollment form with a no discrimination disclaimer within 90 calendar days as provided for in Section 14.5 of the Contract.

April 6, 2015 – Thatcher sends letter to Catherine Payne, Chairperson and Peter Tomozawa, Vice-Chairperson of the Hawaii State Public Charter School Commission. He wrote, "On March 13, 2015 I sent a letter to Mr. Thomas Hutton, pursuant to section 14.7 of the Contract. It was received for Mr. Hutton by Jeremy White on March 16, 2015. Connections PCS claims that a dispute between the Commission and Connections PCS has arisen under and by virtue of this Contract. It has not been resolved by mutual agreement. Connections PCS has officially requested a final decision concerning our use of the DOE enrollment form with a no discrimination disclaimer within 90 calendar days as provided for in Section 14.5 of the Contract.

We calculate the 90 day timeline ending on June 6, 2015. We are assuming that this item will be scheduled for a full Commission General Business meeting on June 4, 2015 for the Commission to be in compliance with the requirements of section 14.7 of the Contract. I am writing now to verify that the Commission is in agreement with our understanding of the requirements of the Contract and that our calculations of the deadline are the same. Having received no response from Mr. Hutton pertaining to this matter, we are requesting a written response from either of you regarding this matter. Furthermore, the Commission conditionally approved Connections' admissions policy and procedures at the March 12, 2015 General Business meeting. Commission staff was directed to work with us to ensure that we will be using a "modified form" for enrollment requests during the summertime and to report to the Commission no later than the June, 2015 General Business meeting. We are confused about the intent of the Commission after reading Mr. Hutton's comment, "Should the Commission not approve the school's admission policy, the school would be in violation of the Charter Contract and subject to the Intervention Protocol." Does Mr. Hutton have the authority to invoke the Intervention Protocol or is this a decision that would be made by the Commission? We have not received a Notice of Deficiency regarding this matter. If we do receive a Notice of Deficiency we will be contesting the Commission's determination based on our conversations with our Deputy Attorney General, Mr. Carter Siu. It is our intent to communicate in a positive and effective manner as required by Section 14.5 of

governing board need to move on to the school's other priorities.”

July 15, 2015 – Thatcher submits written testimony for the Commission's general meeting. He wrote, “I am testifying today as a private citizen concerned with the current atmosphere in relation to charter schools in our state. I believe it is safe to assume that you are aware of statements made by your Executive Director, Mr. Thomas Hutton, in recent articles in the Honolulu Star Advertiser and the Honolulu Civil Beat newspapers. It is my personal opinion that these articles have had a significant negative impact on the public perception of charter schools in Hawaii.

On July 7, 2015, I received an email from a staff attorney with the State of Hawaii Office of Information Practices. I would like to read this email for the record in the 2 minutes I am being provided in my public testimony. It said:

'The Office of Information Practices (OIP) is in receipt of your e-mails dated June 20, 2015 and July 1, 2015, requesting a status update regarding S APPEAL 15-26.

On June 5, 2015, OIP received the Department of the Attorney General's (AG) response, on behalf of the State Public Charter School Commission (Commission), to OIP's Notice of Appeal of Sunshine Law Complaint. This Response Letter dated June 3, 2015 indicates that the AG also provided you with a copy of the letter.

Currently, OIP is experiencing a backlog of cases and is striving to complete work on the oldest appeals first. It could therefore be quite some time before work on these appeals are completed.

For your information, any person may file a lawsuit to require compliance with or to prevent a violation of the Sunshine Law, or to determine the applicability of the Sunshine Law to discussions or decisions of a government board. Hawaii Revised Statutes (HRS) § 92-12(c) (2012). The court may order payment of reasonable attorney fees and costs to the prevailing party in such a lawsuit. Where a final action of a board was taken in violation of the open meeting and notice requirements of the Sunshine Law, that action may be voided by the court. HRS § 92-11 (2012). A suit to void any final action must be commenced within ninety days of the action.'

I believe that I have until August 12, 2015 to file for legal action. I am currently in consultation with a private attorney in Hawaii and will be contacting the Alliance of Public Charter School Attorneys regarding this matter. In your recent Think Tech Hawaii interview, Ms. Payne, you reminded listeners that it is all about the kids. Thank you for this inspiration.”

August 11, 2015 – Thatcher files a civil suit 15-1-1583-08KKS in the First Circuit Court against the Hawaii State Charter School Commission and Thomas Hutton.

- Ⓢ Manipulating federal programs
- ⌚ Manipulating the law, legislative fixes
- ☒ Manipulating the contracts



Fw: Concerns about the Commission office

boe_hawaii to: Alison Kunishige
Cc: Kenyon Tam

12/11/2015 02:01 PM

From: boe_hawaii@notes.k12.hi.us
To: Alison Kunishige/BOE/HIDOE@HIDOE,
Cc: Kenyon Tam/BOE/HIDOE@HIDOE
Please respond to boe_hawaii@notes.k12.hi.us

FYI. First written comments coming in from a former Commission employee.

----- Forwarded by BOE Hawaii on 12/11/2015 02:00 PM -----



Kaholo Daguman
<kaholodaguman@gmail.com>
12/11/2015 01:22 PM

To boe_hawaii@notes.k12.hi.us
cc
Subject Concerns about the Commission office

Aloha Allison,

Mahalo for the opportunity to voice our concerns during your Listening Tour.

Attached, please find a copy of my resignation letter to Tom Hutton. Attached, please also find my correspondence to Catherine Payne. I never received a reply or an acknowledgement that my letter was received. I spoke with Commissioner Peter Hanohano who was not aware of my resignation from the Commission.

I understand that the CAO (Charter Academic Officer) positions were dissolved by the Commission and that the Commission requested the funds be sent to their office. How are those funds originally set aside to help the schools being spent?

Again, mahalo for your time.

Aloha,
Kaholo Daguman

**
This email was scanned by the Cisco IronPort Email Security System contracted by the Hawaii Dept of Education. If you receive suspicious/phish email, forward a copy to spamreport@k12.hi.us. This helps us monitor suspicious/phish email getting thru. You will not receive a response, but rest assured the information received will help to build additional protection. For more info about the filtering service, go to http://help.k12.hi.us/nssb/internal/spam_pages/index.html

**



Resignation Letter to Tom Hutton.docx Informing Commissioners of my resignation.doc

July 21, 2015

Dear Tom,

This communication is to inform you of my resignation as Charter Academic Officer from the Charter School Commission office effective August 1, 2015.

The reasons for the resignation are quantified and qualified below.

A hostile work environment was created and continues to the present time. Evidence and explanation are explained in the following scenarios.

Scope of Service

My position as a Charter Academic Officer provides charter schools with academic and technical support. As the authorizer, the Commission has stated it does not provide technical support. This creates an atmosphere of a conflict of interest that permeates throughout the charter schools in Hawai'i.

Communication Ineffectiveness

On three occasions, time was requested to meet with you to express concerns regarding the supervisory approach by Ms. Bulgeron.

- April 2 phone conversation arranged by your office where you stated you would get back to me;
- May 6: I spoke with you in person at Laupahoehoe Charter School; you stated, again, "Let me get back to you."
- An email dated June 12, 2015, before our phone conference with Beth. You never followed up on the first two dates and refused my email request. I asked you again with a follow-up email only to be followed by another refusal.

The administrator from the School Transformation Branch, Hawaii Department of Education sent you an email back in April regarding the transition of the CAOs from the Commission office to the DOE. She had not heard back from you until after I made you aware of this email in June during our phone conference (June 12, 2015). Obviously, this transition period has not been addressed in a timely manner.

Micromanagement and Intrusion to Job Performance

- Ms. Bulgeron gave the CAOs an assignment at the beginning of our employment to test our knowledge skills and to demonstrate who was in charge. It was a very micromanaging and condescending move on her part. She acknowledged that that was condescending.
- At the Title 1 workshop held in Waimea, she ordered me to work with only two schools “assigned” to me. Six other schools, all working in the same room, needed my assistance. Her limitation of my assistance to two schools showed a lack of professional guidance and recognition towards the other schools present. I stood by my values as I gave the other schools my support.
- Ms Bulgeron stated, “I’m pulling you away from the 4-day Title 1 training and allowing you to work only two days”. This revealed to me that she had no idea what the scope of work that is involved; nor had she any idea what the needs of the schools were at that time. This displayed a lack of investment on the part of the Commission to support school success and ensuring and insuring student success academically, socially, and emotionally. Professional integrity was not demonstrated here. Absent was the support towards the schools’ needs. This is another example of micromanagement.
- She asked me to send her a school’s internal document. This, I feel, was out of line and discourteous. She has the option to go directly to the school to request it. This request is out of bounds to the professional relationship I established with the school and crosses the line of trust, integrity and best practices. Asking for the document does not serve a positive service to the school, myself or the Commission.

Professional Integrity

I have no contracts, nor have I ever had any contracts with any of the charter schools. I have worked with Volcano School of Arts and Sciences who asked me to help them transition to the Common Core. The CAOs all agreed on one of our phone meetings that we would help each other provide services in our area of expertise. Ms. Bulgeron was on that phone call too. Has this agreement been conveniently forgotten by this “supervisor”?

My work with Ka’u Learning Academy and their administrators brought my expertise with the Common Core to the school. They asked for my time to learn more about the transition and implementation process of the standards. They also asked for the possibility of inservice training for their teachers before the opening of school. I met with them on April 2, on a day when my “assigned” schools did not need my assistance. No fee was collected and no contract was discussed.

It appears that your office may have an issue with me helping Ka’u Learning Academy, a school not “assigned” to me, but it is a charter school. Again, this demonstrates a lack of

professionalism from the Commission office. If you need to deduct my time spent with Ka'u Learning Academy from my pay, do it. I have no problem with that.

The charter school movement is an 'ohana movement. It is a movement important to student success and I have dedicated my professional life to its success. If I am asked for help, I will not refuse. I stand by my values.

The hostile environment that has been created, starting with the closure of Halau Lokahi in the middle of the school year and subsequent events, points out to me that the authorizer is not there for the best interest of the students, but concerned more with its liability.

The present working condition is a hostile one, one that lacks empathy for Hawai'i charter schools.

Auwe! Poho!

I will continue to pursue avenues to help charter schools, schools of choice, to be successful in Hawai'i nei.

With aloha for Hawai'i charter schools,

Kaholo Daguman

September 20, 2015

Catherine Payne, Chairperson
Hawaii State Public Charter School Commission
1111 Bishop Street, Suite 516
Honolulu, HI 96813

Chairperson Payne and members of the Hawaii State Public Charter School Commission:

I would like to inform you of my resignation as Charter Academic Officer (CAO) for the Charter School Commission office effective August 1, 2015. My primary reason for resigning revolves around the hostile work environment that has been perpetuated by Mr. Tom Hutton and Ms. Beth Bulgeron.

During my tenure as a CAO, I provided charter schools with academic and technical support. As the authorizer, the Commission does not provide technical support to charter schools. This has created a conflict of interest making it virtually impossible for support positions to operate under Commission staff jurisdiction and supervision.

On three specific occasions I requested time to meet with Mr. Hutton to express my concerns regarding the supervisory approach by Ms. Bulgeron. On April 2, 2015 we had a phone conversation and Mr. Hutton stated that he would get back to me. On May 6, 2015 I spoke with Mr. Hutton in person at Laupahoehoe Charter School. He again said, "Let me get back to you." On June 12, 2015, before a conference call with Ms. Bulgeron, I tried again to relay my concerns to Mr. Hutton. He had not followed up on previous requests. Once again, he refused to talk to me about my concerns.

Mr. Hutton also did not follow up in a timely manner when the administrator from the School Transformation Branch, Hawaii Department of Education sent him an email in April, 2015, regarding the transition of the CAOs from the Commission office to the DOE. He finally contacted her after I reminded him of her email during our phone conference on June 12, 2015. Issues related to this critical transition period are being addressed. The current decision to dissolve the CAO positions and request the money instead will benefit the Commission, not the students.

Mr. Hutton had also continued to ignore my complaints about Ms. Bulgeron.

Specific examples include:

- Ms. Bulgeron gave the CAOs an assignment at the beginning of our employment to "test our knowledge and skills" and to assert her authority. I considered this to be condescending and a prelude to her micromanagement. She later acknowledged that she had been condescending.
- At a Title 1 workshop held in Waimea, she ordered me to work with only two schools "assigned" to me. Six other schools, all working in the same room, needed my assistance. Her limitation of my assistance to two schools showed a lack of professional guidance and recognition towards the other schools present. I stood by my values and gave the other schools support. Ms Bulgeron stated, "I'm pulling you away from the 4-day Title 1 training and allowing you to work only two days". She apparently had no idea concerning the scope of the work that was involved; nor any idea what the needs of the schools were at that time. This lack of investment on the part of the Commission and failure to support school success was entirely unprofessional and did not support the schools' needs. It was just another example of micromanagement.

- On another occasion she asked me to send her a school's internal document. This, I felt, was out of line and discourteous. She had the option to go directly to the school to request it. Her request jeopardized the professional relationship I had established with the school and crossed the lines of trust, integrity and best practices.
- I was reprimanded for working with Ka'u Learning Academy. Their administrators asked for my help to learn more about the transition and implementation process of the Common Core standards. They also asked about the possibility of inservice training for their teachers before the opening of school. I met with them on April 2, 2015 on a day when my "assigned" schools did not need my assistance. No fee was collected and no contract was discussed. Ms. Bulgeron had a problem with me helping Ka'u Learning Academy, a school not "assigned" to me. Again, this demonstrated a lack of professionalism from the Commission office.

Other issues of concern:

- Academic Performance for Charter Schools
 - Current reality:

Performance Framework for Schools are designed by a few individuals at the Commission Staff Level with limited input from school-level and charter school community level perspective.
 - Desired reality/solution:

Performance Framework for Schools are *designed and developed by a hui* with representation from charter school boards, and the immense amount of educational partners throughout the state of Hawaii.
- Current reality:

Schools are being judged on performance measures that they do not understand, in other words, they are being told about the status of their measurable outcomes without really knowing the measure.
- Desired reality/solution:

The performance measure being implemented by the commission staff is not being "owned" or there is "no buy-in" because the charter schools and community did not ever have an opportunity to have "ownership" in the process. The 'measure' needs to have perspective and input from those responsible for achieving the outcomes.
- Current reality:

The schools are not receiving the level of support needed to be fair in holding schools accountable to the level of "high quality charter schools".
- Desired Reality/solution:

A strong partnership between the commission staff, charter school network staff, DOE, and Community foundations to work collaboratively. Presently, the DOE has been working collaboratively through and with the Charter Academic Officers.

The charter school movement in Hawai'i has always been based on the values of 'ohana. It has been a movement critical to the success of many students. I have dedicated my professional life to its success. Whenever I am asked for help, I have not refused. I will continue to stand by my values. The current hostile environment seems to have escalated with the closure of Halau Lokahi in the middle of the

school year. It appears that the Commission, as the sole authorizer in our state, is not concerned about the best interest of our students. Auwe! Poho! You seem more concerned with potential liability. With the present leadership, perhaps you should be concerned with liability.

I will continue to stand by my values and I will continue to pursue avenues for helping charter schools to be successful in Hawai'i nei.

With aloha for Hawai'i charter schools,

Kaholo Daguman

December 19, 2015

Dear Members of the Hawaii Board of Education:

BOE_Hawaii@notes.k12.hi.us

Thank you for the opportunity to give input on the evaluation of the Hawaii Public Charter School Commission (HPCS). I was unaware of the Listening Tour that was provided for the public and missed the December 3 meeting held at Kawaikini Charter School on Kauai. I commend the BOE for this outreach to hear concerns and to fairly and accurately evaluate the State Public Charter School Commission (SPCSC or Commission).

Having been involved last year with the 2014 Application Cycle for Charter School approval, I have firsthand knowledge and experience with the Commission and the application process. The mission of the commission is to authorize high-quality public schools, but the process is seriously flawed and discouraging. The Commission, although highly qualified and respected themselves, relies on an Evaluation Staff and process that is very adversarial and contrary to their mission.

The Evaluation Staff consists of a new Executive Director and a staff of five people who stated when asked if they had ever been to Kauai, none of them had. And not one member on the staff of the five main evaluators had any elementary education experience. These two factors alone put our application at a big disadvantage since they chose to not recognize the strength of our community's request, support, organizational skills and experience to open a Charter School. We had over 600 signatures, mostly parents, Mayor Bernard Carvalho, Representative Derek Kawakami, Senator and Chair Ron Kouchi, all the County Council members and the Superintendent of Kauai Schools, Bill Arakaki writing letters of support. Superintendent Bill Arakaki and Representative Derek Kawakami not only wrote letters of support, but also appeared before the Commission and gave testimony. The only positive comment made by the Evaluation Staff in their report of our proposed charter school was "there seemingly is public support."

Our application was denied based on test scores of our Educational Service Provider, iLEAD School Development, who would NOT be a CMO, but rather give educational support services. Their test scores are the same as our Hawaii standardized scores, and both are well below the national average. The iLEAD schools are leaders in Project-based Learning and 21st Century skills which are proving to be successful with 100% graduation rates and 75% applying and being accepted into four-year colleges. Because of their proven success, they were allowed to open four new schools in CA in 2015 and in fall 2016, they will open three new schools in Ohio. They are national leaders in Project-based Learning and we, Kauai educators, parents, and the community only wanted a chance to show that we have the personnel, experience, and support to open our own innovative Project-based Learning school on Kauai, based upon the iLEAD model. The chosen Director (born and raised on Kauai) was serving as an administrative intern with the iLEAD schools, for two years, in preparation for opening our proposed iLEAD Kauai school.

I mention all of this to point out that we were not fairly and justly given the opportunity to show that Kauai educators, parents, and community could and would be successful as an innovative

Project-Based Learning Charter School. Our community has not given up, and we will be applying for the third time during the 2015 application cycle.

The Commission has made several positive changes for this year's application cycle and we have listened closely to all of their suggestions. Our Board decided to move forward with this round of application without iLEAD. If approved, we will not have iLEAD's financial support in our zero year, which would have helped greatly, but they have remained as our inspirational model for educating our youths of Kauai.

One of the changes the Staff has made for this year's application is that only a Governing Board can apply and must have representatives with Academic, Financial, Fundraising and Human Resource skills. This has made our proposed Alaka'i O Kaua'i Charter School stronger. For academic knowledge and experience, the Vice- Chancellor of Academic Affairs for Kauai Community College serves as a board member, as well as two DOE teachers and myself with 49 years of experience. I not only have 24 years in higher education in Teacher Education, but 25 years were in public education as a teacher, principal, Assistant Superintendent and opening a magnet school in 1981 that still exists today.

In addition to last year's application Board members, we have added strong Financial representation with a CPA who also serves on the Hawaii Board of CPAs, and for Human Resource, we have added the Director of Food and Beverage for Sheraton Hotel. This illustrious and impressive list of Board Members are working hard as a team to have our proposed school approved, because they have children they want to attend our proposed Charter School. We will do everything the Commission has suggested and will even be acquiring a more experienced Director to show stronger capacity for organization and management. But the application process appears to be in contradiction of the stated mission for the Commission.

That is the message I am trying to convey to the BOE with this letter. I know there are growing pains for the newly formed Commission, but the direction the Evaluation Staff has charted for the Commission needs to be carefully reviewed and adjusted, so that highly-qualified charter schools can be approved for our youth of today and the future of tomorrow.

With deepest respect,

Kani Blackwell (DrB)

Dr. Kani Blackwell
Acting Chair of Governing Board for proposed Alaka'i O Kaua'i Charter School
University of Hawaii, Manoa retiree, adjunct faculty
Education Consultant

Culturally Relevant Assessment Readiness Work Group

- Hakipu'u
- Kamaile
- Kanuikapono
- Kanu o ka 'Āina
- Ke Ana La'ahana
- Waimea

Hawaiian Focused Charter School Vision of the Graduate

Cultural Knowledge, Responsibility to 'Ohana, Community and Environment: Demonstrate, understand, apply Hawaiian values, respect and honor genealogy, recognize and accept leadership roles to manifest cultural knowledge, know a place (history, resources) as a piko and a foundation for making larger connections, understand importance of reciprocal relationships and responsibilities in a cultural context

College & Career Readiness: Communicate effectively (verbal, oral, technologies), a lifelong learner for future competence, able to plan to attain current and future goals, provide adequately for self and family

HFCS Vision of the Graduate → Robust Definition of Readiness

Readiness for the next level within community, formal schooling, post-secondary education and training, and career

Work Group Resources

- [HFCS PLP/PTP Common Dimensions 5.2014](#)
- [Readiness Literature Review](#)
- Aligned with revised GLOs: [Nā Hopena A'ō](#)
- Hō'ike 1-1 telecon ([link](#))

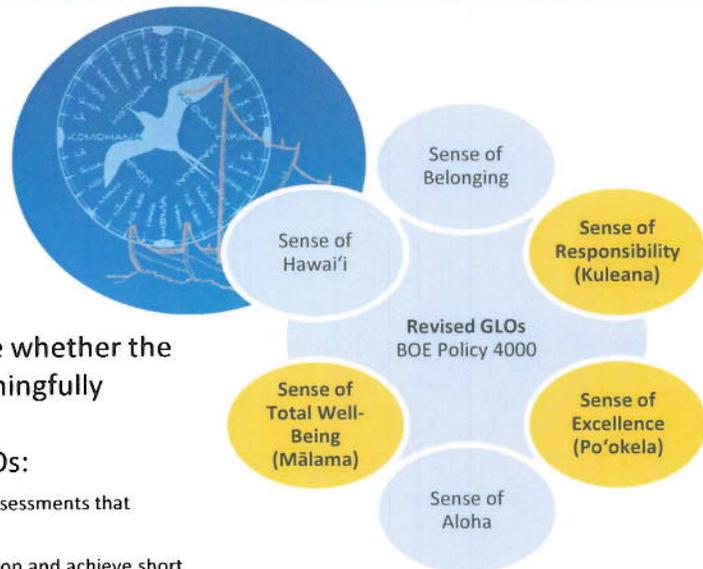
Student Success Plan

- Instead of PLP/PTP
- for schools who have PLP in place to determine whether the documented process meets the criteria to meaningfully aggregate for collective reporting
- 3 Rubric Strands align with Vision of Grad & GLOs:

PO'OKELA: demonstrates skills and knowledge through a variety of assessments that communicate progress and achievement in meaningful ways.

KULEANA: makes decisions and uses a variety of assessments to develop and achieve short and long term goals.

MĀLAMA: identifies & uses adequate support systems to achieve short and long term goals that contribute to self, family, 'āina, community and world.



School Student Success Process Rubric Calibration

1. [Student Success Plan Rubric](#)
2. [Work Group School Self Assessment](#)
3. Schoolwide perspective, not only secondary
4. Revise Student Success Plan Rubric

December
14, 2015

- Lit Review summary
- All schools self assess
- Share feedback

January 4-5,
2015

- 2 day CRA meeting
- Finalize rubric
- Finalize participating school self assessment
- Draft target areas to aggregate for pilot
- Plan pilot

Jan-March
2016

- Pilot Student Success Plan Rubric

April 25, 2016

- Share pilot results



Kanu o ka 'Āina Learning 'Ohana

Serving and perpetuating sustainable Hawaiian communities through Education with Aloha

COMMITTEE ON FINANCE

Date of Hearing: 2-25-2016

Time: 11:00 am

RE HB 2205 H.D.1 RELATING TO CHARTER SCHOOLS: **Oppose**

Aloha Chairs Luke and Vice Chair Nishimoto and Members of Committees:

My name is Katie Benioni, Chief Financial Officer of Kanu o ka 'Āina Learning 'Ohana, a non-profit organization whose mission is to serve and perpetuate sustainable Hawaiian communities through Education with Aloha. Our work is done primarily with the 17 Hawaiian Focused Charter Schools in Hawaii.

HB2205 raises many concerns regarding public participation and due process as the State Public Charter School Commission seeks to exempt itself from provisions of Chapter 91 and Chapter 92. The public relies on these statutes to provide certain safeguards primarily around provisions for public information and the right of any citizen to petition for adoption, amendment or repeal of rules.

In light of the recent Board of Education charter school listening tour and the subsequent establishment of a BOE investigative committee (Permitted Interaction Group) which will "determine if a special review is warranted and to review legislative proposals relating to charter schools", it would be imprudent to pass any legislation that would undermine the roles, responsibilities and duties of the Board of Education in its oversight of the State Public Charter School Commission.

I HUMBLY REQUEST THAT THIS BILL NOT BE PASSED.

Mahalo,

Katie Benioni

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 12:33 PM
To: FINTestimony
Cc: ekekela@ahapunanaleo.org
Subject: Submitted testimony for HB2205 on Feb 25, 2016 11:00AM

HB2205

Submitted on: 2/24/2016

Testimony for FIN on Feb 25, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ekekela Aiona	Aha Punana Leo	Oppose	No

Comments: Testimony of the 'Aha Pūnana Leo, Non-Profit Educational Organization Dedicated to the Revitalization of the Hawaiian Language Aloha Rep. Sylvia Luke, Chair and Rep. Scott Y. Nishimoto, Vice Chair My name is 'Ekekela Aiona, Executive Director of the 'Aha Pūnana Leo. The 'Aha Pūnana Leo is OPPOSED to HB 2205 HD1. We do not support SECTION 7 that the State Public Charter School Commission is excluded from open meetings Mahalo nui for this opportunity to provide testimony.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 10:30 AM
To: FINTestimony
Cc: keomailanicas@hawaiiantel.net
Subject: Submitted testimony for HB2205 on Feb 25, 2016 11:00AM

HB2205

Submitted on: 2/24/2016

Testimony for FIN on Feb 25, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Keomailani Case	Individual	Oppose	No

Comments: This bill raises serious due process and procedural concerns. I oppose this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 10:32 AM
To: FINTestimony
Cc: kaul423@gmail.com
Subject: Submitted testimony for HB2205 on Feb 25, 2016 11:00AM

HB2205

Submitted on: 2/24/2016

Testimony for FIN on Feb 25, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Janlyn Ryusaki-Phillips	Individual	Oppose	No

Comments: As a charter school parent, I oppose this bill! Thank you

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 10:44 AM
To: FINTestimony
Cc: kaiulani@kalo.org
Subject: *Submitted testimony for HB2205 on Feb 25, 2016 11:00AM*

HB2205

Submitted on: 2/24/2016

Testimony for FIN on Feb 25, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ka'iulani Pahi'o	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2016 8:18 PM
To: FINTestimony
Cc: martivictorcampbell@gmail.com
Subject: *Submitted testimony for HB2205 on Feb 25, 2016 11:00AM*

HB2205

Submitted on: 2/23/2016

Testimony for FIN on Feb 25, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Marta Campbell	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

OPPOSE HB2205

THANK YOU FOR THE OPPORTUNIT TO TESTIFY.

Aloha, my name is Taffi Wise from Kanu o ka Aina on the Big Island of Hawaii. As a founding member of one of Hawaii's first start-up Charter Schools I have been involved in developing and refining the charter movement for the last 16 years. Kanu and its nonprofit partner KALO have brought in over \$90 million dollars to Hawaii and supported over 22 educational communities since 2000. I have worked on every charter task force and want to thank you so much for all the many empowerments the State Legislature has provided over the past decade.

For clarity, Charter Schools already have the right to charge fees, see the excerpt below of current contract provision: "8.9. Fees. **This language is a diversion, in efforts to make this Bill appear charter friendly - undermining the true intent to dilute the due process rights of Governing Boards and circumvent the current BOE Permitted Interaction Group Investigation and Administrative Rule Making process that is formally underway as of January 19, 2016,** as well as the current complaints against the Commission filed with the Office of Information Practices.

A BOE Listening tour took place in November-December 2015, on three islands. Despite the inconvenient holiday timing approximately, 28 of 35 or 80% of the school communities took time and testified against the commission. That is a group representing approximately 8338 families. A clip from the conclusion presented to the BOE and public on January 19, 2016, reads as follows: "**The concerns that have been expressed during this listening tour are of such significant breadth and depth that more formal investigation by the Board is warranted....**" the full report is attached. Subsequently, the **BOE took unanimous action designating a formal Permitted Interaction Group** (pursuant to Hawaii Revised Statutes Section 92-2.5(b)), to investigate the allegations and complaints against the commission and concerning Board responsibilities under Hawaii Revised Statutes Section 302D-11, Oversight of public charter school authorizers and review of proposed charter school legislation.

Many concerns expressed during the listening tour were a result of the last two external financial audits of the charter school commission office. On page 17 of the most recent Charter School Office External Audit done by CW Associates (attached) the financials clarified, in 2014 there was an **excess of expenses over revenue of \$(656,709); in 2015 \$(485,306) resulting in a net financial deficit of \$(367,592)**. Additionally the financials in the audits DO NOT match the last two annual reports done by the charter commission and presented to the BOE and Legislature.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

STATEMENT OF ACTIVITIES

For the Year Ended June 30, 2015
(With Prior Year Comparative Information)

Functions/Programs	2015			2014		
	Expenses	Operating Grants Revenues	Net (Expenses) Revenues and Changes in Net Position	Expenses	Operating Grants Revenues	Net (Expenses) Revenues and Changes in Net Position
Governmental activities						
Support and administrative services	\$ 1,526,889	\$ -	\$ (1,526,889)	\$ 1,924,637	\$ -	\$ (1,924,637)
Instructional enhancement	<u>2,030,615</u>	<u>2,030,615</u>	<u>-</u>	<u>2,218,815</u>	<u>2,218,815</u>	<u>-</u>
Total governmental activities	<u>\$ 3,557,504</u>	<u>\$ 2,030,615</u>	<u>(1,526,889)</u>	<u>\$ 4,143,452</u>	<u>\$ 2,218,815</u>	<u>(1,924,637)</u>
General revenues						
Administrative fees charged to schools			967,558			1,235,363
Other grants and income			<u>74,025</u>			<u>32,565</u>
Total general revenues			<u>1,041,583</u>			<u>1,267,928</u>
Excess of expenses over revenues			(485,306)			(656,709)
Net position – beginning of year			<u>117,714</u>			<u>774,423</u>
Net position (deficit) – end of year			<u>\$ (367,592)</u>			<u>\$ 117,714</u>

See accompanying notes to the financial statements

Other formal documents raising concern, The State Auditors Study of Public Charter Schools’ Report Number 15-14, December 2015, page 10, found, “the financial data schools must currently submit to the State Public Charter School Commission do provide indications of possible financial stress. However, **human error and inexperience among commission staff contributed to their inability to recognize and interpret the information....**”

Lastly, For the first time in Hawaii’s history **in 2015, the per-pupil funding allocated by the State legislature WAS NOT disbursed appropriately by the commission office and in accordance with HRS 302-D28.** There is also a current investigation by the USDOE AAPI Commission into the distribution or lack thereof, of the federal titled funds under the control of the Commission office since 2012.

It is imperative that there be oversight of the Commission office by the BOE, due process NOT be undermined and public accountability and transparency be maintained. The safeguards the Legislature put in place are currently working please allow them to remain.

Please **DO NOT SUPPORT THIS BILL.**

With humility,



Taffi Wise

For your easy reference:

[§302D-11] Oversight of public charter school authorizers. (c) Persistently unsatisfactory performance of an authorizer's portfolio of public charter schools, a pattern of well-founded complaints about the authorizer or its public charter schools, or other objective circumstances may trigger a special review by the board. In reviewing or evaluating the performance of authorizers the board shall apply nationally recognized principles and standards for quality charter authorizing.

Excerpt of current contract provision: “8.9. Fees. The School may charge reasonable fees, to the extent permitted by law, for summer school programs, after school programs, student activities, and any other service, materials, or equipment for which other state public schools may charge a fee.”

[§302D-28] Funding and finance:

(d) Charter schools shall be eligible for all federal financial support to the same extent as department schools. The department shall provide all authorizers with all state-level federal grant proposals submitted by the department that include charter schools as potential recipients and timely reports on state-level federal grants received for which charter schools may apply or are entitled to receive. Federal funds received by the department for charter schools shall be transferred to authorizers for distribution to the charter schools they authorize in accordance with the federal requirements. If administrative services related to federal grants are provided to the charter school by the department, the charter school shall reimburse the department for the actual costs of the administrative services in an amount that shall not exceed six per cent of the charter school's federal grants.

Any charter school shall be eligible to receive any supplemental federal grant or award for which any department school may submit a proposal, or any supplemental federal grants limited to charter schools; provided that if department administrative services, including funds management, budgetary, fiscal accounting, or other related services, are provided with respect to these supplemental grants, the charter school shall reimburse the department for the actual costs of the administrative services in an amount that shall not exceed six per cent of the supplemental grant for which the services are used.

All additional funds generated by the governing boards, that are not from a supplemental grant, shall be held separate from allotted funds and may be expended at the discretion of the governing boards.

(e) Authorizers shall calculate a general fund per-pupil amount based upon the amount of general funds appropriated by the legislature and released by the governor and the projected enrollment amount used to calculate the general funds appropriated pursuant to subsection (a).

Authorizers shall submit a report to the legislature no later than twenty days prior to the convening of each regular session that contains each charter school's current school year

projection that is used to submit the budget request, the updated May 15 enrollment projection, the actual October 15 enrollment count, the authorizer's reviewed and verified enrollment count, and the November 15 enrollment count.

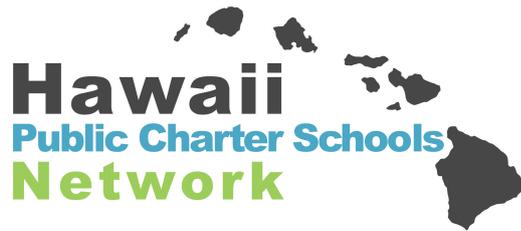
(f) To enable charter schools to access state funding prior to the start of each school year, foster their fiscal planning, enhance their accountability, and avoid over-allocating general funds to charter schools based on self-reported enrollment projections, authorizers shall:

- (1) Provide sixty per cent of a charter school's per-pupil allocation based on the charter school's projected student enrollment no later than July 20 of each fiscal year; provided that the charter school shall have submitted to its authorizer a projected student enrollment no later than May 15 of each year;
- (2) Provide an additional thirty per cent of a charter school's per-pupil allocation no later than December 1 of each year, based on the October 15 student enrollment, as reviewed and verified by the authorizer, only to schools in compliance with all financial reporting requirements; and
- (3) Retain no more than the balance of the remaining ten per cent of a charter school's per-pupil allocation, as a contingency balance to ensure fiscal accountability and compliance, no later than June 30 of each year;

Attachments:

BOE Report 1/19/2016

CW Associates Commission Audit



LATE

February 23, 2016

To: Honorable Sylvia Luke, Chair
Honorable Scott Nishimoto, Vice Chair
House Finance Committee

From: Jeannine Souki, Executive Director
Hawaii Public Charter Schools Network

Re: HB 2205 HD1 – RELATING TO PUBLIC SCHOOLS – COMMENTS with SUGGESTED
CHANGES
Conference Room 306 – Hawaii State Capitol – Feb. 25, 2016 11:00 A.M.

On behalf of the Hawaii Public Charter School Network (HPCSN), we are writing to express concerns on HB 2205, HD1, Relating to Charter Schools and ask that the bill be deferred to allow collaboration between the Commission and charter schools to work out suggested policy changes that may be revisited the next session. However, should this legislation advance we are respectfully submitting suggested changes for your committee's consideration.

Act 130, Session Laws of Hawaii 2011, established a task force to address issues on charter school governance, accountability, and authority. In 2012, the legislature repealed previous charter school laws and adopted recommendations made by the Charter School Governance, Accountability, and Authority Task Force which provided a new Charter School Commission significant oversight authority and responsibility to ensure compliance of charter schools with applicable state and federal laws and also gave Charter School Governing Boards significant powers and duties to oversee the management and operations of charter schools. This effort was intended to establish clear roles and responsibilities for the charter schools sector and to balance accountability with providing innovative learning opportunities and creative educational approaches to improve the education of students.

In Section 4, the Commission is seeking an amendment to HRS Section 302D-18, to be exempted from the contested case procedures under HRS Chapter 91. We understand the purpose of this provision is to seek clarity on whether disputes on revocation or non-renewal of school contracts should be subject to contested case proceedings. HPCSN appreciates the need to have clarity in this process and further recommends that the request for exemption be rejected instead to allow further due process for the affected parties. Charter schools should be allowed to pursue contested case procedures in matters relating to disputes pertaining to a revocation or non-renewal of a charter school contracts.

We further recommend that both the Charter School Commission and the affected charter school should have full access to legal representation by the Attorney General in disputes on the revocation or non-renewal of their contracts.

In Section 7 of this bill, the Commission seeks to gain exemptions from HRS Chapter 92, from the Sunshine Law when engaged in adjudicatory functions. HPCSN respectfully disagrees with this provision as HRS Section 92-4, -5, allows the Commission to discuss personal or confidential matters in executive sessions. We respectfully request that this section be stricken from the bill.

HPCSN works to support public charter schools in Hawaii and to be a voice for children and families that seek choice in an independent public school setting.

Thank you for consideration of our comments. We appreciate the opportunity to provide testimony on behalf of HPCSN.

LATE



KAMEHAMEHA SCHOOLS®

House Committee on Finance

Time: 11:00 a.m.

Date: February 25, 2016

Where: State Capitol Room 308

TESTIMONY

By Ka'ano'i Walk
Kamehameha Schools

To: Chair Luke, Vice Chair Nishimoto and Members of the Committee

RE: **HB 2205 HD1 Relating to Charter Schools**

E ka Luna Ho'omaluku, ka Hope Luna Ho'omaluku Nishimoto a me nā Lālā o ke Kōmike Waiwai o ka Hale o nā Lunamaka'āinana, aloha! My name is Ka'ano'i Walk and I serve as the Senior Policy Analyst of the Kūamahi Community Education Group of Kamehameha Schools. House Bill 2205 HD1 relating to charter schools authorizes the charter school commission to adopt interim rules without providing notice and establishes requirements for meeting minutes. We are writing to respectfully **oppose** this bill in its current form.

Act 130, Session Laws of Hawai'i 2011, established a Charter School Governance, Accountability, and Authority Task Force to provide clarity to the relationships, responsibilities, and lines of accountability and authority among stakeholders of Hawai'i's charter school system. The following year, in Act 130, Session Laws of Hawai'i 2012, the State legislature established a new Hawai'i Revised Statutes chapter, 302D, governing charter schools based on the recommendations of the Task Force. The new Chapter vested significant oversight authority and responsibility in a new Charter School Commission.

Kamehameha Schools advocates for and supports the achievement of Hawai'i's Native Hawaiian public school students. This bill now seeks to make changes with respect to school renewal and revocation hearings and other adjudicatory proceedings. We are concerned that, without more time to adequately evaluate the impact of these proposed changes on schools, there could be unintended consequences counter to the principles of accountability and transparency.

Kamehameha Schools has been a collaborator with the Hawai'i public charter schools for over a decade. Through our work with Hawaiian-focused public charter schools, we hope to significantly impact more children and their families through education. We believe that Hawaiian-focused charter schools provide quality educational choices for our families and ultimately enhance both academic achievement and engagement for students.

Founded in 1887, Kamehameha Schools is a statewide educational system supported by a trust endowed by Princess Bernice Pauahi Bishop, whose mission is to improve the capability and well-being of Native Hawaiian learners. We believe that by continuing to engage in dialog around these charter school policies and proposals, we can contribute in a positive and meaningful way. Mahalo nui for your consideration.



From: mailinglist@capitol.hawaii.gov
 Sent: Thursday, February 25, 2016 8:58 AM
 To: FINTestimony
 Cc: kauanoek@gmail.com
 Subject: *Submitted testimony for HB2205 on Feb 25, 2016 11:00AM*

HB2205

Submitted on: 2/25/2016

Testimony for FIN on Feb 25, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kauanoek Kamana	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov